

## **ORDINANCE NO. 1170**

### **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA ACTING AS THE LEGISLATIVE BODY OF CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES) AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN ANNEXATION AREA NO. 32 ANNEXED TO SAID DISTRICT (*First Reading*)**

**WHEREAS**, on October 14, 2020, the City Council (the “Council”) of the City of Coachella, California (the “City”), adopted Resolution No. 2020-57 stating its intention to annex certain properties, consisting of Parcel Map 37833 (“Annexation Area No. 32”), 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**, notice was published as required by law relative to the intention of the Council to annex Annexation Area No. 32 into the District; and

**WHEREAS**, on December 9, 2020 this Council held a noticed public hearing as required by law relative to the determination to proceed with the annexation of Annexation Area No. 32 into the District and the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area No. 32 to finance certain public services; and

**WHEREAS**, at the December 9, 2020 hearing all persons desiring to be heard on all matters pertaining to the annexation of Annexation Area No. 32 were heard and a full and fair hearing was held; and

**WHEREAS**, the Council subsequent to said hearing adopted Resolution No. 2020-75 determining the validity of prior proceedings relative to the annexation of Annexation Area No. 32 into the District and authorized the levy of a special tax within Annexation Area No. 32; and

**WHEREAS**, the Council subsequent to said hearing adopted Resolution No. 2020-76 which called an election within Annexation Area No. 32 for December 9, 2020 on the proposition of levying a special tax; and

**WHEREAS**, on December 9, 2020 an election was held within Annexation Area No. 32 in which the eligible electors approved by more than two-thirds vote the proposition of levying a special tax;

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

**Section 1.** A special tax is levied within the boundaries of Annexation Area No. 32 pursuant to the formula set forth in Exhibit “A” attached hereto and incorporated by reference in an amount necessary 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. 32 into the District.

**Section 2.** This legislative body is hereby further authorized each year, by resolution adopted as provided in section 53340 of the Act, to determine the specific special tax rate and amount to be levied for the next fiscal year, except that the special tax rate to be levied shall not exceed the maximum rate set forth in Exhibit “A.”

**Section 3.** All of the collections of the special tax shall be used as provided for in the Act and Resolution No. 2020-57 of the Council.

**Section 4.** The above authorized special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency and provided for ad valorem taxes, and subject to any subsequent Agreement for CFD In Lieu Payments or comparable Agreement between the City of Coachella and the landowner, subject to approval by the City Council.

**Section 5.** The Mayor shall sign this ordinance and the City Clerk shall attest to such signature. The City Clerk is directed to cause the title and summary or text of the this ordinance, together with the vote thereon, to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated within the territorial jurisdiction of the City, and to post at the main office of the City a certified copy of the full text of the adopted ordinance along with the names of the Council Members voting for and against the ordinance.

**Section 6.** This ordinance relating to the levy of the special tax takes effect and shall be in force from and after 30 days from the date of final passage. A copy of this ordinance shall be transmitted to the Clerk of the Board of Supervisors of Riverside County, the Assessor and the Treasurer-Tax Collector of Riverside County.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_ day of January 2021.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF RIVERSIDE                ) ss.  
CITY OF COACHELLA                    )

I HEREBY CERTIFY that the foregoing Ordinance No. 1170 was duly and regularly introduced at a meeting of the City Council on the 10<sup>th</sup> day of December, and that thereafter the said ordinance amendment was duly passed and adopted on January \_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk

## **EXHIBIT A**

### **RATE AND METHOD OF APPORTIONMENT**

**NOTICE OF ADOPTION OF ORDINANCE NO. \_\_\_\_**

NOTICE IS HEREBY GIVEN that on December 9, 2020, at the Council Chambers of the City of Coachella, 1515 Sixth Street, Coachella, California 92236, the City Council of the City of Coachella, in its capacity as the legislative body of the City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services), held a public hearing and introduced for first reading Ordinance No. 1170 on December 9, 2020. A summary of Ordinance No. 1170 follows and is marked as Exhibit "A". At said time and place the testimony of all interested persons or taxpayers for or against said ordinance was heard.

Ordinance No. 1170 was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: Andrea Carranza, Deputy City Clerk  
City of Coachella

Dated: \_\_\_\_\_, 2021

**EXHIBIT “A”**

**BEFORE THE CITY COUNCIL OF THE CITY OF COACHELLA IN ITS  
CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF COACHELLA  
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE  
AND PARAMEDIC SERVICES)**

IN THE MATTER OF Authorizing ) **ORDINANCE NO. 1170 SUMMARY**  
the Levy of a Special Tax Within )  
Annexation Area No. 32 Annexed )  
to City of Coachella Community )  
Facilities District No. 2005-1 (Law )  
Enforcement, Fire and Paramedic )  
Services) )

The ordinance authorizes the levy of an annual special tax within Annexation Area No. 32 annexed to City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) (the “District”), collected in the same manner as ordinary ad valorem taxes, in an amount necessary 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. 32 prior to the annexation of Annexation Area No. 32, to the District, which is necessary to meet increased demands placed upon the City as a result of development or rehabilitation occurring within Annexation Area No. 32.

By: Angela M. Zepeda, City Clerk  
City of Coachella

Dated: \_\_\_\_\_, 2021