

**RESOLUTION NO. 2018-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, CONTINUING THE PUBLIC HEARING DATE FOR THE HEARING TO ANNEX AND ASSESS PROPERTY TO LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 2 (ANNEXATION NO. 18, ZONE 19) AND TO LEVY ASSESSMENTS ON SUCH PROPERTY FOR FISCAL YEAR 2018-19 (RANCHO DEL ORO) FROM APRIL 3, 2018 TO MAY 15, 2018**

**WHEREAS**, the City of Desert Hot Springs (the "City") received a petition ("Petition") from ninety-three (93) property owners within the Rancho Del Oro community requesting the City initiate proceedings to annex the property underlying the Rancho Del Oro community into the Assessment District, as defined below; and

**WHEREAS**, in response to the Petition, the residents of Rancho Del Oro, On February 6, 2018, the City Council (the "City Council") of the City of Desert Hot Springs passed a Resolution of Intention to, among other things, initiate proceedings for the annexation of certain property, as Annexation No. 18, Zone 19, to Landscape and Lighting Maintenance District No. 2 of the City of Desert Hot Springs (the "Assessment District") pursuant to the Landscaping and Lighting Act of 1972, as found in Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code ("the Act"), for the planting and installation of public landscaping and facilities which are appurtenant thereto and the maintenance and servicing thereof in accordance with Section 22525 of the California Streets and Highways Code ("Resolution of Intention"); and

**WHEREAS**, the Resolution of Intention, among other things, set the hearing on the proposed annexation of the Subject Property (defined in the Resolution of Intention) to the Assessment District and the assessments which are proposed to be levied for Fiscal Year 2018-19 and which is required by Sections 22587 through 22594 and 22624 through 22629 of the California Streets and Highways Code and Section 53753 of the California Government Code, and Proposition 218 shall be held at 6:00 p.m. on April 3, 2018, in the Carl May Community Center at 11711 West Drive, City of Desert Hot Springs, California; and

**WHEREAS**, the City would like to provide more time to the property owners of the Subject Property to submit their ballots on the proposed annexation and assessment; and

**WHEREAS**, and the City Council proposes the new hearing date to be **at 6:00 p.m. on May 15, 2018**, in the Carl May Community Center at 11711 West Drive, City of Desert Hot Springs, California; and

**WHEREAS**, pursuant to Proposition 218, the City must comply with applicable sections of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the City Council of the City of Desert Hot Springs, California as follows:

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Hearing.** The public hearing on the proposed annexation of the Subject Property to the Assessment District and the assessments which are proposed to be levied for Fiscal Year 2018-19 and which is required by Sections 22587 through 22594 and 22624 through 22629 of the California Streets and Highways Code and Section 53753 of the California Government Code, and Proposition 218 shall be continued from **6:00 p.m. on April 3, 2018**, in

the Carl May Community Center at 11711 West Drive, City of Desert Hot Springs, California to **6:00 p.m. on May 15, 2018**, in the Carl May Community Center at 11711 West Drive, City of Desert Hot Springs, California to.

**Section 3. Notice of Hearing and Ballots.** The City Clerk shall mail a notice of the proposed annexation, the proposed assessments and of the time, date and place of the public hearing, as specified in Section 2 hereof, to the record owner of each parcel of property identified in the Report. Such notice shall specify the total amount of the assessment chargeable to all the property within Annexation No. 18, Zone 19, the amount chargeable to each owner's particular parcel, the duration of the assessments, the reason for the assessments and the basis upon which the amounts of the proposed assessments were calculated, together with the date, time and location of the public hearing, as specified in Section 8 hereof. The notice shall include, in a conspicuous place, thereon, a summary of the procedures applicable to the completion, return and tabulation of the assessment ballots which will accompany the notice and shall include a statement that the existence of a majority protest will result in the assessments not being levied, and that a majority protest will exist if, upon the conclusion of the hearing, assessment ballots submitted in opposition to the assessments exceed the assessment ballots submitted in favor of the assessments based on financial obligation. There shall be included with each such notice mailed to owner of identified parcels within Annexation No. 18, Zone 19 an assessment ballot which includes the District's address for receipt of any ballot when completed by any owner receiving such notice whereby such owner may indicate his or her name, reasonable identification of the parcel and support or opposition to the proposed assessments. The notice and the assessment ballots shall conform in all respects to the requirements of subdivisions (b) and (c) of Section 53753 of the California Government Code and Article XIII(D) of the California Constitution. Should there be any conflict between the Act and Proposition 218, Proposition 218 shall control.

**Section 4. If Majority Protest Exists**

If a majority protest exists, the City Council shall not undergo another City-initiated petition under the Act for the Subject Property for at least twelve (12) months from the hearing date thereof, unless otherwise provided by law.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the sixth day of March, 2018, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**RECUSED:**

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**ATTEST:**

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Jerryl Soriano, City Clerk

**APPROVED:**

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Scott Matas, Mayor

**APPROVED AS TO FORM:**

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Jennifer Mizrahi, City Attorney