

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2010-1 (SERVICES), FOR FISCAL YEAR 2017-18**

**WHEREAS**, the City Council of the City of Desert Hot Springs ("City"), California, previously initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all of which are authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being found at Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California ("Act"). This community facilities district shall hereinafter be referred to as the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (the "Community Facilities District"); and

**WHEREAS**, the City Council, as the legislative body of the Community Facilities District, is authorized under the Act to levy certain special taxes to pay for the costs of certain services (the "Special Taxes"); and

**WHEREAS**, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by resolution, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor on or before the 10th day of August of that tax year; and

**WHEREAS**, the City Council of the City of Desert Hot Springs previously, as authorized by Section 53340 of the Act, authorized the levy of a special tax to pay for costs and expenses related to said Community Facilities District, and the City Council now desires to establish and levy the rate of the special tax to be collected for the Fiscal Year 2017-18 as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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

**Section 1.     Recitals**

That the above recitals are true and correct.

**Section 2.     Specific Rate and Amount of Special Tax for Fiscal Year 2017-18 Determined and Established**

That the specific rate and amount of the Special Taxes to be collected to pay for the costs and expenses for the Fiscal Year 2017-18 for the referenced Community Facilities District is hereby determined and established as set forth in Exhibit "A" attached hereto and incorporated by reference.

**Section 3. Specific Rate and Amount of Special Tax for Fiscal Year 2017-18 Does Not Exceed Authorized Amount**

That the rates as set forth in Exhibit "A" do not exceed the amount previously authorized by the City Council and further do not exceed the amount previously approved by the qualified electors of the Community Facilities District.

**Section 4. Special Tax Used to Pay for Services**

That the proceeds of the Special taxes shall be used to pay, in whole or in part, the costs of financing the following services and facilities:

Maintenance and lighting of parks, parkways, streets, roads and open space.

**Section 5. Special Tax to be Collected by Riverside County**

That the Special Taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected by the County of Riverside on behalf of the City of Desert Hot Springs, and shall be subject to the same penalties, procedure, sale, and lien in case of any delinquency for ad valorem taxes or as otherwise provided for by the City Council.

That all revenue so collected either on the Riverside County tax roll or by any other method shall be paid into the City of Desert Hot Springs treasury and credited to a special fund, which shall only be used for the Community Facilities District in the manner specified above.

**Section 6. Levy of Special Tax Authorized By City Council**

That the City Council hereby levies the Special Taxes for the Fiscal Year 2017-18 at the rates and with respect to the parcels as set forth in Exhibit A attached hereto. The City Manager or his designee is hereby authorized and directed to file with the Riverside County Auditor-Controller no later than August 15, 2017, in the format and media specified by Riverside County, subject only to permitted extension by the Riverside County Auditor-Controller, a certified list of all parcels subject to the Special Tax levy including the amount of the Special Taxes to be levied on each parcel of taxable property in the Community Facilities District and annexed areas, for Fiscal Year 2017-18.

**Section 7. Officers and Agents of the City of Desert Hot Springs**

That the officers and agents of the City of Desert Hot Springs are, and each of them hereby is, authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the levy of the Special Taxes for Fiscal Year 2017-18 as provided in this Resolution. Further, that all actions heretofore taken by the officers and agents of the City of Desert Hot Springs with respect to the levy of the Special Taxes for Fiscal Year 2017-18 are hereby approved, confirmed and ratified.

**Section 8. Severability**

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 this Resolution as hereby adopted shall remain in full force and effect.

**Section 9. Effective Date**

That this Resolution shall become effective upon the adoption of this Resolution by the City Council.

**Section 10. Repeal of Conflicting Resolutions**

That the City Council hereby repeals any prior resolutions which may conflict with this Resolution or similar policies.

**Section 11. Certification**

That the City Clerk shall certify to the passage and 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 fifth day of July, 2017 by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**ATTEST:**

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Jerryl Soriano, CMC, City Clerk

**APPROVED:**

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Scott Matas, Mayor

**APPROVED AS TO FORM:**

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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 July 5, 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: July 5, 2017

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City Clerk of the City of Desert Hot Springs

[SEAL]

**EXHIBIT A**

**City of Desert Hot Springs  
CFD 2010-1 (Services)  
Preliminary 2017-18 Special Tax  
(behind this page)**