

**ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF EASTVALE COMMUNITY FACILITIES DISTRICT NO. 2020-01 (HAMNER PLACE) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN**

**RECITALS:**

**WHEREAS**, the City Council of the City of Eastvale (the "City Council"), has previously adopted Resolution No. 2020-33 entitled "A Resolution of Intention of the City Council of the City of Eastvale, California, to Establish Community Facilities District No. 2020-01 (Hamner Place)" (the "Resolution of Intention"), stating its intention to conduct proceedings to form City of Eastvale Community Facilities District No. 2020-01 (Hamner Place) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Act") to finance certain services (the "Services") including incidental expenses, to serve the CFD; and

**WHEREAS**, the Resolution of Intention set July 22, 2020, at 6:30 p.m., or as soon thereafter as practical, as the date of a public hearing on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the proposed rate and method of apportionment of the special tax within the CFD (the "Rate and Method"); and

**WHEREAS**, a notice of public hearing was published and sent to all landowners proposed to be included in the CFD in accordance with the Act; and

**WHEREAS**, at the public hearing, evidence was presented to the City Council on such matters before it, including a special report (the "Report") describing the services necessary to adequately meet the needs of the CFD and the estimated costs of financing such Services as required by Section 53321.5 of the Act; and

**WHEREAS**, at the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the Rate and Method were heard and a full and fair hearing was held; and

**WHEREAS**, subsequent to the public hearing, the City Council adopted a resolution entitled "Resolution of Formation of the City Council of the City of Eastvale, California, to Establish City of Eastvale Community Facilities District No. 2020-01 (Hamner Place), to Establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax therein, and to Submit the Establishment of an Appropriations Limit and the Levy of Special Taxes to the Qualified Electors thereof" (the "Resolution of Formation") which established the CFD and authorized the levy of a special tax within the CFD; and

**WHEREAS**, to expedite the completion of the proceedings for the CFD and with the unanimous consent of the qualified electorate, the notices of election, applicable waiting periods under the Act for the holding of any public hearing and for election and all ballot arguments and analysis for the election have been waived; and

**WHEREAS**, subsequent to the public hearing, the City Council also adopted a resolution entitled “Resolution of the City Council of the City of Eastvale, California, Calling a Special Election and Submitting to the Qualified Electors of City of Eastvale Community Facilities District No. 2020- 01 (Hamner Place) Propositions Regarding the Establishment of an Appropriations Limit and the Annual Levy of a Special Tax Within the Community Facilities District” (the “Resolution Calling Election”) which called a special election of the qualified electors within the CFD; and

**WHEREAS**, pursuant to the terms of the Resolution Calling Election, an election was held in which qualified electors of the CFD approved the establishment of an appropriations limit for the CFD and the levy of a special tax (the “Special Tax”) within the CFD; and

**WHEREAS**, on July 22, 2020, the City Council adopted a resolution entitled “Resolution of the City Council of the City of Eastvale, California, Declaring the Results of a Special Election in the City of Eastvale Community Facilities District No. 2020-01 (Hamner Place) and Directing the Recording of a Notice of Special Tax Lien” (the “Resolution Declaring Results of Election”) which certified the results of the July 22, 2020 election conducted by the City Clerk, which results showed that more than two-thirds of the votes cast in the CFD were in favor of the proposition to levy the Special Tax and the proposition to establish an appropriations limit for the CFD;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EASTVALE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. RECITALS.** THE ABOVE RECITALS ARE ALL TRUE AND CORRECT.

**SECTION 2. AUTHORIZATION OF THE LEVY OF A SPECIAL TAX.** BY THE PASSAGE OF THIS ORDINANCE, THE CITY COUNCIL AUTHORIZES THE LEVY OF THE SPECIAL TAX IN THE CFD IN ACCORDANCE WITH THE RATE AND METHOD SET FORTH IN THE EXHIBIT “B” TO THE RESOLUTION OF FORMATION, WHICH IS ON FILE IN THE OFFICE OF THE CITY CLERK AND INCORPORATED BY REFERENCE HEREIN.

**SECTION 3. ANNUAL RATE DETERMINATION.** THE FINANCE DIRECTOR OR THE FINANCE DIRECTOR’S DESIGNEE IS HEREBY AUTHORIZED TO SERVE AS THE CFD ADMINISTRATOR (PER SECTION A OF THE RATE & METHOD OF APPORTIONMENT (“RMA”)) RESPONSIBLE FOR DETERMINING THE SPECIAL TAX REQUIREMENT AND PROVIDING FOR THE LEVY AND COLLECTION OF THE SPECIAL TAX WITH THE AID OF THE APPROPRIATE



OFFICERS AND AGENTS OF THE CITY. THE CFD ADMINISTRATOR IS HEREBY AUTHORIZED AND DIRECTED, WITHOUT FURTHER ACTION BY THE CITY COUNCIL, TO DO THE FOLLOWING:

