

ORDINANCE NO. MC-1522

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
LEVYING SPECIAL TAXES TO BE COLLECTED DURING
FISCAL YEAR 2019-2020 TO PAY THE ANNUAL COSTS
OF THE MAINTENANCE AND SERVICING OF
LANDSCAPING, LIGHTING, WATER QUALITY
IMPROVEMENTS, GRAFFITI, STREETS, STREET
SWEEPING, PARKS AND TRAIL MAINTENANCE, A
RESERVE FUND FOR CAPITAL REPLACEMENT, AND
ADMINISTRATIVE EXPENSES WITH RESPECT TO CITY
OF SAN BERNARDINO COMMUNITY FACILITIES
DISTRICT NO. 2019-1 (MAINTENANCE SERVICES)**

WHEREAS, the Mayor and City Council (the "City Council") of the City of San Bernardino (the "City") has heretofore adopted Resolution No. 2019-81, stating that a community facilities district to be known as "City of San Bernardino Community Facilities District No. 2019-1 (Maintenance Services), County of San Bernardino, State of California" (the "Community Facilities District"), is proposed to be established under the provisions of Chapter 2,5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and fixing the time and place for a public hearing on the formation of the Community Facilities District; and

WHEREAS, notice was published and mailed to the owners of the property in the Community Facilities District as required by law relative to the intention of the City Council to establish the Community Facilities District and the levy of the special taxes therein to provide certain services, and of the time and place of said public hearing; and

WHEREAS, on July 17, 2019, at the time and place specified in said published and mailed notice, the City Council opened and held a public hearing as required by law relative to the formation of the Community Facilities District, the levy of the special taxes therein and the provision of services by the Community Facilities District; 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 levy of the special taxes and the provision of services therein were heard, and a full and fair hearing was held; and

WHEREAS, subsequent to said hearing, the City Council adopted resolutions entitled "Resolution of the City Council of the City of San Bernardino Establishing Calling An Election for the Purpose of Submitting the Question of the Levy of the Proposed Special Tax to the Qualified Electors of the Proposed Community Facilities District; Authorizing the Levy of Special Taxes; and Establishing the Appropriations Limit for the Proposed Community Facilities District" (the "Resolution of Formation") which resolution established the Community Facilities

District, authorized the levy of a special tax within the District, and called an election within the District on the proposition of levying a special tax, and establishing an appropriations limit within the District; and

WHEREAS, an election was held within the Community Facilities District in which the sole eligible landowner elector approved said propositions by more than the two-thirds vote required by the Act.

THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:

SECTION 1. Findings. It is necessary that the City Council of the City of San Bernardino levy special taxes pursuant to Sections 53340 of the Government Code to provide and finance the costs of certain types of services, and related costs within the Community Facilities District, including (i) the maintenance and servicing of landscaping, lighting, water quality improvements, graffiti, streets, street sweeping, and park maintenance, (ii) a reserve fund for capital replacement, and (iii) administrative expenses, all as more completely described in Exhibit "A" to Resolution No. 2019-81, attached hereto and by this reference made a part hereof.

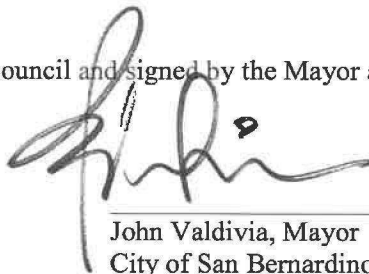
SECTION 2. Levy of Special Taxes. Special taxes shall be and are hereby levied for the Fiscal Year 2019-2020, and each Fiscal Year thereafter, on all parcels of real property within the District which are subject to taxation, which are identified in Exhibit "B" attached hereto, and in the amount set forth for each such parcel in said Exhibit "B." Pursuant to said Section 53340, such special taxes 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.

SECTION 3. Transmittal to County. The City Clerk shall immediately following adoption of this ordinance transmit a copy hereof to the Board of Supervisors and the County Auditor of the County of San Bernardino together with a request that the special taxes as levied hereby be collected on the tax bills for the parcels identified in Exhibit "B" hereto, along with the ordinary ad valorem property taxes to be levied on and collected from the owners of said parcels.

SECTION 4. Authorization to Publish Ordinance. The Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall, within fifteen days of its adoption, cause it or a summary of it to be published in a newspaper circulated in the City of San Bernardino.


SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

APPROVED and ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of August, 2019.




John Valdivia, Mayor
City of San Bernardino

Attest:

for 
Georgeann Hanna, MMC, City Clerk

Approved as to form:

PP. 
for Gary Saenz, City Attorney

I, Georgeann Hanna, MMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1522, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the 17th day of July, 2019. Ordinance No. MC-1522 was approved, passed and adopted at a regular meeting held the 7th day of August, 2019, by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
IBARRA	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
FIGUEROA	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
SHORETT	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
NICKEL	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
RICHARD	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
MULVIHILL	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

WITNESS my hand and official seal of the City of San Bernardino this 6th day of August 2019.



for Georgeann Hanna, MMC, City Clerk

EXHIBIT A

DESCRIPTION OF SERVICES

The services which may be funded with proceeds of the special tax of CFD No. 2019-1, as provided by Section 53313 of the Act, will include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas (may include reserves for replacement) in public street right-of-ways, public landscaping, public open spaces and other similar landscaped areas officially dedicated for public use. These services including the following:

(a) maintenance and lighting of parks, parkways, streets, roads and open space, which maintenance and lighting services may include, without limitation, furnishing of electrical power to street lights and traffic signals; repair and replacement of damaged or inoperative light bulbs, fixtures and standards; maintenance (including irrigation and replacement) of landscaping vegetation situated on or adjacent to parks, parkways, streets, roads and open space; maintenance and repair of irrigation facilities; maintenance of public signage; graffiti removal from and maintenance and repair of public structures situated on parks, parkways, streets, roads and open space; maintenance and repair of playground or recreation program equipment or facilities situated on any park; and

(b) maintenance and operation of water quality improvements which include storm drainage and flood protection facilities, including, without limitation, drainage inlets, catch basin inserts, infiltration basins, flood control channels, fossil fuel filters, and similar facilities. Maintenance services may include but is not limited to the repair, removal or replacement of all or part of any of the water quality improvements, fossil fuel filters within the public right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff, or appurtenant facilities, clearing of inlets and outlets; erosion repairs; and cleanup to improvements, and other items necessary for the maintenance, servicing; or both of the water quality basin improvements within flood control channel improvements; and

(c) public street sweeping, on the segments of the arterials within the boundaries of CFD No. 2019-1; as well as local roads within residential subdivisions located within CFD No. 2019-1; and any portions adjacent to the properties within CFD No. 2019-1.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in Exhibit B to this resolution of intention.

The above services shall be limited to those provided within the boundaries of CFD No. 2019-1 or for the benefit of the properties within the boundaries of CFD No. 2019-1, as the boundary is expanded from time to time by anticipated annexations, and said services may be financed by proceeds of the special tax of CFD No. 2019-1 only to the extent that they are in addition to those provided in the territory of CFD No. 2019-1 before CFD No. 2019-1 was created.

EXHIBIT B

**COMMUNITY FACILITIES DISTRICT NO. 2019-1 (MAINTENANCE SERVICES)
SPECIAL TAX FISCAL YEAR 2019-20**

ASSESSOR'S PARCEL NUMBERS

Annexation	Owner	Assessor's Parcel Numbers
Original Formation	Cauffman Family Trust 4/20/98	0142-041-43
Original Formation	Cauffman Family Trust 5/4/11	0142-041-46