

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF PALM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2025/2026, PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982

WHEREAS, the City Council has, by previous resolutions, declared its intention to levy assessments for City of Palm Desert Benefit Assessment District No. 1 (hereafter referred to as the "District"); and

WHEREAS, the engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council the "2025/2026 Engineer's Report" (hereafter referred to as the "Report"). This *Report* describes the assessments against the parcels of land within the District for the fiscal year commencing July 1, 2025 and ending June 30, 2026, that pay for the maintenance, operation, and servicing of improvements and facilities related thereto; and

WHEREAS, the City Council has carefully examined and reviewed the *Report*, as presented, and is satisfied with the items and documents, as set forth therein, and finds that the levy of assessments has been spread in accordance with the special benefits that will be received from the improvements, operation, maintenance, and services to be performed, as set forth in the *Report* in compliance with article XIII D of the California Constitution; and

WHEREAS, the City Council wishes to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2025 and ending June 30, 2026, in order to pay for the costs and expenses of operating, maintaining, and servicing the improvements and appurtenant facilities located within the District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Fair Public Hearing. Following notice duly given, the City Council has held a full and fair public hearing regarding the District, the levy and collection of assessments, and the *Report* prepared in connection therewith and has considered any oral and written statements, protests, and communications that interested persons have made or filed regarding these matters.

SECTION 3. Property Owner Approval. The City Council finds that the record owners of property within the District previously approved the continued levy and

collection of assessments through property owner balloting proceedings and that the proposed assessment for fiscal year 2025/2026 is consistent with the assessments so approved.

SECTION 4. City Council Findings. Based upon the *Report*, which is hereby approved and ordered to be filed in the Office of the City Clerk as a permanent record that will be open to public inspection, the City Council hereby finds and determines that:

- A. The land and eligible parcels within District boundaries will receive a particular and distinct benefit over and above general benefits that are conferred on real property that is located in the District or to the public at large from the operation, maintenance, and servicing of the improvements and appurtenant facilities that are identified in the *Report* (hereafter referred to as “Special Benefit”); and
- B. The District includes the lands and parcels that receive a Special Benefit; and
- C. The net amount to be assessed upon the lands within the District is in accordance with and apportioned by a formula and by a method that distributes the net amount fairly among eligible parcels, in proportion to the Special Benefit that each parcel will receive from the improvements and services for the fiscal year commencing July 1, 2025 and ending June 30, 2026.

SECTION 5. Constitutional Compliance. The *Report* and the assessment, as presented to the City Council and as on file with the Office of the City Clerk, comply with the applicable provisions of California State Constitution article XIII D and are hereby confirmed as filed.

SECTION 6. Improvements Ordered. The maintenance, operation, and servicing of the improvements will be performed, pursuant to the provisions of the Benefit Assessment Act of 1982, title 5, division 2, part 1, chapter 6.4 of the California Government Code, commencing with section 54703 (hereafter referred to as the “Act”). The City Council hereby orders the proposed improvements to be made. These improvements are briefly described as the operation, maintenance, servicing, and administration of the improvements and incidental expenses related thereto for the District, which is located within the boundaries of the City of Palm Desert and within the jurisdiction of the City Council. A more detailed description of the improvements is contained within the *Report*, but the improvements and facilities can be classified within the following general category:

- A. Installation, construction, or maintenance of any authorized improvements under the Act, including, but not limited to, drainage improvements and any facilities that are appurtenant to any of the aforementioned, or which are necessary or convenient for the maintenance or servicing thereof.

SECTION 7. County Collection of Levy. The County Auditor/Controller of Riverside County (hereafter the “County”) will enter on the County Assessment Roll, opposite each

eligible parcel of land, the amount of levy. The levy will be collected at the same time and in the same manner as County taxes are collected. After the County collects the levy, the net amount of the levy will be paid to the Treasurer of the City of Palm Desert.

SECTION 8. Restricted Use of Assessments. The City Treasurer will deposit all money representing assessments that the County has collected for the District, into a District fund. This money will be expended only for the maintenance, operation, and servicing of improvements as described in section 6.

SECTION 9. Adoption of District Levy. The adoption of this resolution constitutes the District levy for the fiscal year commencing July 1, 2025 and ending June 30, 2026.

SECTION 10. Direction to City Clerk. The City Clerk, or his or her designee, is hereby authorized and directed to file the levy with the county auditor upon the adoption of this resolution.

SECTION 11. Public Inspection. A copy of the levy will be filed in the Office of the City Clerk and will be open to public inspection.

ADOPTED ON _____, 2025.

JAN C. HARNIK
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2025-__ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK