

ITEM 4.3

CITY MANAGER'S REPORT JULY 10, 2023 CITY COUNCIL REGULAR MEETING

ITEM: SECOND READING AND ADOPTION OF ORDINANCE 23-446 OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2023-1 (RIVER ISLANDS PUBLIC SERVICES AND FACILITIES #2)

RECOMMENDATION: Waive Full Reading and Adopt Ordinance 23-446 Levying Special Taxes within City Of Lathrop Community Facilities District No. 2023-1 (River Islands Public Services and Facilities #2)

RECOMMENDED ACTION:

The City Council to conduct second reading and adopt Ordinance 23-446 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2023-1 (RIVER ISLANDS PUBLIC SERVICES AND FACILITIES #2)

SUMMARY:

On June 12, 2023, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

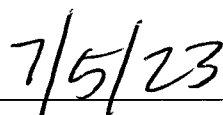
AYES: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal
NOES: Diallo
ABSTAIN: None
ABSENT: None

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:



Teresa Vargas, City Clerk



Date

ORDINANCE NO. 23-446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP LEVYING SPECIAL TAXES WITHIN CITY OF LATHROP COMMUNITY FACILITIES DISTRICT NO. 2023-1 (RIVER ISLANDS PUBLIC SERVICES AND FACILITIES #2)

WHEREAS, on April 10, 2023 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. 2023-1 (River Islands Public Services and Facilities #2)" (the "CFD"), including a "City of Lathrop Community Facilities District No. 2023-1 (River Islands Public Services and Facilities #2) (Future Annexation Area), 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 services and the acquisition and construction of certain facilities;

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 certain Services and Facilities #2;

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 and Facilities #2 for the CFD;

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;

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 and Facilities #2 to be financed by the CFD (the "Services and Facilities #2"), 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 June 12, 2023 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 2023-24 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 and Facilities #2, 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 Solano for fiscal year 2023-14 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.

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THIS ORDINANCE was introduced at a regular meeting of the City Council of the City of Lathrop on the 12th day of June 2023, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the ____ day of _____ by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney