

RESOLUTION NO. 2019-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT
HOT SPRINGS DECLARING ELECTION RESULTS FOR COMMUNITY
FACILITIES DISTRICT NO. 2010-1 (SERVICES) (ANNEXATION NO. 35)**

WHEREAS, the City Council of the City of Desert Hot Springs (the "City") has heretofore conducted proceedings for the annexation of approximately 1.07 acres of land to Community Facilities District No. 2010-1 (Services) (the "CFD No. 2010-1") of the City of Desert Hot Springs, including conducting a public hearing pursuant to Section 53339.5 of the Government Code; and

WHEREAS, at the conclusion of said public hearing, the City Council adopted a resolution calling a special election for November 5, 2019, and submitting to the qualified electors of the territory to be annexed to the CFD No. 2010-1 the question 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 as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Election Results, dated November 5, 2019, executed by the City Clerk (or, in the absence of the City Clerk, the Acting City Clerk – in either case, the "Clerk"), has been filed with this Council, certifying that a completed ballot has been returned to the Clerk for each landowner-voter(s) eligible to cast a ballot in said special election, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed; and

WHEREAS, this Council has received, reviewed and hereby accepts the Clerk's Certificate of Election Results and wishes by this resolution to declare the results of the special mailed-ballot election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS:

Section 1. Recitals. This Council finds and determines that the foregoing recitals are true and correct.

Section 2. Ballot Measure. This Council hereby finds, determines and declares that the ballot measure submitted to the qualified electors of the territory to be annexed to CFD No. 2010-1 has been passed and approved by those qualified electors in accordance with Sections 53328 and 53329 of the Government Code.

Section 3. Special Election; Voting Procedures. The City Council hereby submits the questions of levying the special tax within the territory proposed to be annexed to the qualified electors, in accordance with and subject to the Act. The special election shall be held on November 5, 2019, and shall be conducted as follows:

 (a) Qualified Electors. The City Council hereby determines that the Services are necessary to meet increased demands placed upon the City as a result of development occurring within the boundaries of CFD No. 2010-1. Because fewer than twelve registered voters resided within the territory proposed to be annexed to CFD No. 2010-1 on September 17, 2019 (a date within the 90 days preceding the close of the public hearing on the territory proposed to be annexed to CFD No. 2010-1), the qualified electors shall be the landowners within territory proposed to be annexed, and each landowner who was the owner of record at the close of the hearing shall have one vote for each acre or portion of an acre of land that such landowner owns within the territory proposed to be annexed to CFD No. 2010-1.

(b) Mail Ballot Election. Pursuant to Government Code section 53327.5, the election shall be conducted as a mail ballot election. The City Council hereby ratifies the City Clerk's delivery of a ballot to each landowner within the territory proposed to be annexed to CFD No. 2010-1. The City Council hereby ratifies the form of the ballot, which is attached hereto as Exhibit A.

(c) Return of Ballots. The City Clerk shall accept the ballots of the landowners up to 6:00 p.m. on November 5, 2019. The City Clerk shall have available ballots that may be marked at the City Clerk's office on the Election Day by voters. Once all qualified electors have voted, the City Clerk may close the election.

(d) Canvass of Election. The City Clerk shall commence the canvass of the returns of the special election as soon as the election is closed (on November 5, 2019, or when all qualified electors have voted) at the City Clerk's office. At the conclusion of the canvass, the City Clerk shall declare the results of the election.

Section 4. Declaration of Results. All votes voted in the special election on the proposition of the annual levy of special taxes within the territory to be annexed to pay the costs of the services to be provided by the CFD No. 2010-1 were voted in favor thereof, and such proposition carried.

