

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF PALM DESERT COMMUNITY FACILITIES DISTRICT NO. 2025-1 (SHADOW RIDGE PUBLIC SERVICES) CALLING A SPECIAL LANDOWNER ELECTION RELATING TO THE LEVY OF A SPECIAL TAX THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT**

**WHEREAS**, on January 9, 2025, the City Council of the City of Palm Desert adopted Resolution No. 2025-001 (the “Resolution of Intention”), stating its intention to form City of Palm Desert Community Facilities District No. 2025-1 (Shadow Ridge Public Services) (the “CFD”) pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”); and

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

**WHEREAS**, on February 13, 2025, the City Council held a public hearing as required by the Act relative to the proposed formation of the CFD; and

**WHEREAS**, at the hearing, all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the services to be provided therein and the levy of such special tax were heard and a full and fair hearing was held; and

**WHEREAS**, no written protests have been filed with the City Clerk by 50% or more of the registered voters residing within the territory of the CFD, or property owners that own one-half or more of the area of land within the CFD, and not exempt from the proposed special taxes; and

**WHEREAS**, on February 13, 2025, the City Council of the City of Palm Desert adopted a resolution entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS, FORMING THE CITY OF PALM DESERT COMMUNITY FACILITIES DISTRICT NO. 2025-1 (SHADOW RIDGE PUBLIC SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN, ESTABLISHING AN APPROPRIATIONS LIMIT, AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID DISTRICT” (the “Resolution of Formation”), ordering the formation of the CFD, defining the public services (the “Services”) to be provided by the CFD, authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Act; and

**WHEREAS**, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the provisions of the Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT, ACTING AS LEGISLATIVE BODY OF THE CITY OF PALM DESERT COMMUNITY FACILITIES DISTRICT NO. 2025-1 (SHADOW RIDGE PUBLIC SERVICES) DOES HEREBY RESOLVE AS FOLLOWS:**

1. **Recitals.** The City Council finds and determines that all the foregoing recitals are true and correct and incorporated herein.

2. **Special Tax.** Except for property within the CFD that is exempt, wholly or partially, from the levy of the special tax specified in the rate and method of apportionments of special tax attached to the Resolution of Formation as Exhibit B, the whole of the property within the CFD shall pay for the Services pursuant to the levy of special tax authorized by the Resolution of Formation.

3. **Issues Submitted.** Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

4. **Qualified Electors.** The City Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public hearings heretofore conducted and concluded by the City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, the City Council finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearing.

5. **Conduct of Election.** The City Council hereby calls a special election to consider the issues described in Section 3, above, which election shall be held on February 13, 2025, and the results thereof canvassed at the meeting of the City Council on February 13, 2025. The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until 4:00 p.m. (PST), on the election date. The voter ballot shall be returned to the office of the City Clerk at 73-510 Fred Waring Drive, Palm Desert, California 92260. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient description to allow the City Clerk to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California Elections Code. The City Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 are applicable to this special election, except that Sections 53326 and 53327 of the Act shall govern for purposes of determining the date of the election.

6. **Ballot.** As authorized by Section 53353.5 of the Act, the issues described in Section 3 above shall be combined into a single ballot measure, the form of which as attached hereto as Exhibit A is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit A, to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be 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 shall be enclosed with the ballot, have the return postage prepaid, and contain 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.

7. **Waivers.** The City Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the CFD. There is on file with the City Clerk a written waiver executed by all the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving any requirement for notice, analysis and arguments in connection with the election. Accordingly, the City Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. The City Council also finds and determines that the City Clerk has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

8. **Accountability.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the City Council hereby establishes the following accountability measures pertaining to the levy by the CFD of the special tax:

a. Such special tax shall be levied for the specific purposes set forth herein.

b. The proceeds of the levy of such special tax shall be applied only to the specific purposes set forth herein.

c. The CFD shall establish an account or accounts into which the proceeds of such special tax shall be deposited.

d. The Director of Finance, or their designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3

9. **Effective Date.** The City Clerk shall certify the adoption of this Resolution. This Resolution shall take effect upon its adoption.

PASSED, APPROVED and ADOPTED by the City Council of the City of Palm Desert, California, on this 13th day of February, 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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JAN C. HARNICK  
MAYOR

ATTEST:

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ANTHONY J. MEJIA  
CITY CLERK

**EXHIBIT A  
OFFICIAL BALLOT  
SPECIAL ELECTION**

CITY OF PALM DESERT  
COMMUNITY FACILITIES DISTRICT NO. 2025-1  
(SHADOW RIDGE PUBLIC SERVICES)

This ballot is for a special landowner election. This ballot is provided to the following owner of land within the City of Palm Desert Community Facilities District No. 2025-1 (Shadow Ridge Public Services) (the “**District**”):

| Name of Landowner                | APN(s) of Parcel(s) Owned  | Total Number of Acres Owned | Total Votes |
|----------------------------------|--|-----------------------------|-------------|
| BROOKFIELD HOLDINGS (SHADOW) LLC | 694-290-010<br>694-290-011<br>694-320-010<br>694-320-011<br>694-290-009 (portion)<br>694-320-008 (portion) | 17.01                       | 18          |

The District is formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, set forth in California Government Code Section 53311 et seq. (the “**Act**”). Pursuant to the Act, the above-named Landowner is entitled to cast the number of votes shown above under the heading “Total Votes,” representing the total votes (one vote for each acre or portion thereof) for the property owned by the Landowner.

In order to be counted, this ballot must be executed below and returned in the enclosed postage paid envelope to the office of the City Clerk of the City of Palm Desert, as the elections official, for receipt no later than 4:00 p.m. on February 13, 2025, either by mail or in person. The City Clerk’s office is located at 73-510 Fred Waring Drive, Palm Desert, California, 92260.

To vote, mark a cross (X) in the voting square after the word “YES” or after the word “NO”. All 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 to obtain a replacement ballot.

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| <p><b>PROPOSITION A:</b> Shall a special tax be levied annually on taxable property within the City of Palm Desert Community Facilities District No. 2025-1 (Shadow Ridge Public Services) (the “CFD”), in an amount and in accordance with the rate and method attached as an exhibit to the Resolution of Intention of the CFD adopted by the City Council on January 9, 2025 (the “Resolution”), commencing in the City’s fiscal year 2025-26, to pay for the municipal services for the CFD, as described in the Resolution, and to pay expenses incidental thereto and to the levy and collection of the special taxes; and establish an annual appropriations limit for the CFD at an amount equal to all the proceeds of the special tax collected annually within the District and, pursuant to Article XIII B of the California Constitution, as adjusted for changes in the costs of living and changes in population?</p> | <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> |
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**Certification for Special Election Ballot**

The undersigned declares under penalty of perjury under the laws of the State of California that such person is the authorized representative of the above-named Landowner and is legally authorized and entitled to cast this ballot on behalf of the above-named Landowner and to bind the Landowner thereby, and that this ballot is signed by the undersigned as of the date set forth below. By execution in the space provided below, you also confirm your written waiver of the time limits pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Landowner: **BROOKFIELD HOLDINGS (SHADOW) LLC**

Signature: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_