

**RESOLUTION NO. 2024-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA DELCARING ITS INTENTION TO ANNEX PROPERTY INTO CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN ANNEXATION AREA NO. 36 (SEVILLA II – PYRAMID RANCH).**

**WHEREAS**, the City Council (the “Council”) of the City of Coachella (the “City”) has established City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53321 of the Government Code of the State of California (the “Act”); and,

**WHEREAS**, the CFD will finance law enforcement, fire and paramedic services that are in addition to those provided in the territory within the CFD prior to the formation of the CFD and do not supplant services already available within the territory included in the CFD subject to the levy of a special tax to pay for such services, approved at an election held within the boundaries of the CFD; and,

**WHEREAS**, the Council has provided for the annexation in the future of territory (the “Future Annexation Area”) to the CFD pursuant to the terms and provisions of the Act; and,

**WHEREAS**, the Sevilla II (Pyramid Ranch) project was conditioned to annex into the City’s Community Facilities District No. 2005-1 as part of Tentative Tract Map No. 38557; and,

**WHEREAS**, the Council has determined pursuant to Section 53339.2 of the Act that public convenience and necessity require that territory be added to the CFD upon its formation;

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

Section 1. The above recitals are true and correct.

Section 2. The Council hereby determines to initiate proceedings for the annexation of certain territory into the proposed CFD under the terms of the Act. The exterior boundaries of the area to be annexed (“Annexation Area No. 36”) are hereby specified and described to be as shown on that certain map now on file in the office of the City Clerk entitled “Annexation Map No. 36 - Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services)” which map indicates by a boundary line the extent of the territory included in Annexation Area No. 36 and shall govern for all details as to the extent of Annexation Area No. 36. On the original and one copy of the map of such Annexation Area No. 36 on file in the City Clerk’s office, the City Clerk shall endorse the certificate evidencing the date and adoption of this Resolution. The City Clerk shall file the original of such map in her office and, within fifteen (15) days after the adoption of this Resolution, the City Clerk shall file a copy of such map.

Section 3. Except where funds are otherwise available, it is the intention of the City Council to levy annually in accordance with procedures contained in the Act a special tax (the “Special Tax”) sufficient to finance law enforcement, fire and paramedic services that are in addition to those provided in the territory within Annexation Area No. 36 prior to the annexation of Annexation Area No. 36 into the CFD and do not supplant services already available within the territory proposed to be annexed into the CFD, the costs of administering the levy and collection of the Special Tax and all other costs of the levy of the Special Tax, including any foreclosure proceedings, legal, fiscal, and financial consultant fees, election costs, and all other administrative costs of the tax levy. The Special Tax will be secured by recordation of a continuing lien against all real property in the proposed Annexation Area No. 36. The schedule of the rate and method of apportionment and manner of collection of the Special Tax is described in detail in Exhibit “A” attached hereto and by this reference incorporated herein. The annexation of Annexation Area No. 36 will not result in any change to the special tax rates levied in the CFD prior to such annexation.

The Special Tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act.

The maximum Special Tax applicable to a parcel to be used for private residential purposes, as set forth in Exhibit A, is specified as a dollar amount which shall be calculated and established not later than the date on which the parcel is first subject to tax because of its use for private residential purposes, and such amount shall not be increased over time by an amount in excess of 2 percent per year. Under no circumstances will the Special Tax to be levied against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the proposed Annexation Area No. 36. As specified by the Act, for purposes of this paragraph, a parcel shall be considered “used for private residential purposes” not later than the date on which an occupancy permit for private residential use is issued.

Section 4. A public hearing (the “Hearing”) on the annexation of Annexation Area No. 36 and the proposed rate and method of apportionment of the Special Tax shall be held on September 11, 2024, at 6:00 o’clock p.m., or as soon thereafter as practicable, at the chambers of the City Council of the City of Coachella, 1515 Sixth Street, Coachella, California 92236.

Section 5. At the time and place set forth above for the hearing, any interested person for or against the annexation of Annexation Area No. 36 to the CFD or the levying of special taxes within the proposed Annexation Area No. 36 will be heard.

Section 7. Each City officer who is or will be responsible Annexation Area No. 36, if they are annexed, is hereby directed to study the proposed Annexation Area No. 36 and, at or before the time of the above-mentioned Hearing, file a report with the City Council, and which is to be made a part of the record of the Hearing, containing a brief description of Annexation Area No. 36, and his or her estimate of the cost of providing additional law enforcement, fire and paramedic services within the boundary of Annexation Area No. 36. The City Manager is directed to estimate the fair and reasonable cost of all incidental expenses, including all costs associated with the annexation of Annexation Area No. 36, determination of the amount of any special taxes, collection of any special taxes, or costs otherwise incurred in order to carry out the authorized purposes of the City with respect to Annexation Area No. 36.

Section 6. The City may accept advances of funds from any sources, including private persons or private entities, and is authorized and directed to use such funds for any authorized purpose, including any cost incurred by the City in annexing the proposed Annexation Area No. 36. The City may enter into an agreement to repay all of such funds as are not expended or committed for any authorized purpose at the time of the election on the levy of the Special Tax, if the proposal to levy such tax should fail, and to repay all of such funds advanced if the levy of the Special Tax shall be approved by the qualified electors of Annexation Area No. 36.

Section 7. The City Clerk is hereby directed to publish a notice (“Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed Annexation Area No. 36. Such Notice shall contain the text of this Resolution, state the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Annexation Area No. 36 as provided in Section 53339.5 of the Act and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least 7 days prior to the date of the Hearing.

