

ORDINANCE NO. 548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT

Community Facilities District No. 2-2020
(Municipal Services)

WHEREAS, on September 1, 2020, this Council adopted a resolution entitled “A Resolution of the City Council of the City of Colusa of Intention to Establish a Community Facilities District (the “Resolution of Intention”), has conducted proceedings (the “Proceedings”) to establish Community Facilities District No. 2-2020 (Municipal Services) (the “CFD”), of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”) to pay for provision of services within the boundaries of the CFD (the “Services”) as provided in the Act;

WHEREAS, pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held public hearings under the Act relative to the determination to proceed with the formation of the CFD, the rate and method of apportionment of the special taxes to be levied within the CFD to pay for Services provided within the CFD and at such hearings, all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of such special taxes were heard, substantial evidence was presented and considered by this Council and full and fair hearings were held;

WHEREAS, upon the conclusion of the hearings, this City Council adopted its Resolution of the City Council of the City of Colusa of Formation of Community Facilities District No.2-2020 (the “Resolution of Formation) pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of a special taxes with the CFD, and the calling of an election within the CFD on the propositions of levying such special taxes, and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, on December 15, 2020, a special election was held among the qualified landowners within the CFD at which such property owners approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUSA as follows:

Section 1. By the passage of this Ordinance, the Council hereby authorizes and levies special taxes within the CFD pursuant to the Act and in accordance with the rate and method of apportionment of special tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein. The special taxes are hereby levied commencing in fiscal year 2021-2022 and in each fiscal year thereafter until the expenses of the CFD and all costs of administering the CFD are paid.

Section 2. The Finance Director of the City of Colusa or designee or employee thereof of the City is hereby authorized and directed each fiscal year 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 CFD, in the manner and as provided in the Resolution of Formation.

Section 3. Exemptions from the levy of the special taxes shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximums specified in the Resolution of Formation.

Section 4. All of the collections of the special taxes shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of providing services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the special taxes.

Section 5. The special taxes shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments. The Finance Director of the City of Colusa is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Colusa in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of Colusa for fiscal year 2021-2022 and for each fiscal year thereafter until the expenses of the CFD are paid.

Section 6. 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 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 7. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

Section 8. This Ordinance shall take effect 30 days from the date of final passage.

INTRODUCED at a regular meeting of the City Council of the City of Colusa held on December 15, 2020, by the following vote:

AYES: Ponciano, Reische, Conrado, Vaca and Hill.

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Colusa held on February 2, 2021, by the following vote:

AYES: Ponciano, Reische, Vaca, Conrado and Hill.

NOES: None.

ABSENT: None.

ABSTAIN: None.

JOSH HILL, MAYOR

ATTEST:

Shelly Kittle, City Clerk