

**RESOLUTION NO. 2019-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING THE ENGINEER'S REPORT, DECLARING ITS INTENTION TO FORM THE PHILLIPS RANCH LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT (PHILLIPS RANCH LLMD) AND TO PROVIDE FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS IN SAID DISTRICT, SETTING A TIME AND PLACE FOR A PUBLIC HEARING AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEEDINGS**

**WHEREAS**, on March 18, 2019 by Resolution No. 2019-29, the City Council of the City of Pomona ("City"), State of California, in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500), and Article XIID of the California Constitution (collectively referred to as "Assessment Law"), initiated proceedings to establish a Maintenance District known and designated as Phillips Ranch Landscaping and Lighting Maintenance Assessment District, hereafter referred to as the "District"; and

**WHEREAS**, the District, if approved by property owners, will take the place of the existing Zones A & B of the City's current Consolidated Citywide Street Lighting and Landscaping Maintenance District; and

**WHEREAS**, NBS, the City's consultant, has filed with the City Clerk an Engineer's Report and Boundary Map for the new District, which are incorporated herein by reference. The Engineer's Report includes: (1) a description of the installation, maintenance and servicing of improvements to be funded with assessment proceeds; (2) an estimate and assessment of the annual cost of such improvements; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram of the boundaries of the proposed District, as well as the boundaries of benefit zones within said District, if any and (6) a specification of the amount to be assessed upon various types of assessable land to fund the cost of the improvements; and

**WHEREAS**, at this time, the City Council desires to declare its intention to form the District and to provide for the levy and collection of annual assessments, beginning with the next ensuing fiscal year, to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements (defined below) within the District; and

**WHEREAS**, the Engineer's Report has been filed with the City Clerk and submitted to this City Council in accordance with the Assessment Law; and

**WHEREAS**, the City Council has carefully examined and reviewed the Engineer's Report as presented and is satisfied with the proposed formation, each and all of the budget items and documents as set forth therein and is satisfied that the levy amounts have been spread in

accordance with the special benefit received by properties within the District from the improvements, operation, maintenance and services therein as set forth in said Engineer's Report.

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

**SECTION 1.** That the Engineer's Report as presented, consisting of the following: a description of improvements, the estimated costs of improvements, a diagram for the District and the District assessment roll containing the Fiscal Year 2019-2020 levy for each Assessor's parcel within the District, is hereby approved and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

**SECTION 2.** It is the intention of the City Council to order the formation of the District and to levy and collect assessments to pay the annual costs and expenses for the maintenance and servicing of improvements within said District, as specified in the Engineer's Report. If approved, the proposed maximum annual assessment will increase based on the annual change in the Los Angeles-Long Beach-Anaheim Consumer Price Index beginning July 1, 2022, not to exceed 5 percent.

**SECTION 3.** The improvements which shall be maintained for the benefit of the proposed District and through the assessments levied annually shall include but not be limited to:

- (a) the installation or construction or operation of public lighting, facilities, including, but not limited to, street lights, and traffic signals;
- (b) the installation or planting or maintenance of landscaping, including, but not limited to, turf, trees, open space areas, greenbelts and parkways;
- (c) the installation or construction 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 proposed District will be in the Phillips Ranch area, generally located in a triangular 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 will be designated as the "Phillips Ranch Landscaping and Lighting Maintenance Assessment District".

**SECTION 5.** The City Council orders that costs and expenses of maintaining and operating any or all public improvements of a local nature, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed either partly or wholly upon such District as the City Council determines will be benefited by the maintenance and operation of the public improvements proposed to be maintained; the amounts so assessed, and shall be collected in the same manner and by the same county officers as the taxes are collected for general city purposes.

**SECTION 6.** The Engineer's Report, as approved by the City Council and on file with the City Clerk and is open for public inspection. Reference is made to the Engineer's Report for a full detailed description of the improvements to be maintained, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

**SECTION 7.** Notice is hereby given that a Public Hearing is scheduled to be held at the City of Pomona, City Council Chambers, 505 Garey Avenue, Pomona, California, on July 1, 2019 at 7:00 pm or as soon thereafter as feasible, for the City Council to consider whether to form the District and to levy the assessments specified herein. All interested persons shall be afforded the opportunity to hear and be heard. The ballots must be received prior to the conclusion of the public hearing following which time they will be tabulated in accordance with State law. The City Council shall consider all oral statements or written communication made or filed by any interested person in regards to the proposed District and assessments.

**SECTION 8.** The City Clerk is hereby directed to give notice of the Public Hearing by mailing the Notice of Public Hearing and Assessment Ballot Procedure and filing of the Engineer's Report, together with the assessment ballot materials to the record owners of all real property proposed to be assessed in accordance with the Assessment Law, Section 53753 of the Government Code and Section 4 of Article XIID of the California Constitution.

**SECTION 9.** The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its adoption.

**APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF MAY 2019**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Rosalia A. Butler, 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, 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 6<sup>th</sup> day of May 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 6<sup>th</sup> day of MAY 2019.

\_\_\_\_\_  
Rosalia A. Butler, City Clerk