

RESOLUTION NO. 2023-20

A RESOLUTION OF CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF INDIAN WELLS DRAINAGE MAINTENANCE BENEFIT ASSESSMENT DISTRICT NO. 1, FOR FISCAL YEAR 2023-24, PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982

WHEREAS, the City Council has, by previous Resolutions, initiated proceedings and declared its intention to levy assessments for the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1 (the "Assessment District"); and

WHEREAS, the Assessment District Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, the Engineer's Report (the "Report") that describes the assessments against parcels of land within the Assessment District for the Fiscal Year commencing July 1, 2023, and ending June 30, 2024, pursuant to 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"), to pay for the maintenance, operation and servicing of improvements and facilities related thereto; and

WHEREAS, the City Council did by Resolution approve such Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the Assessment District, and is satisfied that the assessments are levied without regard to property valuation and are apportioned by a formula and method which fairly distributes the net amount among eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements, operation, maintenance and services to be performed; and

WHEREAS, the City Council and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of Article XIID of the California State Constitution; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within Assessment 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 the improvements and appurtenant facilities located within the Assessment District.

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

SECTION 1. The City Council following notice duly given, has held a full and fair Public Hearing regarding the Assessment District, the levy and collection of assessments, the Report prepared in connection therewith, and considered oral and

ATTACHMENT #1

written statements, protests and communications made or filed by interested persons regarding these matters.

SECTION 2. The City Council finds the record owners of property within the Assessment District previously approved the continued levy and collection of assessments through property owner balloting proceedings, and that the proposed assessment for Fiscal Year 2023-24 is consistent with the assessment so approved.

SECTION 3. Based upon the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and such other evidence presented to the City Council, the City Council hereby finds and determines that:

- a) The land and eligible parcels within the boundaries of the Assessment District will each receive a particular and distinct benefit over, and above general benefits conferred on real property located in the Assessment District or to the public at large from the operation, maintenance and servicing of the improvements and appurtenant facilities identified in the Report (the "Special Benefit"); and
- b) The Assessment District includes the lands and parcels receiving such Special Benefit; and
- c) The net amount to be assessed upon the lands within the Assessment District for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024, is apportioned by a formula and method which fairly and proportionately distributes the total net amount of assessments within the Assessment District among eligible parcels within the boundaries of the Assessment District in proportion to the estimated Special Benefit to be received by each such parcel from the operation, maintenance and servicing of the improvements and appurtenant facilities identified in the Report.

SECTION 4. The Report and assessments presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

SECTION 5. The maintenance, operation and servicing of the improvements shall be performed pursuant to the Act. The City Council hereby **ORDERS** the proposed improvements to be made, which improvements 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. A more detailed description of the improvements is contained within the Report, but the improvements and facilities can be classified within the following general categories:

- 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 6. The Auditor of the County of Riverside shall enter on the County Assessment Roll opposite each 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 the provisions provided in the Act. After collection by the County, the net amount of the levy shall be paid to the Treasurer of the City of Indian Wells.

SECTION 7. The Treasurer shall deposit money representing assessments collected by the County for the Assessment District to the credit of a fund for the City of Indian Wells Drainage Maintenance Benefit Assessment District No. 1, and such money shall be expended only for the maintenance, operation and servicing of the improvements as described in Section 5.

SECTION 8. The adoption of this Resolution constitutes the Assessment District levy for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024.

SECTION 9. 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 the provisions provided in the Act.

SECTION 10. A copy of the levy shall be filed in the office of the City Clerk and open for public inspection.

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. 2023-20

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**