

## RESOLUTION NO. 9042

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, ACTING ON BEHALF OF CITY OF INDIO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES) CALLING A SPECIAL ELECTION

WHEREAS, the City Council (the "Council") of the City of Indio, California (the "City"), has heretofore adopted Resolution No. 8995 stating its intention to annex certain properties, consisting of (Tract 32304 – Sun Desert Homes) ("Annexation Area No. 55"), (Tract 33014 – Villa La Jolla) ("Annexation Area No. 56"), (Tract 32411 – Barcelona) ("Annexation Area No. 57"), (Tract 33435 – Montana Del Oro) ("Annexation Area No. 58"), (Tract 33089 – Cameo Homes) ("Annexation Area No. 59"), (Trendwest Resorts) ("Annexation Area No. 60") and (Tract 32425 – Villa De Vinci) ("Annexation Area No. 61"), into City of Indio Community Facilities District No. 2004-1 (Law Enforcement, Fire and Paramedic Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act"); and

WHEREAS, the Council has also heretofore adopted Resolution No. 9030 stating its intention to annex certain properties, consisting of (Tract 29714 – Dillion Lake Estates ("Annexation Area No. 62")), into the District pursuant to the Act; and

WHEREAS, a copy of Resolution No. 8995 incorporating a description and map of the proposed boundaries of Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, which will be used 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 Nos. 55, 56, 57, 58, 59, 60 and 61 prior to the annexation of Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, respectively, to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, a copy of Resolution No. 9030 incorporating a description and map of the proposed boundaries of Annexation Area No. 62, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area No. 62, which will be used 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. 62 prior to the annexation of Annexation Area No. 62 to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area No. 62, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, on September 7, 2005, this Council held a noticed hearing as required by law relative to the proposed annexation of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62 into the District; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the annexation of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62 into the District were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, and this Council at the conclusion of said hearing was and is fully advised in the premises; and

WHEREAS, this Council adopted its Resolution No. 9041 determining the validity of prior proceedings relating to such annexations; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 55 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 55; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 56 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 56; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 57 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 57; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 58 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 58; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 59 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 59; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 60 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 60; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 61 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 61; and

WHEREAS, the proposed special tax to be levied upon property within Annexation Area No. 62 to finance the above referenced public services has not been precluded by protest of the owners of one-half (1/2) or more of the area of land within Annexation Area No. 62; and

WHEREAS, this Council wishes to present to the respective qualified electors of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62 a proposition to levy special taxes on property within Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62;

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

Section 1. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 55 a proposition (the “Proposition 55”) to levy special taxes on property within Annexation Area No. 55 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 55 is attached hereto.

Section 2. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 56 a proposition (the “Proposition 56”) to levy special taxes on property within Annexation Area No. 56 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 56 is attached as hereto.

Section 3. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 57 a proposition (the “Proposition 57”) to levy special taxes on property within Annexation Area No. 57 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 57 is attached as hereto.

Section 4. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 58 a proposition (the “Proposition 58”) to levy special taxes on property within Annexation Area No. 58 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 58 is attached as hereto.

Section 5. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 59 a proposition (the “Proposition 59”) to levy special taxes on property within Annexation Area No. 59 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 59 is attached as hereto.

Section 6. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 60 a proposition (the “Proposition 60”) to levy special taxes on property within Annexation Area No. 60 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 60 is attached as hereto.

Section 7. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 61 a proposition (the “Proposition 61”) to levy special taxes on property within Annexation Area No. 61 in accordance with the rate and method specified in Resolution 8995 of the Council. The Proposition 61 is attached as hereto.

Section 8. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of Annexation Area No. 62 a proposition (the “Proposition 62”) to levy special taxes on property within Annexation Area No. 62 in accordance with the rate and method specified in Resolution 9030 of the Council. The Proposition 62 is attached as hereto.

Section 9. A special election is hereby called for Annexation Area No. 55 on the Proposition 55 set forth in Section 1 above.

Section 10. A special election is hereby called for Annexation Area No. 56 on the Proposition 56 set forth in Section 2 above.

Section 11. A special election is hereby called for Annexation Area No. 57 on the Proposition 57 set forth in Section 3 above.

Section 12. A special election is hereby called for Annexation Area No. 58 on the Proposition 58 set forth in Section 4 above.

Section 13. A special election is hereby called for Annexation Area No. 59 on the Proposition 59 set forth in Section 5 above.

Section 14. A special election is hereby called for Annexation Area No. 60 on the Proposition 60 set forth in Section 6 above.

Section 15. A special election is hereby called for Annexation Area No. 61 on the Proposition 61 set forth in Section 7 above.

Section 16. A special election is hereby called for Annexation Area No. 62 on the Proposition 62 set forth in Section 8 above.

Section 17. The date of the special elections shall be on the 7th day of September, 2005. The voter ballots shall be returned to the City Clerk at 100 Civic Center Mall, Indio, California 92201, no later than 11:00 o'clock p.m. on September 7, 2005.

Section 18. The Council finds and determines that there were no registered voters residing within the territories of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 or 62 at the time of the protest hearing and ninety (90) days prior thereto. The requirements of Section 53326 of the Government Code having been waived by the sole landowner or sole landowners, the ballot for the special election shall be mailed or hand delivered to the landowner or landowners within each of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62.

Section 19. Each of Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62 shall constitute a single election precinct for the purpose of holding said election.


Section 20. The Council hereby directs that the election be conducted by the City Clerk of the City of Indio, as the elections official.

**PASSED, APPROVED and ADOPTED** this 7th day of September, 2005 by the following vote:

**AYES:** Gilbert, Godfrey, Ramos Watson, Wilson, Fesmire  
**NOES:** None

  
\_\_\_\_\_  
**MELANIE FESMIRE, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ, CMC  
CITY CLERK**