

RESOLUTION NO. 2023-35

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA
ACTING ON BEHALF OF CITY OF COACHELLA COMMUNITY
FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND
PARAMEDIC SERVICES) CALLING A SPECIAL ELECTION**

WHEREAS, the City Council (the “Council”) of the City of Coachella, California (the “City”), has heretofore adopted Resolution No. 2023-17 stating its intention to annex certain properties, consisting of Tripoli Apartments (“Annexation Area No. 35”), into City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the “Act”); and

WHEREAS, a copy of Resolution No. 2023-19 incorporating a description and map of the proposed boundaries of Annexation Area No. 35, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area No. 35, which will be used to finance a portion of the cost of providing law enforcement, fire and paramedic services that are in addition to those provided in the territory within Annexation Area No. 35 prior to the annexation of Annexation Area No. 35, respectively, to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area No. 35, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, on May 24, 2023, this Council held a noticed hearing as required by law relative to the proposed annexation of Annexation Area No. 35 into the District; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the annexation of Annexation Area No. 35 into the District were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, and this Council at the conclusion of said hearing was and is fully advised in the premises; and

WHEREAS, this Council adopted its Resolution No. 2023-34 determining the validity of prior proceedings relating to such annexations; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 35 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 35; and

WHEREAS, this Council wishes to present to the respective qualified electors of Annexation Area No. 35 a proposition to levy special taxes on property within Annexation Area No. 35;

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

Section 1. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 35 a proposition (the “Proposition 25”) to levy special taxes on property within Annexation Area No. 35 in accordance with the rate and method specified in Resolution 2023-19 of the Council. The Proposition 25 is attached as hereto.

Section 2. A special election is hereby called for Annexation Area No. 35 on the Proposition 25 set forth in Section 1 above.

Section 3. The date of the special elections shall be on the 24th day of May, 2023. The voter ballots shall be returned to the City Clerk at 53990 Enterprise Way, Coachella, California 92236, no later than 11:00 o’clock a.m. on May 24, 2023.

Section 4. The Council finds and determines that there were no registered voters residing within the territories of Annexation Area No. 35 at the time of the protest hearing and ninety (90) days prior thereto. The requirements of Section 53326 of the Government Code having been waived by the sole landowner or sole landowners, the ballot for the special election shall be mailed or hand delivered to the landowner or landowners within each of Annexation Area No. 35.

Section 5. Annexation Area No. 35 shall constitute a single election precinct for the purpose of holding said election.

Section 6. The Council hereby directs that the election be conducted by the City Clerk of the City of Coachella, as the elections official.

PASSED, APPROVED and ADOPTED this 24th day of May, 2023 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Hernandez, Mayor
City of
Coachella

ATTEST:

Delia Granados, Deputy City Clerk
City of Coachella

I hereby certify that the foregoing is a true and correct copy of a resolution, being Resolution No. 2023-35, duly passed and adopted at a meeting of the City Council of the City of Coachella, California, held on May 24, 2023.

Delia Granados, Deputy City Clerk
City of Coachella

APPROVED AS TO FORM:

Carlos L. Campos, City Attorney
City of Coachella

ATTACHMENT