

ORDINANCE NO. 2021-006

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO,
ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO. 2021-1 (APPESETCHE)
OF THE CITY OF CHINO AUTHORIZING THE LEVY OF SPECIAL
TAXES WITHIN THE DISTRICT**

WHEREAS, on March 16, 2021, the City Council (the "City Council") of the City of Chino (the "City") adopted Resolution No. 2021-020 declaring its intention to form Community Facilities District No. 2021-1 (Appesetche) of the City of Chino (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. 2021-021 declaring its intention to incur bonded indebtedness of the Community Facilities District; and

WHEREAS, on April 20, 2021, 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 and services described in Resolution No. 2021-020 and to secure the payment of any bonded indebtedness of the Community Facilities District, and the proposed issuance of up to \$10,000,000 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 and services described in Resolution No. 2021-020 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 April 20, 2021, 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 April 20, 2021 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 April 20, 2021, 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 CHINO ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2021-1 (APPESETCHE) OF THE CITY OF CHINO, 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 C to the Resolution No. 2021-020, which rate and method of apportionment is incorporated by reference herein (the "Rate and Method").

Section 3. The Director of Finance 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 Community Facilities District pursuant to the Rate and Method. The special tax rates to be levied pursuant to the Rate and Method shall not exceed the applicable maximum rates set forth therein, but the special taxes 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 30 days following its final passage, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Act.

Section 9. The City Clerk is hereby authorized to perform all acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

INTRODUCED, ADOPTED, SIGNED AND APPROVED ON THE 4TH DAY OF MAY, 2021.

CITY COUNCIL OF THE CITY OF CHINO

By: 

Marc Lucio,
Mayor Pro Tem of the City of Chino

ATTEST:



Angela Robles
City Clerk of the City of Chino

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

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Ordinance was duly adopted by the City Council of the City of Chino at a regular meeting held on the 4th day of April 2021, by the following votes:

AYES: COUNCIL MEMBERS: LUCIO, COMSTOCK, FLORES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: ULLOA



ANGELA ROBLES, CITY CLERK