

RESOLUTION NO. 2024-103

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN ASSESSMENT DISTRICTS NOS. 1025 AND 1027 FOR FISCAL YEAR 2024-25, APPROVING THE ENGINEER'S REPORT AND PROVIDING NOTICE OF THE TIME AND PLACE OF HEARING ON PROPOSED ASSESSMENTS

WHEREAS, the City Council of the City of San Bernardino (the "City Council") has established Assessment Districts Nos. 1025 and 1027 of the City of San Bernardino (collectively, the "Assessment Districts") 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"); and

WHEREAS, on May 1, 2024, the City Council adopted a resolution initiating proceedings to levy and collect assessments for fiscal year 2024-25 within the Assessment Districts and ordering the preparation of a report regarding assessments to be levied and collected within the Assessment Districts for fiscal year 2024-25 to pay the costs of the maintenance, servicing and operation of public landscaping and appurtenant facilities authorized by the Assessment Law; and

WHEREAS, Spicer Consulting Group, LLC, the engineer designated by the City Council to prepare such report, has filed its report with the City Clerk and such report has been presented to and considered by the City Council; and

WHEREAS, it is necessary that the City Council adopt a resolution of intention pursuant to the Assessment Law and, among other things, fixing and giving notice of the time and place of a public hearing on said report and the proposed assessments for said fiscal year;

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) The report of Spicer Consulting Group, LLC (the "Report") contains all matters required by the Assessment Law and may, therefore, be approved by the City Council; and
- (c) The assessments which are proposed to be levied on all parcels of assessable land within the Assessment Districts for fiscal year 2024-25 are determined pursuant the methodology in the engineer's report based on special benefit conferred upon each such parcel from the payment

of the cost of the maintenance, servicing and operation of public landscaping and appurtenant facilities.

SECTION 2. Intention. The City Council declares that it intends to levy assessments on all lots and parcels of assessable land within the Assessment Districts for fiscal year 2024-25, as set forth in the Report. Those assessments will be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

SECTION 3. Improvements. The improvements authorized for the Assessment Districts are:

- (a) The installation or planting of public landscaping and appurtenant facilities;
- (b) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance, servicing and operation thereof, including water, irrigation, drainage or electrical facilities; and
- (c) The maintenance or servicing, or both, of any of the foregoing, including all matters specified in the Assessment Law and the original engineer's report which are applicable thereto.

SECTION 4. Maintenance. The maintenance to be performed consists of the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of public landscape, including:

- (a) Repair, removal, or replacement of all, or any part of, the improvements thereon, including incidental drainage facilities.
- (b) Operation, maintenance, repair, and replacement of irrigation systems.
- (c) Servicing and maintenance of plantings and landscaping.
- (d) Repair and maintenance of incidental drainage facilities.

SECTION 5. Assessment Districts. The distinctive designation of the Assessment Districts are "Assessment District No. 1025 (Palm Avenue and Washington Avenue Area) of the City of San Bernardino" and "Assessment District No. 1027 (Waterman Avenue and Washington Street Area) of the City of San Bernardino." The boundaries of the Assessment Districts are described and shown in the Report.

SECTION 6. Report and Assessments. The Report, which is on file with the City Clerk, and which has been presented to the City Council at the meeting in which this resolution is adopted, is approved. Reference is made to the Report for a full and detailed description of the improvements, the boundaries of the Assessment Districts, and the proposed assessments upon assessable lots and parcels of land therein for the 2024-25 fiscal year.

SECTION 7. Hearing. The time and place of the hearing required by the Assessment Law is set 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.

SECTION 8. Notice of Hearing. **NOTICE IS HEREBY GIVEN** that on the date and at the time and place specified in Section 7 hereof, the City Council will conduct the public hearing on the Report and the assessments to be levied on assessable lots and parcels of property in the Assessment Districts for fiscal year 2024-25. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, which protest must state all grounds of objection and describe the property within the Assessment Districts owned by any such person.

SECTION 9. Publication. The City Clerk shall cause a copy of this resolution to be published once in The San Bernardino Sun as required by the Assessment Law and Section 6061 of the Government Code. Upon completion of such publication, the City Clerk shall file in her office a proof of publication demonstrating compliance with the requirements of this section.

SECTION 10. Designated Person. The City Council designates Spicer Consulting Group, LLC, telephone number (866) 504-2067, as the person to answer inquiries regarding the levying and collection of the assessments for fiscal year 2024-25.

SECTION 11. 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 12. 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 13. 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 15th day of May, 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-____, adopted at a regular meeting held on the 15th day of May, 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	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

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

Genoveva Rocha, CMC, City Clerk