RESOLUTION No. 2017-____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT DECLARING ITS INTENTION TO TAKE PROCEEDINGS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913, AND MAKE CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, ALL RELATING TO THE FORMATION OF ASSESSMENT DISTRICT NO. 15

WHEREAS, the Board of Directors of the Mission Springs Water District (the “District”) desires to provide to certain property located in the District sewer improvements in the District’s sewer system, generally described in Exhibit A attached hereto and made a part hereof (the “Improvements”) and to order the formation of an assessment district to pay the costs thereof under and pursuant to the provisions of the Municipal Improvement Act of 1913 (the “1913 Act”); and

WHEREAS, the proposed assessment district, if it is formed, is to be known and designated as Assessment District No. 15; and

WHEREAS, the proposed boundaries of the Assessment District are shown on a map which indicates by a boundary line the extent of the territory proposed to be included in the Assessment District, which map is designated “Proposed Boundaries of Assessment District No. 15” (the “Map”), which Map is on file in the office of the Secretary of the District; and

WHEREAS, the District has requested and received from the Board of Supervisors of the County of Riverside and the City Council of the City of Desert Hot Springs consent to the initiation of proceedings for the formation of the Assessment District and the construction of the Improvements; and

WHEREAS, the District has applied for and received certain grant funds which may be used for the construction of the Improvements.

NOW, THEREFORE, the Board of Directors of the Mission Springs Water District DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER as follows:

Section 1. The above recitals, and each of them, are true and correct.

Section 2. The Map is approved and the Secretary is authorized to record the Map in the office of the County Recorder, County of Riverside.

Section 3. The Improvements generally includes the construction, installation and/or the acquisition of sewer improvements in the District’s sewer system, as generally described in Exhibit A and as shown on the Map and in the report of the District designated “Preliminary Engineer’s Report for Assessment District No. 15,” which report is on file in the office of the Secretary.

Section 4. The public interest and necessity require the Improvements, and the Improvements will be of direct benefit to the properties and land within the Assessment District in
the degree and in the manner to be determined by this Board of Directors. The Board of Directors hereby declares its intention to order the construction, installation and/or acquisition of the Improvements, to make the expenses thereof chargeable upon the area included within the Assessment District, and to form the Assessment District.

Section 5. The Board of Directors further declares its intention to levy a special assessment upon the land within the Assessment District in accordance with the respective special benefit to be received by each parcel of land from the Improvements. There shall be omitted from special assessments all public streets and alleys owned by the County of Riverside and City of Desert Hot Springs as shown on the Map. In compliance with Article XIIID, Section 4 of the California Constitution, this Board of Directors finds that all public streets and alleys will receive no special benefit from the Improvements.

Section 6. This Board of Directors finds and determines that before ordering the construction, installation and/or acquisition of the Improvements it shall take proceedings pursuant to the 1913 Act.

Section 7. The General Manager of the District is hereby appointed the Engineer of Work, the General Manager of the District is appointed the Superintendent of Streets and Albert A. Webb Associates is appointed the Assessment Engineer. The Assessment Engineer is hereby authorized and directed to make and file with the Secretary a written report with regard to the 1913 Act (the “Report”), which Report shall comply with the requirements of Section 10204 of the Streets and Highways Code.

Section 8. Following the construction, installation and/or acquisition of the Improvements and the payment of all incidental expenses in connection with the formation of the Assessment District and the issuance of bonds pursuant to the Improvement Bond Act of 1915, any surplus remaining in the improvement fund established for the Assessment District shall be used as determined by the Board of Directors as provided in Section 10427 of the Streets and Highways Code.

Section 9. Bonds bearing interest at a rate not to exceed 12 percent per annum will be issued hereunder in the manner provided in the Improvement Bond Act of 1915 to represent the unpaid assessments. The principal amount of such bonds maturing each year shall not be an amount equal to an even annual proportion of the aggregate principal amount of the bonds, but rather (except as specifically otherwise provided by the Board of Directors in connection with the sale of such bonds), shall be an amount which, when added to the amount of interest payable in each year, will generally be a sum which is approximately equal in each year (with the exception of the first year and any adjustment required with respect thereto). The last installment of such bonds shall mature a maximum of thirty-nine (39) years from the second day of September next succeeding twelve months after their date.

Section 10. The provisions of Part 11.1 of the Improvement Bond Act of 1915, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

Section 11. The Board of Directors hereby determines that the District will not obligate itself to advance available funds from its treasury to cure any deficiency which may occur in the bond redemption fund established for the Assessment District.
Section 12. It is hereby determined that the bonds proposed to be issued in these proceedings may be refunded. Any adjustment to assessments resulting from such refunding shall be done on a pro rata basis as required pursuant to Section 8571.5 of the Streets and Highways Code. Any such refunding shall be pursuant to the provisions of Division 11.5 (commencing with Section 9500) of the Streets and Highways Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Board of Directors finds that all of the conditions specified in Section 9525 are satisfied and that the adjustments to assessments are on a pro rata basis, the Board of Directors may approve and confirm the report and any, without further proceedings, authorize, issue, and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code. Any such refunding bonds shall bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds; and the last installment of such bonds shall mature on such date as will be determined by the Board of Directors in the proceedings for such refunding.

Section 13. The Board of Directors orders that the portion of the cost and expenses of the Improvements which is in excess of the net proceeds of the bonds issued pursuant to this Resolution shall be paid out of the treasury of the District from such fund or funds which shall be determined by the Board of Directors.

Section 14. This Resolution shall take effect immediately upon its adoption.

Adopted this 15th day of May, 2017.

President of the Mission Springs Water District and its Board of Directors

ATTEST:

Secretary of the Mission Springs Water District and its Board of Directors
STATE OF CALIFORNIA    )
COUNTY OF RIVERSIDE    ) ss.

I, ______________, Secretary of the Board of Directors of Mission Springs Water District, do hereby certify that the foregoing resolution was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on the 15th day of May, 2017, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

______________________________
______________________________, Secretary
Mission Springs Water District
(SEAL)

STATE OF CALIFORNIA    )
COUNTY OF RIVERSIDE    ) ss.

I, ______________, Secretary of the Board of Directors of Mission Springs Water District, do hereby certify that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2017-____, of said Board, and that the same has not been amended or repealed.

DATED: May 15, 2017

______________________________
______________________________, Secretary
Mission Springs Water District
(SEAL)