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APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13463 C.M.S.

ORDINANCE LEVYING SPECIAL TAXES WITHIN
COMMUNITY FACILITIES DISTRICT NO. 2017-1
(BROOKLYN BASIN PUBLIC SERVICES)

11/28/2017

WHEREAS, on October 3, 2017, the City Council ("City Council") of the City of Oakland ("City") adopted Resolution No. 86921 C.M.S. entitled, "A RESOLUTION OF INTENTION OF THE CITY OF OAKLAND TO: ESTABLISH CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES); SCHEDULE A PUBLIC HEARING; LEVY A SPECIAL TAX TO FINANCE THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS; AND APPROVE A PROPOSED BOUNDARY MAP FOR COMMUNITY FACILITIES DISTRICT NO. 2017-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982; AND FIND COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), EACH AS A SEPARATE AND INDEPENDENT BASIS, CEQA GUIDELINE SECTIONS 15162 SUBSEQUENT ENVIRONMENTAL IMPACT REPORTS (EIRS) AND NEGATIVE DECLARATIONS, 15183 PROJECTS CONSISTENT WITH A COMMUNITY PLAN, GENERAL PLAN, OR ZONING, 15301 EXISTING FACILITIES; AND SECTION 15308 ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT" ("Resolution of Intention") wherein it declared its intention to establish a community facilities district to be known as "Community Facilities District No. 2017-1 (Brooklyn Basin Public Services)" ("CFD No. 2017-1") and to levy an annual special tax ("Special Tax") to pay the costs of certain public services pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Government Code section 53311 *et seq.*) (the "Act"); and

WHEREAS, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2017-1 (the "Boundary Map," attached as Exhibit 4 to the Resolution of Intention), described the maintenance and administrative costs eligible to be funded by CFD No. 2017-1 (collectively "Services," attached as Exhibit 2 to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2017-1 ("Rate and Method of Apportionment," attached as Exhibit 3 to the Resolution of Intention) to pay for such Services. The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland ("City Clerk") and the provisions thereof are incorporated herein by this reference as if fully set forth in this Ordinance; and

WHEREAS, on November 7, 2017, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under Section 53324 of the Act was not made at the hearing, and adopted Resolution No. 80960 C.M.S., a Resolution of Formation, pursuant to Section 53325.1 of the Act, thereby completing its proceedings for formation of the proposed CFD 2017-1. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this Ordinance; and

WHEREAS, on November 7, 2017, following adoption of the Resolution of Formation, the Council adopted Resolution No. 80961 C.M.S. calling an election within CFD No. 2017-1 on the proposition of levying the Special Tax within CFD No. 2017-1; and

WHEREAS, on November 7, 2017 an election was held within CFD No. 2017-1 in which the qualified electors unanimously approved the levy of the Special Tax; now, therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.
2. The City Council hereby authorizes the levy of the Special Tax within CFD No. 2017-1, pursuant to the Act, in accordance with the Rate and Method of Apportionment incorporated by reference in Exhibit 3 of the Resolution of Intention and as approved by the Resolution of Formation.
3. The Special Tax is hereby levied commencing in the first fiscal year indicated in the Rate and Method of Apportionment and in each fiscal year thereafter, adjusted as provided for in the Rate and Method of Apportionment.
4. The City Administrator or its designee ("Administrator") is hereby authorized and directed for each fiscal year to determine the Special Tax rate and amount to be levied for each parcel of real property within CFD No. 2017-1, in the manner and as provided in the Rate and Method of Apportionment.
5. Properties or entities of the State, federal or local government shall be exempt from any levy of the Special Tax to the extent exempted by law in addition to other exempt properties described in the Rate and Method of Apportionment.
6. The Special Tax shall be used to pay for the costs of the Services, a description of which is incorporated by reference in Exhibit 2 of the Resolution of Intention, including the costs of collecting the Special Tax and administering CFD No. 2017-1 and incidental expenses pursuant to the Act.
7. The Special Tax shall be collected from time to time as necessary to meet the financial obligations of CFD No. 2017-1 on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The Special Tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ad valorem taxes. The Administrator is hereby authorized and directed to provide all necessary information to the Treasurer/Tax Collector of Alameda County and to otherwise take all actions necessary in order to effect proper

billing and collection of the Special Tax, so that the Special Tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of CFD No. 2017-1 in each fiscal year.

8. Notwithstanding the foregoing, the Administrator may collect one or more installments of the Special Tax on any one or more parcels in CFD No. 2017-1 by means of direct billing by the City of the property owners of CFD No. 2017-1, if in the judgment of the Administrator, such means of collection will reduce the administrative burden on the City in administering CFD No. 2017-1 or is otherwise appropriate.
9. 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 No. 2017-1 by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels within CFD No. 2017-1 shall not be affected.
10. The Clerk shall attest to the adoption of this Ordinance and cause it to be published within fifteen (15) days after its passage at least once in the Oakland Tribune, a newspaper of general circulation published and circulated in the area of CFD No. 2017-1.
11. This Ordinance is adopted pursuant to Section 53340 of the Act and shall be effective immediately upon passage if approved by six or more Councilmembers; otherwise, it shall be effective on the seventh day following adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 28, 2017

Introduction Date **NOV 07 2017**

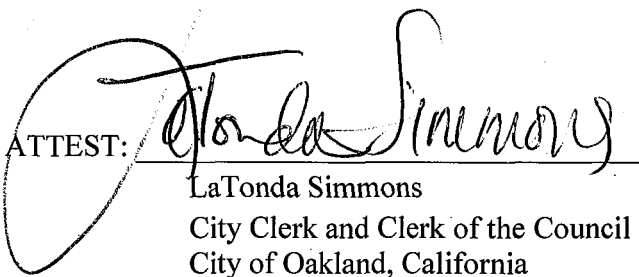
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY,
GUILLÉN, KALB, KAPLAN AND PRESIDENT REID - 8

NOES- ☒

ABSENT- ☒

ABSTENTION- ☒

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
City of Oakland, California

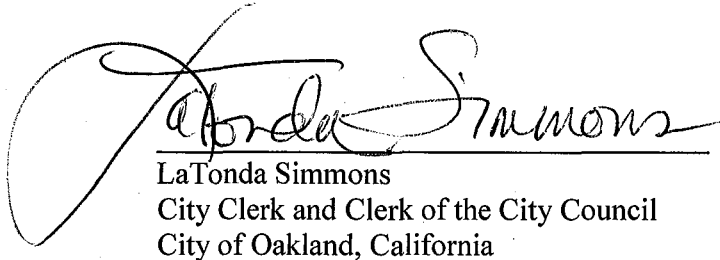
DATE OF ATTESTATION:
NOV 30 2017

CERTIFICATE OF THE CITY CLERK

I, La Tonda Simmons, City Clerk and Clerk of the City Council of the City of Oakland (the "City"), hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 13463 C.M.S., duly adopted at a meeting of the City Council of the City duly and regularly held on November 7, 2017, of which meeting all of said City Council had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a true, complete and correct copy of the original ordinance duly adopted at said meeting and entered in said minutes; and that said ordinance has not been modified, amended, rescinded or revoked except as provided in such ordinance in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate this 30 day of November, 2017.



LaTonda Simmons
City Clerk and Clerk of the City Council
City of Oakland, California