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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, STATE OF CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF OCEANSIDE (PACIFIC COAST BUSINESS PARK) AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SUCH DISTRICT

WHEREAS, on January 18, 2006, the City Council of the City of Oceanside (the "Council") adopted Resolution No. 06-R0031-1 declaring its intention to form Community Facilities District No. 2006-1 of the City of Oceanside (Pacific Coast Business Park) ("Community Facilities District No. 2006-1" or the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, comprising Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the "Act"), and adopted Resolution No. 06-R0032-1 declaring its intention to incur bonded indebtedness within the District; and

WHEREAS, on February 22, 2006, after providing all notices required by the Act, the Council held a noticed public hearing required by the Act relative to the formation of Community Facilities District No. 2006-1, the proposed levy of a special tax within the District to finance certain public facilities described in Resolution No. 06-R0031-1, and to secure the payment of any bonded indebtedness of the District, and the proposed issuance of up to \$12,000,000 of bonded indebtedness for the District; and

WHEREAS, at the February 22, 2006, public hearing, all persons desiring to be heard on all matters pertaining to the formation of Community Facilities District No.

2006-1, the proposed levy of the special tax within the District to finance the facilities described in Resolution No. 06-R0031-1 the proposed issuance of bonded indebtedness within the District were heard and a full and fair hearing was held; and

WHEREAS, on February 22, 2006, following the close of the public hearing, the Council adopted Resolution Nos. _____ (the "Resolution of Formation") and _____ (the "Resolution to Incur Bonded Indebtedness") which called a special election that was held on February 22, 2006 within Community Facilities District No. 2006-1 on three propositions relating to the levying of a special tax, the incurring of bonded indebtedness, and the establishment of an appropriations limit for the District; and

WHEREAS, on February 22, 2006, a special election was held for the District at which the qualified electors approved by more than a two-thirds vote Propositions A, B and C authorizing the levy of a special tax within the District for the purposes described in the Resolution of Formation and the issuance of bonded indebtedness for the District as described in the Resolution to Incur Bonded Indebtedness;

NOW, THEREFORE, the City Council of the City of Oceanside, acting in its capacity as the legislative body of Community Facilities District No. 2006-1 of the City of Oceanside (Pacific Coast Business Park) does ordain as follows:

SECTION 1. The above recitals are all true and correct.

SECTION 2. By the passage of this Ordinance, the Council authorizes the levy of a special tax within Community Facilities District No. 2006-1 at the maximum rates and in accordance with the rate and method of apportionment set forth in Exhibit "A" to the

1 Resolution of Formation, which rate and method of apportionment is incorporated by
2 reference herein (the “Rate and Method”).

3 SECTION 3. The Council is hereby further authorized to determine in each
4 subsequent fiscal year, by ordinance, or by resolution if permitted by then applicable law,
5 on or before August 10 of each year, or such later date as is permitted by law, the specific
6 special tax rate and amount to be levied on each parcel of land in Community Facilities
7 District No. 2006-1 pursuant to the Rate and Method. The special tax rate to be levied
8 pursuant to the Rate and Method shall not exceed the applicable maximum rates set forth
9 therein, but the special tax may be levied at a lower rate.
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12 SECTION 4. Properties or entities of the state, federal or other local governments
13 shall be exempt from the special tax, except as otherwise provided in Sections 53317.3
14 and 53317.5 of the Act and the Rate and Method, as applicable. No other properties or
15 entities are exempt from the special tax unless the properties or entities are expressly
16 exempted in the Resolution of Formation, or in a resolution of consideration to levy a
17 new special tax or special taxes or to alter the rate or method of apportionment of an
18 existing special tax as provided in Section 53334 of the Act.
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21 SECTION 5. All of the collections of the special tax pursuant to the Rate and
22 Method shall be used as provided for in the Act and the Resolution of Formation. The
23 special tax shall be levied within the District only so long as needed for the purposes
24 described in the Resolution of Formation.
25

26 SECTION 6. The special tax levied pursuant to the Rate and Method shall be
27 collected in the same manner as ordinary ad valorem property taxes are collected and
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1 shall be subject to the same penalties and the same procedure, sale and lien priority in
2 case of delinquency as is provided for ad valorem taxes (which such procedures include
3 the exercise of all rights and remedies permitted by law to make corrections, including,
4 but not limited to, the issuance of amended or supplemental tax bills), as such procedure
5 may be modified by law or by this Council from time to time.
6

7 SECTION 7. As a cumulative remedy, if any amount levied as a special tax for
8 payment of the interest or principal of any bonded indebtedness of the District, together
9 with any penalties and other charges accruing under this Ordinance, are not paid when
10 due, the Council may, not later than four years after the due date of the last installment of
11 principal on the Bonds, order that the same be collected by an action brought in the
12 superior court to foreclose the lien of such special tax.
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15 SECTION 8. The specific authorization for adoption is pursuant to the provisions
16 of Section 53340 of the Act.
17

18 SECTION 9. The City Clerk is hereby authorized to transmit a certified copy of
19 this Ordinance to the San Diego County Assessor and Treasurer-Tax Collector, and to
20 perform all other acts, including publication of this Ordinance or a summary thereof,
21 which are required by the Act, this Ordinance or by law in order to accomplish the
22 purpose of this Ordinance.
23

24 SECTION 10. That a full reading of this Ordinance is dispensed with prior to its
25 final passage, a written or printed copy having been available to the Council and the
26 public a day prior to its final passage.
27

28 SECTION 11. That this Ordinance shall take effect and be in force on the thirtieth

1 day from and after its passage.

2 SECTION 12. This Ordinance shall not be codified.

3 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the 22nd day of February, 2006, and, thereafter,
5

6 PASSED AND ADOPTED by the City Council of the City of Oceanside,
7 California, acting in its capacity as the legislative body of Community Facilities District
8 No. 2006-1 of the City of Oceanside (Pacific Coast Business Park), this ____ day of
9 March, 2006, by the following vote:
10

11
12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:
16
17

18 _____
MAYOR OF THE CITY OF
19 OCEANSIDE

20
21 ATTEST:

APPROVED AS TO FORM:

22
23 _____
City Clerk

24 

City Attorney