

**ORDINANCE NO. 2377**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, STATE OF CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT

CITY OF VICTORVILLE  
COMMUNITY FACILITIES DISTRICT NO. 2018-001  
(VICTORVILLE LEAD TRACK)

**WHEREAS**, this City Council (the "City Council") of the City of Victorville (the "City") on November 21, 2017 adopted Resolution No. R17-061 entitled "A Resolution of the City Council of the City of Victorville, State of California, Declaring its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention") and has conducted proceedings (the "Proceedings") to establish the City of Victorville Community Facilities District No. 2018-001 (Victorville Lead Track) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act") to finance the costs of the maintenance, repair and replacement of the Victorville Lead Track, and related appurtenances (the "Services") as provided in the Act; and

**WHEREAS**, the Resolution of Intention called for a public hearing to be held on January 16, 2018, or as soon thereafter as the matter may be heard; and

**WHEREAS**, on January 16, 2018, and as part of the Proceedings, this City Council held a public hearing under the Act relative to the determination to proceed with the formation of the District and the rate and method of apportionment of the special tax (the "Special Tax") to be levied within the District to finance the Services and, at such hearing, all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of the Special Tax were heard, substantial evidence was presented and considered by this City Council, and a full and fair public hearing was held; and

**WHEREAS**, upon the conclusion of the hearing, this City Council adopted a resolution entitled "A Resolution of the City Council of the City of Victorville, State of California, Establishing the Formation of a Community Facilities District" (the "Resolution of Formation"), whereby the City Council (i) established the District, (ii) authorized the levy of the Special Tax within the District, and (iii) preliminarily established an appropriations limit for the District, all pursuant to the Act; and

**WHEREAS**, on January 16, 2018, a special election was held among the landowner voters within the District at which the landowner voters approved the proposition relating to the levy of Special Taxes within the District and the establishment of an appropriations limit for the District by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this City Council; and

**WHEREAS**, the City Council ordered the recordation with the County Recorder of the County of San Bernardino of a Notice of Special Tax Lien (the "Notice").

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

1. The foregoing recitals are true and correct.
2. By the passage of this Ordinance, the City Council hereby authorizes and levies the Special Tax within the District pursuant to the Act, at the rate 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 Tax is hereby levied commencing in fiscal year 2018-2019 and in each fiscal year thereafter to pay for the Services for the District and all costs of administering the District, as contemplated by the Resolution of Formation and the Proceedings.
3. The City's Deputy City Manager or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific Special Tax to be

levied for the next ensuing fiscal year for each parcel of real property within the District, in the manner and as provided in the Resolution of Formation.

4. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the District in excess of the maximum Special Tax specified in the Resolution of Formation.

5. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the Special Tax.

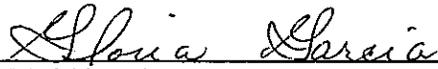
6. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the City Council may provide for other appropriate methods of collection by resolution(s) of the City Council. The City's Deputy City Manager is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Bernardino 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 San Bernardino for fiscal year 2018-2019 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

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 shall not be affected.

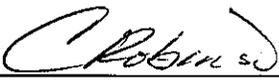
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THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON MARCH 8, 2018.

PASSED, APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF FEBRUARY, 2018.

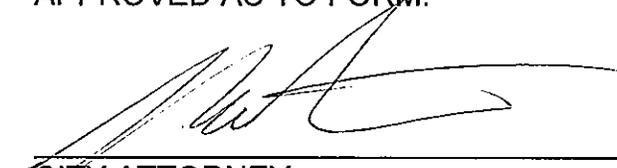
  
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MAYOR OF THE CITY OF VICTORVILLE

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

2-8-18  
\_\_\_\_\_  
DATE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2377 which was duly adopted at a meeting held on the 6<sup>th</sup> day of February, 2018 by the following roll call vote, to wit:

AYES: Councilmembers Garcia, Gomez, Kennedy and Negrete

NOES: None

ABSENT: Councilmember Cox

ABSTAIN: None

  
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CITY CLERK OF THE CITY OF VICTORVILLE