

ATTACHMENT #3

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA DECLARING THE RESULTS OF THE CONSOLIDATED SPECIAL ELECTIONS WITHIN COMMUNITY FACILITIES DISTRICT NO. 2024-1 (PUBLIC SAFETY)

WHEREAS, the City Council (the "City Council") of the City of Indian Wells (the "City") has previously undertaken proceedings to establish and did establish a community facilities district pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act") with the adoption of a resolution of formation on June 20, 2024 (the "Resolution of Formation"). This community facilities district shall hereinafter be referred to as Community Facilities District No. 2024-1 (Public Safety), the City of Indian Wells, County of Riverside, State of California ("CFD No. 2024-1"); and

WHEREAS, on June 20, 2024, the City Council also adopted a resolution calling a special election for June 20, 2024, for submitting to the qualified electors of CFD No. 2024-1 the proposition with respect to the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay for certain public services and providing for the consolidation of that election with the election on the proposition of CFD No. 2024-1 with respect to establishing an appropriations limit for CFD No. 2024-1 (the "Election Resolution"); and

WHEREAS, the City Council has received a statement from the City Clerk (the "City Clerk"), who pursuant to the Election Resolution was authorized to conduct the consolidated special elections for CFD No. 2024-1 and act as the election official therefor, with respect to the canvass of the ballots returned and the results of the consolidated special elections, certifying that more than two-thirds of the votes cast upon the propositions submitted to the voters in the consolidated special elections in CFD No. 2024-1 were cast in favor of all such propositions.

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

SECTION 1. Recitals. The above recitals are all true and correct and are incorporated herein by this reference.

SECTION 2. Findings. The City Council finds that: (i) there were no persons registered to vote within the boundaries of CFD No. 2024-1 at the time of the close of the protest hearing on June 20, 2024, and pursuant to Section 53326 of the California Government Code ("Section 53326") the vote in the consolidated special elections for CFD No. 2024-1 was, therefore, to be by the landowners owning land within CFD No. 2024-1, with each landowner having one vote for each acre or portion of an acre of land that he or she owned within CFD No. 2024-1 which would have been subject to the special tax if levied at the time of the consolidated special elections; (ii) pursuant to Section 53326 and the Election Resolution, the City Clerk distributed the ballot for the consolidated special elections to the owner(s) of all of the taxable property included within the boundaries of CFD No. 2024-1 (the "Property Owner") by mail or personal delivery; (iii) the Property Owner waived the time limits for holding the consolidated special elections and the election dates specified in Section 53326, and consented to the calling and holding of the consolidated special elections on June 20, 2024; (iv) the

consolidated special elections have been properly conducted in accordance with all statutory requirements and the provisions of the Election Resolution; (v) pursuant to Section 53326, the Property Owner, which owns approximately 27.88 acres in CFD No. 2024-1, was entitled to a total of 28 votes; (vi) the ballot was returned by the Property Owner to the City Clerk prior to the hour on the date of the election specified by the City Council for the return of voted ballots; (vii) the ballot returned to the City Clerk by the Property Owner voted all votes to which it was entitled in favor of all propositions set forth therein; (viii) more than two-thirds of the votes cast in the consolidated special elections in CFD No. 2024-1, on each such proposition were cast in favor thereof, and pursuant to Sections 53328, 53329 and 53355 of the California Government Code, all such propositions carried; (ix) the City Council, as the legislative body of CFD No. 2024-1, is therefore authorized to take the necessary action to have CFD No. 2024-1 annually levy special taxes on taxable property within CFD No. 2024-1, in an amount sufficient to pay for certain public services to be provided, and (x) an appropriations limit for CFD No. 2024-1 has been established in the amount of \$4,000,000.

SECTION 3. Declaration of Results. All votes voted in the consolidated special elections on the propositions with respect to (i) the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay for certain public services to be provided as described in the Resolution of Formation; and (ii) establishing an appropriations limit for CFD No. 2024-1 in the amount of \$4,000,000 were voted in favor thereof, and all such propositions carried.

SECTION 4. Effect of Elections. The effect of the results of the consolidated special elections, as specified in Section 3 hereof, is that the City Council, as the legislative body of CFD No. 2024-1, is authorized (i) to annually levy special taxes on taxable property within CFD No. 2024-1 in an amount sufficient to pay for certain public services to be provided as described in the Resolution of Formation at the special tax rates and pursuant to the methodology for determining and apportioning such special taxes which are set forth in Exhibit B to the Resolution of Formation adopted by the City Council of the City of Indian Wells on June 20, 2024; and (ii) an appropriations limit has been established for CFD No. 2024-1 in the amount of \$4,000,000.

SECTION 5. Notice of Special Tax Lien. The City Clerk shall record a notice of special tax lien pursuant to Section 53328.3 of the California Government Code and Section 3114.5 of the California Streets and Highways Code.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

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PASSED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 20th day of June 2024.

GREG SANDERS
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2024-__

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 on the 20 day of June 2024, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY