

## RESOLUTION NO. 2023-15

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, 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 FISCAL YEAR 2023-24 PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982**

**WHEREAS**, the City Council of the City of Indian Wells (the "City Council") has by Resolution initiated proceedings for the levy and collection of assessments against lots and parcels of land within the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 (the "Assessment District") for Fiscal Year 2021/22, under the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with section 54703* (the "Act"); and

**WHEREAS**, the City Council has retained Willdan Financial as the Assessment District Engineer to assist with the annual levy of assessments in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, AS FOLLOWS:**

**SECTION 1. Intention.** The City Council hereby **DECLARES** its intention to order the drainage improvements of the Assessment District and to levy and collect assessments against lots and parcels of land within the Assessment District for the Fiscal Year commencing July 1, 2023, and ending June 30, 2024, to pay for the costs and expenses of operating, maintaining and servicing drainage improvements therein as outlined in the original Engineer's Report, filed with the City Clerk and approved by the City Council in connection with the formation and the levy of the assessment.

**SECTION 2. Authority.** Pursuant to the Act, the City Council may annually determine the cost of the services that are financed by the assessment and, by ordinance or resolution, order the levy of an annual assessment. However, no annual assessment shall exceed the maximum assessment amount established in the original Report and approved by the property owners without additional approval of the property owners in accordance with the provisions of the California Constitution Article XIID.

**SECTION 3. Boundaries and Designation.** The territory of the proposed Assessment District is within the boundaries and authority of the City of Indian Wells within the County of Riverside, State of California. The boundary map describing the Assessment District is on file with the City Clerk and is incorporated herein by reference. The Assessment District is designated and shall be referred to as the:

"City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1."

**SECTION 4. Description of Drainage Improvements.** The proposed drainage improvements for the Assessment District are briefly described as the operation, maintenance, servicing and administration of the improvements, and incidental expenses related thereto for the Assessment District located within the boundary of the City of Indian Wells, and the jurisdiction of the City Council. The drainage improvements and the installation and/or maintenance of such improvements for the District can be described as follows: installation, construction or

maintenance of any authorized improvements under the Act, including, but not limited to, drainage improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof.

**SECTION 5. Public Hearing.** The City Council hereby **DECLARES** its intention to conduct a Public Hearing concerning the improvements and the levy of assessments for the Assessment District in accordance with the Act. Notice is hereby given that on **Thursday, May 18, 2023, at 1:30 P.M.**, the City Council will hold a Public Hearing on the question of the levy and collection of assessments for Fiscal Year 2023-24 against lots and parcels of land within the Assessment District, or as soon thereafter as feasible. The Public Hearing will be held at the City Council Chambers of the City of Indian Wells, 44-950 Eldorado Drive, Indian Wells, California, at fixed times. At the hearing, all interested persons shall be afforded the opportunity to hear and be heard.

**SECTION 6. Notice.** A Public Hearing Notice shall be published in a local newspaper of general circulation once a week for two (2) weeks, the first publication appearing not less than fourteen (14) days before the date of the hearing; and posting a copy of the Public Hearing Notice in three (3) public places within the City.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on this 6<sup>th</sup> day of April 2023.

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**DONNA GRIFFITH  
MAYOR**

**CERTIFICATION FOR RESOLUTION NO. 2023-15**

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells the 6<sup>th</sup> day of April 2023, by the following vote:

AYES:  
NOES:

**ATTEST:**

**APPROVED AS TO FORM:**

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**ANGELICA AVILA  
CITY CLERK**

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**TODD LEISHMAN  
CITY ATTORNEY**