

RESOLUTION NO. 2024-166

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ASSESSMENT DISTRICTS NOS. 1028, 1029, 1030, 1031, 1032, 1035 (ZONE 1), 1035 (ZONE 2), 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 (ZONE 1), 1043 (ZONE 2), 1045, 1046, 1047, 1048, 1050, 1052, 1054, 1055, 1056, 1057, 1059, 1060, 1063, 1064 AND 1068 FOR FISCAL YEAR 2024-25

WHEREAS, on May 15, 2024, the City Council (the “City Council”) of the City of San Bernardino, California (the “City”) adopted Resolution No. 2024-104, a resolution of intention pursuant to the Charter of the City of San Bernardino and Section 19 of Article 16 and in compliance with Article XIII D of the Constitution of the State of California (the “Assessment Law”), which, among other things, scheduled a public hearing on the levy and collection of assessments on the lots and parcels of assessable property within Assessment Districts Nos. 1028, 1029, 1030, 1031, 1032, 1035 (Zone 1), 1035 (Zone 2), 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 (Zone 1), 1043 (Zone 2), 1045, 1046, 1047, 1048, 1050, 1052, 1054, 1055, 1056, 1057, 1059, 1060, 1063, 1064 and 1068 of the City of San Bernardino (collectively, the “Assessment Districts”) for Fiscal Year 2024-25 pursuant to the Assessment Law for 7:00 o’clock p.m. on July 17, 2024, in the Bing Wong Auditorium of the Norman F. Feldheym Public Library at 555 W. 6th Street, San Bernardino, California; and

WHEREAS, notice of said hearing was duly published as required by the Assessment Law and Section 6061 of the Government Code; and

WHEREAS, at the time and place of said hearing, as set forth in said resolution of intention, the City Council held the hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protests or communications made or filed by any interested persons, and at the conclusion of said hearing determined that a majority protest, to wit: written protests filed and not withdrawn by property owners owning more than 50 percent of the area of assessable land within the Assessment Districts, had not been received; and

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. Findings. The City Council finds that:

- (a) the above recitals are true and correct and are incorporated herein by this reference;
- (b) compliance has been had with all of the applicable requirements of the Assessment Law;
- (c) a majority protest to the levy and collection of the proposed assessment has not been filed;

(d) the City Council may therefore proceed to confirm the assessment for the Assessment Districts for Fiscal Year 2024-25, and order the levy and collection of the assessment; and

(e) the assessments proposed to be levied on the lots and parcels of assessable property within the Assessment Districts for the maintenance, servicing and operation of public landscaping and appurtenant facilities, the maintenance, servicing and operation of seven lift stations and appurtenant facilities, and the maintenance, servicing and operation of detention basins and storm drains and appurtenant facilities during Fiscal Year 2024-25, as contained in the report of Spicer Consulting Group, LLC on file with the City Clerk (the "Report") for each Assessment District, are determined pursuant the methodology in the engineer's report based on special benefit conferred upon each such parcel.

SECTION 2. Levy of Assessment. Pursuant to the Assessment Law, the adoption of this resolution constitutes the levy of the assessment for the maintenance, servicing and operation of public landscaping and appurtenant facilities, the maintenance, servicing and operation of seven lift stations and appurtenant facilities, and the maintenance, servicing and operation of detention basins and storm drains and appurtenant facilities within the Assessment Districts during Fiscal Year 2024-25, as contained in the Report for each Assessment District, and such assessment is hereby levied. The City Clerk is directed to file a certified copy of this resolution together with the assessment contained in the Report with the County Auditor of the County of San Bernardino, who, pursuant to the Assessment Law, shall enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

SECTION 3. CEQA. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 17th day of July, 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia R. Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-166, adopted at a regular meeting held on the 17th day of July, 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of July, 2024.

Genoveva Rocha, CMC, City Clerk