

RESOLUTION NO. 97-12**A RESOLUTION ADOPTING ENGINEER'S REPORT, CONFIRMING THE
ASSESSMENT, ORDERING THE WORK AND ACQUISITIONS
AND DIRECTING ACTIONS WITH RESPECT THERETO****INDIAN VALLEY COMMUNITY SERVICES DISTRICT
Sewer System Improvements Assessment District**

RESOLVED by the Board of Directors (the "Board") of the Indian Valley Community Services District (the "District"), County of Plumas, State of California, that:

WHEREAS, on April 9, 1997, this Board adopted its Resolution of Intention to Make Acquisitions and Improvements, and in it directed the Engineer of Work to make and file a report in writing in accordance with and pursuant to the Municipal Improvement Act of 1913 (the "Act") in and for the District's proposed Sewer System Improvement Assessment District (the "Assessment District");

WHEREAS, the report was made and filed, and considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the Resolution of Intention, and May 22, 1997, at the hour of 6:30 o'clock p.m., and May 29, 1997, at the hour of 6:30 o'clock p.m., in the meeting place of this Board, Greenville Town Hall, 120 Goodwill Street, Greenville, California, were appointed, respectively, as the time and place for a public meeting and a public hearing to take testimony and for hearing protests in relation to the proposed acquisitions and improvements and final action upon the Engineer's Report, notices of which meeting and hearing were mailed as required by law; and

WHEREAS, the meeting and hearing were held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the acquisitions and improvements were fully heard and considered by this Board, and any protests, both written and oral, were duly heard, considered, and this Board thereby acquired jurisdiction to order the acquisitions and improvements and the confirmation of the diagram and assessment to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS ORDERED as follows:

1. **No Majority Protest.** It is hereby determined that, upon the conclusion of the public hearing, and after tabulation of all of the assessment ballots submitted, no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots were weighted according to the proportional financial obligation of the affected property.
2. **Public Interest.** The public interest, convenience and necessity require that the acquisitions and improvements be made and that the Assessment District be created.
3. **Assessment District Described.** The Assessment District benefited by the acquisitions and improvements 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 District Secretary, which map is made a part hereof by reference thereto.

4. Engineer's Report Approved. The Engineer's Report, in the form on file in the office of the District Secretary and to which reference is hereby made for further particulars, including the estimates of costs and expenses, the apportionment of assessments and the assessment diagram contained in the Engineer's Report, is hereby approved and confirmed and shall stand as the Engineer's Report for these and all future proceedings for the Assessment District. Final approval of the Engineer's Report is intended to and shall refer and apply to the Engineer's 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 Board.

5. Benefits Determined. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, this Board expressly finds and determines (a) that each of the several subdivisions of land in the Assessment District will be specially benefited by the acquisitions and improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

6. Improvements Ordered. Assessment District Formed and Assessments Confirmed. This Board hereby orders that the acquisitions and improvements described in the Resolution of Intention be made, the Assessment District be formed and that the assessment to pay the costs and expenses thereof be confirmed and are hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution of Intention and the Engineer's Report.

7. Recording Ordered. The District Secretary shall forthwith:

(a) deliver to the official of the District who is the Superintendent of Streets under the Act the assessment as contained in the Engineer's Report together with the assessment diagram, as approved and confirmed by this Board, with a certificate of such confirmation and of the date thereof, executed by the District Secretary, attached thereto. The Superintendent of Streets shall record the assessment and 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 assessment roll herein;

(b) cause a copy of the assessment diagram and a notice of assessment, substantially the form provided in Section 3114 of the Streets and Highways Code of California, executed by the District Secretary, to be filed and recorded, respectively, in the office of the County Recorder of the County of Plumas; and

(c) cause a certified copy of the assessment and assessment diagram to be recorded in the office of the County Surveyor of the County of Plumas.

From the date of recording of the notice of assessment, all persons shall be deemed to have notice of the contents of such assessment, and each of such assessments 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 (10) years from the date of the recordation, or in the event bonds are issued to represent the assessments, then such liens shall continue until the expiration of four (4) years after the due date of the last installment upon the bonds or of the last installment of principal of the bonds. The appropriate officer or officers of the District are hereby authorized to take all actions and to pay any and all fees required by law in connection with the above.

8. Notice of Cash Payment. James Hamblin, General Manager of the District, is appointed Collection Officer (the "Collection Officer") for the assessments and the person to whom payment of the assessments shall be made, and that the office of the Collection Officer, at 209 Ann Street, Greenville, California, 95947, is designated as the place at which any payments will be made, and the Engineer of Work is hereby relieved of all responsibility for collecting assessments. The Collection Officer, upon the recording of the assessment and diagram, shall cause notices to pay assessments to be mailed and published under Section 10404 of the Act, which notice shall state that bonds will be issued under the Improvement Bond Act of 1915 to represent any unpaid assessments. The mailed notice shall be mailed to each owner of real property within the assessment district at his or her last known address as the same appears on the tax rolls of the County of Plumas, or on file in the office of or as known to the District Secretary, or to both addresses if the address is not the same, or to the general delivery when no address so appears; and the published notice shall be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in a newspaper published and circulated in the District.

9. Cash Payment Ordered.

owners of property within the Assessment District shall be given written notice of the confirmation of the assessments and of the recording thereof in the office of the County Surveyor and of the opportunity of such owners to pay all or a portion of the assessments in cash for a period of not less than thirty (30) days.

(b) Collection Officer. James Hamblin, General Manager of the District, is appointed Collection Officer for the assessments and the person to whom payment of the assessments shall be made, and that the office of the Collection Officer, at 209 Ann Street, Greenville, California, 95947, is designated as the place at which any payments will be made, and the Engineer of Work is hereby relieved of all responsibility for collecting assessments.

(c) Mailed Notices. The Collection Officer shall cause notices to pay assessments to be mailed under Section 10404 of the Act, which notice shall state that bonds will be issued under the Improvement Bond Act of 1915, to represent any unpaid assessments. The mailed notice shall be mailed to each owner of real property within the Assessment District at his or her last known address as the same appears on the tax rolls of the District, or on file in the office of or as known to the Clerk of the Board, or to both addresses if the address is not the same, or to the general delivery when no address so appears.

(d) Published Notice. The Collection Officer shall also cause the notice to be published once a week for two successive weeks (with at least five days intervening between the respective publication dates, not counting such dates) in a newspaper published and circulated in the District.

(e) Proceeds of Collections. The Collection Officer shall establish a fund, separate and distinct from other funds of the District and designated "Indian Valley Community Services District, Sewer System Improvement Assessment District Cash Payment Fund" (the "Cash Payment Fund") into which shall be deposited all sums received from the cash payments. The Cash Payment Fund may be invested by the Collection Officer in lawful investments for the District; provided, however, that the Collection Officer shall be under no obligation to invest any or all of the amounts in the Cash Payment Fund. In the event that this Board issues bonds for the Assessment

District, the moneys in the Cash Payment Fund shall be applied to the acquisitions and improvements for the Assessment District and the Fund shall be closed. If the Board determines not to issue bonds to finance the acquisitions and improvements, the Collection Officer shall return the amounts of cash payments (with any interest thereon) to the persons responsible for paying such cash payments and the Fund shall be closed. The timing of such determinations shall be entirely at the discretion of the Board.

10. Effective Date. This resolution shall be effective upon the date of its adoption.

PASSED AND ADOPTED this 2nd day of June, 1997, by the following vote:

AYES: 5 Directors

NOES: 0 Directors

ABSENT: 0 Directors

ATTEST:

Kandi Whitley
Secretary