

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1, FISCAL YEAR 2017-18**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for Landscape and Lighting Maintenance District No. 1 (hereinafter referred to as the "District"), pursuant to the terms and provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (Section 22500 *et seq.*) (the "Act"), and Articles XIII C and XIII D of the Constitution of the State of California (together, the "Constitution") (the Act and the Constitution are referred to collectively as the "Assessment Law"), that provide for the levy and collection of assessments by the County of Riverside for the City of Desert Hot Springs to pay for the maintenance of all improvements and facilities and services related thereto; and

**WHEREAS**, the City Council has retained Albert A. Webb Associates, for the purpose of assisting with the annual levy and assessments ("Annual Levy") for the District, and to prepare and file a report with the City Clerk in accordance with the Assessment Law.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL, AS FOLLOWS:**

**Section 1.     Recitals**

That the recitals set forth above are true and correct.

**Section 2.     Declaration of Intention**

That the City Council hereby declares that it is its intention to seek an Annual Levy for the District pursuant to the Assessment Law, over and including the land within the District boundaries, and to levy and collect assessments on all such land to pay the annual costs for the maintenance of the improvements and facilities and services related thereto. The City Council finds that the public's best interest requires such levy and collection.

**Section 3.     District Boundaries**

That the boundaries of the District are described as the boundaries previously defined in the original formation documents of the District, within the boundaries of the City of Desert Hot Springs, County of Riverside, State of California.

**Section 4.     District Improvements**

That the improvements to be maintained and serviced within the District shall include the landscaping, sidewalks, trees, street lighting, park facilities, parkways, street tree lighting and appurtenant facilities. Cost associated with services provided and maintenance shall include, but shall not be limited to, those incurred for personnel, electrical energy and lease costs from Southern California Edison, utilities such as water and gas, equipment, maintenance vehicles, materials, contracting services, and other items necessary for the satisfactory operation of the facilities.

## **Section 5. Proposed Assessment Amounts**

That for Fiscal Year 2017-18, the proposed assessments for the District are outlined in the Engineer's Annual Levy Report which details any changes or increases in the annual assessment from the previous fiscal year.

## **Section 6. Notice to Property Owners**

That the City shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

## **Section 7. Notice of Public Hearing**

That notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 20, 2017 at 6:00pm** or as soon thereafter as feasible in the City Council Chambers, located at 11-711 West Drive, Desert Hot Springs, California.

## **Section 8. Direction to Give Notice**

That the City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

## **Section 9. Severability**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason if any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

## **Section 10. Effective Date**

That this Resolution shall take effect upon its adoption.

## **Section 11. Certification**

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on this sixteenth day of May, 2017 by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**RECUSED:**

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**ATTEST:**

\_\_\_\_\_  
Jerryl Soriano, CMC, City Clerk

**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 May 16, 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:

ABSENT:

RECUSED:

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: May 16, 2017

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City Clerk of the City of Desert Hot Springs

[SEAL]