

PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT

RESOLUTION NO. PVMMMD 2021-05

**RESOLUTION OF THE PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT BOARD
APPROVING THE 2021-2022 SUPPLEMENT TO ENGINEER'S REPORT, AS MODIFIED, AND ORDERING
THE LEVY OF ASSESSMENT FOR THE PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT**

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 (PVMMMD), a Geologic Hazard Abatement District within the meaning of California Public Resources Code Division 17, and appointing itself as the PVMMMD Board of Directors. This formation was described in the Petition for Formation and in the PVMMMD Plan of Control; and

WHEREAS, in order to pay for the cost and expenses of maintaining and operating the improvements for the PVMMMD as described in the Plan of Control, pursuant to the 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 PVMMMD to pay for the maintenance and operation of PVMMMD 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 22, 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 PVMMMD, 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 PVMMMD Board adopted Resolution 2010-274, approved the initial assessments against those parcels in the PVMMMD as identified on the Boundary Map, which are specially benefited by the PVMMMD; and

WHEREAS, a Supplemental Engineer's Report, as modified, for fiscal year (FY) 2021-2022 has been prepared by a registered professional engineer for the PVMMMD; and

WHEREAS, on June 1, 2021, by its Resolution No. PVMMMD 2021-03, a Resolution by the PVMMMD Board Granting Preliminary Approval of Engineer's Report, Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of a Hearing Thereon for the Paradise Valley Maintenance and Monitoring District for the Paradise Valley Maintenance and Monitoring District, this PVMMMD Board found the Supplement to Engineer's Report, as modified, (Fiscal Year 2021-2022) (the "2021-2022

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 2021-2022 Supplement, as modified, for all subsequent proceedings under and pursuant to the aforesaid resolution, and Tuesday, July 6, 2021, at the hour of 6:00 p.m., in the regular meeting place of this PVMMD Board, the City of Fairfield Council Chamber, Civic Center, 1000 Webster Street, Fairfield, California or in any other 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 mailed; and

WHEREAS, PVMMD Resolution No. 2021-04 was pulled to be amended by staff; and

WHEREAS, on July 6, 2021, 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 2021-2022 Supplement, as modified; and

WHEREAS, following the public hearing on July 6, 2021, the Board directed staff to further modify the 2021-2022 Supplement to the Engineers Report to reduce the fiscal year 2021-2022 assessment rates to the amounts described on page 3 of the Paradise Valley Maintenance and Monitoring District Reserve Fund Study prepared by Engeo in 2018.

NOW, THEREFORE, THE PARADISE VALLEY MAINTENANCE AND MONITORING DISTRICT HEREBY RESOLVES:

Section 1. The public interest, convenience, and necessity require that the levy be made.

Section 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.

Section 3. The 2021-2022 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.

Section 4. Final adoption and approval of the 2021-2022 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 2021-2022 Supplement, as modified, as hereinabove determined and ordered, is intended to and shall refer and apply to the 2021-2022 Supplement, as modified, or any portion thereof as modified, in accordance with the direction of the Board given at the July 6, 2021 meeting of the Board.

Section 5. The FY 2021-2022 assessment shall be \$878 per annum for single-family residential units and \$439 per annum for medium-density residential units.

Section 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 FY 2021-2022, pursuant to Public Resources Code sections 26650 *et seq.*, is hereby ordered.

PASSED AND ADOPTED this 20th day of July, 2021.

STATE OF CALIFORNIA
COUNTY OF SOLANO ss.
CITY OF FAIRFIELD

I, Karen Rees, Clerk of the PVMMD Board, City of Fairfield, County of Solano, State of California do hereby certify that the foregoing Resolution No. PVMMD 2021-05 was regularly adopted by the PVMMD Board at a regular meeting of said board held on the 20th day of July, 2021 by the following vote:

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

NOES: MEMBERS: _____

ABSENT: MEMBERS: _____

ABSTAIN: MEMBERS: _____

CHAIR

ATTEST:

CLERK