



CITY COUNCIL STAFF REPORT

DATE: September 21, 2016

PUBLIC HEARING

SUBJECT: CALLING AND CONDUCTING THE SPECIAL ELECTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 13 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

FROM: David H. Ready, City Manager

BY: Assistant City Manager / City Engineer

SUMMARY

The City Council previously established Community Facilities District 2005-1 (Public Safety Services) (CFD 2005-1) in September 2005, to levy a special tax on properties located on "fee status" (non-Indian Allottee Leased or non-Tribal Trust properties) located within the City, to provide a financing mechanism to sustain the delivery of public safety services to new residential developments located on those properties. This action completes the annexation of additional properties into CFD 2005-1 identified as Annexation No. 13 (for Tract Map No. 31095 – "Boulders" and Tract Map No. 31766 – "Crescendo").

RECOMMENDATION:

1. Open the public hearing, take public testimony, and consider property owner protests associated with Annexation No. 13 (for Tract Map No. 31095 – "Boulders" and Tract Map No. 31766 – "Crescendo"); and
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS"; and
3. Conduct the special election and direct the City Clerk to canvass the results; and
4. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF

ITEM NO. 20

A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDING, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES);" and

5. Waive reading of the full text and introduce on first reading by title only, Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES)."

STAFF ANALYSIS:

The City Council created Community Facilities District 2005-1 (Public Safety Services) (CFD 2005-1) to allow the City to levy a special tax on certain properties located on "fee status" (non-Indian Allottee Leased or Tribal Trust properties) located within the City, to provide a financing mechanism to sustain the delivery of public safety services to new residential developments located on those properties. This type of financing program, which is authorized under the Mello-Roos Community Facilities Act of 1982, envisioned the participation of all future new residential development projects on "fee status" lands, either by formation of new districts or as an annexation into the original CFD 2005-1.

As new residential developments on "fee status" lands have been approved by the City, they are conditionally approved with a requirement to annex into CFD 2005-1. CFD 2005-1 was specifically established separately from the City's other District, Community Facilities District 2007-1 (Public Safety Services) (CFD 2007-1), for developments located on Indian Allottee Leased or Tribal Trust lands, and cannot be annexed into the existing CFD 2005-1 due to their unique ownership status.

At this time, two residential developments approved on "fee status" lands are recommended for annexation into CFD 2005-1:

- Annexation No. 13 – Tract Map No. 31095, identified as "Boulders," a residential development consisting of 46 single family residences and Tract Map No. 31766 identified as "Crescendo" consisting of 79 single family residences.

The location map for each development are included in this report.

“Boulders,” Tract Map No. 31095



“Crescendo,” Tract Map No. 31766



Vicinity maps illustrating a 500 feet radius boundary from each development are included as **Attachment 1**.

Previously, the City Council conditionally approved each of these projects with a requirement to participate in the process of annexing into CFD 2005-1. On August 3, 2016, the City Council adopted Resolution No. 24068 declaring its intention to annex these projects into CFD 2005-1, and scheduled a public hearing for September 7, 2016, at which time a special election by landowner vote was called. On September 7, 2016, the City Council tabled and rescheduled the public hearing for September 21, 2016.

Staff recommends that the City Council conduct the public hearing and receive public testimony and any landowner protests. If a majority protest is not received, the City Council may call and conduct the special landowner election for Annexation No. 13 to CFD 2005-1. Following a canvass of the ballot by the City Clerk, the results of the special election will be called and the City Council may adopt a resolution declaring the results of the special election and introduce for the first reading an ordinance authorizing the levy of special tax for CFD 2005-1 in Annexation No. 13.

