

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF STOCKTON LEVYING SPECIAL TAXES WITHIN CITY OF STOCKTON COMMUNITY FACILITIES DISTRICT NO. 2018-2 (WESTLAKE VILLAGES II)

WHEREAS, on May 15, 2018, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with section 53311, of the California Government Code (the "Act"), this City Council adopted a resolution titled "Resolution of Intention to Form a Community Facilities District and Two Improvement Areas and to Levy a Special Tax Therein to Finance Public Services and the Acquisition and Construction of Certain Public Facilities in and for Such District" (the "Resolution of Intention"), stating its intention to form (i) "City of Stockton Community Facilities District No. 2018-2 (Westlake Villages II) (the "CFD"), (ii) "Improvement Area 1 of the City of Stockton Community Facilities District No. 2018-2 (Westlake Villages II)" ("Improvement Area 1"), and (iii) "Improvement Area 2 of the City of Stockton Community Facilities District No. 2018-2 (Westlake Villages II)" ("Improvement Area 2" and together with Improvement Area 1, the "Improvement Areas"); and

WHEREAS, notice was published as required by the Act relative to the intention of this City Council to form the CFD and Improvement Areas, to provide for certain public facilities and public services and to incur bonded indebtedness for the CFD and Improvement Areas; and

WHEREAS, this City Council has held noticed public hearings as required by the Act relative to (i) the determination to proceed with the formation of the CFD and Improvement Areas and the rate and method of apportionment of the special tax to be levied within each Improvement Area to finance a portion of the costs of the public facilities and public services and (ii) the issuance of bonded indebtedness and other debt for each Improvement Area; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and Improvement Areas and the levy of said special taxes were heard, substantial evidence was presented and considered by this City Council and a full and fair hearing was held; and

WHEREAS, subsequent to the hearing, on June 19, 2018, this City Council adopted its Resolution titled "Resolution to Form a Community Facilities District and Two Improvement Areas and to Levy a Special Tax Therein to Finance Public Services and the Acquisition and Construction of Certain Public Facilities in and for Such District" (the "Resolution of Formation"), its Resolution Determining the Necessity to Incur Bonded Indebtedness for a Community Facilities District and Two Improvement Areas Therein" (the "Resolution Determining Necessity") and its "Resolution Calling Special Election for a Community Facilities District and Two Improvement Areas Therein" (the

“Election Resolution”), which resolutions defined the public facilities to be financed by the CFD (the “Facilities”) and the public services to be financed by the CFD (the “Services”), established the CFD and each Improvement Area, authorized the levy of a special tax within each Improvement Area, determined the necessity to incur bonded indebtedness in each Improvement Area and called an election within each Improvement Area on the propositions of incurring indebtedness, levying a special tax, and establishing an appropriations limit within each Improvement Area, respectively; and

WHEREAS, on June 19, 2018, a special election was held with respect to each Improvement Area at which the eligible landowner-electors of each Improvement Area approved such propositions by the two-thirds vote required by the Act; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, as follows:

Section 1. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within Improvement Area 1 and, Improvement Area 2 pursuant to the Act. With respect to each Improvement Area, the City shall levy the special taxes at the rate and in accordance with the formula (for each Improvement Area, the respective “Rate and Method”) set forth in the Resolution of Formation, which Resolution of Formation is by this reference incorporated herein. The special taxes are hereby authorized to be levied commencing in fiscal year 2018-19 and in each fiscal year thereafter for the period provided in applicable Rate and Methods, as contemplated by the Resolution of Formation and the Resolution of Necessity, and all costs of administering the CFD.

Section 2. The Chief Financial Officer of the City is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within each Improvement Area in the manner and as provided in the Resolution of Formation.

Section 3. Except as provided in the respective Rate and Methods, properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes. In no event shall the special taxes be levied on any parcel within each Improvement Area in excess of the maximum tax specified in the Resolution of Formation.

Section 4. All of the collections of the special tax shall be used as provided for in the Act and in the Resolution of Formation including, but not limited to, the payment of principal and interest on bonds issued by the City for each Improvement Area (the “Bonds”), the replenishment of the reserve fund for the Bonds, the payment of the costs of the Facilities and the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the special tax.

Section 5. The special taxes shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that special taxes may be directly billed by the City and/or this City Council may provide for other appropriate methods of collection by resolutions of this City Council. In addition, the provisions of section 53356.1 of the Act shall apply to delinquent special tax payments. The Chief Financial Officer of the City, or his designee, is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Joaquin in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of San Joaquin for fiscal year 2018-19 and for each fiscal year thereafter until the Bonds are paid in full or such longer period of time provided in the respective Rate and Methods.

Section 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within an Improvement Area, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within such Improvement Area shall not be affected.

Section 7. The Mayor shall sign this Ordinance and the City Clerk shall 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.

Section 8. Pursuant to section 508 of the Charter of the City, this Ordinance shall become effective immediately upon passage by the City Council.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
City Clerk of the City of Stockton