

ORDINANCE NO. 2023-___

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-154 AND
LEVYING SPECIAL TAXES TO BE COLLECTED DURING FISCAL
YEAR 2023/2024 TO PAY THE ANNUAL COSTS OF THE
MAINTENANCE AND SERVICING OF STREETLIGHTS, PARKS,
PARKWAYS, STREETS, ROADS, AND OPEN SPACE, THE
OPERATION AND MAINTENANCE OF STORM DRAINAGE SYSTEMS,
A RESERVE FUND FOR CAPITAL REPLACEMENT, AND
ADMINISTRATIVE EXPENSES WITH RESPECT TO CITY OF MENIFEE
COMMUNITY FACILITIES DISTRICT NO. 2014-2 (COMMERCE
POINTE)**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), on August 6, 2014, the City Council (the "City Council") of the City of Menifee (the "City") adopted Resolution No. 14-392 establishing Community Facilities District No. 2014-2 (Commerce Pointe) of the City of Menifee, County of Riverside, State of California (the "CFD No. 2014-2") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services (the "Services"), which are necessary to meet increased demands placed upon the City and are described in Exhibit A attached hereto; and

WHEREAS, on August 20, 2014, the City Council adopted Ordinance No. 2014-154 entitled, "An Ordinance Levying Special Taxes to be Collected During Fiscal Year 2015/2016 to Pay the Annual Costs of the Maintenance and Servicing of Streetlights, Parks, Parkways, Streets, Roads, and Open Space, the Operation and Maintenance of Storm Drainage Systems, a Reserve Fund for Capital Replacement, and Administrative Expenses with Respect to City of Menifee Community Facilities District No. 2014-2 (Commerce Pointe)" ("Ordinance No. 2014-154"), pursuant to which the City Council levied special taxes within the CFD No. 2014-2; and

WHEREAS, the City Council has determined that it is necessary and in the public interest that pursuant to Sections 53340 and 53358 of the Government Code special taxes be levied on parcels of taxable property in CFD No. 2014-2 for Fiscal Year 2023/2024 and subsequent fiscal years for the purposes of paying for the Services provided by CFD No. 2014-2.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENIFEE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2014-2 (COMMERCE POINTE) OF THE CITY OF MENIFEE, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Findings. It is necessary that the City Council of the City of Menifee levy special taxes pursuant to Sections 53340 of the Government Code to provide and finance the costs of certain types of services, and related costs within the CFD 2014-2, including (i) the maintenance and servicing of street lights, parks, parkways, streets, roads, and open space, (ii) the operation and maintenance of storm drainage systems, (iii) a reserve fund for capital replacement, and (iv) administrative expenses, all as more completely described in Exhibit "A" to Resolution No. 14-392, attached hereto as Exhibit A and by this reference made a part hereof.

Section 3. Amendment to Exhibit B of Ordinance No. 2014-154. Exhibit B of Ordinance No. 2014-154 is hereby amended by deleting it in its entirety and replacing it with Revised Exhibit B attached hereto.

Section 4. Amendment to Section 2 of Ordinance No. 2014-154. Section 2 of Ordinance No. 2014-154 is hereby amended by deleting it in its entirety and replacing it with the following:

Section 2. Levy of Special Taxes. Special taxes shall be and are hereby levied for the Fiscal Year 2015/2016, and each fiscal year thereafter, on all parcels of real property within the CFD No. 2014-2

which are subject to taxation, which are identified in Revised Exhibit B attached hereto, and in the amount set forth for each such parcel in said Revised Exhibit B. Pursuant to Section 53340 of the Government Code, such special taxes 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.

Section 5. Transmittal to County. The City Clerk shall immediately following adoption of this Ordinance transmit a copy hereof to the Board of Supervisors and County Auditor of the County of Riverside together with a request that the special taxes as levied hereby be collected on the tax bills for the parcels identified in Revised Exhibit B hereto, along with the ordinary ad valorem property taxes to be levied on and collected from the owners of said parcels.

Section 6. Severability. If for any reason any portion of this Ordinance is found to be invalid, or if the special taxes found inapplicable to any particular parcel within the CFD No. 2014-2, 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 No. 2014-2 shall not be affected.

Section 7. Authorization to Publish Ordinance. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall, within fifteen (15) days of its adoption, cause it or a summary of it to be published at least once in a newspaper of general circulation published and circulated in the City and in the CFD No. 2014-2.

Section 8. Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption, at which time Revised Exhibit B will replace Exhibit B of Ordinance No. 2014-154 and Section 2 of Ordinance No. 2014-154 will be amended as described herein.

This ordinance was introduced on the 7th day of June, 2023 and **PASSED AND ADOPTED** by the City Council of the City of Menifee at a regular meeting held on this ____ day of _____, 2023.

ATTEST:

APPROVED:

Stephanie Roseen, Acting City Clerk

Bill Zimmerman, Mayor

APPROVED AS TO FORM:

Jeffrey T. Melching, City Attorney

EXHIBIT A

DESCRIPTION OF SERVICES (EXHIBIT A TO RESOLUTION NO. 14-392)

The services which may be funded with proceeds of the special tax of CFD No. 2014-2, as provided by Section 53313 of the Act, will include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas (and may include reserves for replacement) in public street right-of-ways, public landscaping, public open spaces and other similar landscaped areas officially dedicated for public use. These services include the following:

(a) maintenance and lighting of parks, parkways, streets, roads and open space, which maintenance and lighting services may include, without limitation, furnishing of electrical power to street lights; repair and replacement of damaged or inoperative light bulbs, fixtures and standards; maintenance (including irrigation and replacement) of landscaping vegetation situated on or adjacent to parks, parkways, streets, roads and open space; maintenance and repair of irrigation facilities; maintenance of public signage; graffiti removal from and maintenance and repair of public structures situated on parks, parkways, streets, roads and open space; maintenance and repair of playground or recreation program equipment or facilities situated on any park; and

(b) maintenance and operation of water quality improvements which include storm drainage and flood protection facilities, including, without limitation, drainage inlets, catch basin inserts, infiltration basins, flood control channels, fossil fuel filters, and similar facilities. Maintenance services may include, but are not limited to, the repair, removal or replacement of all or part of any of the water quality improvements; fossil fuel filters within the public right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff or appurtenant facilities; clearing of inlets and outlets; erosion repairs; and cleanup to improvements, and other items necessary for the maintenance, servicing, or both of the water quality basin improvements within flood control channel improvements; and

(c) public street sweeping, on the segments of the arterials within the boundaries of CFD No. 2014-2; as well as local roads within residential subdivisions located within CFD No. 2014-2; and any portions adjacent to the properties within CFD No. 2014-2.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in the Rate and Method of Apportionment.

The above services shall be limited to those provided within the boundaries of CFD No. 2014-2 or for the benefit of the properties within the boundaries of CFD No. 2014-2, as the boundary is expanded from time to time by anticipated annexations, and said services may be financed by proceeds of the special tax of CFD No. 2014-2 only to the extent that they are in addition to those provided in the territory of CFD No. 2014-2 before CFD No. 2014-2 was created.

REVISED EXHIBIT B

**COMMUNITY FACILITIES DISTRICT NO. 2014-2 (COMMERCE POINTE)
SPECIAL TAX FISCAL YEAR 2023/2024**

District	Name	County Fund No.	Levied Parcels	Preliminary FY 2023/2024 Levy
CFD 2014-2	Commerce Pointe	68-3966	5	\$29,048.42

ASSESSOR'S PARCEL NUMBERS

APN	APN	APN	APN	APN
384180051	384180052	384150020	384150021	384150022