ENVIRONMENTAL IMPACT:

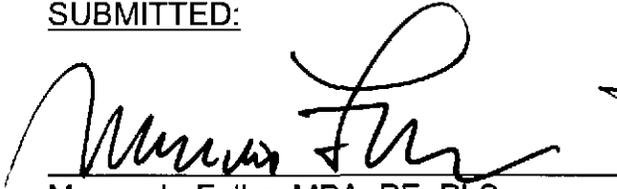
The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to authorize annexation of certain properties into CFD 2005-1, and is exempt from CEQA pursuant to Section 15378(b), in that a "Project" does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

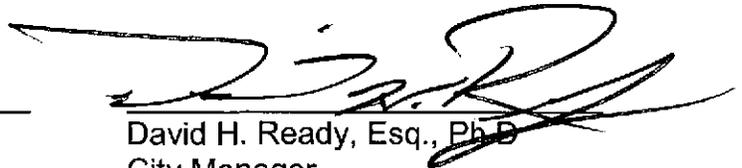
The special tax that is currently being assessed on properties within CFD 2005-1 is based upon a Fiscal Impact Analysis that was prepared by MuniFinancial. Based on this analysis, the current special tax for a single-family residence is \$418.42 per year, and will increase by the annual escalation factor until it reaches the maximum of \$500. The current special tax for a multi-family residence is \$352.67, and cannot exceed the maximum of \$500. The special tax is collected as part of the annual property tax.

The 2016-17 fiscal year budget includes \$456,245 in revenue generated by special taxes levied in CFD 2005-1 for public safety services. Following annexation of these two residential developments into CFD 2005-1, after construction of the units (issuance of building permits), the special tax to be levied within these developments will generate an additional \$52,303 annually to be used specifically for public safety services.

SUBMITTED:



Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

Attachments:

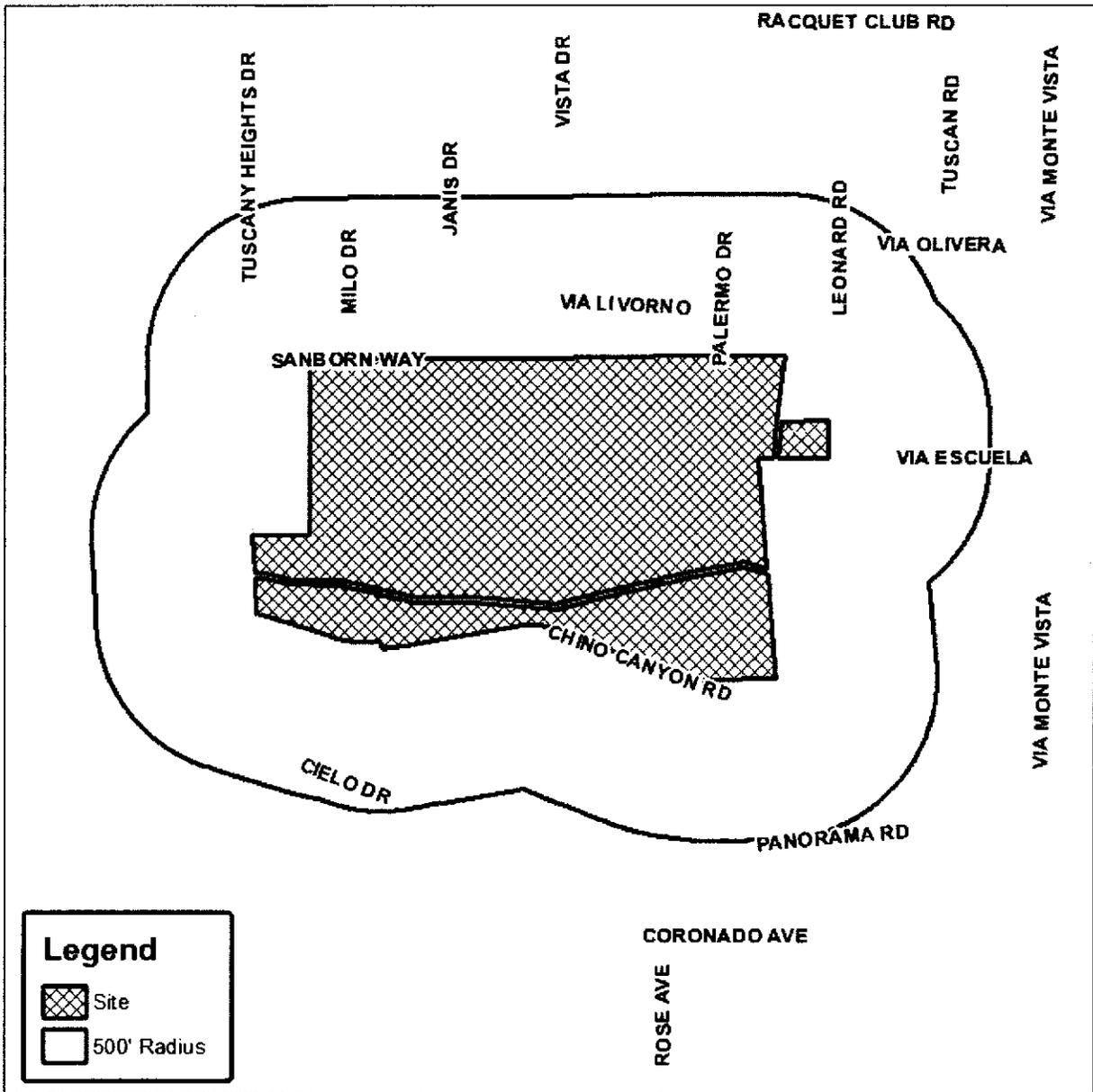
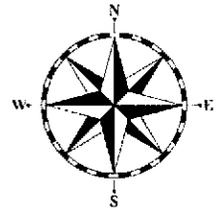
1. Vicinity Maps
2. Resolutions
3. Ordinance

