

**CITY OF LATHROP – ORDINANCE
PROPOSED FOR ADOPTION**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LATHROP LEVYING
SPECIAL TAXES WITHIN CITY OF
LATHROP COMMUNITY FACILITIES
DISTRICT NO. 2024-1 (EAGLES
LANDING SERVICES)**

WHEREAS, on February 12, 2024 this City Council (the "City Council") of the City of Lathrop (the "City"), adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" stating its intention to establish "City of Lathrop Community Facilities District No. 2024-1 (Eagles Landing Services)" (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, sections 53311, et. seq., of the California Government Code (the "Act"), to finance certain public services (the "Services"); and

WHEREAS, notice was published as required by the Act relative to the intention of this City Council to form the CFD and to provide for the Services; and

WHEREAS, this City Council has held noticed public hearings as required by the Act relative to (i) the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the authorized Services for the CFD; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this City Council and a full and fair hearing was held; and

WHEREAS, subsequent to the hearing, this City Council adopted resolutions entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation") and "Resolution Calling Special Election", which resolutions defined the public Services to be financed by the CFD (the "Services"), established the CFD, authorized the levy of a special tax with the CFD and called an election within the CFD on the propositions of levying a special tax, and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, on April 8, 2024 a special election was held within the CFD at which the eligible landowner-electors approved such propositions by the two-thirds vote required by the Act.

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

Section 1. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within the CFD pursuant to the Act, at the rate and in accordance with the formula (the "Rate and Method") set forth in the Resolution of Formation, which Resolution of Formation is by this reference incorporated herein. The special taxes are hereby levied commencing in fiscal year 2024-25 and

in each fiscal year for the period provided in the Rate and Method, as contemplated by the Resolution of Formation, and all costs of administering the CFD.

Section 2. The Finance Director of the City is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount 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. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Resolution of Formation.

Section 4. All of the collections of the special tax shall be used as provided for 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 CFD, and the costs of collecting and administering the special tax.

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 this City Council may provide for other appropriate methods of collection by resolutions of this City 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 is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Joaquin 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 Joaquin for fiscal year 2024-25 and for each fiscal year thereafter for the period of time provided in the Rate and Method.

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 within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

Section 8. This Ordinance shall take effect 30 days from the date of final passage. The Ordinance was regularly introduced by the City Council at the Regular Meeting on April 8, 2024. A certified copy of the full text of the proposed Ordinance is posted in the Office of the City Clerk at 390 Towne Centre Drive, Lathrop, and is available for review upon request. The City

Council will consider the second reading and adoption of the Ordinance during the City Council Regular Meeting on May 13, 2024 at 7:00 p.m., at City Hall Council Chamber, 390 Towne Centre Drive, Lathrop, CA

TERESA VARGAS – CITY CLERK OF THE CITY OF LATHROP

Publication Date: 4/26/2024

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