

ORDINANCE NO. MC-1602

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AMENDING ORDINANCE NO. MC-1522 AND LEVYING SPECIAL TAXES TO BE COLLECTED DURING FISCAL YEAR 2022-2023 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 November 16, 2022, 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 2022-2023, 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. 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. City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 5. Effective Date. This ordinance shall become effective thirty (30) days after its adoption.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of _____, 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1602, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the ____ day of _____, 2022. Ordinance No. MC-1602 was approved, passed and adopted at a regular meeting held the ____ day of _____, 2022 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____, 2022.

Genoveva Rocha, CMC, City Clerk