Attachment 1

Vicinity Maps



Department of Engineering Services Vicinity Map – Boulders (TM 31095)



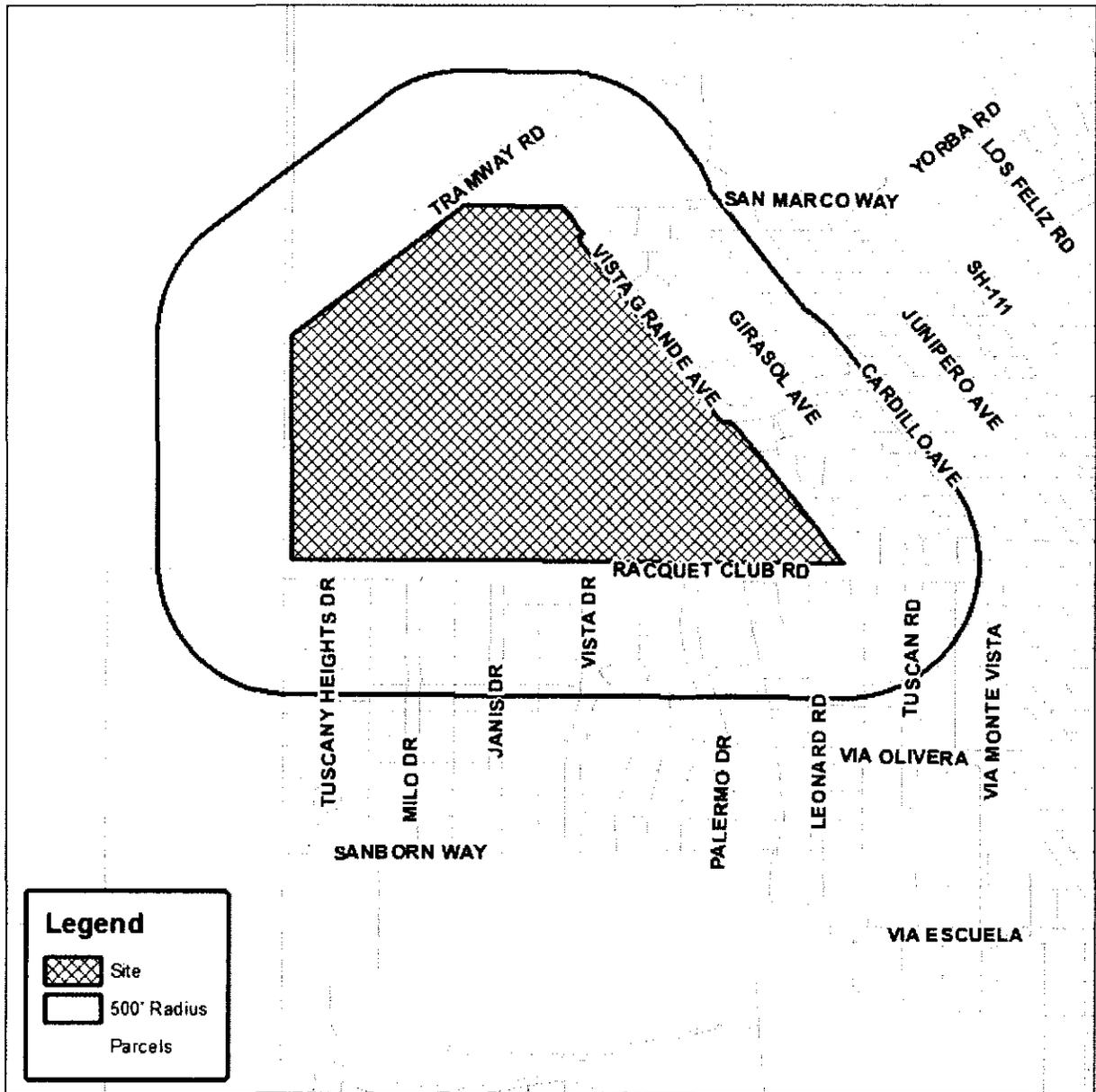
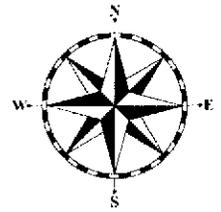
Legend

