CITY COUNCIL STAFF REPORT

DATE: June 3, 2015

SUBJECT: APPROVE RESOLUTIONS OF INTENTION AND PROPOSED BOUNDARY MAPS TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 1 AND ANNEXATION NO. 2

FROM: David H. Ready, City Manager

BY: Chief of Staff/City Clerk

SUMMARY

The City Council formed Community Facilities District 2007-1 (Public Safety Services) (CFD 2007-1), for allotted land, to provide a financing mechanism to sustain the delivery of public safety services to new residential developments. CFD 2007-1 was formed in September 2007. This action declares the City Council’s intention to annex additional territory, and will set a public hearing date for the purpose of annexing this additional territory into the original CFD 2007-1.

RECOMMENDATION:

1. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.” (Annexation No. 1, Canyon Lofts Tract 36815)

2. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.” (Annexation No. 2, Twin Palms Tract 36651)

3. Set the public hearing for 6:00 p.m. on July 15, 2015, for public comment and for the filing of written protest by any property owner regarding the annexation of territory to CFD 2007-1, the levy of a special tax for public safety services, and a special landowner election.

ITEM NO. 24
STAFF ANALYSIS:

The City Council created Community Facilities District 2005-1 (Public Safety Services) (CFD 2005-1) to assist in the financing of police, fire and life safety services to new residential development. This type of financing program, which is authorized under the Mello-Roos Community Facilities Act of 1982, envisioned the participation of all future new development projects, either by formation of new districts or annexation into the original CFD 2005-1.

As new residential developments have been approved by the City, they have been annexed into CFD 2005-1. Unfortunately, staff has determined that several of the residential developments that have been approved and currently under construction are located on Allotted Land and cannot be annexed into the existing CFD 2005-1 due to their unique ownership status. Under both Federal and State case law, Allottee land is held “in trust” by the Federal Government for the benefit of its Allottee owners. As such, the land has been determined “an instrumentality” of the Federal Government and is not subject to direct taxation, including the special tax levied through CFD 2005-1.

Although Allottee owners are not considered “landowners” for purposes of the Act and cannot be taxed directly, it has been determined that the possessory or leasehold interest is subject to taxation. Since CFD 2005-1 does not provide for an encumbrance against possessory interest, the City formed CFD 2007-1 to accommodate the Allottee land, as well as to attach the burden of CFD 2007-1 to the possessory interest.

These will be the first annexations of residential development into CFD 2007-1. At this time, two developments are ready for annexation – Canyon Lofts (32 multi-family units and 2 live/work units) Tract 36815 and Twin Palms (18 single-family units) Tract 36651.

The projects listed above have, as a condition of project approval, a requirement to participate in the process of annexing into CFD 2007-1. Although the City could form separate CFDs for each development, it is simpler and less costly to annex these projects into the existing CFD 2007-1 since the rate and method of apportionment established for CFD 2007-1 governs the levy of special taxes not only within the original boundaries of CFD 2007-1 but, also, within all subsequent annexations.

In order to commence the annexation process, the City Council must adopt a Resolution of Intention for each of the annexations. This resolution sets forth terms and conditions for annexing territory into CFD 2007-1 and includes the rate and apportionment of the special tax to be levied. The Resolution of Intention also establishes a date for a public hearing on the proposed annexations. The public hearing date, which by statute must be held within 30-60 days following the adoption of the Resolution of Intention, is scheduled for July 15, 2015. Pursuant to the Mello-Roos Community Facilities Act of 1982, there are less than twelve (12) registered voters in each of the territories proposed to be annexed; therefore, the special election will be a landowner vote within each annexation.
Directly prior to the public hearing, property owners within each annexation will return a petition with waivers to the City, waiving certain timing and noticing requirements related to Election Code, which will enable the City to expedite the annexation process by conducting the special election immediately after the July 15, 2015, public hearing.

Included with each Resolution of Intention, the City Council must establish the boundaries of the territory to be annexed to CFD 2007-1. The Resolution of Intention identifies the territory to be annexed into CFD 2007-1, which will be recorded with the County Assessor’s Office upon approval of the Resolution of Intention.

