

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, CALLING AN ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS THE QUESTION OF LEVYING A SPECIAL TAX WITHIN THE AREA PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2015-2 (MAINTENANCE SERVICES) (ANNEXATION NO. 19)

Whereas, on September 22, 2015 the City Council (the "City Council") of the City of Lake Elsinore (the "City") approved Resolution No. 2015-078 declaring the City's intention to establish Community Facilities District No. 2015-2 (Maintenance Services) of the City of Lake Elsinore, County of Riverside, State of California (the "CFD No. 2015-2") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the City as a result of the development of said real property; and

Whereas, the City Council set a public hearing for September 22, 2015 after which the Council adopted Resolution No. 2015-078 forming the CFD No. 2015-2 and calling a special election at which the questions of levying a special tax and establishing an appropriations limit with respect to the CFD No. 2015-2 were submitted to the qualified electors within the CFD No. 2015-2; and

Whereas, on September 22, 2015, the City Council adopted Resolution No. 2015-079 declaring the results of the special election and finding that more than two-thirds (2/3) of all votes cast at the special election were cast in favor of the proposition presented, and such proposition passed; and

Whereas, the City Council is authorized by Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code as amended (the "Act"), to annex territory into an existing community facilities district by complying with the procedures set forth in said Article 3.5; and

Whereas, the City Council on September 12, 2023 duly adopted Resolution No. 2023-76 (the "Resolution of Intention") declaring its intention to annex certain territory to CFD No. 2015-2 (Maintenance Services) and to levy a special tax within that territory to pay for certain services and setting a time and place for the public hearing on the proposed annexation for October 24, 2023; and

Whereas, the City Council continued the public hearing on the proposed annexation until November 14, 2023; and

Whereas, the territory proposed to be annexed is identified in a map entitled "Annexation Map No. 19 Community Facilities District No. 2015-2 (Maintenance Services)" a copy of which was recorded, on September 14, 2023, in Book 91 of Maps of Assessment and Community Facilities Districts at Page 92, in the office of the Riverside County Recorder; and

Whereas, pursuant to the Act and the Resolution of Intention, a noticed public hearing was convened by the City Council on November 14, 2023, not earlier than the hour of 7:00 p.m. at the City Hall located at 183 N Main Street, Lake Elsinore, California 92530, relative to the proposed annexation of said territory to CFD No. 2015-2; and

Whereas, written protests have not been filed by fifty percent (50%) or more of the registered voters residing within the CFD No 2015-2, or by fifty percent (50%) or more of the registered voters residing within the territory to be annexed, or by the owners of one-half (1/2) or more of the area within the CFD No. 2015-2, or by the owners of one-half (1/2) or more of the territory to be annexed; and

Whereas, the City Council has determined that there are fewer than twelve registered voters residing in the territory proposed to be annexed to the CFD No. 2015-2 and that the qualified electors in such territory are the landowners; and

Whereas, on the basis of all of the foregoing, the City Council has determined at this time to call an election to authorize the annexation of territory to the CFD No. 2015-2 and the levying of a special tax as described in Exhibit A hereto; and

Whereas, the City Council has received a written instrument from each landowner in the territory proposed to be annexed to the CFD No. 2015-2 consenting to the shortening of election time requirements, waiving analysis and arguments, and waiving all notice requirements relating to the conduct of the election; and

Whereas, the City Clerk has concurred in the election date set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, ACTING EX OFFICIO AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT 2015-2 (MAINTENANCE SERVICES) OF THE CITY OF LAKE ELSINORE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Conformation of Finding in Resolution of Intention. The City Council reconfirms all of its findings and determinations as set forth in the Resolution of Intention.

Section 3. Findings Regarding Protests. The City Council finds and determines that written protests to the proposed annexation of territory to the CFD No. 2015-2 and the levy of the special tax within such territory are insufficient in number and in amount under the Act, and the City Council hereby further orders and determines that all such protests are hereby overruled.

Section 4. Findings Regarding Prior Proceedings. The City Council finds and determines that all prior proceedings had and taken by the City Council with respect to the annexation of territory to CFD No. 2015-2 are valid and in conformity with the requirements of the Act.