-  Site
-  500' Radius

CITY OF PALM SPRINGS



Department of Engineering Services
Vicinity Map – Crescendo (TM 31766)



Legend

-  Site
-  500' Radius
-  Parcels

CITY OF PALM SPRINGS

Attachment 2

Resolutions

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS.

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. 2005-1 (Public Safety Services) (the "District"), and

WHEREAS, this City Council on August 3, 2016, adopted its Resolution No. 24068 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 for City of Palm Springs Community Facilities District No. 2005-1, (Public Safety Services), Annexation No. 13, Boulders, Tract Map No. 31095 and Crescendo, Tract Map No. 31766" (the "Resolution of Intention") stating its intention to annex the territory to the District pursuant to the Act; and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District, stating the services to be funded by the District and the rate and method of apportionment of the special tax to be levied within the District to pay for the services is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the closing of the hearing, no written or oral protests had been made against the proposed annexation of territory to the District by (i) any registered voter residing in the existing District, or (ii) any registered voter residing in the territory proposed to be annexed to the District, or (iii) any of the owners of land in the

existing District, or (iv) any of the owners of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 13 to the District has been filed with the County Recorder of the County of Riverside, which map shows the territory to be annexed in these proceedings and a copy of the map is on file with the City Clerk.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY RESOLVES, DETERMINES, AND APPROVES AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. All prior proceedings taken by this City Council with respect to the District and the proposed thirteenth annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act and the District has been validly established pursuant to the Act.

Section 3. The boundaries of the territory to be annexed to the District, as set forth in the map entitled "Annexation Map No. 13 of Community Facilities District No. 2005-1 (Public Safety Services)," on file with the City Clerk and heretofore recorded in the Riverside County Recorder's Office on August 11, 2016 in Book 79 at Page 93 of Maps of Assessment and Community Facilities Districts are hereby finally approved, are incorporated herein by this reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

Section 4. The provisions of the Resolution of Intention is, by this reference incorporated herein, as if fully set forth herein.

Section 5. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the qualified electors of the area to be annexed to the District at an election called therefor as hereinafter provided.

Section 6. This City Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this City Council finds that the qualified electors for purposes of the annexation election are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.

Section 7. This City Council hereby calls a special election to consider the measure described in Section 5 above, which election shall be held in the meeting room of the

City Council immediately following adoption of this Resolution. The City Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the City Clerk has on file the Resolution of Intention, a certified map of the proposed boundaries of the territory to be annexed to the District, and a sufficient description to allow the City Clerk to determine the boundaries of the territory to be annexed to the District.

Section 8. The voted ballots shall be returned to the City Clerk no later than immediately following the adoption of this Resolution; and when the qualified electors have voted, the election shall be closed.