The special tax that is currently being assessed on properties within CFD 2007-1 is based upon a Fiscal Impact Analysis that was prepared by MuniFinancial. Based on this analysis, the current special tax for a single-family residence is $408.43 per year, and will increase by the annual escalation factor until it reaches the maximum of $500. The current special tax for a multi-family residence is $344.25, and cannot exceed the maximum of $500. The special tax is collected as part of the annual property tax.

Assuming the City does not receive a majority protest against annexation from the affected landowners at the public hearing, the City will then conduct a special landowner election, and if successful, will levy the special tax on all affected parcels within the annexed areas beginning in fiscal year 2015-16.

FISCAL IMPACT:

At build-out, the development identified above will generate an additional $19,402 per year for public safety services.

CFD funds can only be used for public safety services. In fiscal year 2014-15 a total of 24 parcels are in CFD 2007-1 and were levied a total amount of $8,262.72.

JAMES THOMPSON
Chief of Staff/City Clerk

DAVID READY
City Manager

Attachments:
Resolutions of Intentions
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 1
CANYON LOFTS, TRACT 36815

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the City Council of the City of Palm Springs (the “City”) previously conducted proceedings to establish the City of Palm Springs Community Facilities District No. 2007-1 (Public Safety Services) (the “District”), and

WHEREAS, under the Act, this City Council is the legislative body for the proposed annexation of territory to the District and is empowered with the authority to annex territory to the District and levy special taxes within the annexation territory; and

WHEREAS, this City Council now desires to commence proceedings to consider the annexation of territory to the District.

NOW, THEREFORE, the City Council of the City of Palm Springs, DOES HEREBY RESOLVE as follows:

1. This City Council proposes to begin the proceedings necessary to annex territory to the District pursuant to the Act.

2. The name of the existing District is City of Palm Springs, Community Facilities District No. 2007-1 (Public Safety Services).

3. A general description of the territory included in the existing District is shown on the amended boundary map recorded in the office of the County Recorder for the County of Riverside on October 24, 2007 in Book 72 at Page 36 of Maps of Assessments and Community Facilities Districts, to which map reference is hereby made.

4. The territory now proposed to be annexed to the District is shown on Annexation Map No. 1 of the District on file with the City Clerk, a copy of which is attached hereto as Exhibit A, which Exhibit is, by this reference, incorporated herein. The boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said Annexation Map No. 1 of the District in the office of the County Recorder of the County of Riverside within fifteen days of the date of adoption of this Resolution. The Tract Map for the territory proposed to be annexed, is attached in Exhibit B.

5. The types of services to be funded by the District and pursuant to the Act consist of those services (the “Services”) described in Resolution No. 22033.
entitled "A Resolution of the City Council of the City of Palm Springs, California, Declaring its Intention to Establish Community Facilities District No. 2007-1 (Public Safety Services) to Authorize the Levy of Special Tax Therein to Finance Certain Services" adopted by the City Council on September 5, 2007 (the "Resolution of Intention"), which Resolution of Intention is, by this reference, incorporated herein. It is presently intended that the Services will relate to the existing territory in the District and the territory proposed to be annexed to the District.

6. Except to the extent that funds are otherwise available to the District to pay for the Services, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District (including the property being annexed thereto), will be levied annually within the District and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this City Council shall determine, including direct billing of the affected property owners. The rate and method of apportionment of the special tax among the parcels of real property within the District, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the District to estimate the maximum amount such owner will have to pay, is attached in Exhibit C.

7. The special tax proposed to be levied for Services to be supplied within the proposed territory to be annexed will be equal to the special taxes levied to pay for the same Services in the District, except that a higher or lower special tax may be levied within the proposed territory to be annexed to the extent that the actual cost of providing the Services in that territory is higher or lower than the cost of providing those Services in the District. Notwithstanding the foregoing, the special tax may not be levied at a rate which is higher than the maximum special tax authorized to be levied pursuant to the rate and method of apportionment of the special tax.

8. Notice is given that on Wednesday, July 15, 2015, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council in the Council Chambers, at 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for the District, will conduct a public hearing on the annexation of territory to the District and consider and finally determine whether the public interest, convenience, and necessity require said annexation of territory to the District and the levy of said special tax therein.

9. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit D hereto.

10. This Resolution shall take effect upon its adoption.
ADOPTED this ____ day of ______, 201_.

__________________________
David H. Ready, City Manager

ATTEST:

__________________________
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ______ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the ____ day of ______, 201_, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
James Thompson, City Clerk
City of Palm Springs, California
EXHIBIT A

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 1
CANYON LOFTS, TRACT 36815

PROPOSED BOUNDARIES OF THE ANNEXATION TERRITORY
EXHIBIT B

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 1
CANYON LOFTS, TRACT 36815

TRACT MAP OF THE PROPOSED ANNEXATION TERRITORY
EXHIBIT C

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)

RATE AND METHOD OF APPORTIONMENT
A Special Tax of Community Facilities District No. 2007-1 (Public Safety Services) of the City of Palm Springs (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing in Fiscal Year 2008-09 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, and life safety services including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or the percent increase of salaries and benefits for public safety employees as stated in the Memorandum of Understanding for the fiscal year of the Special Tax. The annual CPI used shall be for the area of Los Angeles-Riverside-Orange County, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the District Administrator shall select a reasonably comparable index.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.
"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2008.

"BIA" means the Bureau of Indian Affairs within the Department of the Interior and any tribe acting on behalf of the BIA.

"City" means the City of Palm Springs.
"Council" means the City Council of the City of Palm Springs, acting as the legislative body of the District.

"County" means the County of Riverside, California.

"Developed Multi-Family Residence" means an Assessor's Parcel of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of more than one residential Dwelling Unit which share common walls, including, but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Developed Single-Family Residence" means an Assessor's Parcel of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential Dwelling Unit.

"District Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"District" means Community Facilities District No. 2007-1 (Public Safety Services) of the City of Palm Springs.

"Dwelling Unit" means any separate residential unit in which a person or persons may live, which includes provisions for sleeping, cooking and sanitation, and is not considered to be for commercial or industrial use.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Government Land" means an area of land, or interest therein, in which the Surface Estate is owned by the United States of America and is administered by the BIA.
"Indian Land" means an area of land in which interest in the Surface Estate is owned by a tribe or individual Indian, including but not limited to Government Land or Tribal Land.

"Interest" means an ownership right to the Surface Estate of Indian Land that may be unlimited or uncertain in duration.

"Land Use Class" means any of the classes listed in Table 1.

"Lease" means a written agreement between the Government or Indian landowner(s) and the Lessee, whereby the Lessee is granted a right to possession of Government or Indian Land, for a specified purpose and duration.

"Leasehold Interest" means the Lessee's independent and exclusive right to possession of, or claim to, the property under the terms and conditions specified in the Lease or Sublease. For purposes of this definition, Leasehold Interest is also referred to as possessory interest within the County.

"Lessee" means a person or entity who has acquired a legal right of possession to Indian Land by a Lease or Permit as defined in Section A, for which said person or entity holds a possessory interest in the property. For purpose of this definition, the Lessee may also be referred to as the tenant.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor's Parcel which is classified as either a Single-Family Residence or a Multi-Family Residence as defined in Section A.

"Non-Residential Property" means an Assessors' Parcel for which a building permit(s) has been issued for a non-residential used and does not contain any residential Dwelling Units as defined in Section A.

"Permit" means a written agreement between the Indian Landowner(s) and the applicant for the permit, also referred to as a permittee, whereby the permittee is granted a revocable privilege to use Indian Land or Government Land, for a specified purpose.

"Property Owner Association Property" means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levied to the Maximum Special Tax is equal for all Assessor's Parcels within classified as Developed Property.
“Public Property” means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

“Public Safety Service Costs” means the estimated and reasonable costs of providing police services and fire protection and suppression services and life safety services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances, and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police services and fire protection and suppression services and life safety services, respectively, and (iv) City overhead costs associated with providing such services within the District. The Special Tax provides only partial funding for police, fire and life safety services.

“Special Tax” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“Special Tax Requirement” means that amount required in any Fiscal Year for the District to: (i) pay for Public Safety Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“State” means the State of California.

