

ATTACHMENT #2

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO. 2024-1 (PUBLIC SAFETY), CITY OF INDIAN WELLS PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO PAY THE COSTS OF CERTAIN PUBLIC SERVICES, AND ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

WHEREAS, pursuant to Section 53325.1 of the California Government Code, the City Council (the "City Council") of the City of Indian Wells (the "City") has adopted the resolution of formation of Community Facilities District No. 2024-1 (Public Safety), City of Indian Wells, County of Riverside, State of California ("CFD No. 2024-1"), establishing the Community Facilities District and the boundaries thereof (the "Resolution of Formation"); and

WHEREAS, pursuant to Section 53326 of the California Government Code, it is necessary that the City Council also submit to the voters of CFD No. 2024-1 the proposition relating to the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay the costs for certain public services; and

WHEREAS, pursuant to Section 53325.7 of the California Government Code, the City Council may also submit to the voters of CFD No. 2024-1 a proposition with respect to establishing an appropriations limit for CFD No. 2024-1; and

WHEREAS, the City Clerk (the "City Clerk") has advised the City Council that they have received a statement from the Registrar of Voters of the County of Riverside that there are no persons registered to vote in the territory of CFD No. 2024-1.

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

SECTION 1. Findings. The City Council finds that: (i) the foregoing recitals are true and correct and are incorporated herein by this reference; (ii) 12 persons have not been registered to vote within the territory of CFD No. 2024-1 for each of the 90 days preceding the close of the public hearing held on June 20, 2024; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this Resolution shall be by the landowners of CFD No. 2024-1 whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within CFD No. 2024-1 which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owner of all of the property in CFD No. 2024-1 has by written consent (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this Resolution and the election on the propositions of CFD No. 2024-1, which pursuant to Section 4 hereof is consolidated with the election called hereby, (b) consented to the holding of the special elections on June 20, 2024, (c) waived notice and mailed notice of the time and date of the special elections, and (d) waived an impartial analysis of the ballot propositions pursuant to Section 9313 or 13119 of the

California Elections Code and arguments and rebuttals pursuant to Sections 9314 to 9317, inclusive, mailing of a statement pursuant to Section 9401 of that Code and receipt of a ballot pamphlet as required by Section 3023 of that Code; and (v) the City Clerk has consented to the holding of the special elections on June 20, 2024.

SECTION 2. Call of Election. The City Council hereby calls and schedules special elections for June 20, 2024, within and for CFD No. 2024-1 on (i) the proposition with respect to the annual levy of special taxes on taxable property within CFD No. 2024-1 for the payment of the ongoing maintenance of certain public services to be provided by CFD No. 2024-1 and (ii) the proposition with respect to establishing an appropriations limit for CFD No. 2024-1.

SECTION 3. Propositions. The propositions to be submitted to the voters of CFD No. 2024-1 at such special election shall be as follows:

First Proposition: Shall Proposition A authorizing the levy of a special tax annually on taxable property within CFD No. 2024-1 of the City of Indian Wells, County of Riverside, State of California, to pay certain Services as defined and for the purposes specified in the Resolution of Formation adopted by the City Council of the City of Indian Wells on June 20, 2024 (the "Resolution of Formation"), to accumulate and fund police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance of streets and roadways, maintenance and operation of street lights, parks, parkways and open space, and maintenance of public facilities, including any incidental expenses authorized by the Act, and any other expense required in order to carry out the authorized purposes of CFD No. 2024-1, and to levy and collect the special tax, so long as the special tax is needed to pay for the Services and for such other purposes, at the special tax rates and pursuant to the method of apportioning the special tax 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, be approved?

Second Proposition: Shall Proposition B authorizing an annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, in the amount of \$4,000,000 be approved?

SECTION 4. Consolidation of Elections. The special election called hereby on the propositions to be submitted to the voters of CFD No. 2024-1, as set forth in Section 3 hereof, shall be consolidated with the special election on the proposition of CFD No. 2024-1 proposition with respect to the annual levy of special taxes on taxable property within CFD No. 2024-1 for the payment of the ongoing maintenance of certain public services to be provided by CFD No. 2024-1. The ballot for said consolidated elections shall be in the form attached hereto as Exhibit A.

SECTION 5. Conduct of Election. Except as otherwise provided in Section 6 hereof, the consolidated special elections shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

SECTION 6. Election Procedures. The procedures to be followed in conducting the consolidated special elections on (i) the proposition with respect to the levy of special taxes on taxable property within CFD No. 2024-1 to pay the for the ongoing maintenance of certain public services and (ii) the proposition with respect to establishing an appropriations limit for CFD No. 2024-1 in the amount of \$4,000,000 (the "Consolidated Special Elections") shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the Consolidated Special Elections shall be distributed to the qualified electors by the City Clerk by mail or personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to elections conducted by mail, the City Clerk shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit A, and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots and a copy of the Resolution of Formation adopted by the City Council of the City of Indian Wells on June 20, 2024.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within CFD No. 2024-1.

(d) The return identification envelope to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The instruction to voter form to be mailed or delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon

completed and signed and all other information to be inserted thereon properly inserted by 12:00 p.m. on the date of the Consolidated Special Elections; provided that if all qualified electors have voted, the elections shall be closed with the concurrence of the City Clerk.

(f) Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the elections, the City Clerk shall canvass the votes cast in the Consolidated Special Elections and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

SECTION 7. 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 8. Effective Date. This Resolution shall become effective immediately.

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**

EXHIBIT "A"

OFFICIAL BALLOT

CONSOLIDATED SPECIAL ELECTIONS FOR
COMMUNITY FACILITIES DISTRICT NO. 2024-1 (PUBLIC SAFETY)
CITY OF INDIAN WELLS
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

June 20, 2024

To vote, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk and obtain another.

PROPOSITION A: Shall Community Facilities District No. 2024-1 (Public Safety) of the City of Indian Wells, subject to accountability measures required pursuant to Government Code Section 50075.1 levy a special tax annually on taxable property within Community Facilities District No. 2024-1 (Public Safety), City of Indian Wells, County of Riverside, State of California, to pay certain Services as defined and for the purposes specified in the Resolution of Formation adopted by the City Council of the City of Indian Wells on June 20, 2024 (the "Resolution of Formation"), to accumulate and fund police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance of streets and roadways, maintenance and operation of street lights, parks, parkways and open space, and maintenance of public facilities, including any incidental expenses authorized by the Act, and any other expense required in order to carry out the authorized purposes of CFD No. 2024-1, and to levy and collect the special tax, so long as the special tax is needed to pay for the Services and for such other purposes, at the special tax rates and pursuant to the method of apportioning the special tax 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, be approved?

YES	
NO	

PROPOSITION B: Shall Community Facilities District No. 2024-1 (Public Safety), City of Indian Wells, County of Riverside, State of California establish an annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, in the amount of \$4,000,000 be approved?

YES	
NO	

PROPOSITIONS A IS SUBJECT TO THE ACCOUNTABILITY MEASURES PRESCRIBED IN SECTION 50075 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.