Section 5. Levy of Special Tax. As stated in the Resolution of Intention, except where funds are otherwise available, subject to the approval of the qualified electors of territory proposed to be annexed to CFD No. 2015-2, a special tax sufficient to pay the costs of the Services (including incidental expenses as described in the Resolution of Intention), secured by recordation of a continuing lien against all nonexempt real property in CFD No. 2015-2, will be levied annually in CFD No. 2015-2. The rate and method of apportionment, and manner of collection of the special tax are specified in Exhibit A hereto.

Section 6. **Apportionment of Tax.** The special tax as apportioned to each parcel is based on the cost of making the Services available to each parcel, or other reasonable basis, and is not based on or upon the ownership of real property.

Section 7. **Tax Roll Preparation.** The office of the Assistant City Manager, 130 South Main Street, City of Lake Elsinore, is hereby designated as the office that will be responsible for annually preparing a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating future special tax levies pursuant to Government Code section 53340.2. The Assistant City Manager may cause these functions to be performed by his or her deputies, assistants, or other designated agents.

Section 8. **Accountability Measures.** Pursuant to Section 50075.1 of the California Government Code, the City shall create a separate account into which tax proceeds will be deposited; and the Assistant City Manager annually shall file a report with the City Council that will state (a) the amount of funds collected and expended and (b) the status of the Services financed in CFD No. 2015-2.

Section 9. **Special Election; Voting Procedures.** The City Council hereby submits the questions of levying the special tax within the territory proposed to be annexed to the qualified electors, in accordance with and subject to the Act. The special election shall be held on November 14, 2023, and shall be conducted as follows:

(a) **Qualified Electors.** The City Council hereby determines that the Services are necessary to meet increased demands placed upon the City as a result of development occurring within the boundaries of CFD No. 2015-2. Because fewer than twelve registered voters resided within the territory proposed to be annexed to CFD No. 2015-2 on August 28, 2023 (a date within the 90 days preceding the close of the public hearing on the territory proposed to be annexed to CFD No. 2015-2), the qualified electors shall be the landowners within territory proposed to be annexed, and each landowner who was the owner of record at the close of the hearing shall have one vote for each acre or portion of an acre of land that such landowner owns within the territory proposed to be annexed to CFD No. 2015-2.

(b) **Consolidation of Elections; Combination of Propositions on Ballot.** The election on the question of levying the special tax and establishing an appropriations limit for CFD No. 2015-2 shall be consolidated, and the two propositions shall be combined into a single ballot proposition for submission to the voters, as authorized by Government Code Section 53353.5.

(c) **Mail Ballot Election.** Pursuant to Government Code section 53327.5, the election shall be conducted as a mail ballot election. The City Council hereby ratifies the City Clerk's delivery of a ballot to each landowner within the territory proposed to be annexed to CFD No. 2015-2. The City Council hereby ratifies the form of the ballot, which is attached hereto as Exhibit B.

(d) **Return of Ballots.** The City Clerk shall accept the ballots of the landowners up to 7:00 p.m. on November 14, 2023. The City Clerk shall have available ballots that may be marked at the City Clerk's office on the election day by voters. Once all qualified electors have voted, the City Clerk may close the election.

(e) **Canvass of Election.** The City Clerk shall commence the canvass of the returns of the special election as soon as the election is closed (on November 14, 2023, or when all qualified electors have voted) at the City Clerk's office. At the conclusion of the canvass, the City Clerk shall declare the results of the election.

(f) Declaration of Results. The City Council shall declare the results of the special election following the completion of the canvass of the returns and shall cause to be inserted into its minutes a statement of the results of the special election as ascertained by the canvass of the returns.

Section 10. Filing of Resolution and Map with City Clerk. The City Council hereby directs the City Clerk to file a copy of this resolution and the annexation map of the boundaries of CFD No. 2015-2 in her office.

Passed and Adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, this 14th day of November 2023.

Natasha Johnson
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2023- was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of November 14, 2023 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk