



## City Council Staff Report

DATE: September 16, 2015 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1884  
AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY  
FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION  
TERRITORY

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

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### SUMMARY:

The City Council will consider adoption of Ordinance No. 1884.

### RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1884, "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. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)."

### STAFF ANALYSIS:

On February 18, 2015, Ordinance No. 1884 was introduced for first reading, as noted below:

**ACTION:** Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1884, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)."

**Motion Councilmember Foat, seconded by Councilmember Mills, and carried unanimously.**

Item No. **2.D.**

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.



James Thompson  
City Clerk



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

/kdh

Attachments:  
Ordinance No. 1884

ORDINANCE NO. 1884

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. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (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. 2007-1 (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 17, 2007; 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 2, 2015, 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. 2, 18 @ Twin Palms, Tract Map No. 36651, into Community Facilities District No. 2007-1 (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. 1723 passed and adopted by the City Council on November 7, 2007, and the special tax is hereby levied commencing in fiscal year 2016-17 in the District, including the Annexation Territory identified as Annexation No. 2, 18 @ Twin Palms, Tract Map No. 36651, 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 2016-17 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 16<sup>th</sup> DAY OF SEPTEMBER, 2015.

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STEPHEN P. POUGNET, MAYOR

ATTEST:

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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. 1884 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on September 2, 2015, and adopted at a regular meeting held on the 16<sup>th</sup> day of September, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California