

RESOLUTION NO. 2019-29**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA INITIATING PROCEEDINGS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 TO FORM THE PHILLIPS RANCH LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, DESCRIBING THE PROPOSED IMPROVEMENTS TO SERVE SAID DISTRICT, AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT**

WHEREAS, it has been determined by the City Council ("City Council") of the City of Pomona ("City") that the public interest, convenience and necessity require the installation, operation, maintenance and servicing of street lights, trees, parkways, median islands, landscaping, and any improvements appurtenant thereto, as set forth in Section 22525 of the California Streets and Highways Code; and

WHEREAS, the City Council has determined that, to finance such facilities and the maintenance and servicing thereof, certain property that will receive special benefit from the maintenance and servicing of such facilities should be included within the "Phillips Ranch Landscaping and Lighting Maintenance Assessment District" of the City of Pomona ("Assessment District"); and

WHEREAS, the proceedings for the formation of the Assessment District are authorized by and will be conducted pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (the "Assessment Act"); and

WHEREAS, the City Council has also determined that proceedings for the levy of assessments on property within the Assessment District to pay the costs of the maintenance and servicing of such facilities during Fiscal Year 2019-2020 should also be conducted pursuant to Chapter 3 (commencing with Section 22620) of the Assessment Act; and

WHEREAS, the City Council desires to initiate proceedings to form the Assessment District and to levy annual special benefit assessments within said Assessment District pursuant to the terms and provisions of the Assessment Act and Article XIID of the California Constitution (Proposition 218); and

WHEREAS, this Assessment District, if approved by property owners, will take the place of the existing Zones A & B of the City's Street Lighting and Landscaping Maintenance District which does not provide sufficient funding to maintain the improvements at the desired service levels; and

WHEREAS, NBS Government Finance Group was awarded a contract on November 19, 2018 by the City Council to prepare an engineer's report and to conduct the formation proceedings pursuant to the Assessment Act; and

WHEREAS, the proceedings for formation of the Assessment District and the levy of special benefit assessments shall relate to the Fiscal Year commencing July 1, 2019 and ending June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the above recitals are true and correct.

SECTION 2. That the City Council proposes to form the Assessment District to pay for the costs to provide the improvements and services within the proposed Assessment District pursuant to the Assessment Act and the provisions of Article XIID of the California Constitution (Proposition 218).

SECTION 3. Generally, the improvements which shall be maintained for the benefit of the proposed Assessment District and through the special benefit assessments levied annually shall include but not be limited to the following:

- (a) the installation, construction or operation of public lighting, facilities, including, but not limited to, street lights, and traffic signals;
- (b) the installation, planting or maintenance of landscaping, including, but not limited to, turf, trees, open space areas, greenbelts and parkways;
- (c) the installation, construction or operation of any facilities which are appurtenant to any improvements listed in (a) and (b) or which are necessary or convenient for the maintenance or servicing thereof including, but not limited to, irrigation, drainage, and electrical facilities; and
- (d) the maintenance and servicing of any of the foregoing.

SECTION 4. The property to be specifically charged for the maintenance and servicing of such improvements shall include all of the land in the County of Los Angeles, which is generally located in the triangle area of the City of Pomona between the Pomona Freeway (State Route 60), the Orange Freeway (State Route 57), and the Chino Valley Freeway (State Route 71) and shall be designated as the “Phillips Ranch Landscaping and Lighting Maintenance Assessment District”.

SECTION 5. NBS, the Engineer for the Assessment District, is hereby ordered to prepare and, upon completion, file a report with the City Clerk for submission to the City Council in accordance with the provisions of Article 4 (commencing with Section 22565) of Chapter 1 of the Assessment Act, with respect to the formation of the Assessment District and the levy of special benefit assessments on the property described in Section 4 to pay the costs of the maintenance and servicing of the improvements described in Section 3 hereof during Fiscal Year 2019-2020. Said report will contain detailed descriptions of the Assessment District and the improvements to be constructed, maintained and serviced.

SECTION 6. That the City Clerk shall attest and certify to the passage and Adoption of this Resolution and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 18TH DAY OF MARCH

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 18th day of March 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 18th day of MARCH 2019.

Rosalia A. Butler, MMC, City Clerk