

## ORDINANCE NO. 1049

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF CAMARILLO COMMUNITY FACILITIES DISTRICT NO. 2 - SPRINGVILLE INTERCHANGE IMPROVEMENTS

The City Council of the City of Camarillo ordains as follows:

#### **SECTION 1.** The City Council finds as follows:

A. On October 14, 2009, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Camarillo, California Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – Springville Interchange Project" (the "Resolution of Intention"), stating its intention to establish the City of Camarillo Community Facilities District No. 2 (Springville Interchange Improvements) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the "Law"), to finance a portion of the costs of certain public facilities (the "Facilities").

B. Notice was published as required by the Law of the public hearing to occur on December 9, 2009, as called pursuant to the Resolution of Intention, relative to the intention of the City Council to form the District and to provide for costs of the Facilities.

C. The public hearing was held on December 9, 2009, and at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of special taxes in the District were heard, substantial evidence was presented and considered by the City Council and a full and fair hearing was held.

D. Subsequent to the close of the public hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Camarillo, California of Formation of City of Camarillo Community Facilities District No. 2 (Springville Interchange Improvements), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District, and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Camarillo, California Determining the Necessity to Incur Bonded Indebtedness Within City of Camarillo Community Facilities District No. 2 (Springville Interchange Improvements) and Submitting Proposition to the Qualified Electors of the District" (the "Resolution of Necessity") and "A Resolution of the City Council of the City of Camarillo, California Calling A Special Election Within Community Facilities District No. 2 (Springville Interchange Improvements)", which resolutions established the District, authorized the levy of a special tax with the District, and called an election within the District on the proposition of incurring indebtedness, levying a special tax and establishing an appropriations limit for the District, respectively.

E. On December 9, 2009 an election was held within the District in which the sole qualified elector cast a ballot in favor of the such propositions.

**SECTION 2:** By the passage of this Ordinance the City Council authorizes and levies special taxes within the District, pursuant to the Law, at the rate and in accordance with the rate and method of apportionment of special taxes for the District approved by the Resolution of Formation (the "Rate and Method") which Resolution is by this reference incorporated herein. The special taxes are to be levied commencing in the next fiscal year and in each fiscal year thereafter until payment in full of any bonds issued by the City for the District (the "Bonds") as contemplated by the Resolution of Formation and the Resolution of Necessity.

**SECTION 3:** The Director of Finance is authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Resolution of Formation.

**SECTION 4:** Properties or entities of the State, federal or local governments are exempt from any levy of the special taxes, to the extent set forth in the Rate and Method. In no event will the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method.

**SECTION 5:** All of the collections of the special tax must be used as provided for in the Law and in the Resolution of Formation, including the payment of principal and interest on the Bonds, the payment of the costs of the City in administering the District, and the payment of the costs of collecting and administering the special tax.

**SECTION 6:** The special taxes are to be collected from time to time as necessary to meet the financial obligations of the District on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special taxes have the same lien priority, and are subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the California Government Code apply to delinquent special tax payments. The Director of Finance is authorized and directed to provide all necessary information to the auditor/tax collector of the County of Ventura and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax will be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year until the Bonds are paid in full and provision has been made for payment of all of the administrative costs of the District.

Notwithstanding the foregoing, the Director of Finance may collect one or more installments of the special taxes on any one or more parcels in the District by means of direct billing by the City of the property owners within the District, if any of the Bonds bear interest at a variable interest rate, or otherwise if, in the judgment of the Director of Finance, such means of collection will reduce the administrative burden on the City in administering the District or is otherwise appropriate in the circumstances. In such

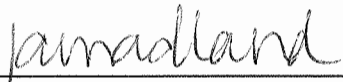
event, the special taxes will become delinquent if not paid when due as set forth in any such respective billing of the property owners.

**SECTION 7:** 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 District, by a Court of competent jurisdiction, the balance of this Ordinance, and the application of the special tax to the remaining parcels within the District, will not be affected.

PASSED, APPROVED, AND ADOPTED January 13, 2010.


  
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Mayor

ATTEST:

  
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City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1049 was introduced by the City Council at a meeting held December 9, 2009, and subsequently passed and adopted by the City Council at a regular meeting held January 13, 2010, by the following vote:

AYES: Councilmembers: Craven, McDonald, Morgan, Waunch, Mayor Kildee  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

  
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City Clerk