“Sublease” means written agreement by which the Lessee grants to an individual or entity a right to possession no greater than that held by the Lessee under the Lease.

“Surface Estate” means on ownership of the surface of a particular area of land by any person or persons who holds record title to the surface of the land, and which is identified by the ownership records of the County in which the real property is located.

“Tax-Exempt Property” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

“Tribal Land” means the Surface Estate of land or any interest therein held by the United States of America in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians, subject to federal restrictions against alienation or encumbrance, and includes such land reserved for BIA administrative purposes when it is not immediately needed for such purposes.
B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all property within the District shall be classified as either Developed Property or Tax-Exempt Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Developed Property shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Developed Single-Family Residence</td>
<td>$362.24 per Dwelling Unit</td>
</tr>
<tr>
<td>2</td>
<td>Developed Multi-Family Residence</td>
<td>$305.32 per Dwelling Unit</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year (i.e., July 1, 2008), the Maximum Special Tax Rates in Table 1 shall be increased in accordance with the Annual Escalation Factor. Once the Maximum Special Tax per Dwelling Unit is equal to $500 per Dwelling Unit, no further Annual Escalation Factor shall be applied and the Maximum Special Tax per Dwelling Unit shall not exceed $500.

2. Tax-Exempt Property

No Special Tax shall be levied on Tax-Exempt Property.

3. Multiple Land Use Classes

In some instances an Assessor's Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX
Commencing with Fiscal Year 2008-09, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax upon each Dwelling Unit of the Leasehold Interest (also known as the "possessory interest") as follows, until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year upon the Leasehold Interest of each Assessor's Parcel of Developed Property Proportionately between Developed Single-Family Residential Dwelling Units and Developed Multi-Family Residential Dwelling Units up to 100% of the applicable Maximum Special Tax.

E. APPEALS

Any tax payer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, an adjustment shall be made.

F. EXEMPTIONS

1. Assessor Parcels classified as Developed Property

Developed Properties which annually meet one or more of the following standards shall be exempt from payment of the Special Tax:

   a. A Residential Property consisting of one or two person(s) collectively earning $15,300 or less gross income per year, upon complying with procedures to establish such exemption, or
   b. A Residential Property consisting of three persons collectively earning $17,900 or less gross income per year, upon complying with procedures to establish such exemption, or
   c. A Residential Property which qualifies for either the Low Income Rate Assistance (LIRA) exemption for electrical or gas services or the Lifeline exemption for telephone services.

The City is authorized and directed to promulgate administrative rules and procedures for verification of eligibility for the exemptions referred to in section F.

G. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, many collect Special Taxes at a different time or in a different manner if necessary to meet the
financial obligations of the District or as otherwise determined appropriate by the District Administrator.

H. TERM OF SPECIAL TAX

Every Five years after the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.
EXHIBIT D

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 1
CANYON LOFTS, TRACT 36815

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Palm Springs will conduct a public hearing on Wednesday, July 15, 2015, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262, to consider the following:

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 1
CANYON LOFTS, TRACT 36815

On June 3, 2015, the City Council, as the legislative body for the District, adopted a resolution entitled "A Resolution of the City Council of the City of Palm Springs, California, Declaring its Intention to Annex Territory into a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"). Pursuant to the Resolution of Intention, the City Council determined that the public convenience and necessity require that certain territory, as more particularly described in the Resolution of Intention, be annexed to the existing District, all as provided in the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act"). Reference is hereby made to the Resolution of Intention, on file with the City Clerk of the City for further particulars. The following is a summary of the provisions of the Resolution of Intention.

In the Resolution of Intention, the City Council declared its intention to annex territory into Community Facilities District No. 2007-1 (Public Safety Services) (the "District"). The area proposed to be annexed to the District is as shown on Annexation Map No. 1, on file with the City Clerk, and identified in Exhibit A of the Resolution of Intention. The District shall fund police services, fire protection and suppression services, and life safety services. It is presently intended that the services will be provided, without preference or priority, to the existing territory in the District and the territory proposed to be annexed to the District. The Resolution of Intention provides that the special taxes heretofore caused to be levied in the District shall be levied in the territory proposed to be annexed, subject to public hearing and owner consent proceedings as specified in the Act.
At the public hearing the testimony of all interested persons for and against the annexation of said territory to the District or the levying of special taxes within the territory proposed to be annexed will be heard. Any person interested may file a protest in writing with the City Clerk.

