

RESOLUTION NO. 2018-20

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN BERNARDINO CONFIRMING
ASSESSMENTS AND PROCEEDINGS FOR THE COUNTY OF
SAN BERNARDINO ASSESSMENT DISTRICT NO. 2018-1
(SNOWDROP ROAD), ORDERING THE CONSTRUCTION AND
ACQUISITION OF IMPROVEMENTS AND DESIGNATING
VARIOUS COUNTY OFFICERS TO PROVIDE NOTICE OF AND
TO COLLECT, RECEIVE AND DEPOSIT ASSESSMENTS TO A
SPECIAL FUND

WHEREAS, this Board of Supervisors has heretofore adopted Resolution No. 2018-003 (the “Resolution of Intention”) declaring its intention to order the acquisition and construction of certain road improvements described in the Resolution of Intention (the “Improvements”) through the formation of the County of San Bernardino Assessment District No. 2018-1 (Snowdrop Road) (the “Assessment District”) under the provisions of the Municipal Improvement Act of 1913 (Division 12 of the California Streets and Highways Code, “the 1913 Act”); and

WHEREAS, the Resolution of Intention further declares the intention of this Board of Supervisors to issue bonds on any unpaid assessments pursuant to the provisions of the Improvement Bond Act of 1915 commencing at Streets and Highways Code Section 8500 (the “1915 Act”); and

WHEREAS, this Board of Supervisors has heretofore approved a report prepared by Albert A. Webb Associates (the “Assessment Engineer”) under and pursuant to the 1913 Act and, in particular, Section 10204 of the California Streets and Highways Code and Article XIID of the California Constitution (the “Engineer’s Report”); and

WHEREAS, this Board of Supervisors fixed March 13, 2018, at the hour of 10:00 a.m. at the regular meeting place of the Board of Supervisors, 385 N. Arrowhead Ave, San Bernardino, California 92415, as the time and place of hearing protests and objections to the Improvements

proposed in the Engineer's Report to be made, the extent of the Assessment District proposed to be formed, and the proposed assessments in the Engineer's Report; and

WHEREAS, notice of the time, place and purpose of the public hearing (the "Notice") on the passage of the Resolution of Intention and the filing of the Engineer's Report has been duly given in accordance with and containing the information required by the Resolution of Intention, the 1913 Act, Section 53753(c) of the California Government Code and Article XIID, Section 4 of the California Constitution ("Article XIID"); and

WHEREAS, assessment ballots were mailed to owners of each of the parcels to be assessed in accordance with the requirements of Section 53753(c) and Article XIID in order to allow such owners to oppose or support the proposed assessments in the Assessment District; and

WHEREAS, the Assessment Engineer has filed with this Board of Supervisors a declaration certifying that the Notice and the ballots were timely mailed in accordance with the requirements of the 1913 Act, Section 53753(c) of the California Government Code and Article XIID; and

WHEREAS, a final Combined 1931/1913 Act Engineer's Report (the "Final Report") has been prepared setting forth the Improvements to be acquired and constructed and the final amount of the assessments to be levied, and the Final Report has been filed with the Board of Supervisors and has been available for review by the property owners within the proposed Assessment District; and

WHEREAS, on March 13, 2018 at the time and place stated in the Notice, a hearing was duly held by this Board of Supervisors and, during the course of said hearing, the Final Report was duly presented and considered, all written protests and objections received, if any, were duly presented, read, heard and considered and all persons appearing at the hearing and desiring to be heard in the

matter of the Final Report and the Assessment District as proposed were heard, and a full, fair and complete hearing was conducted; and

WHEREAS, this Board of Supervisors has received all ballots filed with the Clerk of the Board of Supervisors prior to the conclusion of the public hearing, and the Clerk of the Board of Supervisors has counted all ballots for and against the levy of assessments within the Assessment District as provided in Article XIID and has determined that there is not a majority protest against the proposed assessments; and

WHEREAS, this Board of Supervisors has considered the assessments proposed in the Final Report and the evidence presented at the public hearing and now desires to confirm the assessments in the Final Report; and

WHEREAS, the formation of the Assessment District and the confirmation of the assessments described herein are categorically exempt from the requirements of the California Environmental Quality Act as set forth in California Code of Regulations Section 15378(b)(4) and (5); and

WHEREAS, under the provisions of the 1913 Act and the 1915 Act, funds collected pursuant to an assessment under the 1913 Act are required to be placed in a special improvement fund designated by the name of the assessment proceeding and this Board of Supervisors desires to direct such fund to be established and further desires to appoint a Superintendent of Streets for purposes of these proceedings;

NOW, THEREFORE, the Board of Supervisors of the County of San Bernardino DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER as follows:

SECTION 1. The above recitals, and each of them, are true and correct.

SECTION 2. The public hearing referred to in the recitals hereof has been duly held in accordance with the requirements of Article XIID, the 1913 Act and Government Code Section 53753, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken. This Board of Supervisors is satisfied with the correctness of the Final Report, including the assessment and diagram and the maximum annual assessment for administrative expenses, the proceedings and all matters relating thereto. This Board of Supervisors hereby adopts and incorporates herein each of the findings, determinations and conclusions in the Final Report as a part of the basis for its approval of the assessments in the amounts set forth in the Final Report.

