

## **PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT**

### **RESOLUTION NO. PVMMD 2020 - 03**

#### **RESOLUTION OF THE PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT BOARD APPROVING THE 2020-2021 SUPPLEMENT TO ENGINEER'S REPORT, AS MODIFIED, AND ORDERING THE LEVY OF ASSESSMENT FOR THE PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT**

**RESOLVED**, by the City Council of the City of Fairfield, County of Solano, State of California, acting as the Paradise Valley Maintenance and Monitoring District Board ("PVMMD Board"), that:

**WHEREAS**, on July 6, 2010, the City of Fairfield City Council adopted Resolution 2010-188, approving and ordering the formation of the Paradise Valley Maintenance and Monitoring District, a Geologic Hazard Abatement District within the meaning of California Public Resources Code Division 17 (the "PVMMD"), and appointing itself as the Board of Directors of the PVMMD Board. This formation was described in the Petition for Formation and in the PVMMD Plan of Control; and

**WHEREAS**, in order to pay for the cost and expenses of maintaining and operating the improvements for the PVMMD as described in the Plan of Control, pursuant to Public Resources Code sections 26500 *et seq.*, it will be necessary to provide a reliable source of funding; and

**WHEREAS**, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the PVMMD to pay for the maintenance and operation of PVMMD improvements. Article XIII (D) of the California Constitution imposes additional requirements for the levy and collection of said assessment; and

**WHEREAS**, an Engineer's Report dated July, 2010, was prepared by a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651 (a) and section 4(b) of Article XIII(D) of the California Constitution. The Engineer's Report sets forth the purpose of the PVMMD, the estimated budget, the total assessment, the proposed estimate to be levied against each parcel within such territory, and a description of the method used in formulating the estimated assessments; and

**WHEREAS**, on October 5, 2010, the City of Fairfield City Council acting as the PVMMD Board adopted Resolution 2010-274, approved the initial assessments against those parcels in the PVMMD as identified on the Boundary Map, which are specially benefited by the PVMMD; and

**WHEREAS**, a Supplemental Engineer's Report for fiscal year 2020-2021 has been prepared by a registered professional engineer for the PVMMD; and

**WHEREAS**, on April 21, 2020, by its Resolution No. PVMMD 2020-01, a Resolution by the PVMMD Board Granting Preliminary Approval of fiscal year 2020-2021 Supplement to Engineer's Report for Levy and Collection of Assessments and Providing for Notice of Hearing Thereof for the Paradise Valley Maintenance and Monitoring District (the "District"), this PVMMD Board found the Supplement to Engineer's Report (Fiscal Year 2020-2021) (the "2020-2021 Supplement"), duly made and filed with the Clerk, to be sufficient in every particular, whereupon it was determined that the report should stand as the 2020-2021 Supplement for all subsequent proceedings under and pursuant to the aforesaid resolution, and Tuesday, May 19, 2020, at the hour of 6:00 p.m., in the regular meeting place of this PVMMD Board, Fairfield-Suisun Unified School District, 2490 Hilborn Road, Fairfield, California, or in the manner as specified on the regular meeting agenda, was appointed as the time and place for a hearing of this PVMMD Board on the question of the levy of the proposed assessment, notice of which hearing was duly and regularly published; and

**WHEREAS**, the Public Hearing began on May 19, 2020, and was later continued on June 9, 2020; and

**WHEREAS**, Resolution PVMMD No. 2020-02 was pulled to be amended by staff; and

**WHEREAS**, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this PVMMD Board, and all oral statements and all written protests or communications were duly heard, considered, and overruled, and this PVMMD Board thereby acquired jurisdiction to order the levy and collection of the assessments as contained in said 2020-2021 Supplement; and

**WHEREAS**, pursuant to direction from the Board, the staff has presented to the Board the 2020-21 Supplement, as modified, to reflect that the assessment rates for fiscal year 2020-21 are not increased from the rates for fiscal year 2019-20.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The public interest, convenience, and necessity require that the levy be made.
2. The District benefited by the monitoring, inspections, and repair of improvements installed and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Clerk, which map is made a part hereof by reference thereto.
3. The fiscal year 2020-2021 Supplement, as modified, as a whole and each part thereof, are hereby finally approved and confirmed, to wit:
  - a. the estimate of the itemized and total costs and expense of maintaining and operating the improvements and of the incidental expenses in connection therewith;
  - b. the assessment of the total amount of the cost and expenses of the proposed monitoring, inspections, and repair of improvements upon the lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance and operation, and of the expenses incidental thereto.
4. Final adoption and approval of the 2020-2021 Supplement, as modified, as a whole and of the plans and specifications, estimate of the costs and expenses, and the assessment, as contained in the 2020-2021 Supplement, as modified, as hereinabove determined and ordered, is intended to and shall refer and apply to the 2020-2021 Supplement, or any portion thereof, as modified, in accordance with the direction of the Board given at the June 9, 2020 meeting of the Board.
5. The Fiscal Year 2020-2021 assessment shall be \$1,158.95 per annum for single-family residential units and \$579.22 per annum for medium-density residential units.
6. The assessment to pay the costs and expenses of the maintenance and operation of the improvements is hereby confirmed and the levy and collection of the assessment for the Fiscal Year 2020-2021 pursuant to Public Resources Code sections 26650 *et seq.* is hereby ordered.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of July, 2020.

STATE OF CALIFORNIA  
COUNTY OF SOLANO     ss.  
CITY OF FAIRFIELD

I, Karen L. Rees, Clerk of the PVMMD Board, City of Fairfield, County of Solano, State of California do hereby certify that the foregoing Resolution PVMMD No. 2020 - 03 was regularly adopted by the PVMMD Board at a regular meeting of said council held on the 7<sup>th</sup> day of July, 2020, by the following vote:

AYES:           MEMBERS:           PRICE / BERTANI / MOY / TIMM / VACCARO

NOES:           MEMBERS:           \_\_\_\_\_

ABSENT:        MEMBERS:           \_\_\_\_\_

ABSTAIN:       MEMBERS:           \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CLERK