Section 9. Pursuant to Section 53327 of the Act, the election shall be conducted by hand-delivered ballot pursuant to the California Elections Code.

Section 10. This City Council acknowledges that the City Clerk has caused to be delivered to the qualified electors of the District a ballot in the form set forth in Exhibit "A" hereto. The ballot indicated the number of votes to be voted by each landowner.

Section 11. The ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature, and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing City Council.

Section 12. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

Section 13. The City Clerk shall accept the ballots of the qualified electors in the City of Palm Springs City Council meeting room upon and prior to the adoption of this Resolution, whether the ballot is personally delivered or is received by mail. The City Clerk shall have ballots available which may be marked at said location on the election day by the qualified electors.

Section 14. This City Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days following the adoption of this Resolution to elapse before said special election is for the protection of the qualified electors of the territory to be annexed to the District. The ballots to be executed by the qualified electors of the area to be annexed to the District contains a waiver of any time limit pertaining to the conduct of the election and a waiver of any requirement for ballot measure analysis and arguments in connection with the election. Accordingly, this City Council finds and determines that, to the extent that the qualified elector submits its

ballot, the qualified elector will have been fully apprised of and have agreed to the shortened time for the election and waiver of ballot measure analysis and arguments, and will have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the election.

Section 15. This Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 21st DAY OF SEPTEMBER, 2016.

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 as was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 21, 2016, 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. 2005-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 13
BOULDERS, TRACT 31095 AND
CRESCENDO, TRACT 31766

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Palm Springs no later than 6:00 p.m. on September 7, 2016, either by mail or in person. The City Clerk's office is located at 3200 East Tahquitz Canyon Way, Palm Springs, California, 92262.

To vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks otherwise made are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Palm Springs and obtain another.

BALLOT MEASURE: Shall the City of Palm Springs, by and for its Community Facilities District No. 2005-1 (Public Safety Services) (the "CFD"), be authorized to annually levy a special tax within the territory identified as Annexation No. 13 to the CFD in accordance with the rate and method of apportionment described in the Resolution of Intention adopted by the Council of the City of Palm Springs on August 3, 2016.

YES: _____

NO: _____

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Number of Votes: 73

Property Owner: WESSMAN HOLDINGS LLC

Riverside County Assessor's Parcel Numbers: 504-150-002, 504-150-008, 504-191-009, 504-040-046

By: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES).

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. 2005-1 (Public Safety Services) (the "District"), and

WHEREAS, in proceedings conducted by this City Council pursuant to the Act, this City Council has adopted a Resolution entitled "A Resolution of the City Council of the City of Palm Springs, California, Authorizing Annexation No. 13, Boulders, Tract Map No. 31095 and Crescendo, Tract Map No. 31766, into Community Facilities District No. 2005-1 (Public Safety Services), Authorizing the Levy of a Special Tax, and Submitting the Levy of Special Tax to Qualified Electors," (the "Resolution of Annexation"), which called for a special election of the qualified landowner electors in the territory of land proposed to be annexed to the District; and

WHEREAS, pursuant to the terms of the Resolution of Annexation, which is by this reference incorporated herein, the special election has been held and the City Clerk has on file a Canvass and Statement of Results of Election, (the "Canvass") a copy of which is attached hereto as Exhibit A; and

WHEREAS, this City Council has been informed of the Canvass, finds it appropriate, and wishes to complete its proceedings for the annexation of territory into the District.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY RESOLVES, DETERMINES, AND APPROVES AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The issue presented at the special election was the levy of a special tax within the territory annexed to the District, to be levied in accordance with the formula heretofore approved by this City Council, all as described in Resolution No. 24068,

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 for City of Palm Springs Community Facilities District No. 2005-1, (Public Safety Services), Annexation No. 13, Boulders, Tract Map No. 31095 and Crescendo, Tract Map No. 31766," adopted by this City Council on August 3, 2016.

Section 3. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the District by more than two-thirds (2/3) of the votes cast at the special election.

