

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, LEVYING SPECIAL TAX WITHIN THE CITY OF OCEANSIDE COMMUNITY FACILITIES DISTRICT NO. 2014-1 (OPEN SPACE AND HABITAT MANAGEMENT) [El Camino Executive Center]

WHEREAS, this Council did on December 3, 2014 adopt Resolution No. 2014-R0721-1 entitled "A Resolution of the City Council of the City of Oceanside, California Declaring its Intention to Establish a Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish City of Oceanside Community Facilities District No. 2014-1 (Open Space and Habitat Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to finance certain public services (the "Services) as provided in the Act;

WHEREAS, pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

WHEREAS, upon the conclusion of the hearing, this City Council adopted its Resolution of the City Council of the City of Oceanside of Formation of Community Facilities District No. 2014-1 (Open Space and Habitat Maintenance) (the "Resolution of Formation") pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the

1 Special Tax and establishing an appropriations limit within the CFD, respectively;
2 and

3 WHEREAS, on January 21, 2015, a special election was held among the
4 landowner voters within the CFD at which such voters approved such propositions
5 by the two-thirds vote required by the Act, which approval has been confirmed by
6 resolution of this Council.

7 Now, THEREFORE, the City Council of the City of Oceanside does ordain as
8 follows:

9 SECTION 1. By the passage of this Ordinance, the Council hereby
10 authorizes and levies the Special Tax within the CFD pursuant to the Act, at the
11 rate and in accordance with the rate and method of apportionment of Special Tax
12 set forth in the Resolution of Formation which rate and method is by this reference
13 incorporated herein. The Special Tax is hereby levied commencing in fiscal year
14 2015-16 and in each fiscal year thereafter to pay for the Services for the CFD, as
15 contemplated by the Resolution of Formation and the Proceedings and all costs of
16 administering the CFD.

17 SECTION 2. The City Engineer or designee or employee thereof of the City is
18 hereby authorized and directed each fiscal year to determine the specific Special
19 Tax to be levied for the next ensuing fiscal year for each parcel of real property
20 within the CFD, in the manner and as provided in the Resolution of Formation.

21 SECTION 3. Exemptions from the levy of the Special Tax shall be as
22 provided in the Resolution of Formation and the applicable provisions of the Act. In
23 no event shall the Special Tax be levied on any parcel within the CFD in excess of
24 the maximum tax specified in the Resolution of Formation.

25 SECTION 4. All of the collections of the Special Tax shall be used as
26 provided in the Act and in the Resolution of Formation, including, but not limited to,
27 the payment of costs of the Services, the payment of the costs of the City in
28 administering the CFD, and the costs of collecting and administering the Special
Tax.

1 SECTION 5. The Special Tax shall be collected in the same manner as
2 ordinary ad valorem taxes are collected and shall have the same lien priority, and
3 be subject to the same penalties and the same procedure and sale in cases of
4 delinquency as provided for ad valorem taxes; provided, however, that the Council
5 may provide for other appropriate methods of collection by resolution(s) of the
6 Council. In addition, the provisions of Section 53356.1 of the Act shall apply to
7 delinquent Special Tax payments. The City Engineer is hereby authorized and
8 directed to provide all necessary information to the auditor/tax collector of the
9 County of San Diego in order to effect proper billing and collection of the Special
10 Tax, so that the Special Tax shall be included on the secured property tax roll of
11 the County of San Diego for fiscal year 2015-16 and for each fiscal year thereafter
12 until no longer required to pay for the Services or until otherwise terminated by the
13 City.

14 SECTION 6. If for any reason any portion of this ordinance is found to be
15 invalid, or if the Special Tax is found inapplicable to any particular parcel within the
16 CFD, by a court of competent jurisdiction, the balance of this ordinance and the
17 application of the Special Tax to the remaining parcels within the CFD shall not be
18 affected.

19 SECTION 7. The Mayor shall sign this Ordinance and the City Clerk is hereby
20 directed to publish this ordinance, or the title hereof as a summary, pursuant to
21 state statute, once within fifteen (15) days after its passage in the San Diego Union-
22 Tribune, a newspaper of general circulation published in the City of Oceanside.

23 SECTION 8. This ordinance shall take effect and be in force on the thirtieth
24 (30th) day from and after its final passage.
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1 INTRODUCED at a regular meeting of the City Council of the City of
2 Oceanside, California held on the ____ day of _____, 2015, and thereafter,
3 PASSED AND ADOPTED by the City Council of the City of Oceanside,
4 California, this _____ day of _____, 2015, by the following vote:

5 AYES:
6 NAYS:
7 ABSENT:
8 ABSTAIN:

9 _____
10 Mayor of the City of Oceanside

11 ATTEST:

12 _____
13 City Clerk

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

16 
17 _____
18 City Attorney

19 ORDINANCE LEVYING SPECIAL TAX LIEN FOR THE
20 CITY OF OCEANSIDE COMMUNITY FACILITIES
21 DISTRICT NO. 2014-1 (OPEN SPACE AND HABITAT
22 MANAGEMENT) [El Camino Executive Center]
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