

CITY OF ALAMEDA ORDINANCE NO. 3172
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING
DIVISION IV (ANNEXATION OF TERRITORY) OF SECTION 3-70
(SPECIAL TAX FINANCING IMPROVEMENT CODE), OF DIVISION I
(GENERAL PROVISIONS), OF ARTICLE IV (SPECIAL TAX
FINANCING), OF CHAPTER III (FINANCE AND TAXATION)

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Division IV (Annexation of Territory) of Section 3-70 (Special Tax Financing Improvement Code) of Division I (General Provisions) of Article IV (Special Tax Financing) of Chapter III (Finance and Taxation) is hereby amended by adding thereto a new Subsection 3.70-66 to read as follows:

3.70-66 – Alternative Procedures for Annexation of Territory.

As a complete alternative to the procedures for annexation of territory to a community facilities district set forth in subsections 3-70.58 through 3-70.64, the City Council may provide for the future annexation of territory to a community facilities district, during the proceedings to form a community facilities district, by means of the following procedures:

- a. The resolution of intention to establish the community facilities district described in subsection 3-70.25 shall include a determination by the City Council that territory be added to the community facilities district in the future, upon compliance with the procedures set forth in this subsection 3.70-66.
- b. The map of the boundaries of the proposed community facilities district described in subsection 3-70.25 a. shall include an area designated as a “future annexation area.”
- c. The resolution of intention to establish the community facilities district otherwise described in subsection 3-70.25 shall include the matters described in subsection 3-70.59 c. and d. as applicable to the future annexation area delineated on the map of the boundaries of the proposed community facilities district. The City Council may specify one or more tax zones applicable to the area to be annexed in the rate and method of apportionment of special taxes for the proposed community facilities district, including tax zones with special tax rates to be determined in connection with the approval by the property owner(s) for the annexation described in subsection 3.70-66 f.
- d. The resolution of intention to establish the community facilities district otherwise described in subsection 3-70.25 shall provide for a public hearing regarding the future annexation of territory to the community facilities district, which shall be combined with the public hearing described in subsection 3-70.25 e. Notice of

the public hearing described in subsection 3-70.27 shall serve as the notice of the public hearing required by this subsection 3.70.66 d., and shall include the statement described in subsection 3-70.60 c.

- e. The provisions of subsection 3-70.62 shall apply to the public hearing described in subsection 3-70.66 d., except that the term “existing community facilities district” shall instead refer to the “proposed community facilities district (exclusive of the future annexation area),” and the provisions of the first sentence of subsection 3-70.63 shall apply to the public hearing.
- f. Following the public hearing described in subsection 3.70.66 d. and e., and if there is no protest of the nature described in subsection 3-70.62, following the formation of the related community facilities district pursuant to Division II all or any portion of the property in the future annexation area identified on the map of the community facilities district may from time to time be annexed to the community facilities district upon the unanimous approval of the owner or owners of each parcel or parcels in the future annexation area then to be annexed, without additional hearings. The unanimous approval shall constitute a vote (for purposes of Article XIII A of the California Constitution) in favor of the annexation, and shall designate any tax zone, if applicable, into which the property is to be included for purposes of the rate and method of apportionment of special taxes for the community facilities district (as may be applicable pursuant to Section 3-70.66 c.).
- g. After receipt of the unanimous approval of the owner or owners of a parcel or parcels to be annexed to a community facilities district as described in subsection 3.70-66 f., the City Council may levy the special tax within the annexed territory pursuant to the rate and method of apportionment of special taxes for the community facilities district to which the property was annexed, as it may have been altered as provided in subsection 3-70.59 d. and any applicable tax zone, all as described in subsection 3-70.66 c., and the City shall record or cause to be recorded an amendment to the notice of special tax lien for the community facilities district described in subsection 3-70.41, as specified in Section 3117.5 of the California Streets and Highways Code.

Section 2. The validity of this Ordinance shall not be contested in any action or proceeding unless such action or proceeding shall have been brought within thirty (30) days from the date of the adoption by the City Council of this Ordinance. Unless an action or proceeding is commenced within said period, this Ordinance shall be held valid and in every respect legal and incontestable.

Section 3. This Ordinance shall be effective and be in full force and effect from and after the date which is thirty (30) days after the date of its final passage.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted by the Council of the City of Alameda in a regular meeting assembled on the 20th day of December, 2016, by the following vote to wit:

AYES: Councilmembers Ezzy Ashcraft, Matarrese, Oddie, Vella and Mayor Spencer – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Alameda this 21st day of December, 2016.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda