

RESOLUTION NO. 3568-20

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
ADOPTING THE REASSESSMENT REPORT, CONFIRMING AND ORDERING THE
REASSESSMENT PURSUANT TO SUMMARY PROCEEDINGS, AND DIRECTING
ACTIONS WITH RESPECT THERETO FOR REASSESSMENT DISTRICT NO. 2020-1**

WHEREAS, the Town Council (Council) of the Town of Windsor (Town) has previously conducted special assessment proceedings for the Town of Windsor Mitchell/Shiloh/Conde Assessment District pursuant to the Municipal Improvement Act of 1913 (being Division 12 of the California Streets and Highways Code), for the purpose of financing certain public improvements (Improvements) and issued bonds for such district (Prior Bonds) under and pursuant to the conditions and terms of the Improvement Bond Act of 1915, being Division 10 of the California Streets and Highways Code to finance the Improvements; and

WHEREAS, on January 15, 2020, the Council adopted the Resolution of Intention to Levy Reassessments and to Issue Refunding Bonds Upon the Security Thereof (Resolution of Intention), in and for the Town's Reassessment District No. 2020-1, and therein directed the making and filing of a reassessment report (Report) in writing in accordance with and pursuant to the Refunding Act of 1984 for 1915 Improvement Act Bonds, Division 11.5 of the Streets and Highways Code of California (Act); and

WHEREAS, the Council has determined to establish a reassessment district to be known at the "Town of Windsor, Reassessment District No. 2020-1" (Reassessment District) and to issue refunding bonds (Refunding Bonds) upon the security of the unpaid reassessments for the purpose of refunding all or a portion of the unmatured maturities of the Prior Bonds, all as provided by and pursuant to the conditions and terms of the Act, and to provide for the levy and collection of reassessments as security for the Refunding Bonds; and

WHEREAS, the Council referred the matter of the establishment of the proposed Reassessment District, and the levy and collection of reassessments as security for the Refunding Bonds to NBS Government Finance Group, as the qualified engineer retained by the Town in these proceedings (Reassessment Engineer), and directed said firm to prepare and file with the Town Clerk a report in writing containing the matters specified in Section 9523 of the Act; and

WHEREAS, the Report was duly made and filed, and duly considered by this Council and found to be sufficient in every particular, and the Report shall stand for all subsequent proceedings under and pursuant to the aforesaid Resolution of Intention.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Windsor as follows:

SECTION 1. Conditions Satisfied. Pursuant to Section 9525 of the Act, and based upon the Report, this Council finds that all of the following conditions are satisfied:

- (a) Each estimated annual installment of principal and interest on each unpaid reassessment is less than the corresponding annual installment of principal and interest on the portion of the original assessment being superseded and supplanted by the same percentage for all subdivisions of land within the Reassessment District; except as permitted by the Act with respect to delinquent installments on any parcel;
- (b) The number of years to maturity of all refunding bonds proposed to be issued under the Resolution of Intention is not more than the number of years to the last maturity of the Prior Bonds to be refunded; and
- (c) The principal amount of the reassessment on each subdivision of land within the Reassessment District is less than the unpaid principal amount of the original assessment by the same percentage for each subdivision of land in the Reassessment District.

SECTION 2. Public Interest. The public interest, convenience and necessity require that said reassessment be made.

SECTION 3. Boundaries Approved. The Reassessment District benefited by the reassessment and to be reassessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by the reassessment diagram thereof on file in the office of the Town Clerk, which diagram is made a part hereof by reference thereto.

SECTION 4. Report Approved. Pursuant to the findings hereinabove expressed with respect to Section 9525 of the Act, said conditions, and all of them are deemed satisfied and that the following elements of the Report are hereby finally approved and confirmed without further proceedings, including the conduct of a public hearing under the Act, to wit:

- (a) a schedule setting forth the unpaid principal and interest on the Prior Bonds proposed to be refunded and the total amounts thereof;
- (b) an estimate of the total principal amount of the reassessment and of the Refunding Bonds and the maximum interest thereon, together with an estimate of cost of the reassessment and of issuing the Refunding Bonds, including all costs of issuing refunding bonds, as defined by subdivision (a) of Section 9600 of the Act;
- (c) the auditor's record kept pursuant to Section 8682 of the Streets and Highways Code of California showing the schedule of principal installments and interest on all unpaid original assessments and the total amounts thereof;
- (d) the estimated amount of each reassessment, identified by the reassessment number corresponding to the reassessment number of the reassessment diagram, together with a proposed auditor's record for the reassessment prepared in the manner described in said Section 8682 of the Streets and Highways Code of California; and

- (e) a reassessment diagram showing the Reassessment District and the boundaries and dimensions of the subdivisions of land and the zones therein.

Final adoption and approval of the Report as a whole, estimate of the costs and expenses, the reassessment diagram and the reassessment, as contained in the Report, as hereinabove determined and ordered, is intended to and shall refer and apply to the Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. Findings and Determinations. Based on the oral and documentary evidence, including the Report, offered and received by the Council, this Council expressly finds and determines:

- (a) that each of said several subdivisions of land within the Reassessment District will be specially benefited by said reassessment at least in the amount, if not more than the amount, of the reassessment apportioned against said subdivisions of land, respectively; and
- (b) that there is substantial evidence to support, and the weight of said evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 6. Reassessment Levy. Said reassessment, including all costs and expenses thereof, is hereby levied. Pursuant to the provisions of the Act, reference is hereby made to said Resolution of Intention for further particulars.

SECTION 7. Recordings Directed. The Town Clerk shall forthwith cause:

- (a) the reassessment to be delivered to the Public Works Director, in his capacity as Superintendent of Streets of the Town, together with said reassessment diagram, as approved and confirmed by this Council, with a certificate of such confirmation and of the date thereof, executed by the Town Clerk, attached thereto. The Superintendent of Streets shall record said reassessment and reassessment diagram in a suitable book to be kept for that purpose, and append thereto a certificate of the date of such recording, and such recordation shall be and constitute the reassessment roll herein;
- (b) a copy of the reassessment diagram and a notice of reassessment, substantially in the form specified in Section 3114 of the Streets and Highways Code of California and executed by the Town Clerk, to be filed and recorded, respectively, in the office of the County Recorder of the County of Sonoma; and
- (c) a copy of this resolution to be provided to the Auditor of the County of Sonoma.

From the date of recording of said notice of reassessment, all persons shall be deemed to have notice of the contents of such reassessment, and each of such reassessments shall thereupon be a

lien upon the property against which it is made, and unless sooner discharged such liens shall so continue for the period of ten years from the date of said recordation, or in the event bonds are issued to represent said reassessments, then such liens shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last installment of principal of said bonds.

The appropriate officer or officers of the Town are hereby authorized to pay any and all fees required by law in connection with the above.


SECTION 8. Effective Date. This resolution shall take effect upon the date of its adoption.

PASSED, APPROVED AND ADOPTED this 15th day of January 2020, by the following vote:

AYES:	COUNCILMEMBERS FUDGE, OKREPKIE, SALMON, VICE MAYOR LEMUS AND MAYOR FOPPOLI
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



DOMINIC FOPPOLI, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