- A) CALCULATE THE APPROPRIATE AMOUNT OF THE SPECIAL TAX EACH YEAR (AS AUTHORIZED BY, AND AS PROVIDED IN, THE RESOLUTION OF FORMATION AND THE RMA) ON OR BEFORE AUGUST 10TH EACH YEAR, OR SUCH OTHER DATE AS IS ESTABLISHED BY LAW OR BY THE COUNTY AUDITOR-CONTROLLER OF THE COUNTY OF RIVERSIDE, EXCEPT THAT SPECIAL TAXES TO BE LEVIED SHALL NOT EXCEED THE MAXIMUM RATES SET FORTH IN THE RMA, BUT THE SPECIAL TAX MAY BE LEVIED AT A LOWER RATE.
- B) PREPARE THE ANNUAL SPECIAL-TAX ROLL IN ACCORDANCE WITH THE RESOLUTION OF FORMATION AND THE RMA; AND
- C) PROVIDE TO THE COUNTY AUDITOR-CONTROLLER OF THE COUNTY OF RIVERSIDE ALL INFORMATION IN PROPER FORM, AND IN PROPER TIME, THAT IS NECESSARY AND APPROPRIATE TO EFFECT THE CORRECT AND TIMELY BILLING AND COLLECTION OF THE SPECIAL TAX ON THE SECURED PROPERTY-TAX ROLL OF RIVERSIDE COUNTY.

**SECTION 4. EXEMPT PROPERTY.** EXCEPT AS PROVIDED IN SECTION 53340.1 OF THE ACT AND EXCEPT FOR PROPERTIES THAT A LOCAL AGENCY IS A LANDOWNER OF WITHIN THE MEANING OF SUBDIVISION (F) OF SECTION 53317 OF THE ACT, PURSUANT TO SECTION 53340 OF THE ACT, PROPERTIES OF ENTITIES OF THE STATE, FEDERAL AND LOCAL GOVERNMENTS SHALL BE EXEMPT FROM THE LEVY OF THE SPECIAL TAX. REFERENCE IS HEREBY MADE TO THE RATE AND METHOD FOR A DESCRIPTION OF OTHER PROPERTIES OR ENTITIES THAT ARE EXPRESSLY EXEMPTED FROM THE LEVY OF THE SPECIAL TAX.

**SECTION 5. USE OF COLLECTIONS.** ALL OF THE COLLECTIONS OF THE SPECIAL TAX SHALL BE USED ONLY AS PROVIDED BY THE ACT AND IN THE RESOLUTION OF FORMATION. THE SPECIAL TAX SHALL BE LEVIED ONLY SO LONG AS NEEDED FOR THE PURPOSES AS DESCRIBED IN THE RESOLUTION OF FORMATION.

**SECTION 6. COLLECTION.** THE SPECIAL TAX SHALL BE COLLECTED IN THE SAME MANNER AS ORDINARY AD VALOREM TAXES AND SHALL BE SUBJECT TO THE SAME PENALTIES AND THE SAME PROCEDURE, SALE AND LIEN IN ANY CASE OF DELINQUENCY AS APPLICABLE FOR AD VALOREM PROPERTY TAXES; PROVIDED, HOWEVER, THAT THE SPECIAL TAX MAY BE COLLECTED BY DIRECT BILLING BY THE CITY OF THE PROPERTY OWNERS IN THE CFD OR IN SUCH OTHER MANNER AS MAY BE PROVIDED BY THE CITY COUNCIL. IN ADDITION, THE PROVISIONS OF SECTION 53356.1 OF THE ACT SHALL APPLY TO ANY DELINQUENT SPECIAL TAX PAYMENTS.

**SECTION 7. AUTHORIZATION.** THE SPECIFIC AUTHORIZATION FOR ADOPTION OF THE ORDINANCE IS SECTION 53340 OF THE ACT.

**SECTION 8. SEVERABILITY.** IF FOR ANY REASON ANY PORTION OF THE ORDINANCE IS FOUND TO BE INVALID, OR IF THE SPECIAL TAX IS FOUND INAPPLICABLE FOR 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 9. CERTIFICATION.** THE CITY CLERK SHALL CERTIFY THE PASSAGE OF THIS ORDINANCE AND CAUSE IT TO BE PUBLISHED OR POSTED IN ACCORDANCE WITH LAW.

**PASSED, APPROVED AND ORDAINED** this 26th day of August, 2020.

  
\_\_\_\_\_  
Brandon Plott  
Mayor

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
Erica Vega  
City Attorney

  
\_\_\_\_\_  
Marc A. Donohue, MMC  
City Clerk/Communications Director

STATE OF CALIFORNIA)  
COUNTY OF RIVERSIDE) §  
CITY OF EASTVALE )

I, Marc A. Donohue, City Clerk/Communications Director of the City of Eastvale, California, do hereby certify that the foregoing Ordinance No. 2020-05, was introduced at a regular meeting of the City Council of the City of Eastvale held on the 22nd day of July, 2020, and was passed by the City Council of the City of Eastvale at a regular meeting held on the 26th day of August, 2020, by the following vote:

AYES: Councilmembers Lorimore, Rigby, Mayor Pro Tem Yow, and Mayor Plott

NOES:

ABSENT:

ABSTAIN:



---

Marc A. Donohue, MMC  
City Clerk/Communications Director