

**RESOLUTION NO. 2019-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE ANNUAL ENGINEER'S REPORT, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE CONSOLIDATED CITYWIDE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, ZONES A AND B FOR FISCAL YEAR 2019/20 AND GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL LEVY OF ASSESSMENTS**

**WHEREAS**, on February 4, 2019 by Resolution No. 2019-XX, the City Council ("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 levy and collect annual assessments within the existing maintenance district known and designated as the Consolidated Citywide Street Lighting and Landscaping Maintenance District, Zones A and B, hereafter referred to as the "District"; and

**WHEREAS**, On May 6, 2019, the City Council approved a proposal to form a new assessment district within the Phillips Ranch area that, if approved by the property owners within that territory, would impose new assessments superseding the assessments currently authorized and levied for this District; and

**WHEREAS**, in the event that the proposal to form a new assessment district does not pass, the City Council desires to maintain those assessments that are currently authorized and levied within the District on an annual basis; and

**WHEREAS**, the City has retained NBS Government Finance Group, DBA NBS ("NBS") for the purpose of assisting with the annual levy of the District, and to prepare and file an Engineer's Report providing details regarding the annual assessments ("Annual Report"); and

**WHEREAS**, the Council, by previous resolution, ordered NBS to prepare and file such Annual Report in accordance with the Assessment Law; and

**WHEREAS**, NBS has timely prepared and filed such Annual Report with the City Clerk; and

**WHEREAS**, at this time, the City Council desires to declare its intention to levy and collect annual assessments within the District for the 2019-20 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 assessments proposed by this resolution will be for the purpose of meeting operating expenses and purchasing supplies, equipment, or materials necessary to maintain improvements within the District.

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

**SECTION 1:** The above recitals are true and correct.

**SECTION 2:** The Council hereby declares its intention to levy and collect annual assessments within the District to pay the costs of the maintenance and servicing of the improvements for the fiscal year commencing July 1, 2019 and ending June 30, 2020. The Council finds that the public's best interest requires such action.

**SECTION 3:** The improvements that are being maintained for the benefit of the 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 District is located 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).

**SECTION 5:** Reference is made to the Annual Report prepared by NBS, on file with the City Clerk, for a full and detailed description of the improvements, the District Diagram, and the proposed assessments upon assessable lots and parcels of land in the District.

**SECTION 6:** The Council hereby declares its intention to conduct a Public Hearing concerning the levy of annual assessments in accordance with Section 22629 of the Assessment Law. All objections to the assessment, if any, will be considered by the Council. The Public Hearing will be held on July 15, 2019 at 7:00 pm or as soon thereafter as is feasible in the Council Chambers located at 505 Gary Avenue, Pomona, California.

**SECTION 7:** The maximum assessment is not proposed to increase from the previous year.

**SECTION 8:** In accordance with Section 22626(a) of the Assessment Law, the City Clerk shall give notice of the time and place of the public hearing by publishing this Resolution of Intention at least ten (10) days prior to the date of said hearing.

**APPROVED AND ADOPTED THIS 3<sup>rd</sup> DAY OF JUNE 2019.**

**ATTEST:**

**CITY OF POMONA:**

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

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

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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 17th day of June 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 17th day of JUNE 2019.

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Rosalia A. Butler, City Clerk