

ORDINANCE NO. 1053

**ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN
IMPROVEMENT AREA NO. 7A1 OF COMMUNITY FACILITIES DISTRICT
NO. 93-1 OF THE CITY OF BEAUMONT**

WHEREAS, the City Council (the “City Council”) of the City of Beaumont, Riverside County, California (“the City”) on March 18, 2014, duly adopted (i) Resolution No. 2014-07 declaring its intention to establish Improvement Area No. 7A1 (the “Improvement Area”) of Community Facilities District No. 93-1 of the City of Beaumont (the “CFD”) and (ii) Resolution No. 2014-08 declaring the necessity to incur bonded indebtedness under and pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982” (the “Act”), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Code”), and calling a public hearing on the establishment of such Improvement Area and on the necessity for incurring bonded indebtedness up to \$25,000,000 to finance certain public facilities as set forth in Exhibit B of Resolution No. 2014-07 (as more specifically enumerated herein, the “Facilities”) which bonded indebtedness shall be secured by the levy of a special tax within the Improvement Area; and

WHEREAS, notices were published and mailed as required by law relative to the intention of the City Council to establish the proposed Improvement Area, to levy special taxes within the Improvement Area, to incur a bonded indebtedness secured by the special taxes levied within such Improvement Area and to establish an appropriations limit for the Improvement Area; and

WHEREAS, pursuant to Resolution No. 2014-07 and Resolution No. 2014-08 (the “Resolutions”) a public hearing was duly called on May 6, 2014, continued to May 20, 2014, in connection with the Improvement Area, at which hearing the City Council considered the establishment of the Improvement Area, the type and extent of the proposed Facilities (as defined in Resolution No. 2014-07), the proposed rate and method of apportionment of special tax for the Improvement Area, the proposed appropriations limit therefor, the necessity for incurring bonded indebtedness within the Improvement Area to finance Facilities and all other matters as set forth in the Resolutions, and at the above-mentioned public hearing, all persons interested, including all taxpayers, property owners and registered voters within the Improvement Area were given an opportunity to appear and be heard, and the testimony of all interested persons for or against the establishment of the Improvement Area, the levy of the special tax, the extent of the Improvement Area, the acquisition and construction of Facilities, the establishment of an appropriations limit for the Improvement Area, the necessity of or incurring bonded indebtedness to finance the Facilities, and any other matters set forth in the Resolutions were heard and considered and the City Council at the conclusion of said hearings was fully advised in the premises, and was authorized to proceed; and

WHEREAS, following such public hearing, the City Council duly adopted Resolution No. 2014-18 establishing the Improvement Area, approving the Rate and Method of Apportionment of Special Tax as set forth therein, authorizing the acquisition and construction of Facilities and Resolution No. 2014-19 approving the issuance of bonded indebtedness to be incurred within the Improvement Area to finance the Facilities (including incidental expenses as authorized by the Act) in an amount not to exceed \$25,000,000; and

WHEREAS, on May 20, 2014, an election was called by the City Council and conducted by the duly designated election official in the Improvement Area pursuant to the Act of all registered voters, determined by the Registrar of Voters of the County of Riverside, in which the qualified electors approved by more than two-thirds of the votes cast on the propositions of levying the special tax,

incurring bonded indebtedness, levying a special tax and establishing an appropriations limit, which election was concluded on November 18, 2014; and

WHEREAS, such bonded indebtedness and interest thereon will be payable from a special tax levied within the Improvement Area and collected in accordance with and subject to the maximum rates applicable thereto; and

WHEREAS, the City Council is fully advised in the premises;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT, ACTING AS THE LEGISLATIVE BODY OF IMPROVEMENT AREA NO 7A1, ORDAINS AS FOLLOWS:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Authorization of Levy. By the passage of this Ordinance, the City Council acting as the legislative body of the Improvement Area authorizes the levy of a special tax within the Improvement Area pursuant to the rate and method of apportionment approved by Resolution No. 2014-18 which is hereby incorporated by reference herein.

Section 3. Annual Levy. The City Council is hereby further authorized each year by Resolution to determine the specific special tax rate and amount to be levied in the Improvement Area for the next fiscal year, except that the special tax rate to be levied in the Improvement Area shall not exceed that set forth in the rate and method of apportionment approved by Resolution No. 2014-18, but the special tax may be levied at a lower rate.

Section 4. Exempt Properties. Properties or entities of the State, federal, or other local governments shall, except as provided in Sections 53317.3, 53317.5, and 53340.1 of the Act, be exempt from the above-referenced and approved special tax.

Section 5. Use of Special Tax. All of the collections of the special tax shall be used as provided for in the Act and the proceedings conducted by the City and the Community Facilities District. The special tax shall be levied only so long as needed for its purpose as described in said Resolution.

Section 6. Collection of Special Tax. The above authorized 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, as such procedures may be modified by law or by the City Council from time to time (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 supplemented tax bills), as such procedures may be modified by law or by the City Council, acting as the legislative body of the Improvement Area and the Community Facilities District, from time to time and such special tax may be collected by direct billing by the Community Facilities District, however, the special tax may be billed and collected at a different time or in a different manner if necessary for the Improvement Area to meet its financial obligations. A delinquent penalty of 10% of the special tax will attach at 5:00 p.m. on the date the special tax becomes delinquent and interest at 1.5% per month of the special tax will attach on the July 1 after the delinquency date and the first of each month thereafter until redeemed. The City Council, acting as the legislative body, may modify the manner of collection, the penalties, and the procedure, sale and lien priority in case of delinquency.

Section 7. Judicial Foreclosure. As a cumulative remedy, if any amount levied pursuant hereto as a special tax for payment of bond interest or principal 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, order that the same be collected by an action brought in the superior court to foreclose any lien therefor.

Section 8. Effective Date. The Mayor of the City shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

Section 9. Authorization. This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Code.

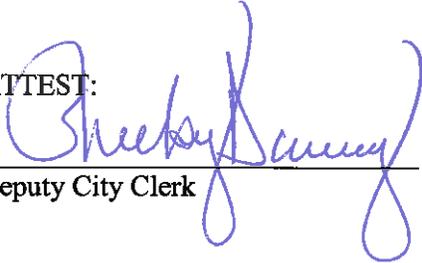
INTRODUCED AND READ this 2nd day of December, 2014 by the following vote:

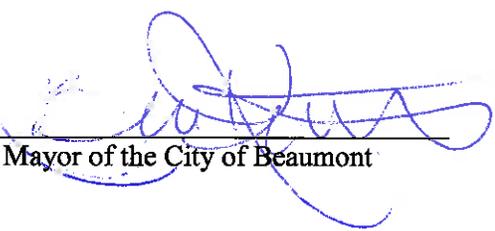
AYES: Fox, Knight, Lara, Orozco
NOES: White
ABSTAIN: None
ABSENT: None

PASSED, APPROVED AND ORDAINED this 16th day of December, 2014 by the following vote:

AYES: Fox, Knight, Lara, Orozco
NOES: White
ABSTAIN: None
ABSENT: None

ATTEST:


Deputy City Clerk

By: 

Mayor of the City of Beaumont