

ORDINANCE NO. 2022-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE CITY OF ESCONDIDO (ECLIPSE/MOUNTAIN HOUSE) AUTHORIZING THE LEVY OF SPECIAL TAXES

WHEREAS, on January 26, 2022, the City Council (the “City Council”) of the City of Escondido (the “City”) adopted Resolution No. 2022-02 declaring its intention to form Community Facilities District No. 2022-1 of the City of Escondido (Eclipse/Mountain House) (the “District”) and to designate certain parcels as territory proposed for future annexation into the District (the “Future Annexation Area”), 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 its Resolution No. 2022-08 declaring its intention to incur bonded indebtedness for the District; and

WHEREAS, on March 2, 2022, after providing all notice required by the Act, the City Council conducted a noticed public hearing required by the Act relative to the proposed formation of the District and the Future Annexation Area, the proposed levy of a special tax therein to finance certain public facilities described in Resolution No. 2022-10 (the “Resolution of Formation”) and to secure the payment of any bonded indebtedness of the District, and the proposed issuance of up to \$6,000,000 of bonded indebtedness as described in Resolution No. 2022-11 (the “Resolution of Necessity to Incur Indebtedness”); and

WHEREAS, at the March 2, 2022 public hearing, all persons desiring to be heard on all matters pertaining to the formation of the District and the Future Annexation Area, and the proposed levy of the special tax to finance the facilities described in Resolution No. 2022-02 and to secure the payment of up to \$6,000,000 of bonded indebtedness of the District as described in Resolution No. 2022-08 (the “Bonds”) were heard and a full and fair hearing was held; and

WHEREAS, on March 2, 2022, the City Council adopted the Resolution of Formation and the Resolution of Necessity to Incur Indebtedness which formed the District and the Future Annexation Area and called a special election within the District on March 2, 2022 on three propositions relating to the levy of a special tax within the District, the issuance of the Bonds and the establishment of an appropriations limit within the District; and

WHEREAS, on March 2, 2022, a special election was held within 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 Resolution No. 2022-02, the issuance of the Bonds as described in Resolution No. 2022-08 and establishing an appropriations limit for the District; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Escondido that:

1. The above recitations are true.
2. By the passage of this Ordinance, the City Council authorizes and levies special taxes within the District pursuant to Sections 53328 and 53340 of the Act at the rates and in accordance with the rate and method of apportionment set forth in Attachment C to Resolution No. 2022-02, which is incorporated by reference herein (the "Rate and Method"). The special taxes are hereby levied commencing in the fiscal year specified in the Rate and Method and in each fiscal year thereafter until payment in full of the Bonds (including any bonds issued to refund the Bonds), payment of all costs of the public facilities authorized to be financed by the District, and payment of all incidental expenses to be incurred in financing such public facilities and forming and administering the District.
3. Each of the Mayor, the City Manager, or their written designees (each, an "Authorized Officer"), acting alone, is hereby authorized and directed each fiscal year to determine the specific special tax rates and amounts to be levied in such fiscal year on each parcel of real property within the District,

in the manner and as provided in the Rate and Method. The special tax rate levied on a parcel pursuant to the Rate and Method shall not exceed the maximum rate set forth in the Rate and Method for such parcel, but the special tax may be levied at a lower rate. Each Authorized Officer is hereby authorized and directed to provide all necessary information to the Treasurer-Tax Collector of the County of San Diego and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each fiscal year, and with respect to Special Tax, until the Bonds are paid in full, the facilities have been paid for, and provision has been made for payment of all of the administrative costs of the District.

4. Properties or entities of the state, federal or other local governments shall be exempt from the special tax, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act and Section F of the Rate and Method. No other properties or entities are exempt from the special tax 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 apportionment or an existing special tax as provided in Section 53334 of the Act.

5. All of the collections of the special tax shall be used as provided for in the Act, the Rate and Method and the Resolution of Formation.

6. The special tax 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.

7. As a cumulative remedy, if any amount levied as a special tax for payment of the interest or principal of the Bonds (including any bonds issued to refund the Bonds), 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 (including any bonds issued to refund the Bonds), order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax, as authorized by the Act.

8. The Mayor of the City shall sign this Ordinance and the City Clerk or Deputy City Clerk (referred to herein as the "City Clerk") shall attest to the Mayor's signature and then cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City of Escondido.

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

10. The City Clerk is hereby authorized to transmit a certified copy of this ordinance to the Treasurer-Tax Collector of the County of San Diego, 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.

11. A full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

12. This Ordinance shall take effect thirty days after its final passage.