

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF BEAUMONT COMMUNITY FACILITIES DISTRICT NO. 2021-1 (FAIRWAY CANYON), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT**

THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

A. On April 20, 2021, the City Council (the “City Council”) of the City of Beaumont (the “City”) adopted Resolution No. 2021-20 declaring its intention to form City of Beaumont Community Facilities District No. 2021-1 (Fairway Canyon) (the “Community Facilities 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. 2021-21 declaring its intention to incur bonded indebtedness of the Community Facilities District; and

B. On June 1, 2021, after providing all notice required by the Act, the City Council opened a public hearing required by the Act relative to the formation of the Community Facilities District, the proposed levy of special taxes within the Community Facilities District to finance certain public improvements and services described in Resolution No. 2021-20 and to secure the payment of any bonded indebtedness of the Community Facilities District in an amount not to exceed \$19,500,000; and

C. At the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District, the proposed levy of the special tax within the Community Facilities District to finance the public facilities, incidental expenses and services described in Resolution No. 2021-20 and the proposed issuance of bonded indebtedness of the Community Facilities District were heard and a full and fair hearing was held; and

D. On June 1, 2021, following the close of the public hearing, the City Council adopted a resolution establishing the Community Facilities District (the “Resolution of Formation”) and a resolution determining the necessity to incur bonded indebtedness of the Community Facilities District (the “Resolution to Incur Bonded Indebtedness”) each of which called a consolidated special election on June 1, 2021 within the Community Facilities District on three propositions relating to the levying of special taxes, the incurring of bonded indebtedness and the establishment of an appropriations limit for the Community Facilities District; and

E. On June 1, 2021, a special election was held within the Community Facilities 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 Community Facilities District for the purposes described in the Resolution of Intention and Resolution of Formation and the issuance of bonded

indebtedness for the Community Facilities District as described in the Resolution to Incur Bonded Indebtedness.

Section 2. Ordinance: Authorizing the Levy of a Special Tax within the Community Facilities District.

A. The above recitals are all true and correct.

B. By the passage of this Ordinance, the City Council authorizes the levy of the special taxes within the Community Facilities District at the maximum rates and in accordance with the rates and methods of apportionment set forth in the Resolution of Formation adopted by the City Council on June 1, 2021, which rate and method of apportionment for the Community Facilities District is incorporated by reference herein (the “Rate and Method”).

C. The Finance Director of the City is hereby further authorized and directed each fiscal year, on or before August 10 of each year, or such later date as is permitted by law, to determine the specific special tax rates and amounts to be levied for the next ensuing fiscal year for each parcel of real property within the specific special tax rate and amount to be levied on each parcel of land in the Community Facilities District pursuant to the Rate and Method. The special tax rate to be levied pursuant to the Rate and Method shall not exceed the applicable maximum rates set forth therein, but the special taxes may be levied at a lower rate.

D. Properties or entities of the state, federal or other local governments shall be exempt from the special taxes, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act and the Rate and Method. No other properties or entities are exempt from the special taxes unless the properties or entities are expressly exempted in the Resolution of Formation, or in a resolution of consideration to levy a new special tax or special taxes or to alter the rate or method of an existing special tax as provided in Section 53334 of the Act.

E. All of the collections of the special taxes pursuant to the Rate and Method shall be used as provided for in the Act and the Resolution of Formation. The special taxes shall be levied within the Community Facilities District only so long as needed for the purposes described in the Resolution of Formation.

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

G. As a cumulative remedy, if any amount levied as a special tax for payment of the interest or principal of any bonded indebtedness of the Community Facilities District, together with any penalties and other charges accruing under this Ordinance, are not paid when due, the City Council may, not later than four years after the due date of the last installment of principal on the bonds issued by the Community Facilities District, order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax.

H. The specific authorization for adoption of this Ordinance is pursuant to the provisions of Section 53340 of the Act.

I. The City Clerk is hereby authorized to transmit a certified copy of this ordinance to the Riverside County Assessor and Treasurer Tax Collector, and to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Beaumont, pursuant to all legal requirements.

PASSED, APPROVED and ADOPTED this 15th day of June, 2021.

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Mike Lara, Mayor

I, Stephen Mehlman, City Clerk of the City of Beaumont, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Beaumont held on the 1st day of June, 2021, and was adopted at a regular meeting of the City Council of the City of Beaumont on the 15th day of June, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

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Stephen Mehlman, City Clerk