

ORDINANCE NO. 23-___

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO. 2023-2 (CIMARRON RIDGE) OF
THE CITY OF MENIFEE AUTHORIZING THE LEVY OF SPECIAL TAXES
WITHIN IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2**

WHEREAS, on March 15, 2023, the City Council (the "City Council") of the City of Menifee (the "City") adopted Resolution No. 23-1296 declaring its intention to form Community Facilities District No. 2023-2 (Cimarron Ridge) of the City of Menifee (the "District") and Improvement Area No. 1 ("Improvement Area No. 1") and Improvement Area No. 2 ("Improvement Area No. 2" and together with Improvement Area No. 1, the "Improvement Areas" and each an "Improvement Area") therein pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, comprising Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the "Act"), and its Resolution No. 23-1297 declaring its intention to incur bonded indebtedness for each of Improvement Area No. 1 and Improvement Area No. 2; and

WHEREAS, on April 19, 2023, after providing all notice required by the Act, the City Council conducted a noticed public hearing required by the Act relative to the proposed formation of the District, the designation of the Improvement Areas, the proposed levy of a special tax therein to finance certain public facilities described in Resolution No. 23-1296 and to secure the payment of any bonded indebtedness of the District for the Improvement Areas, and the proposed issuance of up to \$10,000,000 of bonded indebtedness for Improvement Area No. 1 and up to \$15,000,000 of bonded indebtedness for Improvement Area No. 2, as described in Resolution No. 23-1297; and

WHEREAS, at the April 19, 2023 public hearing, all persons desiring to be heard on all matters pertaining to the formation of the District, the designation of the Improvement Areas and the proposed levy of the special tax to finance the facilities described in Resolution No. 23-1296 and to secure the payment of up to \$10,000,000 of bonded indebtedness for Improvement Area No. 1 and of up to \$15,000,000 of bonded indebtedness for Improvement Area No. 2 as described in Resolution No. 23-1297 (together, the "Bonds") were heard and a full and fair hearing was held; and

WHEREAS, on April 19, 2023, the City Council adopted Resolution Nos. 2023-___ and 2023-___ which formed the District, designated the Improvement Areas and called a special election within each of Improvement Area No. 1 and Improvement Area No. 2 on April 19, 2023 in each case on three propositions relating to the levy of a special tax within each Improvement Area, the issuance of the Bonds by the District for each Improvement Area and the establishment of an appropriations limit within the District; and

WHEREAS, on April 19, 2023, a special election was held within Improvement Area No. 1 at which the qualified electors therein approved by more than a two-thirds vote Propositions A, B and C set forth in Attachment B to Resolution No. 2023-___ authorizing the levy of a special tax within Improvement Area No. 1 for the purposes described in Resolution No. 23-___, the issuance of the Bonds for Improvement Area No. 1 as described in Resolution No. 23-___ and establishing an appropriations limit for the District; and

WHEREAS, on April 19, 2023, a special election was held within Improvement Area No. 2 at which the qualified electors therein approved by more than a two-thirds vote Propositions D, E and F set forth in Attachment C to Resolution No. 2023-____ authorizing the levy of a special tax within Improvement Area No. 2 for the purposes described in Resolution No. 23-____, the issuance of the Bonds for Improvement Area No. 2 as described in Resolution No. 23-____ and establishing an appropriations limit for the District; and

NOW, THEREFORE, the City Council of the City of Menifee, California does ordain as follows:

Section 1. The above recitals are all true and correct.

Section 2. By the passage of this Ordinance, the City Council authorizes and levies special taxes within Improvement Area No. 1 and Improvement Area No. 2 pursuant to Sections 53328 and 53340 of the Act at the rates and in accordance with the rate and method of apportionment set forth in Attachment C to Resolution No. 23-1296 as to Improvement Area No. 1 and the rate and method of apportionment set forth in Attachment D to Resolution No. 23-1296 as to Improvement Area No. 2, which are incorporated by reference herein (each a "Rate and Method"). The special taxes are hereby levied commencing in the fiscal year specified in the Rate and Method for such Improvement Area and in each fiscal year thereafter until payment in full of the Bonds issued by the District for such Improvement Area (including any bonds issued to refund the Bonds), payment of all costs of the public facilities and services authorized to be financed by the District for such Improvement Area, and payment of all costs of administering the District allocable to such Improvement Area.

Section 3. Each of the Mayor, the City Manager, the Assistant City Manager, or their written designees (each, an "Authorized Officer"), acting alone, is hereby authorized and directed each fiscal year to determine the specific special tax rates and amounts to be levied in such fiscal year on each parcel of real property within Improvement Area No. 1 and Improvement Area No. 2, in the manner and as provided in the Rate and Method applicable to such Improvement Area. The special tax rate levied on a parcel pursuant to each Rate and Method shall not exceed the maximum rate set forth in the Rate and Method for such parcel, but the special tax may be levied at a lower rate. Each Authorized Officer is hereby authorized and directed to provide all necessary information to the Treasurer-Tax Collector of the County of Riverside and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax within each Improvement Area, so that the special tax shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District for such Improvement Area in each fiscal year, and with respect to Special Tax, until the Bonds issued by the District for such Improvement Area are paid in full, the facilities financed for such Improvement Area have been paid for, and provision has been made for payment of all of the administrative costs of the District.

Section 4. Properties or entities of the state, federal or other local governments shall be exempt from the special tax for each Improvement Area, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act and Section F of each Rate and Method. No other properties or entities within each of the Improvement Areas are exempt from the special tax unless the properties or entities are expressly exempted in Resolution No. 2023-____ or in a resolution of consideration to levy a new special tax or special taxes or to alter the applicable Rate and Method or an existing special tax as provided in Section 53334 of the Act.

Section 5. All of the collections of the special tax within each Improvement Area shall be used as provided for in the Act, the Rate and Method for such Improvement Area and Resolution No. 2023-____.

Section 6. The special tax within each Improvement Area shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes (which such procedures include the exercise of all rights and remedies permitted by law to make corrections, including, but not limited to, the issuance of amended or supplemental tax bills), as such procedure may be modified by law or by this City Council from time to time.

Section 7. As a cumulative remedy, if any amount levied as a special tax for payment of the interest or principal of the Bonds issued by the District for an Improvement Area (including any bonds issued to refund such Bonds), together with any penalties and other charges accruing under this Ordinance, are not paid when due, the City Council may, not later than four years after the due date of the last installment of principal on such Bonds (including any bonds issued to refund such Bonds), order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax within the applicable Improvement Area, as authorized by the Act.

Section 8. The Mayor of the City shall sign this Ordinance and the City Clerk or any Acting City Clerk (referred to herein as the "City Clerk") shall attest to the Mayor's signature and then cause the same to be published within fifteen (15) days after its passage at least once in The Press Enterprise, a newspaper of general circulation published and circulated in the City of Menifee.

Section 9. The specific authorization for adoption of this Ordinance is pursuant to the provisions of Section 53340 of the Act.

Section 10. The City Clerk is hereby authorized to transmit a certified copy of this ordinance to the Treasurer-Tax Collector of the County of Riverside, and to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

Section 11. A full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 12. This Ordinance shall take effect thirty days after its final passage.

This Ordinance was introduced and read on the ____ day of ____, 2023 and **APPROVED
AND ADOPTED** this ____ day of ____, 2023.

Bill Zimmerman, Mayor

Attest:

A. Kay Vinson, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney