

Attachment C

Resolution No. 23-039

RESOLUTION NO. 23-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE VICTORVILLE MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, AND 3, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2023/2024, PURSUANT TO THE PROVISIONS OF THE LANDSCAPE AND LIGHTING ACT OF 1972 (CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 22500 ET SEQ.)

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, *Streets and Highways Code section 22500 et seq.* (hereinafter the “Act”) to provide for the continued maintenance, operation, and servicing of the public landscaping improvements installed within the boundaries of Maintenance Assessment Districts Nos. 1, 2, and 3, (hereinafter the “Districts”); and

WHEREAS, the City Council has by previous resolutions established and levied annual assessments for the Districts pursuant to the provisions of the Act that provide for the collection of assessments by the County of San Bernardino on behalf of the City to pay for the annual maintenance and servicing of local landscaping and lighting improvements and facilities related thereto; and

WHEREAS, the Act provides for the annual preparation of an Engineer’s Report and the confirmation of the levy of assessments upon the lots and parcels of land within the Districts (hereinafter the “Properties”) to pay for the for the operation, maintenance and servicing of local landscaping improvements, and appurtenant facilities related thereto that will provide special benefits to the Properties pursuant to the Act and the provisions of California Constitution Article XIID (hereinafter the “California Constitution”); and

WHEREAS, pursuant to the Act and the California Constitution, the City Council desires to initiate proceedings for the annual levy of assessments on the Properties within the boundaries of the individual Districts for Fiscal Year 2023/2024 (commencing July 1, 2023, and ending June 30, 2024) to pay for the operation, maintenance, and servicing of local landscaping improvements, and appurtenant facilities installed therein that provide special benefits to the Properties; and

WHEREAS, the City has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the preparation of the annual Consolidated Engineer’s Report (hereinafter the “Report”) to be filed with the City Clerk in accordance with Chapter 4, Article 2 of the Act and the applicable provisions of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals.

That the recitals set forth above are true and correct, and together with the definitions set forth therein, are hereby made part of this Resolution by this reference.

Section 2. Initiate Proceedings.

That the City Council hereby initiates proceedings in accordance with the provisions of the Act, the California Constitution, and Government Code section 53750 53750 et seq. for the Fiscal Year 2023/2024 annual assessments proposed to be levied and collected for the expenses necessary for the maintenance and operation of the improvements located within each District.

Section 3. The Improvements.

That the proposed improvements and services to be provided and for which the Properties within each District shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the lighting and landscaping improvements within the District parks, public right-of-ways, open spaces, or easements that shall be maintained by the City for the special benefit of the properties therein. The Report to be prepared in connection with these proceedings shall provide a more detailed description of the improvements and associated costs.

Section 4. Designation of Engineer; Engineer's Report.

That the City Council hereby orders the Engineer of Work to prepare and file with the City Clerk a Report concerning the proposed levy of special benefit assessments for the properties within the boundaries of the Districts for the Fiscal Year 2023/2024, in accordance with Chapter 3 Section 22622 of the Act. Said Report shall establish the budget of anticipated expenses and the resulting proposed assessment pursuant to the provisions of the Act and the California Constitution.

Section 5. Effective Date.

That this Resolution shall be effective immediately upon its adoption.

Section 6. Certification.

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Resolution is passed and adopted.