

ORDINANCE NO. 5652

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE LEVYING SPECIAL TAXES WITHIN CITY OF ROSEVILLE FIDDYMENT RANCH COMMUNITY FACILITIES DISTRICT NO. 5 (PUBLIC FACILITIES)

WHEREAS, on January 20, 2016, this City Council (the "Council") of the City of Roseville (the "City"), adopted a resolution stating its intention to establish "City of Roseville Fiddyment Ranch Community Facilities District No. 5 (Public Facilities)" (the "CFD") 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 at Section 53311, of the California Government Code (the "Act"), to finance the acquisition and construction of certain facilities; and

WHEREAS, notice was published as required by the Act relative to the intention of the Council to form the CFD, to provide for certain facilities and to incur bonded indebtedness for the CFD in an amount not to exceed \$75,000,000; and

WHEREAS, the 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 facilities and (ii) the issuance of not to exceed \$75,000,000 of bonded indebtedness for the CFD; 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 hearing, the Council adopted resolutions entitled "A Resolution of Formation of the City Council of the City of Roseville to Form Fiddyment Ranch Community Facilities District No. 5 (Public Facilities)" (the "Resolution of Formation"), "A Resolution Determining Necessity to Incur Bonded Indebtedness for the City of Roseville Fiddyment Ranch Community Facilities District No. 5 (Public Facilities)" (the "Resolution Determining Necessity") and "A Resolution of the City Council of the City of Roseville Calling Special Election Regarding Fiddyment Ranch Community Facilities District No. 5 (Public Facilities)", which resolutions defined the public facilities to be financed by the CFD (the "Facilities"), established the CFD, authorized the levy of a special tax with 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 a special tax, and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, on March 16, 2016 a special election was held within the CFD at which the eligible landowner-electors approved such propositions by the two-thirds (2/3) vote required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSEVILLE AS FOLLOWS:

Section 1. By the passage of this Ordinance the Council hereby authorizes and levies special taxes within the CFD pursuant to the Act, at the rate and in accordance with the formula

(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 levied commencing in fiscal year 2016-17 and in each fiscal year thereafter until payment in full of any bonds issued by the City for the CFD (the "Bonds") or such longer period provided in the Rate and Method, as contemplated by the Resolution of Formation and the Resolution of Necessity, and 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.

Section 3. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes in accordance with the Act and the Rate and Method. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Rate and Method.

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 the Bonds, the replenishment of the reserve fund for the Bonds, the payment of the costs of the Facilities, 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 the Council or its designee may provide for other appropriate methods of collection. 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 auditor/tax collector of the County of Placer 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 Placer for fiscal year 2016-17 and for each fiscal year thereafter until the Bonds are paid in full or such longer period of time 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 City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

Section 8. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

The foregoing Ordinance was adopted by the City Council of the City of Roseville on the 16th day of March, 2016, on the following vote:

AYES: COUNCILMEMBERS: Gore, Herman, Roccucci, Garcia

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Rohan

ABSTAIN: COUNCILMEMBERS: None

ATTEST:

Shirley Brown

City Clerk

Paul Brown

Mayor

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:

City Clerk of the City of Roseville, California
DEPUTY CLERK