

**RESOLUTION NO. 2023-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ANNUAL LEVY REPORT FOR STREET LIGHTING DISTRICT NO. 2000-1 FOR FISCAL YEAR 2023-24 AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO**

**WHEREAS**, the City Council of the City of Indian Wells, California (the "City Council") has by previous resolutions ordered the preparation of the Engineer's Annual Levy Report (the "Report") for said district known and designated as:

Indian Wells Street Lighting District No. 2000-1

(the "District") pursuant to the provisions of *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (the "Act"); and

**WHEREAS**, there has now been presented to this City Council the Report as required by *Chapter 3, Section 22623* of said Act and as previously directed by resolution; and

**WHEREAS**, the District and the associated assessments are in compliance with the provisions of California Constitution Articles XIII C and XIII D; and

**WHEREAS**, this City Council has carefully examined and reviewed the Report as presented (or amended) and is satisfied with each and all the items and documents as set forth therein and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed as set forth in said Report; and

**WHEREAS**, the City Council has by previous resolutions-initiated proceedings, approved the Report that describes the assessments against parcels of land within the District, and declared its intention to levy assessments for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 pursuant to the provisions of the Act to pay the costs and expenses of operating, maintaining, and servicing street lighting and appurtenant facilities located within the District; and

**WHEREAS**, Willdan Financial (the "Engineer") selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within District, and the City Council has approved such Report; and

**WHEREAS**, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 to pay the costs and expenses of operating, maintaining and servicing street lighting and appurtenant facilities located within public places in the City; and

**WHEREAS**, the City and its legal counsel have found that these assessments comply with applicable provisions of Section XIID of the California State Constitution.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:**

**SECTION 1.** The above recitals are all true and correct.

**SECTION 2.** The Report as presented or amended is hereby approved and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

**SECTION 3.** The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the report and any amendments directed by the City Council and final approval of the Report as presented or amended.

**SECTION 4.** Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

**SECTION 5.** Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been ordered to be filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of street lighting and appurtenant facilities located in public places within the boundaries of the District; and
- ii) the District includes all of the lands so benefited; and
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024 is apportioned by a formula and method which fairly distributes

the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

**SECTION 6.** The City Council hereby **ORDERS** the improvements which are briefly describes as follows: The maintenance, servicing and operation of the street lighting and appurtenant facilities located in public places within the boundary of the District. Maintenance means the furnishing of services and material for the ordinary and usual maintenance, operation and servicing of the street lighting and appurtenant facilities, including repair, removal or replacement of all or part of any of the streetlights or appurtenant facilities. Servicing means the furnishing of electricity for the lighting and operation of the street lighting and appurtenant facilities. The Report describes all new improvements or substantial changes in existing improvements.

**SECTION 7.** The County Auditor of the County of Riverside shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

**SECTION 8.** The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as "City of Indian Wells Street Lighting District No. 2000-1," and such money shall be expended only for the maintenance, operation and servicing of the street lighting and appurtenant facilities as described in Section 6.

**SECTION 9.** The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024.

**SECTION 10.** The City Clerk or their designate is hereby **AUTHORIZED** and **DIRECTED** to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on this 18<sup>th</sup> day of May 2023.

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**DONNA GRIFFITH**  
**MAYOR**

**CERTIFICATION FOR RESOLUTION NO. 2023-18**

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 18<sup>th</sup> day of May 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**