

ORDINANCE NO. 2018-07

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2018-01 AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Council of the City of San Juan Bautista, California (the “City Council”), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of special taxes in a community facilities district, all as authorized 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 (the “Act”) and the City of San Juan Bautista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of San Juan Bautista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the “Ordinance”) (the Act and the Ordinance may be referred to collectively as the “Community Facilities District Law”). This community facilities district shall hereinafter be referred to as Community Facilities District No. 2018-01 (the “CFD”).

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2018-01, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This City Council does, by the passage of this ordinance, authorize the levy of special taxes on taxable properties located in the CFD pursuant to the Rate and Method of Apportionment of Special Taxes, attached hereto and incorporated herein by this reference (the “Rate and Method”).

SECTION 2. This City Council, acting as the legislative body of the CFD, is hereby further authorized, by resolution, to annually determine the special tax to be levied within the CFD for the then current tax year or future tax years; provided, however, the special tax to be levied shall not exceed the maximum special tax authorized to be levied pursuant to the Rate and Method.

SECTION 3. The special taxes herein authorized to be levied, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CFD may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

SECTION 4. The special taxes authorized to be levied shall be secured by the lien imposed pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien and shall secure each levy of the special taxes.

The lien of the special taxes shall continue in full force and effect until the special tax ceases to be levied by the City Council in the manner provided in Section 53330.5 of said Government Code.

SECTION 5. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City pursuant to the provisions of San Juan Bautista's City Charter, Section 312(b).

Introduced at a regular meeting of the City Council of the City of San Juan Bautista, California, on October 16, 2018;

Enacted at a regular meeting of the City Council of the City of San Juan Bautista, California, held on the 20th day of November, 2018, by the following vote:

PASSED, APPROVED AND ADOPTED this 20th day of November, 2018, by the following vote:

AYES: West, Martorana, DeVries, Boch, Freeman
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF SAN JUAN BAUTISTA

John Freeman, Vice Mayor

ATTESTED:

Trish Paetz, Deputy City Clerk