

RESOLUTION NO. 2023-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ANNUAL LEVY REPORT SETTING FORTH LANDSCAPE AND LIGHTING DISTRICT NO. 91-1 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 Landscape and Lighting District No. 91-1

(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, the Indian Wells Landscape and Lighting District No. 91-1 contains the following Zones: (A1) Eldorado; (A2) Rancho Palmeras Estates APN 634-04; (A3) Tract Nos. 2752, 3097 and 4853; (A5B) a sub-zone within A5A "The Cove"; (A8) three (3) parcels south of Coachella Valley Stormwater Channel along Hwy 111 east of Eldorado Drive; (A11A) Highway 111 South at Club Dr.; (A11C) Club Dr. eight (8) parcels; (D) Parcel Map No. 26494; (C) the Colony; (E) north of Highway 111 west of Eldorado Drive, east of Cook Street and south of Whitewater River Channel; (A19) Mountain Gate Tract No. 26595; (A20) Mountain Gate Tract No. 27747-1; (A21) Villagio Tract No. 29502; (A22) Vaidya Tract No. 27747; (A23) Montelena Tract No. 31200, (A25) Sundance Tract No. 27104, (A26) Province Tract No. 32880; 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 proposed District assessments to be levied for Fiscal Year 2023-24, do not exceed the amount approved by the property owners and adopted by the City Council and are therefore in compliance with the provisions of California Constitution Article and XIID; and

WHEREAS, this City Council has examined and reviewed the Report as presented (or amended) and is satisfied with each and all of 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

ATTACHMENT #1

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 landscaping, lighting and appurtenant facilities located within the District and its Zones; 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 landscaping, 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 improvements 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 proposed improvements to be made, which improvements are briefly describes as follows: The maintenance, servicing, and operation of the landscape improvements and capital replacements that include planting materials such as turf, ground cover, trees and shrubs, automatic sprinkler systems, lighting and drainage systems, and all appurtenant materials for the ordinary and usual maintenance, operation, and servicing of the landscaping, lighting, and appurtenant facilities, including repair, providing for the life, growth, health, and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury; and the removal of trimmings, rubbish, debris, and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping and electricity for both the landscaping and lighting and the maintenance of any of the appurtenant facilities.

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 Landscape and Lighting District No. 91-1," and such money shall be expended only for the maintenance, operation and servicing of the landscaping, 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 the designate of the City Council 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 18th day of May 2023.

DONNA GRIFFITH
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2023-19

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 18th day of May 2023, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN
CITY ATTORNEY