

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

RESOLUTION

R-23-124

Adopt a Resolution Declaring Surplus Debt Service, Construction and Refunding General Funds for Improvement District 51, Authorize the Auditor-Controller to Disburse Surplus Claimed by Past Assesseees, Authorize the Auditor-Controller to Transfer any Surplus Funds not Claimed to the General Fund

WHEREAS, the County of San Joaquin (“County”) historically has formed improvement districts (“Districts”) to finance the construction of public improvements and public utility infrastructure in new developments through the issuance of special assessment bonds; and

WHEREAS, the formation of the Districts was pursuant to the Municipal Improvement Act of 1913 [Streets and Highways Code, Division 12] (the “1913 Act”); and

WHEREAS, currently there is one expired District with remaining fund balances for which special assessment bonds (“Bonds”) were issued to fund public improvements or public utility infrastructure, or both; and

WHEREAS, the Bonds were issued pursuant to the Improvement Bonds Act of 1915 [Streets and Highways Code, Division 10] (the “1915 Act”); and

WHEREAS, the Bonds have been repaid, the improvement projects completed, the construction costs paid, and the special assessment liens removed from the real property parcels within those two Districts; and

WHEREAS, pursuant to Section 10427.1 (b) of the 1913 Act, where an individual assessment, or any installment of the principal thereof, has been paid in cash after January 1, 1991, the credit shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid upon their furnishing satisfactory evidence of payment; and

WHEREAS, Section 10427.1 (e) of the 1913 Act provides that balances that have not been paid or claimed by the persons entitled thereto shall be transferred to the general fund four years after the final payment on the bonds; and

WHEREAS, for Improvement District No. 51, a construction fund balance in the amount of \$508,700.30, two debt service fund balances in the amounts of \$33,378.88 and \$887,766.32, two general fund balances in the amounts of \$1,660.00 and \$1,995.98 and a bond refunding fund balance in the amount of \$354,806.44 remain, all known claims have been paid, and there is no record that the County Board of Supervisors previously declared such funds as surplus;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Streets and Highways Code Section 10427, the San Joaquin County Board of Supervisors hereby declares the construction, debt service, general, and bond refunding fund balances of Improvement District No. 51 to be surplus funds.

BE IT FURTHER RESOLVED that this Board, pursuant to Section 10427.1 (b) of the 1913 Act, authorizes the Auditor-Controller to disburse these surplus funds to the property owners of those real property parcels on the assessment roll for this District at the time the Bonds for these Districts were paid off. In the event any surplus funds have not been paid or claimed by property owners, those funds shall be transferred to the general fund.

PASSED AND ADOPTED July 11, 2023 , by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Canepa, Patti, Ding, Rickman**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California



By **Rachél DeBord**

Robert Rickman

ROBERT RICKMAN
Chairman, Board of Supervisors
County of San Joaquin
State of California