

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE DRAINAGE ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2017-18

WHEREAS, the City Council has by previous Resolutions formed and levied annual assessments for the Drainage Assessment District No. 1 (hereafter referred to as the "District"), pursuant to the terms and provisions of the Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the California Government Code (commencing with Section 54703) (the "1982 Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1982 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law"), in what is known and designated as the Drainage Assessment District No. 1 (the "District"); and

WHEREAS, the City Council has retained Albert A. Webb Associates for the purpose of assisting with the Annual Levy of the District, and to prepare and file a report with the City Clerk in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1. Recitals

That the Recitals set forth above are true and correct.

Section 2. Annual Levy Report

That the City Council hereby orders Albert A. Webb Associates to prepare and file with the City Clerk the Engineer's Annual Levy Report concerning the levy and collection of assessments for the District for the Fiscal year commencing July 1, 2017 and ending June 30, 2018 in accordance with Chapter 3, Section 22622 of the Act.

Section 3. District Improvements

That the Improvements provided within Drainage Assessment District No. 1, Zones 1 through 17 may include, but are not limited to: flood control facilities, fences, masonry walls, and associated appurtenant facilities. Services provided include all necessary services, operations, administration and maintenance, including graffiti removal, required to keep the above mentioned improvements and facilities in a healthy, vigorous and satisfactory working condition.

Section 4. 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 of any preemptive legislation, the remaining provisions,

sections, paragraphs, sentences or words of the Resolution as hereby adopted shall remain in full force and effect.

Section 5. Effective Date

That this Resolution shall take effect upon its adoption.

Section 6. 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 duly held on the 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:

NAYES:

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

City Clerk of the City of Desert Hot Springs

[SEAL]