

INDIAN WELLS CITY COUNCIL

April 6, 2023



To: City Council
From: Finance Department
Prepared by: Kevin McCarthy, City Finance Director
Subject: **Resolution Initiating Proceedings, Preliminarily Approving the Annual Levy Report, and Declaring Intention to Order the Levy and Collection of Assessments for Annual Levy for City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 for the Fiscal Year 2023-24**

RECOMMENDED ACTION:

Council **ADOPTS** Resolution initiating proceedings for annual levy and collection of assessments for the Fiscal Year 2023-24 for the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 pursuant to the Benefit Assessment Act of 1982; and

SCHEDULES a noticed Public Hearing on May 18, 2023, at 1:30 p.m. to hear public testimony on the proposed levy; and

ADOPTS Resolution preliminarily approving the annual engineer's report regarding the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 and the levy and collection of assessments for the Fiscal Year 2023-24 pursuant to the provisions of the Benefit Assessment Act of 1982; and

ADOPTS Resolution declaring its intention to order the levy and collection of assessments for the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 for the Fiscal Year 2023-24 pursuant to the Benefit Assessment Act of 1982.

SUMMARY:

The City is responsible for levying the annual drainage maintenance assessment in accordance with the Landscape and Lighting Act of 1972 and Proposition 218. Therefore, the Council will hold a noticed Public Hearing on Thursday, May 18, 2023, at 1:30 p.m. to hear public testimony on the proposed levy.

As a condition of approval for the Province development in 2006, the City required the developer to install and guarantee the maintenance of stormwater control structures.

The structures consist of two drywells at the northeast corner of Desert Horizons Drive and Vista Del Ray Drive.

These drywells remove nuisance water and stormwater from the Province's development into neighboring developments. The City performs monthly inspections and schedules semi-annual "cleanouts" of the drywells to ensure effective operation.

FISCAL IMPACT:

The annual levy is \$98.12 per assessed parcel. The City anticipates collecting \$13,050 from 133 assessed parcels inside the gates of the Province. The City records District revenues into a Special Revenue fund to operate the District as described in the attached engineer's report.

California Environmental Quality Act (CEQA)

This action has been reviewed per the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the City's environmental regulations. The City, acting as the Lead Agency, determined that the ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change to the environment as there is no possibility that the action would result in a significant environmental impact, and because it does not constitute a "project" as defined in Section 15378 of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

ATTACHMENTS:

1. Resolution- Order the Levy
2. Resolution – Initiate Proceedings
3. Resolution- Engineer Report
4. Drainage Maintenance Benefit Assessment District No. 1 Engineer's Report