

RESOLUTION NO. 17-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY
SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF AREA NO. 3
(IMPROVEMENT AREA NO. 4) TO COMMUNITY FACILITIES DISTRICT NO. 11-1
(SERVICES), SPECIAL TAX LEVY FOR FY 2017/18**

WHEREAS, the Town of Yucca Valley established Community Facilities District No. 11-1 (the "District"), on August 2, 2011 pursuant to the Mello-Roos Community Facilities Act of 1982 ("Mello-Roos Act"; Government Code § 53311, *et seq.*): and

WHEREAS, the Town Council of the Town of Yucca Valley (the "Town Council") has previously declared its intention and held and conducted proceedings relating to the annexation of territory as a separate improvement area therein pursuant to the terms and provisions of 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, and specifically Article 3.5 thereof (the "Act"). The existing Community Facilities District has been designated as COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES (the "District")); and

WHEREAS, notice of a public hearing relating to the annexation of territory to the existing District, the extent of the territory to be annexed, the furnishing of certain public services, amendments to the rate and method of apportionment of special tax and all other related matters has been given, and a Special Tax Report pertaining to the proposed annexation, as ordered by this Town Council, has been presented and considered; and

WHEREAS, the area proposed to be annexed is known and designated as COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), ANNEXATION NO. 3 (IMPROVEMENT AREA NO. 4) (the "Annexed Territory"); and

Whereas, the proposed public services are necessary to meet increased demands placed upon the Town as a result of development and/or rehabilitation occurring in the Annexed Territory; and

WHEREAS, it has now been determined that written protests have not been received by 50% or more of the registered voters residing either within the Annexed Territory or the original District and/or property owners representing more than one-half (1/2) or more of the area of land proposed to be annexed to said District or within the original District; and

WHEREAS inasmuch as there have been less than twelve (12) persons registered to vote within the Annexed Territory for each of the 90 preceding days, this legislative body desires to submit the levy of the required special tax to the landowners of the Annexed Territory, said landowners being the qualified electors as authorized by law: and

WHEREAS, in order to accomplish the Town's desired purpose for the District, the Town

must conduct a special election; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Yucca Valley as follows:

SECTION 1. Pursuant to Section s 53326, 53353.5 and 53325.7 of the Act, propositions of the levy of the special tax on property within Annexation Area No. 3 (Improvement Area No. 4) of the District shall be submitted to the qualified electorate of Annexation Area No. 3 of the District at an election called thereof as provided below.

SECTION 2. As authorized by the Section 53353.5 of the Act, the ballot measure, the form of which is attached as Exhibit "C" and by this reference incorporated herein. Said form of ballot is hereby approved.

SECTION 3. The Town Council submits to the qualified voters of the area to be annexed to the District the question of levying a new special tax to finance public facilities and services within Annexation Area No. 3 of the District, as specified in the Resolution of Intent.


SECTION 4. The Town Council hereby calls for a special election to consider the measures described in Section 1 above, which election shall be held on May 2, 2017. Pursuant to Section 53327 of the Act, the election shall be conducted by the use of mailed ballots, or hand delivered ballot pursuant of Section 4000 of the California Election Code. All mail ballots shall be returned to the Town Clerk's office (by mail or personal delivery) no later than 5:00 pm on May 1, 2017, or shall be delivered personally to the Town Clerk no later than the close of the special election on such date.

SECTION 5. In the event that landowners owning all of the property within Annexation Area No. 3 of the District that is subject to the proposed special tax have waived election requirements and/or designated other entities to cast their votes on their behalf, such votes may be cast (verbally or otherwise) at the election by any person or body so designated, and all votes cast shall be counted by the Town Clerk in determining the final vote.

SECTION 6. The Town Clerk is hereby directed to publish in a newspaper of general circulation circulating within the area of CFD No. 11-1, a copy of this Resolution as soon as practicable after the date of adoption of this Resolution.

SECTION 6. In the event that two-thirds or more of the votes cast favor the levying of the special tax, the Town Council may, by resolution, levy the special tax.

APPROVED, PASSED AND ADOPTED this 21st day of March, 2017.



Mayor

ATTESTED:



Town Clerk


STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Resolution No. 17-11 as duly and regularly adopted at a meeting of the Town Council of the Town of Yucca Valley, California at a meeting thereof held on the 21st day of March, 2017, by the following vote:

Ayes:	Council Members Denison, Drozd, Leone, Lombardo and Mayor Abel
Noes:	None
Abstain:	None
Absent:	None



Lesley R. Copeland, CMC
TOWN CLERK