

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIVERSIDE, ACTING IN ITS CAPACITY AS THE
LEGISLATIVE BODY OF COMMUNITY FACILITIES
DISTRICT NO. 2015-2 (POMELO) OF THE CITY OF
RIVERSIDE AUTHORIZING THE LEVY OF SPECIAL TAXES
WITHIN THE DISTRICT**

WHEREAS, on October 27, 2020, the City Council (the “City Council”) of the City of Riverside (the “City”) adopted Resolution No. 23635 declaring its intention to form Community Facilities District No. 2015-2 (Pomelo) of the City of Riverside (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, comprising Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Act”), and adopted Resolution No. 23636 declaring its intention to incur bonded indebtedness of the Community Facilities District; and

WHEREAS, on December 1, 2020, after providing all notice required by the Act, the City Council opened a public hearing required by the Act relative to the formation of the Community Facilities District, the proposed levy of special taxes within the Community Facilities District to finance certain public improvements described in Resolution No. 23635 and to secure the payment of any bonded indebtedness of the Community Facilities District, and the proposed issuance of up to \$7,000,000 of bonded indebtedness; and

WHEREAS, at the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District, the proposed levy of the special taxes within the Community Facilities District to finance the improvements described in Resolution No. 23635 and the proposed issuance of bonded indebtedness of the Community Facilities District were heard and a full and fair hearing was held; and

WHEREAS, on December 1, 2020, following the close of the public hearing, the City Council adopted a resolution establishing the Community Facilities District (the “Resolution of Formation”) and a resolution determining the necessity to incur bonded indebtedness of the District (the “Resolution to Incur Bonded Indebtedness”) each of which called a consolidated special election on December 1, 2020 within the Community Facilities District on three propositions relating to the levying of special taxes, the incurring of bonded indebtedness and the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, on December 1, 2020, a special election was held within the Community Facilities District at which the qualified electors approved by more than a two-thirds vote Propositions A, B and C authorizing the levy of special taxes within the Community Facilities District for the purposes described in the Resolution of Intention and the issuance of bonded indebtedness for the Community Facilities District as described in the Resolution to Incur Bonded Indebtedness.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERSIDE ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-2 (POMELO) OF THE CITY OF RIVERSIDE, ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. By the passage of this Ordinance, the City Council authorizes the levy of special taxes within the Community Facilities District at the maximum rates and in accordance with the rates and method of apportionment set forth in Exhibit "A" to the Resolution No. 23635, which rate and method of apportionment is incorporated by reference herein (the "Rate and Method").

Section 3. The Chief Financial Officer of the City is hereby further authorized and directed each fiscal year, on or before August 10 of each year, or such later date as is permitted by law, to determine the specific special tax rates and amounts to be levied for the next ensuing fiscal year for each parcel of real property within the specific special tax rate and amount to be levied on each parcel of land in the Community Facilities District pursuant to the Rate and Method. The special tax rate to be levied pursuant to the Rate and Method shall not exceed the applicable maximum rates set forth therein, but the special tax may be levied at a lower rate.

Section 4. Properties or entities of the state, federal or other local governments shall be exempt from the special taxes, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act, the Rate and Method and the boundary map for the Community Facilities District. No other properties or entities are exempt from the special taxes unless the properties or entities are expressly exempted in the Resolution of Formation, or in a resolution of consideration to levy a new special tax or special taxes or to alter the Rate or Method of an existing special tax as provided in Section 53334 of the Act.

Section 5. All of the collections of the special taxes pursuant to the Rate and Method shall be used as provided for in the Act and the Resolution of Formation. The special taxes shall be levied within the Community Facilities District only so long as needed for the purposes described in the Resolution of Formation.

Section 6. The special taxes levied pursuant to the Rate and Method 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 (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 supplemental tax bills), as such procedure may be modified by law or by this City Council from time to time.

Section 7. As a cumulative remedy, if any amount levied as a special tax for payment of the interest or principal of any bonded indebtedness of the Community Facilities District, 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 on the Bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax.

Section 8. This Ordinance relating to the levy of the special taxes within the Community Facilities District shall take effect immediately following its passage.

Section 9. The City Clerk is hereby authorized to transmit a certified copy of this ordinance to the Riverside County Assessor and Treasurer-Tax Collector, and to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

INTRODUCED, ADOPTED, AND APPROVED ON the 1st day of December, 2020.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

CERTIFICATION

I, Colleen J. Nicol, City Clerk of the City of Riverside, certify that the foregoing ordinance was adopted by the City Council of the City of Riverside at a regular meeting held on the 1st day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside this ____ day of December, 2020.

COLLEEN J. NICOL
City Clerk of the City of Riverside