/s/ James Thompson  
City Clerk  
City of Palm Springs
RESOLUTION NO.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 2
TWIN PALMS, TRACT 36651

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the City Council of the City of Palm Springs (the “City”) previously conducted proceedings to establish the City of Palm Springs Community Facilities District No. 2007-1 (Public Safety Services) (the “District”), and

WHEREAS, under the Act, this City Council is the legislative body for the proposed annexation of territory to the District and is empowered with the authority to annex territory to the District and levy special taxes within the annexation territory; and

WHEREAS, this City Council now desires to commence proceedings to consider the annexation of territory to the District.

NOW, THEREFORE, the City Council of the City of Palm Springs, DOES HEREBY RESOLVE as follows:

1. This City Council proposes to begin the proceedings necessary to annex territory to the District pursuant to the Act.
2. The name of the existing District is City of Palm Springs, Community Facilities District No. 2007-1 (Public Safety Services).
3. A general description of the territory included in the existing District is shown on the amended boundary map recorded in the office of the County Recorder for the County of Riverside on October 24, 2007 in Book 72 at Page 36 of Maps of Assessments and Community Facilities Districts, to which map reference is hereby made.
4. The territory now proposed to be annexed to the District is shown on Annexation Map No. 2 of the District on file with the City Clerk, a copy of which is attached hereto as Exhibit A, which Exhibit is, by this reference, incorporated herein. The boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said Annexation Map No. 2 of the District in the office of the County Recorder of the County of Riverside within fifteen days of the date of adoption of this Resolution. The Tract Map for the territory proposed to be annexed, is attached in Exhibit B.
5. The types of services to be funded by the District and pursuant to the Act consist of those services (the “Services”) described in Resolution No. 22033
entitled “A Resolution of the City Council of the City of Palm Springs, California, Declaring its Intention to Establish Community Facilities District No. 2007-1 (Public Safety Services) to Authorize the Levy of Special Tax Therein to Finance Certain Services” adopted by the City Council on September 5, 2007 (the “Resolution of Intention”), which Resolution of Intention is, by this reference, incorporated herein. It is presently intended that the Services will relate to the existing territory in the District and the territory proposed to be annexed to the District.

6. Except to the extent that funds are otherwise available to the District to pay for the Services, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District (including the property being annexed thereto), will be levied annually within the District and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this City Council shall determine, including direct billing of the affected property owners. The rate and method of apportionment of the special tax among the parcels of real property within the District, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the District to estimate the maximum amount such owner will have to pay, is attached in Exhibit C.

7. The special tax proposed to be levied for Services to be supplied within the proposed territory to be annexed will be equal to the special taxes levied to pay for the same Services in the District, except that a higher or lower special tax may be levied within the proposed territory to be annexed to the extent that the actual cost of providing the Services in that territory is higher or lower than the cost of providing those Services in the District. Notwithstanding the foregoing, the special tax may not be levied at a rate which is higher then the maximum special tax authorized to be levied pursuant to the rate and method of apportionment of the special tax.

8. Notice is given that on Wednesday, July 15, 2015, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council in the Council Chambers, at 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for the District, will conduct a public hearing on the annexation of territory to the District and consider and finally determine whether the public interest, convenience, and necessity require said annexation of territory to the District and the levy of said special tax therein.

9. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit D hereto.

10. This Resolution shall take effect upon its adoption.
ADOPTED this ____ day of _____, 201_.

______________________________
David H. Ready, City Manager

ATTEST:

______________________________
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the ____ day of _____, 201_, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

______________________________
James Thompson, City Clerk
City of Palm Springs, California
EXHIBIT A

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 2
TWIN PALMS, TRACT 36651

PROPOSED BOUNDARIES OF THE ANNEXATION TERRITORY
EXHIBIT B

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 2
TWIN PALMS, TRACT 36651

TRACT MAP OF THE PROPOSED ANNEXATION TERRITORY
EXHIBIT C

CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)

RATE AND METHOD OF APPORTIONMENT
CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(PUBLIC SAFETY SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Community Facilities District No. 2007-1 (Public Safety Services) of the City of Palm Springs (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing in Fiscal Year 2008-09 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, and life safety services including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or the percent increase of salaries and benefits for public safety employees as stated in the Memorandum of Understanding for the fiscal year of the Special Tax. The annual CPI used shall be for the area of Los Angeles-Riverside-Orange County, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the District Administrator shall select a reasonably comparable index.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.
“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by assessor’s parcel number.

