

RESOLUTION NO. CSD 2022-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMECULA COMMUNITY SERVICES DISTRICT OF THE CITY OF TEMECULA, DECLARING INTENTION TO ANNEX PROPERTY TO SERVICE LEVEL B - RESIDENTIAL STREET LIGHTS AND TO LEVY ASSESSMENTS ON SUCH PROPERTY FOR FISCAL YEAR 2023-24, APPROVING THE ENGINEER'S REPORT, AND SETTING THE DATE, TIME AND PLACE OF A PUBLIC HEARING ON THE PROPOSED ANNEXATION AND ASSESSMENTS

WHEREAS, the Board of Directors (the “Board”) of the Temecula Community Services District (the “District”) of the City of Temecula has initiated proceedings for the annexation of certain property, to Service Level B of the District (the “Assessment District”) pursuant to the Landscaping and Lighting Act of 1972, as found in Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (“the Act”), for the purpose of funding Residential Street Lighting; and

WHEREAS, as ordered by the Board, Webb Municipal Finance, LLC., the assessment engineer, has prepared and filed with the Clerk of the Board a report regarding the assessments which are proposed to be levied on and collected from the owners of the Subject Property, as defined below, for Fiscal Year 2023-24, to pay the costs of the maintenance and servicing of such Residential Street Lighting, and that report has been presented to and considered by the Board; and

WHEREAS, it is necessary that the Board adopt a resolution of intention pursuant to Sections 22606 and 22587 of the California Streets and Highways Code setting and providing for notice of the time, date and place of public hearing on said report, the proposed annexation of the Subject Property to the Assessment District and the proposed assessments; and

WHEREAS, in addition to the requirements set forth in the Act, to annex property into the Assessment District, Proposition 218 establishes detailed requirements for the imposition of a “new or increased” special assessment; and

WHEREAS, in addition to notice, ballot and hearing requirements, Proposition 218 requires the District to separate the general benefits from the special benefits conferred on a parcel, and to only assess the special benefits on that parcel; and

WHEREAS, Proposition 218 requires all assessments to be supported by a detailed Engineer’s Report prepared by a registered professional engineer; and

WHEREAS, the proposed assessment will assess properties located within the Assessment District pursuant to the amounts stated in the Engineer’s Report (“Assessment Amount”); and

WHEREAS, pursuant to Proposition 218, the District must comply with applicable sections of Article XII(D) of the California Constitution regarding the notice, hearing and protest procedures.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by Board of Directors of the Temecula Community Services District of the City of Temecula, California as follows:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Findings.** The Board of Directors finds that:

(a) The Engineer's report of Webb Municipal Finance, LLC. (the "Report") contains all matters required by the Act and Proposition 218 and may, therefore, be approved by the Board;

(b) The assessments which are proposed to be levied for Fiscal Year 2023-24 on all parcels of assessable property which are proposed to be annexed, to the Assessment District are based on special benefit conferred upon each such parcel from the payment of the costs of the residential street lighting and the maintenance and servicing thereof;

(c) The proportionate special benefit derived by each parcel within the Assessment District has been determined in relationship to the entirety of the capital cost of the installation, maintenance and servicing of the residential street lights and appurtenant facilities;

(d) The Assessment Amount which is proposed to be assessed on each such parcel is based upon and will not exceed the reasonable cost of the proportional special benefit conferred on that parcel;

(e) The Assessment Amount is supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

Section 3. **Intention.** The Board declares that it intends to annex the Subject Property, as defined below, into the Assessment District, to levy and collect assessments on all of the lots and parcels of assessable property which are proposed to be annexed, to the Assessment District for Fiscal Year 2023-24, and for the duration specified in Section 7 herein, in the amounts set forth in the Report. Such assessments will be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

Section 4. **Improvements.** The improvements which shall be provided for such property by and through the assessments levied annually thereon include the following:

(a) The installation, maintenance and servicing of residential street lights;

Section 5. **Annexation to Assessment District.** The property which is proposed to be annexed to the Assessment District is all the property that is in the Temecula Community Services District and which is described in Exhibit "A" attached hereto and by this reference made a part hereof ("Subject Property"). Upon the completion of the annexation proceedings, the

property proposed to be annexed will be included in the Assessment District. The boundaries of the annexation are further described and shown in the Report.

