RESOLUTION NO. 23-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1, BENEFIT ZONES 1-3, FISCAL YEAR 2023-24

WHEREAS, the Town Council has by previous Resolutions formed and levied annual assessments for Landscape and Lighting Maintenance District No. 1, Benefit Zones 1-3 (hereinafter referred to as the "District"), pursuant to the terms and provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (Section 22500 *et seq.*) (the "Act"), and Articles XIIIC and XIIID of the Constitution of the State of California (together, the "Constitution") (the Act and the Constitution are referred to collectively as the "Assessment Law"), that provide for the levy and collection of assessments by the County of San Bernardino, for the Town of Yucca Valley, to pay for the maintenance of all improvements, facilities and services related thereto; and

WHEREAS, the Town Council has retained Webb Municipal Finance, LLC, for the purpose of assisting with the annual levy and assessments ("Annual Levy") for the District, and to prepare and file a report with the Town Clerk in accordance with the Assessment Law.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE TOWN COUNCIL, AS FOLLOWS:

Section 1. **Recitals**

That the recitals set forth above are true and correct.

Section 2. **Declaration of Intention**

That the Town Council hereby declares that it is its intention to seek an Annual Levy for the District pursuant to the Assessment Law, over and including the land within the District boundaries, and to levy and collect assessments on all such land to pay the annual costs for the maintenance of the improvements and facilities and services related thereto. The Town Council finds that the public's best interest requires such levy and collection.

Section 3. **District Boundaries**

That the boundaries of the District are described as the boundaries previously defined in the original formation documents of the District, within the boundaries of the Town of Yucca Valley, County of San Bernardino, State of California.

Section 4. **District Improvements**

That the improvements to be maintained and serviced within the District shall include regular maintenance, repair and replacement of all facilities within the public rights- of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale; operation, maintenance, repairs, replacement of and power for the street lighting; regular maintenance, repair and replacement of the landscape parkway strip and street trees; regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal; regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements and administrative services to operate the District including related administration, legal and contracted services costs, and other items necessary for the satisfactory operation of the facilities.

Section 5. **Proposed Assessment Amounts**

That for Fiscal Year 2023-24, the proposed assessments for the District are outlined in the Engineer's Annual Levy Report which details any changes or increases in the annual assessment from the previous fiscal year.

Section 6. **Notice to Property Owners**

That the Town shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the Town Council for the posting of notices. Any interested person may file a written protest with the Town Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 7. **Notice of Public Hearing**

That notice is hereby given that a Public Hearing on these matters will be held by the Town Council on **Tuesday, May 16, 2023, at 6:00pm** or as soon thereafter as feasible in the Yucca Valley Town Hall, located at 57090 Twentynine Palms, Yucca Valley, California.

Section 8. **Direction to Give Notice**

That the Town Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Section 9. **Severability**

That the Town Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason if any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 10. **Effective Date**

That this Resolution shall take effect upon its adoption.

Section 11. **Certification**

That the Town Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED AND ADOPTED by the Town Council of the Town of Yucca Valley at a regular meeting held on this eighteenth day of April 2023:

ATTEST:

Lesley Copeland, Town Clerk

APPROVED:

Rick Denison, Mayor

APPROVED AS TO FORM

Thomas Jex, Town Attorney

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Resolution No. 23-13 as duly and regularly adopted at a meeting of the Town Council of the Town of Yucca Valley, California at a meeting thereof held on the 18th day of April 2023, by the following vote:

Ayes:	Council Members Abel, Drozd, Lombardo, Schooler, and Mayor Denison
Noes:	None
Abstain:	None
Excused:	None

Lesley R. Copeland, CMC
TOWN CLERK