“Base Year” means Fiscal Year ending June 30, 2008.

“BIA” means the Bureau of Indian Affairs within the Department of the Interior and any tribe acting on behalf of the BIA.

“City” means the City of Palm Springs.

“Council” means the City Council of the City of Palm Springs, acting as the legislative body of the District.

“County” means the County of Riverside, California.

“Developed Multi-Family Residence” means an Assessor’s Parcel of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of more than one residential Dwelling Unit which share common walls, including, but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

“Developed Property” means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

“Developed Single-Family Residence” means an Assessor’s Parcel of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential Dwelling Unit.

“District Administrator” means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“District” means Community Facilities District No. 2007-1 (Public Safety Services) of the City of Palm Springs.

“Dwelling Unit” means any separate residential unit in which a person or persons may live, which includes provisions for sleeping, cooking and sanitation, and is not considered to be for commercial or industrial use.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Government Land” means an area of land, or interest therein, in which the Surface Estate is owned by the United States of America and is administered by the BIA.
“Indian Land” means an area of land in which interest in the Surface Estate is owned by a tribe or individual Indian, including but not limited to Government Land or Tribal Land.

“Interest” means an ownership right to the Surface Estate of Indian Land that may be unlimited or uncertain in duration.

“Land Use Class” means any of the classes listed in Table 1.

“Lease” means a written agreement between the Government or Indian landowner(s) and the Lessee, whereby the Lessee is granted a right to possession of Government or Indian Land, for a specified purpose and duration.

“Leasehold Interest” means the Lessee’s independent and exclusive right to possession of, or claim to, the property under the terms and conditions specified in the Lease or Sublease. For purposes of this definition, Leasehold Interest is also referred to as possessory interest within the County.

“Lessee” means a person or entity who has acquired a legal right of possession to Indian Land by a Lease or Permit as defined in Section A, for which said person or entity holds a possessory interest in the property. For purpose of this definition, the Lessee may also be referred to as the tenant.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor’s Parcel which is classified as either a Single-Family Residence or a Multi-Family Residence as defined in Section A.

“Non-Residential Property” means an Assessors’ Parcel for which a building permit(s) has been issued for a non-residential used and does not contain any residential Dwelling Units as defined in Section A.

“Permit” means a written agreement between the Indian Landowner(s) and the applicant for the permit, also referred to as a permittee, whereby the permittee is granted a revocable privilege to use Indian Land or Government Land, for a specified purpose.

“Property Owner Association Property” means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

“Proportionately” means in a manner such that the ratio of the actual Special Tax levied to the Maximum Special Tax is equal for all Assessor’s Parcels within classified as Developed Property.
“Public Property” means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

“Public Safety Service Costs” means the estimated and reasonable costs of providing police services and fire protection and suppression services and life safety services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances, and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police services and fire protection and suppression services and life safety services, respectively, and (iv) City overhead costs associated with providing such services within the District. The Special Tax provides only partial funding for police, fire and life safety services.

“Special Tax” means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“Special Tax Requirement” means that amount required in any Fiscal Year for the District to: (i) pay for Public Safety Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

“State” means the State of California.

“Sublease” means written agreement by which the Lessee grants to an individual or entity a right to possession no greater than that held by the Lessee under the Lease.

“Surface Estate” means on ownership of the surface of a particular area of land by any person or persons who holds record title to the surface of the land, and which is identified by the ownership records of the County in which the real property is located.