Section 8. The voting procedure with respect to the annexation of the Annexation Area No. 36 and the imposition of the special tax shall be by hand delivered or mailed ballot election.

**PASSED, APPROVED and ADOPTED** this 24th day of July, 2024 by the following votes:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Steven A. Hernandez, Mayor  
City of Coachella

ATTEST:

---

Angela Zepeda, City Clerk  
City of Coachella

APPROVED AS TO FORM:

---

Carlos L. Campos, City Attorney  
City of Coachella

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

I, Angela Zepeda, City Clerk of the City of Coachella, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2024-40, adopted by the City Council of the City of Coachella at a regular meeting therefore duly held and convened on the 24<sup>th</sup> day of July, 2024.

---

Angela Zepeda, City Clerk

## EXHIBIT A

### RATE AND METHOD OF APPORTIONMENT FOR CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES)

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in Community Facilities District No. 2005-1 of the City of Coachella (the "CFD") and collected each Fiscal Year commencing in Fiscal Year 2006-07, in an amount determined by the City Council of the City of Coachella, through the application of the Rate Method of Apportionment as described below. All of the real property in the CFD, 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, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"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 County Assessor of the County designating parcels by Assessor's parcel number.

**"CFD Administration"** means an official of the City, or designee thereof, responsible for providing for the levy and collection of the Special Taxes.

**"CDF"** means City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services).

**"City"** means the City of Coachella.

**"City Council"** means the City Council of the City.

**"Commercial or Industrial Property"** means for each Fiscal Year, property for which a building permit for new construction of a commercial or industrial use building has been issued.

**"County"** means the County of Riverside.

**"Developed Multi-Family Residential Property"** means for each Fiscal Year, all Taxable Property for which a building permit for new construction of a multi-family dwelling with four or more units was issued prior to June 30 of the prior Fiscal Year, exclusive of property for which

the property owner pays Transient Occupancy Taxes or the property owner has entered into an agreement with the City pursuant to which such property owner pays Transient Occupancy Taxes.

**“Developed Property”** means for each Fiscal Year, all Developed Multi-Family Residential Property and Developed Single-Family Residential Property.

**“Developed Single-Family Residential Property”** means for each Fiscal Year, all Taxable Property for which a building permit new construction of a single-family dwelling unit was issued prior to June 30 of the prior Fiscal Year.

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

**“Resolution of Formation”** means the resolution adopted by the City as authorized by Section 53325.1 of the California Government Code.

**“Special Tax”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel Taxable Property.

**“State”** means the State of California.

**“Taxable Property”** means all the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Tax pursuant to law or Section E below.

**“Transient Occupancy Taxes”** means those transient occupancy taxes payable to the City pursuant to Ordinance.

**“Undeveloped Property”** means, for each Fiscal Year, all Assessor’s Parcels not classified as Developed Property or Commercial or Industrial Property.

## **B. ASSIGNMENT TO LAND USE CLASSES**

Each Fiscal Year, all Taxable Property within the CFD classified as Developed Single-Family Residential Property or Developed Multi-Family Residential Property shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

## **C. MAXIMUM SPECIAL TAX**

### **1. Developed Single-Family Residential Property**

#### **a. Maximum Special Tax**

The Maximum Special Tax for each Assessor’s Parcel classified as Developed Single-Family Residential Property shall be \$846.76 for Police Services and \$511.34 for Fire/Paramedic Services.

#### **b. Increase in the Maximum Special Tax**

On each July 1, commencing on July 1, 2015, the Maximum Special Tax shall be increased by an amount equal to the percentage increase in the U.S. Department of Labor Statistics, Consumer Price Index, for Los Angeles-Riverside-Orange County, California, for the 12 month period ending the preceding December 31, of the amount in effect for the previous Fiscal Year.

## **2. Developed Multi-Family Residential Property**

### **a. Maximum Special Tax**

The Maximum Special Tax for each Assessor's Parcel classified as Developed Multi-Family Residential Property shall be \$846.76 for Police Services and \$511.34 for Fire/Paramedic Services multiplied by the number of separate dwelling units applicable to such Assessor's Parcel.

### **b. Increase in the Maximum Special Tax**

On each July 1, commencing on July 1, 2015, the Maximum Special Tax shall be increased by an amount equal to the percentage increase in the U.S. Department of Labor Statistics, Consumer Price Index, for Los Angeles-Riverside-Orange County, California, for the 12 month period ending the preceding December 31, of the amount in effect for the previous Fiscal Year.

## **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2005-06 and for each following Fiscal Year, the City Council shall levy the Special Tax at the Maximum Special Tax on all Developed Single-Family Residential Property and Developed Multi-Family Residential Property.

## **E. EXEMPTIONS: EXCLUSIONS**

No Special Tax shall be levied on Undeveloped Property, Commercial or Industrial Property or for Developed Property developed as part of a development with less than 4 units. In the event that a Developed Multi-Family Residential Property that has been excluded from a levy of the Special Tax by reason of the payment by the property owner of Transient Occupancy Tax, and should that payment be terminated, such Assessor Parcel shall not longer be excluded from Developed Multi-Family Residential Property and will be subject to the Special Tax.

## **F. APPEALS AND INTERPRETATIONS**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the calculation of the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide

a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the Board Secretary, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

#### **G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD may directly bill the Special Tax, may collect Special Taxes at different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

#### **H. PREPAYMENT OF THE SPECIAL TAX**

The Special Tax may not be prepaid.

#### **I. TERM OF THE SPECIAL TAX**

The Annual Maximum Special Tax shall be levied in perpetuity or until Law Enforcement, Fire and Paramedic Services are no longer being provided by the City within the CFD, whichever is earlier.