

RESOLUTION NO. 2017-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING AN AMENDED AND RESTATED POLICY FOR THE ISSUANCE OF RESIDENT BENEFIT CARDS FOR PROPERTY OWNERS AND FULL TIME CITY RESIDENTS

WHEREAS, on January 7, 1993, an agreement entitled "Complimentary Golf Policy for the Indian Wells Golf Resort" was entered into with the Stouffer Esmeralda Resort and Hyatt Grand Champions Resort (Grantor Hotels) and the City of Indian Wells; and

WHEREAS, the 1993 Agreement established the criteria for issuance of Property Owner Identification Cards, to be issued by the City, shall be within the sole discretion of the City Council; and

WHEREAS, on February 20, 1997, the City Council adopted Resolution No. 1997-14 to revise the criteria for issuance of Property Owner Identification Cards; and

WHEREAS, on November 4, 2004, the City Council adopted Resolution No. 2004-58 to revise such criteria to allow for issuance of an Indian Wells Housing Resident Benefits Card; and

WHEREAS, on June 2, 2005, the City Council adopted Resolution No. 2005-27 to revise such criteria to allow for issuance of a Residence Hotel Resident Benefits Card; and

WHEREAS, on September 20, 2007, the City Council adopted Resolution No. 2007-44 to establish revised criteria for issuance of Property Owner Identification Cards and to establish an annual issuance on a calendar year basis; and

WHEREAS, on April 4, 2013, the City Council adopted Resolution No. 2013-08 to revise the criteria for issuance of Property Owner Identification Cards clarifying that the qualified property owners be listed on the recorded deed; and

WHEREAS, on October 15, 2015, the City Council adopted Resolution No. 2105-36 to revise the criteria for issuance of Resident Benefit Cards to Full Time City Non-Property Owner Residents; and

WHEREAS, the City Council now desires to adopt an Amended and Restated Policy for the Issuance of Resident Benefit Cards to include, among other matters, annually charging fees for issuance of Cards.

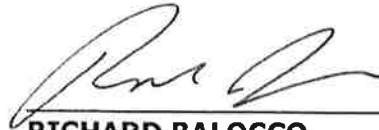
NOW, THEREFORE, the City Council of the City of Indian Wells, **DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby **ADOPTS** the Amended and Restated Policy for the Issuance of Resident Benefit Cards, as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 2. Policy changes as set forth in Exhibit "A" attached hereto shall take effect for the issuance of the calendar year 2018 Resident Benefit Cards.

SECTION 3. This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held this 18th day of May, 2017.



RICHARD BALOCCO
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2017-28

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on this 18th day of May, 2017, by the following vote:

AYES: Balocco, Mertens, Muzik, Peabody, Reed
NOES: None

ATTEST:


ANNA GRANDYS
CITY CLERK

APPROVED AS TO FORM:

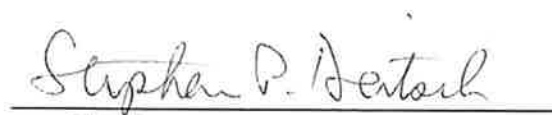

STEPHEN P. DEITSCH
CITY ATTORNEY

Exhibit "A"

**AMENDED AND RESTATED POLICY FOR THE
ISSUANCE OF RESIDENT BENEFIT CARDS**

The person named on a Resident Benefit Card ("RBC") issued by the City of Indian Wells is entitled to receive certain resident benefits provided by the City, as established by the City or voluntarily provided by third parties from time to time.

As set forth in this policy, a RBC may be issued to the following persons (definitions are set forth herein) (Qualified Residents):

1. Property Owners
2. Housing Residents
3. Residence Hotel Residents
4. Full Time Residents

Resident Benefit Cards

1. The City will issue upon request a Golf RBC or a Social RBC to Qualified Residents.
 - a. The Golf RBC entitles Qualified Residents to receive all City benefits including the foregoing discounted golf rate at the Indian Wells Golf Resort.
 - b. The Social RBC entitles Qualified Residents to receive all City benefits except for the discounted golf rate at the Indian Wells Golf Resort otherwise available to Qualified Residents.
2. A RBC shall contain the Qualified Resident's picture, first and last name, and either Assessor's Parcel Number (APN) of the Property, or the name of the City Owned Residential Community and unit number, as applicable.
3. The City will charge an annual fee per APN to issue a Golf RBC and a Social RBC as follows:
 - a. Golf RBC \$50.00 Each card
 - b. Social RBC \$10.00 1st card
 - c. Social RBC \$5.00 Each additional card subject to policy restrictions
 - d. Fees not subject to proration.
4. Charge for replacement cards issued to a valid Qualified Resident if the Qualified Resident has lost a RBC:
 - a. Golf RBC replacement card \$5.00
 - b. Social RBC replacement card \$5.00

6. A RBC shall be valid for no more than the remainder of the calendar year in which it is issued (i.e., it will expire on December 31 of that year). A RBC shall automatically terminate, and shall be returned promptly to the City, when the recipient of the RBC is no longer a Qualified Resident.

