ORDINANCE NO. 1056

AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA NO. 8E OF COMMUNITY FACILITIES DISTRICT NO. 93-1 OF THE CITY OF BEAUMONT PURSUANT TO THE APPROVED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

WHEREAS, the City Council (the "City Council") of the City of Beaumont, Riverside County, California (the "City") on March 17, 2015, duly adopted Resolution No. 2015-11 declaring its intention to establish Improvement Area No. 8E (the "Improvement Area") of Community Facilities District No. 93-1 of the City of Beaumont (the "CFD") and to levy special taxes, and of the necessity to incur bonded indebtedness to pay for certain public facilities for the Improvement Area 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, 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. 2015-11 (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 posted as required by law relative to the intention of the City Council to form 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. 2015-11 and Resolution No. 2015-12 (the "Resolutions") a public hearing was duly convened on May 5, 2015, and was subsequently continued by action of the City Council to May 19, 2015, in connection with the formation of the Improvement Area, at which hearing the City Council considered the establishment of the Improvement Area, the type and extent of the proposed Facilities, 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 said 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 (i) Resolution No. 2015-23 establishing the Improvement Area, approved the Rate and Method of Apportionment of Special Tax as set forth therein, authorized the acquisition and construction of Facilities and (ii) Resolution No. 2015-24 authorizing 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 19, 2015, an election was held in the Improvement Area in which the qualified electors approved by more than two-thirds of the votes cast on the propositions of incurring bonded indebtedness, levying a special tax and establishing an appropriations limit; 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 ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIE DISTRICT DOES ORDAIN 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. 2015-23 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. 2015-23, 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 for the CFD and the Improvement Area. 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, from time to time and such special tax may be collected by direct billing by the Improvement Area, 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 Act.

INTRODUCED AND READ this 19th day of May, 2015, by the following vote:

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

APPROVED AND ORDAINED this 21st day of July, 2015 by the following vote:

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

By: _____
Mayor of the City of Beaumont

ATTEST:

_____
City Clerk

CERTIFICATION

The foregoing is certified to be a true copy of Ordinance No. 1056 duly approved and ordained by the City Council on the date herein set forth.

_____
City Clerk of the City of Beaumont