Section 6. Report and Assessments. The Report, which is on file with the Clerk of the Board, and which has been presented to the Board at the meeting at which this resolution is adopted, is approved. Reference is made to the Report for a full and detailed description of the improvements, the boundaries of the annexation, the assessments which are proposed to be levied on the assessable lots and parcels of land in the annexation as a part of the Assessment District for Fiscal Year 2023-24.

Section 7. Duration of Assessments. The assessments shall be levied on all parcels of assessable property in the annexation, as identified in the Report, so long as the assessments are necessary to finance the improvements specified in Section 4 hereof and the maintenance and servicing thereof.

Section 8. Hearing. The public hearing on the proposed annexation of the Subject Property to the Assessment District and the assessments which are proposed to be levied for Fiscal Year 2023-24 and which is required by Sections 22587 through 22594 and 22624 through 22629 of the California Streets and Highways Code and Section 53753 of the California Government Code, and Proposition 218 shall be held **at 6:00 p.m. on January 24, 2023**, in the City Council Chambers at 41000 Main Street, Temecula, California.

Section 9. Notice of Hearing and Ballots. The Clerk of the board shall mail a notice of the proposed annexation, the proposed assessments and of the time, date and place of the public hearing, as specified in Section 8 hereof, to the record owner of each parcel of property identified in the Report. Such notice shall specify the total amount of the assessment chargeable to all the property within the annexation, the amount chargeable to each owner's particular parcel, the duration of the assessments, the reason for the assessments and the basis upon which the amounts of the proposed assessments were calculated, together with the date, time and location of the public hearing, as specified in Section 8 hereof. The notice shall include, in a conspicuous place, thereon, a summary of the procedures applicable to the completion, return and tabulation of the assessment ballots which will accompany the notice and shall include a statement that the existence of a majority protest will result in the assessments not being levied, and that a majority protest will exist if, upon the conclusion of the hearing, assessment ballots submitted in opposition to the assessments exceed the assessment ballots submitted in favor of the assessments based on financial obligation. There shall be included with each such notice mailed to owner of identified parcels within the annexation an assessment ballot which includes the District's address for receipt of any ballot when completed by any owner receiving such notice whereby such owner may indicate his or her name, reasonable identification of the parcel and support or opposition to the proposed assessments. The notice and the assessment ballots shall conform in all respects to the requirements of subdivisions (b) and (c) of Section 53753 of the California Government Code and Article XIII(D) of the California Constitution. Should there be any conflict between the Act and Proposition 218, Proposition 218 shall control.

Section 10. If Majority Protest Exists

If a majority protest exists, the Board shall not undergo another District-initiated petition under the Act for at least twelve (12) months from the hearing date thereof, unless otherwise provided by law.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Temecula Community Services District of the City of Temecula this 29th day of November, 2022.

James Stewart, President

ATTEST:

Randi Johl, Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, Secretary of the Temecula Community Services District of the City of Temecula, do hereby certify that the foregoing Resolution No. CSD 2022- was duly and regularly adopted by the Board of Directors of the Temecula Community Services District of the City of Temecula at a meeting thereof held on the 29th day of November, 2022, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

Randi Johl, Secretary

EXHIBIT A

DESCRIPTION OF PROPOSED TERRITORY TO BE ANNEXED

The properties proposed to be annexed into Service Level B of the Temecula Community Services District are identified by Riverside County Assessor's Parcel Numbers (APN) in the Preliminary Annexation Engineer's Report - Appendix A – Assessment Roll.