

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON LEVYING SPECIAL TAXES WITHIN CITY OF AMERICAN CANYON COMMUNITY FACILITIES DISTRICT NO. 2018-1 (GREEN ISLAND ROAD PROJECT)

WHEREAS, on October 16, 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 Resolution No. 2018-115, stating its intention to form City of American Canyon Community Facilities District No. 2018-1 (Green Island Road Project) (the "CFD"); and

WHEREAS, notice was published as required by the Act relative to the intention of this City Council to form the CFD, to provide for certain public facilities and public services and to incur bonded indebtedness for the CFD in an amount not to exceed \$14,000,000 (excluding bonds described in Section 53364.2(e) of the California Government Code); 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 the rate and method of apportionment of the special tax to be levied within the CFD 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 the CFD as described above; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD 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 hearings, on November 20, 2018, this City Council adopted its Resolution No. 2018-R121 (the "Resolution of Formation"), its Resolution No. 2018-R122 (the "Resolution Determining Necessity") and its Resolution No. 2018-R123 (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, authorized the levy of special taxes within the CFD, determined the necessity to incur bonded indebtedness in the CFD and called an election within the CFD on the propositions of incurring indebtedness, levying the special taxes, and establishing an appropriations limit, respectively; and

WHEREAS, on February 19, 2019, a special election was held with respect to the CFD at which the eligible landowner-electors of the CFD 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 AMERICAN CANYON, as follows:

Section 1. By the passage of this Ordinance, this City Council hereby authorizes and levies special taxes within the CFD, including any parcels that may annex into the CFD in the future, pursuant to the Act. The City shall levy the special taxes at the rate and in accordance with the rate and method of apportionment of special tax for the CFD (the "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 2019-20 and in each fiscal year thereafter as provided in the Rate and Method, as contemplated by the Resolution of Formation and the Resolution Determining Necessity, including for the purpose of paying for all costs of administering the CFD.

Section 2. The Finance Director 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 the CFD in the manner and as provided in the Resolution of Formation and the Rate and Method.

Section 3. Except as provided in the Rate and Method, 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 the CFD 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, the Rate and Method and in the Resolution of Formation including, but not limited to, the payment of principal and interest on bonds and other debt issued or incurred for the CFD (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 this City Council may provide for other appropriate methods of collection, including direct billing. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments. The Finance Director of the City is hereby authorized and directed to provide all necessary information to the Napa County Treasurer-Tax Collector 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 Napa for fiscal year 2019-20 and for each fiscal year thereafter, as provided in the Rate and Method.

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 the CFD, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within 15 days after its passage at least once in a newspaper of general circulation published and circulated in the City.

Section 8. This Ordinance shall take effect 30 days from the date of final passage.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of March, 2019, by the following vote:

AYES:	Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous and Mayor Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19th day of March, 2019, by the following vote:

AYES: Council Members Leary, Joseph, Oro, Vice Mayor Aboudamous and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None

Leon Garcia
Leon Garcia, Mayor

ATTEST:

Suellen Johnston
Suellen Johnston, City Clerk

APPROVED AS TO FORM:

William D. Ross
William D. Ross, City Attorney