“Tax-Exempt Property” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

“Tribal Land” means the Surface Estate of land or any interest therein held by the United States of America in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians, subject to federal restrictions against alienation or encumbrance, and includes such land reserved for BIA administrative purposes when it is not immediately needed for such purposes.
B. **ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year using the definitions above, all property within the District shall be classified as either Developed Property or Tax-Exempt Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Developed Property shall be subject to Special Taxes pursuant to Sections C and D below.

C. **MAXIMUM SPECIAL TAX RATE**

1. Developed Property

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Developed Single-Family Residence</td>
<td>$362.24 per Dwelling Unit</td>
</tr>
<tr>
<td>2</td>
<td>Developed Multi-Family Residence</td>
<td>$305.32 per Dwelling Unit</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year (i.e., July 1, 2008), the Maximum Special Tax Rates in Table 1 shall be increased in accordance with the Annual Escalation Factor. Once the Maximum Special Tax per Dwelling Unit is equal to $500 per Dwelling Unit, no further Annual Escalation Factor shall be applied and the Maximum Special Tax per Dwelling Unit shall not exceed $500.

2. **Tax-Exempt Property**

   No Special Tax shall be levied on Tax-Exempt Property.

3. **Multiple Land Use Classes**

   In some instances an Assessor’s Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor’s Parcel.

D. **METHOD OF APPORTIONMENT OF THE SPECIAL TAX**
Commencing with Fiscal Year 2008-09, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax upon each Dwelling Unit of the Leasehold Interest (also known as the "possessory interest") as follows, until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year upon the Leasehold Interest of each Assessor’s Parcel of Developed Property Proportionately between Developed Single-Family Residential Dwelling Units and Developed Multi-Family Residential Dwelling Units up to 100% of the applicable Maximum Special Tax.

E. APPEALS

Any tax payer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, an adjustment shall be made.

F. EXEMPTIONS

1. Assessor Parcels classified as Developed Property

Developed Properties which annually meet one or more of the following standards shall be exempt from payment of the Special Tax:

a. A Residential Property consisting of one or two person(s) collectively earning $15,300 or less gross income per year, upon complying with procedures to establish such exemption, or
b. A Residential Property consisting of three persons collectively earning $17,900 or less gross income per year, upon complying with procedures to establish such exemption, or
c. A Residential Property which qualifies for either the Low Income Rate Assistance (LIRA) exemption for electrical or gas services or the Lifeline exemption for telephone services.

The City is authorized and directed to promulgate administrative rules and procedures for verification of eligibility for the exemptions referred to in section F.

G. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, many collect Special Taxes at a different time or in a different manner if necessary to meet the
financial obligations of the District or as otherwise determined appropriate by the District Administrator.

H. TERM OF SPECIAL TAX

Every Five years after the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.
Notice is hereby given that the City Council of the City of Palm Springs will conduct a public hearing on Wednesday, July 15, 2015, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262, to consider the following:

On June 3, 2015, the City Council, as the legislative body for the District, adopted a resolution entitled "A Resolution of the City Council of the City of Palm Springs, California, Declaring its Intention to Annex Territory into a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"). Pursuant to the Resolution of Intention, the City Council determined that the public convenience and necessity require that certain territory, as more particularly described in the Resolution of Intention, be annexed to the existing District, all as provided in the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act"). Reference is hereby made to the Resolution of Intention, on file with the City Clerk of the City for further particulars. The following is a summary of the provisions of the Resolution of Intention.

In the Resolution of Intention, the City Council declared its intention to annex territory into Community Facilities District No. 2007-1 (Public Safety Services) (the "District"). The area proposed to be annexed to the District is as shown on Annexation Map No. 2, on file with the City Clerk, and identified in Exhibit A of the Resolution of Intention. The District shall fund police services, fire protection and suppression services, and life safety services. It is presently intended that the services will be provided, without preference or priority, to the existing territory in the District and the territory proposed to be annexed to the District. The Resolution of Intention provides that the special taxes heretofore caused to be levied in the District shall be levied in the territory proposed to be annexed, subject to public hearing and owner consent proceedings as specified in the Act.
At the public hearing the testimony of all interested persons for and against the annexation of said territory to the District or the levying of special taxes within the territory proposed to be annexed will be heard. Any person interested may file a protest in writing with the City Clerk.

/s/ James Thompson  
City Clerk  
City of Palm Springs