The making of any false material statement on the RBC application shall, in addition to any other remedy available at law, be grounds to deny the application or revoke the RBC if one has already been issued. Persons found in violation of the RBC Issuance and/or Use Policy are subject to denial or revocation of a RBC and may be prohibited from obtaining a RBC in the future.

Issuance to Property Owners

1. For each calendar year, a maximum of two (2) RBCs will be issued by the City for each lawfully occupied residential lot in the City ("Property"). A RBC will be issued to a person or persons who are owners of record of the Property (individually and collectively, "Qualified Recipients").
2. A Qualified Recipient must submit to the City proof of fee ownership of the Property.

Notwithstanding the limitation of two (2) RBCs per Property otherwise set forth in this Policy, RBCs may also be issued to each unmarried dependent child of a Qualified Recipient who is issued a RBC, without limitation as to their number, if the child is living primarily on the Property and is under the age of twenty-one years.

3. Requirements for eligibility of Property
 - a. To be eligible for issuance of RBCs, a Property:
 - i. Must contain either a single-family or a multi-family dwelling unit suitable for habitation and for which the City of Indian Wells has issued a certificate of occupancy.
 - ii. Must not be a single-family or a multi-family dwelling unit in the process of being constructed or rehabilitated such that occupancy is not feasible.
 - iii. Must not be a vacant lot.
4. Requirements for Qualified Recipients (Property Owners)
 - a. A Qualified Recipient (Property Owner) must submit to the City proof of ownership of fee title to the Property in order to be issued a RBC. Proof of fee ownership of the Property must consist of at least one of the following:
 - i. Listing of ownership of the Property under the names of each of the Qualified Recipients as posted on the County of Riverside certified and recorded parcel or tax rolls;
 - ii. The most recently executed and recorded grant or quitclaim deed which sets forth by name each of the Qualified Recipients as fee owners of the Property,

provided that the deed has on its face confirmation stamped by the Recorder's Office that it has been officially recorded in the office of the Recorder of the County of Riverside. (Under law, once a new deed is executed and recorded, it automatically terminates and vacates the effectiveness going forward of any prior deed conferring ownership of the same fee interest, which was executed and recorded earlier).

1. For purposes hereunder, recorded deeds presented as proof of ownership must be officially "date stamped" with the Office of the County Recorder's seal.
 2. The City will verify, or require verification from the applicant, that the applicable deed has been recorded in the Office of the Recorder of the County of Riverside.
5. Additional requirements for a Property owned by corporations, trusts, or partnerships
- a. For each Property owned by a corporation, trust or partnership, a maximum of two persons may qualify as owners of the Property or Qualified Recipients. To qualify, the person(s) named as owner(s) or designated by the owner(s) as Qualified Recipient(s) must present documentation, to the satisfaction of the City, indicating that they are at least one of the following:
 - i. A member of the board of directors of the corporation that owns the Property, as set forth on a valid, current and executed resolution of the board of directors which specifically designates up to two (2) specifically named directors to be Qualified Recipients for that calendar year;
 - ii. A trustor, trustee or beneficiary of the trust that owns the Property; provided that a copy of the valid, current and executed trust document listing Qualified Recipients by name is submitted to the City and, in instances where the trust document sets forth by name, in the aggregate, multiple trustors, trustees, and beneficiaries, a maximum of two (2) persons among them may be issued RBCs on a first come, first issued basis, for that calendar year.
 - iii. A partner of the partnership that owns the Property, as set forth in a written certification, executed by the managing partner or by partners comprising a majority ownership of the partnership, which specifically designates up to two (2) named partners to be Qualified Recipients for that calendar year.
6. The City will issue a RBC to a spouse or domestic partner of a Qualified Recipient who is not listed on the deed, as long as no other property owner is issued a RBC for that Property. For purposes of this Policy, a domestic partner is defined as a person over the age of 18, not a domestic employee and not related by blood or marriage to the Qualified Recipient, who resides on the property on a regular, continuous basis as part of an ongoing domestic relationship with the Qualified Recipient.
7. In the case of current multiple owners of one Property, the trading or transfer of RBCs is prohibited once RBCs are issued for that Property for that calendar year.