SECTION 3. The property within the Assessment District to be assessed as shown in the Final Report will be specially benefited by the Improvements over and above the benefits conferred on the public at large and includes all of the parcels that will receive a special benefit. The proportionate special benefit derived by each identified parcel in the Assessment District has been determined in relationship to the entirety of the capital cost of the Improvements. No assessment is being imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. No assessments are being imposed for general benefits conferred on any parcel and there are no publicly owned parcels that are benefited by the Improvements that have not been assessed in the Final Report. This Board of Supervisors hereby finds that the total amount of the principal sum of all unpaid assessments levied against the parcels to be assessed, computed in accordance with Streets and Highways Code Section 2961(b)(1), plus the principal amount of the special assessments proposed to be levied in the these proceedings, do not exceed one-half of the total true value of the parcels to be assessed, all within the meaning of and for the purposes of Streets and Highways Code Section 2961(d). This determination is based on the value of the parcels set

forth in the Final Report which represent the assessed values of the land and structures from the San Bernardino County Assessor's Roll for Fiscal Year 2017-18.

SECTION 4. This Board of Supervisors overrules and denies any and all protests, objections and appeals made in regard to these proceedings. This Board of Supervisors further finds and determines that based the ballots received and tabulated as described herein, there is not a majority protest against either the assessments for the Improvements (the "Improvements Assessments") or the assessment for the maintenance of the Improvements (the "Maintenance Assessments"). The ballots were tabulated separately for the Improvements Assessments and the Maintenance Assessments in determining that there was no majority protest to either category of assessments. In tabulating the ballots, in accordance with the requirements of Article XIID, the ballots were weighted according to the proportional financial obligation of the affected property.

SECTION 5. This Board of Supervisors orders the proposed Improvements to be acquired and constructed in accordance with the Final Report and these proceedings.

SECTION 6. The amounts of the Improvement Assessments and the Maintenance Assessments shown in the Final Report and the proposed maximum annual assessment per parcel for administrative expenses shown in the Final Report are confirmed and are fixed in said amounts. This Board of Supervisors hereby finds and determines that the formation of the Assessment District and the confirmation of the Improvements Assessments and the Maintenance Assessments pursuant to this resolution are actions which are categorically exempt from the California Environmental Quality Act as set forth in California Code of Regulations Section 15378(b)(4) and (5) and directs the Clerk of the Board of Supervisors to post a Notice of Exemption with respect to such actions.

SECTION 7. The Director of Special Districts of the County is hereby designated as the officer of the County with the power to act as the Superintendent of Streets for purposes of these

proceedings and for undertaking any actions which the 1913 Act or the 1915 Act specify to be taken by the Superintendent of Streets. The Director of Special Districts of the County is hereby authorized to appoint, in writing, another County employee to act as his designee with respect to any of the duties to be undertaken by the Superintendent of Streets.

SECTION 8. The assessment diagram and assessment roll is to be placed on file in the office of the Superintendent of Streets and the Clerk of the Board of Supervisors. The Superintendent of Streets and the Clerk of the Board of Supervisors are authorized and directed to execute the assessment diagram and the Clerk of the Board of Supervisors shall cause the assessment diagram to be recorded in the office of the County Assessor- Recorder-County Clerk as required by Sections 3114(d) of the California Streets and Highways Code; and the Clerk of the Board of Supervisors shall record, or cause to be recorded, a Notice of Assessment as required by Section 3114(f) of the California Streets and Highways Code.

SECTION 9. The Superintendent of Streets is authorized and directed to give notice of the recordation of the Improvement Assessments, as provided in Section 10603 of the California Streets and Highways Code and notice of the recordation of the Maintenance Assessments as provided in Section 10404 of the California Streets and Highways Code.

SECTION 10. In accordance with Section 10603 of the California Streets and Highways Code, at least weekly, the Superintendent of Streets shall transmit to the Auditor-Controller/Treasurer/Tax Collector Treasurer any Improvement Assessments paid during the 30 day cash payment period which shall commence on the date of recording the assessment diagram with the Assessor-County Recorder-County Clerk and to deposit such amounts into an Improvement Fund established by the Auditor-Controller/Treasurer/Tax Collector Treasurer in the County Treasury for the Assessment District. The Maintenance Assessments are not prepayable.

SECTION 11. The Auditor-Controller/Treasurer/Tax Collector Treasurer is authorized and directed to establish in the County Treasury the Improvement Fund for the Assessment District, an account into which the annual installments of the Improvement Assessments will be deposited and an account into which the annual installments of the Maintenance Assessments will be deposited. The Auditor-Controller/Treasurer/Tax Collector is further authorized and directed to levy and collect the Improvement Assessments annually in such amounts as are required to pay the annual installments of principal and interest on the bonds to be sold together with the annual administrative assessment as set forth in the Final Report and to levy and collect the Maintenance Assessments on the annual tax roll in such fiscal years and in such amounts as approved by this Board of Supervisors from time to time.

SECTION 12. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED this 13th day of March 2018, by the following vote, to wit:

AYES: SUPERVISORS:	Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales
NOES: SUPERVISORS:	None
ABSTAINED: SUPERVISORS:	None
ABSENT: SUPERVISORS:	James Ramos

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)

I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino,
do hereby certify that the foregoing to be a full, true and correct copy of the record of the action
taken by the Board of Supervisors, by vote of the members present, as the same appears in the
Official Minutes of said Board at its meeting of March 13, 2018. #65 jr

LAURA H. WELCH
Clerk of the Board of Supervisors
By 
Deputy

