

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2010-1 (SERVICES) OF THE CITY OF DESERT HOT SPRINGS, ADOPTING A MAP OF THE AREA PROPOSED TO BE ANNEXED (ANNEXATION NO. 9), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

WHEREAS, on July 6, 2010 the City Council (the "City Council") of the City of Desert Hot Springs (the "City") approved Resolution No. 2010-037 establishing Community Facilities District No. 2010-1 (Services) of the City of Desert Hot Springs, County of Riverside, State of California (the "CFD No. 2010-1") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the City as a result of the development of said real property; and

WHEREAS, the City Council called a special election for July 6, 2010, at which the questions of levying a special tax and establishing an appropriations limit with respect to the CFD No. 2010-1 were submitted to the qualified electors within the CFD No. 2010-1; and

WHEREAS, on July 6, 2010, the City Council adopted Resolution No. 2010-038 determining the results of the special election and finding that more than two-thirds (2/3) of all votes cast at the special election were cast in favor of the proposition presented, and such proposition passed; and

WHEREAS, the City Council is authorized by Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code as amended (the "Act"), to annex territory into an existing community facilities district by complying with the procedures set forth in said Article 3.5; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, ACTING EX OFFICIO AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT 2010-1 (SERVICES) OF THE CITY OF DESERT HOT SPRINGS, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Intent.

The City Council hereby declares that it proposes and intends to conduct proceedings pursuant to Article 3.5 for the annexation to the Community Facilities District of the territory described in Exhibit "A" attached hereto. The City Council determines that the public convenience and necessity require that such territory be annexed to the Community Facilities District.

Section 2. Name of the Community Facilities District.

The name of the existing community facilities district is known as "Community Facilities District No. 2010-1 (Services)."

Section 3. Description of Territory Proposed to be Annexed, Annexation Map.

The territory proposed to be annexed is included within the boundaries for which property may annex to CFD No. 2010-1 and are more particularly described and shown on that certain map entitled "Boundaries – Potential Annexation Area Community Facilities District No. 2010-1 (Services) of the City of Desert Hot Springs, County of Riverside, State of California," as recorded on June 8, 2010 in Book 74 of Maps of Assessment and Community Facilities District, Page 81, and as Instrument No. 2010-0263725 in the official records of the County of Riverside. The territory proposed to be annexed to the CFD No. 2010-1 is described in Exhibit "A" attached hereto and by this reference made a part hereof. Such territory is also shown and described on the map thereof entitled "Annexation Map No. 9, Community Facilities District No. 2010-1 (Services), City of Desert Hot Springs, County of Riverside, State of California," which is on file with the City Clerk (the "Annexation Map") and attached hereto as Exhibit B.

Section 4. Description of Authorized Services.

The services proposed to be financed by CFD No. 2010-1 (the "Services") include, without limitation, all necessary service, operations, administration and maintenance required to keep the lighting of parks, parkways, streets, roads and open space, which maintenance and lighting services may include, without limitation, furnishing of electrical power to street lights; repair and replacement of damaged or inoperative light bulbs, fixtures and standards; maintenance (including irrigation and replacement) of landscaping vegetation situated on or adjacent to parks, parkways, streets, roads and open space; maintenance and repair of irrigation facilities; maintenance of public signage; graffiti removal from and maintenance and repair of public structures situated on parks, parkways, streets, roads and open space; maintenance and repair of playground or recreation program equipment or facilities situated on any park, and the maintenance and operation of storm drainage and flood protection facilities, including, without limitation, drainage inlets and retention basins. The cost of providing the Services includes "incidental expenses," which include costs associated with the creation of CFD No. 2010-1, determination of the amount of special taxes, collection or payment of special taxes, or costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2010-1. The Services authorized to be financed by CFD No. 2010-1 are in addition to those currently provided in the territory of CFD No. 2010-1 and do not supplant services already available within that territory.

Section 5. Levy of Special Tax.

Except where funds are otherwise available, a special tax sufficient to pay the costs of the Services (including incidental expenses), secured by recordation of a continuing lien against all nonexempt real property in CFD No. 2010-1, will be levied annually within the territory proposed to be annexed to the CFD No. 2010-1. Pursuant to Section 53340 of the California Government Code, and the special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. The rate and method of apportionment, and manner of collection of the special tax are specified in Exhibit C. The rate of special tax to be levied on property within the territory proposed to be annexed to CFD No. 2010-1 in any fiscal year to pay the cost of the services described in Section 4 above shall be equal to the rate of special tax which will be levied on all other property within the CFD No. 2010-1 to pay the cost of such services in such fiscal year.

Section 6. Adoption of Annexation Map.

Pursuant to Section 3110.5 of the Streets and Highways Code, the City Council adopts the Annexation Map as the map of the area proposed to be annexed to the CFD No. 2010-1. Pursuant to Section 3111 of said Code, the City Clerk shall file the original of the Annexation map in his office and shall file a copy of the Annexation Map with the County Recorder of the County of Riverside no later than fifteen days prior to the date of the hearing specified in Section 7 hereof.

Section 7. Public Hearing.

The City Council hereby fixes 6:00 p.m., or as soon thereafter as practicable, on May 2, 2017 in the City Council Chambers located in the Carl May Community Center, 11711 West Drive, Desert Hot Springs, California 92240, as the time and place when and where the City Council will conduct a public hearing on the proposed annexation of said territory to the CFD No. 2010-1.

Section 8. Notice of Public Hearing.

The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing, in substantially the form attached hereto as Exhibit D, one time in a newspaper of general circulation published in the area of CFD No. 2010-1. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

Section 9. Mailing Ballots.

In anticipation of its action on Tuesday, May 2, 2017, to call the election on the annexation for the same date, pursuant to waiver of election time limits from the landowners, the City Council hereby authorizes the City Clerk to mail to each landowner in the territory proposed to be annexed to the CFD No. 2010-1 a ballot in substantially the form set forth in Exhibit E hereto. A copy of the waiver and consent form signed by the property owner is attached hereto as Exhibit F and incorporated herein by this reference.

Section 10. Effective Date.

This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the Desert Hot Springs at a special meeting held on this 21st day of March, 2017 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Jerryl Soriano, City Clerk, CMC

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

CERTIFICATE OF CLERK

I, Jerryl Soriano, City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on March 21, 2017, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: March 21, 2017

City Clerk of the City of Desert Hot Springs

[SEAL]

EXHIBIT A

DESCRIPTION OF PROPOSED TERRITORY TO BE ANNEXED

EXHIBIT B
ANNEXATION MAP

EXHIBIT C

**COMMUNITY FACILITIES DISTRICT NO. 2010-1 (SERVICES)
RATE AND METHOD OF APPORTIONMENT**

EXHIBIT D

NOTICE OF PUBLIC HEARING

EXHIBIT E
SPECIAL ELECTION BALLOT

EXHIBIT F

**WAIVER AND CONSENT RESPECTING CONDUCT OF
MAILED-BALLOT, LANDOWNER ELECTION**