Section 4. Pursuant to the voter approval, the annexed territory is hereby declared to be fully annexed to and part of the District and this City Council may levy special taxes therein as heretofore provided in these proceedings.

Section 5. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District and the territory annexed thereto were valid and in conformity with the Act.

Section 6. Within 15 days of the date of adoption hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Riverside, an Amendment to Notice of Special Tax Lien, as required by Section 3117.5 of the California Streets and Highways Code.

Section 7. This Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 21st DAY OF SEPTEMBER, 2016.

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 as was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 21, 2016, 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. 2005-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 13
BOULDERS, TRACT 31095 AND
CRESCENDO, TRACT 31766

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on September 21, 2016, I canvassed the returns of the election held on September 21, 2016, for the City of Palm Springs Community Facilities District No. 2005-1 (Public Safety Services) Annexation No. 13, and the total number of votes cast in such election and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>Votes YES</u>	<u>Votes NO</u>
City of Palm Springs Community Facilities District No. 2005-1 (Public Safety Services) Annexation No. 13 Special Tax Election, September 21, 2016	<u>73</u>	_____	_____	_____

BALLOT MEASURE: Shall the City of Palm Springs, by and for its Community Facilities District No. 2005-1 (Public Safety Services) (the "CFD"), be authorized to annually levy a special tax within the territory identified as Annexation No. 13 to the CFD in accordance with the rate and method of apportionment described in the Resolution of Intention adopted by the City Council of the City of Palm Springs on August 3, 2016.

Yes: _____

No: _____

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND on September 21, 2016.

By: _____
James Thompson, City Clerk
City of Palm Springs

Attachment 3

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES).

WHEREAS, the City of Palm Springs (the "City") has conducted proceedings pursuant to 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") and the City of Palm Springs Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Palm Springs under Sections 3, 5, and 7 of Article XI of the Constitution of the State of California (the "CFD Ordinance") (the Act and the CFD Ordinance may be referred to collectively as the "Community Facilities District Law"), to establish the City of Palm Springs Community Facilities District No. 2005-1 (Public Safety Services) (the "District") for the purpose of financing police services, fire protection and suppression services, and life safety services (the "Services") as provided in the Act; and

WHEREAS, the rate and method of apportionment of special tax for the District is set forth in Exhibit B to the City Council Resolution entitled "A Resolution of the City Council of the City of Palm Springs, California, Forming and Establishing a Community Facilities District," (the "Resolution of Formation"), which was adopted on October 19, 2005; and

WHEREAS the City has conducted proceedings to annex territory into the District and, with respect to the proceedings, following an election of the qualified electors in the territory proposed for annexation (the "Annexation Territory"), the City Council, on September 21, 2016, adopted a Resolution entitled "A Resolution of the City Council of the City of Palm Springs, California, Declaring the Results of a Special Annexation Landowner Election, Determining Validity of Prior Proceedings, and Directing the Recording of an Amendment to Notice of Special Tax Lien for Annexation No. 13, Boulders, Tract Map No. 31095 and Crescendo, Tract Map No. 31766, into Community Facilities District No. 2005-1 (Public Safety Services)."

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. By the passage of this Ordinance, the City Council hereby authorizes and levies the special tax within the District, including the Annexation Territory, pursuant to the Community Facilities District Law, at the rate and in accordance with the rate and method of apportionment of special tax set forth in the Resolution of Formation, which rate and method is by this reference incorporated herein. The special tax has previously been levied in the original territory of the District beginning in fiscal year 2006-07 pursuant to Ordinance No. 1677 passed and adopted by the City Council on November 2, 2005, and the special tax is hereby levied commencing in Fiscal Year 2017-18 in the District, including the Annexation Territory identified as Annexation No. 13, Boulders, Tract Map No. 31095 and Crescendo, Tract Map No. 31766, and in each fiscal year thereafter to pay for the Services for the District and all costs of administering the District.

Section 3. The City's Finance Director or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific special tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, including the Annexation Territory, in the manner and as provided in the Resolution of Formation.

Section 4. Exemptions from the levy of the special tax shall be as provided in the Resolution of Formation and the applicable provisions of the Community Facilities District Law. In no event shall the special tax be levied on any parcel within the District in excess of the maximum special tax specified in the Resolution of Formation.