Section 5. Annexation. This Council hereby finds, determines and declares that pursuant to Section 53339.8 of the Government Code, the City Council is authorized to determine that the territory to be annexed has been added to and become a part of the CFD No. 2010-1 with full legal effect, and the City Council is also authorized, pursuant to said Section 53339.8, to annually levy special taxes within the territory to be annexed to pay the costs of the services to be provided by the CFD No. 2010-1 as specified in Resolution No. 2019-042 adopted by the City Council on September 17, 2019. The boundaries of the territory annexed are shown on the map entitled, "Annexation Map No. 35 Community Facilities District No. 2010-1 (Services)" a copy of which was recorded, on October 3, 2019, in Book 84 of Maps of Assessment and Community Facilities Districts at Page(s) 22, in the office of the Riverside County Recorder.

Section 6. Notice of Special Tax Lien. Pursuant to Section 53339.8 of the Government Code and Section 3117.5 of the Streets and Highways Code, the City Clerk shall cause to be filed with the County Recorder of the County of Riverside an amendment of the notice of special tax lien and a map of the amended boundaries of the CFD No. 2010-1 including the annexed territory.

Section 7. Effect. This resolution shall take effect from and after its adoption.

Dated: November 5, 2019

[SIGNATURES FOLLOW ON THE NEXT PAGE]

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on this fifth day of November, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST:

APPROVED:

Jerryl Soriano, City Clerk

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 November 5, 2019, 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 11-711 West Drive, Desert Hot Springs, 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: November 5, 2019

Jerryl Soriano, City Clerk

[SEAL]

EXHIBIT A

SPECIAL TAX ELECTION
CITY OF DESERT HOT SPRINGS
ANNEXATION OF TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2010-1 (SERVICES)
ANNEXATION NO. 35

(November 5, 2019)

This ballot is for the use of the authorized representative of the following owner of land within the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) ("CFD No. 2010-1") Annexation No. 35:

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
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According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the City Council (the "Council") of the City of Desert Hot Springs (the "City"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner. The City has sent the enclosed ballot to you so that you may vote on whether or not to approve the special tax.

This special tax ballot is for the use of the property owner of the parcel identified below, which parcel is located within the territory proposed to be annexed to the CFD No. 2010-1, City of Desert Hot Springs, County of Riverside, State of California. Please advise the City Clerk, at (760) 329-6411 – Ext. 107, if the name set forth below is incorrect or if you are no longer one of the owners of this parcel. This special tax ballot may be used to express either support for, or opposition to, the proposed special tax. To be counted, this special tax ballot must be signed below by the owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the City Clerk, either by mail or in person, as follows:

Mail

Delivery: If by mail, place ballot in the return envelope provided, and mail in an adequate amount of time so that the City Clerk receives the signed ballot no later than November 5, 2019, the date set for the election.

Personal

Delivery: If in person, deliver to the City Clerk's office (11999 Palm Drive, Desert Hot Springs, 92240) any time before 4:00 p.m. on November 5, 2019. If after 4:00 p.m., please deliver to the City Clerk, at the City Council Chambers (11711 West Drive, Desert Hot Springs, 92240) no later than 6:00 p.m.

However delivered, this ballot must be received by the Clerk prior to the close of the public meeting on November 5, 2019.

Very truly yours,

Geoffrey Buchheim
Finance Director

TO CAST THIS BALLOT, PLEASE RETURN THIS ENTIRE PAGE.

OFFICIAL SPECIAL TAX BALLOT

Name & Address of Property Owner:	Assessor's Parcel Number(s):

ANNEXATION OF TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2010-1 (SERVICES)
ANNEXATION NO. 35

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT

<p><u>SPECIAL TAX BALLOT MEASURE</u></p> <p>Shall the City Council of the City of Desert Hot Springs be authorized to levy a special tax on an annual basis at the rates and apportioned as described in Exhibit C to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 2010-1 (Services) adopted by the City Council on September 17, 2019 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Map No. 35 of Community Facilities District No. 2010-1 (Services) City of Desert Hot Springs, County of Riverside," to finance certain services as set forth in Section 4 to the Resolution (including incidental expenses)?</p>	<p>MARK "YES" OR "NO" WITH AN "X":</p> <p>YES _____</p> <p>NO _____</p>
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Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2019.

OWNER NAME

Signature

Print Name

Title