Issuance to City/Housing Authority Residential Community Residents

1. Separate rules as follows shall be applicable to issuance of RBCs to residential tenants in City/Housing Authority ("City") owned residential communities units (e.g. Indian Wells Villas and Mountain View Villas) ("City Owned Residential Communities"):
 - a. The City will issue RBCs to persons with "Qualified Housing Resident" status, as hereafter defined.
 - b. For purposes of this Policy, the term "Qualified Housing Resident" means any person who resides within City Owned Residential Communities.
 - c. To be eligible for issuance of a RBC, a Qualified Housing Resident is required to be named as the renter in a valid, current rental agreement provided by the management company ("Manager") which subleases, or operates and manages, the applicable City Owned Residential Community.
 - d. Qualified Housing Residents shall submit, or cause the Manager to submit, a valid rental agreement to the City for purposes of issuance of a RBC.
 - e. A Qualified Housing Resident is required to surrender his/her RBC upon termination or expiration of the applicable rental agreement. The Manager will perform collection of the RBC.
 - f. A RBC will be issued with the Qualified Housing Resident's picture, first and last name, name of the City Owned Residential Community, and unit number of the applicable dwelling unit.

Issuance to Residence Hotel Residents

1. Separate rules as follows shall be applicable to issuance of RBCs to Residence Hotel Residents:
 - a. For purposes of this Policy, the term "Residence Hotel Resident" shall mean the person or entity owning a residence available for use within the City's recognized and established Hotel Occupancy Program.
 - b. The City shall require an agreement with an applicable hotel project developer to fairly and accurately determine the valid status of Residence Hotel Residents for the purpose of this Policy. Once this is determined to the satisfaction of the City, in its sole and absolute but reasonable discretion, a RBC will be issued with an individual's picture, first and last name and Residence Hotel unit number and name of the Residence Hotel.
 - c. The City will issue a RBC to a spouse or domestic partner of a Residence Hotel Resident who is not listed on the deed, as long as no other individual is issued a RBC for that Property other than the one Residence Hotel Resident who actually receives a RBC for that unit. For purposes of this Policy, a domestic partner is defined as a person over the age of 18, not a domestic employee and not related by blood or marriage to the

Residence Hotel Resident, who resides in the applicable unit on a regular, continuous basis as part of an ongoing domestic relationship with the Residence Hotel Resident.

Issuance to Full Time City Non-Property Owner Residents

1. Separate rules as follows shall be applicable to issuance of RBCs to Full Time Residents (as hereinafter defined):
 - a. The City will issue RBCs to persons with "Full Time Resident" status, as hereafter defined.
 - b. For purposes of this Policy, the term "Full Time Resident" means any current resident who either (1) has resided in the City for twelve (12) consecutive months as a tenant or as the owner of a residence in the City, collectively, prior to the date of application for a RBC, or (2) is obligated under written lease, a copy of which shall be provided to the City, to pay rent for rental housing to the owner of the Property for a period of at least twelve (12) consecutive months before or immediately following the date of application for a RBC (either of the foregoing twelve (12) month periods shall be referred to as the "Qualifying Period"). Upon application for a RBC, the Full-Time Resident shall certify in writing, under penalty of perjury:
 - i. That the address of the Property claimed is his or her domicile where habitation is fixed,
 - ii. Wherein he or she has the intention of remaining, and
 - iii. To which whenever he or she is absent, the person has the intention of returning, and
 - iv. That he or she is not registered to vote at any other address.
 - c. To be eligible for issuance of a RBC, a Full-Time Resident must obtain written permission to apply for a RBC from the owner of the Property on a form provided by the City and be named as the tenant in a valid, current rental agreement covering the Qualifying Period, a copy of which shall be filed with the City.
 - d. Once it is determined to the satisfaction of the City, in its sole and absolute, but reasonable discretion that the individual is a Full-Time Resident, as defined above, a RBC will be issued with the Full-Time Resident's picture, first and last name, and Assessor's Parcel Number (APN) of the Property.
 - i. Under no circumstances may the number of RBCs issued for any Property exceed the number of RBCs allowed pursuant to Subsections 1 and 2 of the Section entitled "Issuance to property Owners" above.
 - ii. To help effectuate the requirement in subsection d(i) above, the owner of the Property must relinquish, in writing, his or her right to a RBC during the time a Full-Time Resident has possession of a valid RBC.
 - e. A Full-Time Resident is required to surrender his or her RBC upon termination or expiration of the applicable rental agreement.

- i. The owner of the Property is required to collect surrendered RBCs from the Full-Time Resident at the time the applicable rental agreement expires or terminates and return said RBCs to the City's Finance Department. The City shall not issue a RBC to a new Full Time Resident for a Property unless and until the owner of the Property surrenders all prior RBCs to the City's Finance Department.
- ii. For the purpose of mid-year transfers or substitutions, a new Full Time Resident of a residential property shall be treated in the same manner as a new owner of residential property.