Section 5. All of the collections of the special tax shall be used as provided in the Community Facilities District Law and in the Resolution of Formation, including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the special tax.

Section 6. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the City Council may provide for other appropriate methods of collection by resolution(s) of the City Council. The Finance Director of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Riverside in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of Riverside for Fiscal Year 2017-18 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

Section 7. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, including the Annexation Territory, by a court of competent jurisdiction, the balance of this

Ordinance and the application of the special tax to the remaining parcels within the District, including the Annexation Territory, shall not be affected.

Section 8. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation for the City.

Section 9. This Ordinance shall take effect 30 days from the date of final passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 5th DAY OF OCTOBER, 2016.

ROBERT MOON, MAYOR

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, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on September 21, 2016, and adopted at a regular meeting held on the October 5, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262

Tel: 760.323.8204 • Fax: 760.322.8332 • TDD 760.864.9527 •

www.palmspringsca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Regular Meeting held on September 7, 2016, the City Council continued Public Hearing Item No. 2.A. to September 21, 2016:

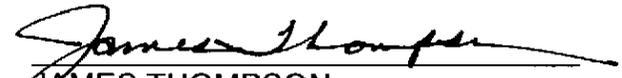
2.A. CALLING AND CONDUCTING THE SPECIAL ELECTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 13 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

ACTION:

- 1) Table the public hearing with no public testimony at this time;
- 2) Continue the public hearing to September 21, 2016; and
- 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.

Motion Councilmember Kors, seconded by Councilmember Foat, and carried unanimously.

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on September 8, 2016, as required by established policies and procedures.


JAMES THOMPSON
City Clerk

/kdh



City Council Staff Report

DATE: September 7, 2016

PUBLIC HEARING

SUBJECT: CALLING AND CONDUCTING THE SPECIAL ELECTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 13 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

FROM: David H. Ready, City Manager

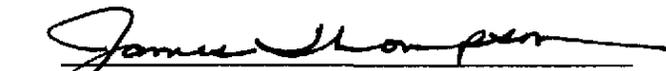
BY: Office of the City Clerk

SUMMARY:

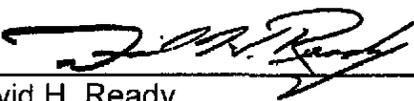
The City Council will consider continuing the public hearing to September 21, 2016.

RECOMMENDATION:

1. Table the public hearing with no public testimony at this time.
2. Continue the Public Hearing to September 21, 2016.
3. Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.



James Thompson
City Clerk



David H. Ready
City Manager

/kdh

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**

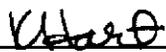


Date: September 7, 2016
Subject: CFD 2005-1
Annexation 13

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on August 27, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

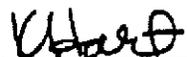


Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on August 25, 2016.

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, MMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)
ANNEXATION NO. 13
BOULDERS, TRACT 31095
AND
CRESCENDO, TRACT 31766

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of September 7, 2016. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs.

On August 3, 2016, the City Council, as the legislative body for Community Facilities District No. 2005-1, 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. 2005-1 (Public Safety Services) (the "District"). The area proposed to be annexed to the District is as shown on Annexation Map No. 13, 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.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this matter are available for public review at the City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

At the hearing any person may present oral or written testimony. The City Council will consider all objections or protests, if any, to the proposed Assessment District boundaries.

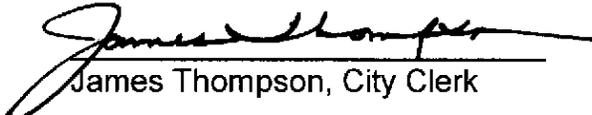
At the public hearing the testimony of all interested persons for and against the annexation of said territory to the District or the levying of special taxes within the territory proposed to be annexed will be heard. Any person interested may file a protest in writing with the City Clerk by email at cityclerk@palm Springs-ca.gov, or letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this may be directed to Marcus L. Fuller, Assistant City Manager/City Engineer at (760) 323-8202.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253 x 8742.


James Thompson, City Clerk