

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIALTO ACTING IN ITS CAPACITY AS THE
LEGISLATIVE BODY OF CITY OF RIALTO
COMMUNITY FACILITIES DISTRICT NO. 2020-1 (EL
RANCHO VERDE) REPEALING ORDINANCE NO. 1648
AND AUTHORIZING THE LEVY OF MODIFIED SPECIAL
TAXES WITHIN SAID DISTRICT**

**THE CITY COUNCIL OF THE CITY OF RIALTO, ACTING IN ITS CAPACITY
AS THE LEGISLATIVE BODY OF THE CITY OF RIALTO COMMUNITY
FACILITIES DISTRICT NO. 2020-1 (EL RANCHO VERDE), DOES ORDAIN AS
FOLLOWS**

SECTION 1. .

By the passage of Ordinance No. 1648 adopted on July 28, 2021, the City Council authorized the levy of special taxes of Community Facilities District No. 2020-1 (El Rancho Verde) of the City of Rialto (the “District”) for improvement areas (“Improvement Areas”) with the District at the rates and pursuant to the formula set forth in Exhibit “A-1” and Exhibit “A-2” attached thereto.

SECTION 2. .

The Legislative Body conducted change proceedings pertaining to certain modifications to the District, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the “Act”) being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California. On September 13, 2022, the qualified electors of the District approved modifications to the District to (a) eliminate of the designation of improvement areas within the District; (ii) modify the original rates and methods of apportionment to consolidate into one rate and method of apportionment and increase certain special tax rates; (iii) increase the maximum bonded indebtedness for the District to not to exceed \$50,000,000 within the District; (iv) modify the boundaries of the District to eliminate certain nontaxable property; and (v) revise the appropriations limit for the District.

SECTION 3. .

By the passage of this ordinance, Ordinance No. 1648 is hereby repealed.

SECTION 4.

By the passage of this ordinance, the City Council authorizes the levy of special taxes of the District at the rates and pursuant to the formula set forth in Exhibit “A” to Resolution No. ____ (the “Resolution of Change”), and which for reference purposes is attached hereto as Exhibit “A” and incorporated herein by this reference (the “Amended RMA”).

SECTION 5.

The City Council or its designee is hereby further authorized to determine, by ordinance, resolution, or by other action if permitted by then applicable law, on or before August 1 of each year, the specific special taxes to be levied on each parcel of land in the District. The special taxes to be levied within the District shall not exceed the maximum rates set forth in Exhibit “A,” but the special taxes may be levied at a lower rate.

The City Clerk is authorized and directed to file with the county auditor on or before the 10th day of August of each tax year a certified copy of such ordinance or resolution accompanied by a list of all parcels subject to the special taxes for facilities and services to be levied on each parcel.

SECTION 6.

Properties within the District of the state, federal or other local governments shall be exempt from the above-referenced and approved special taxes only to the extent set forth in Exhibit “A” hereto and otherwise shall be subject to the special taxes consistent with the provisions of Section 53317.3 of the Act in effect as of the date of adoption of this Ordinance.

SECTION 7.

All of the collections of the special taxes shall be used only as provided for in the Act and the Resolution of Change. The special taxes shall be levied only so long as needed to accomplish the purposes described in the Resolution of Change, except that the special taxes related to services shall be levied perpetually.

SECTION 8.

The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected, or other procedures as may be adopted by the City Council. The City Manager and Finance Director are each hereby authorized and directed to provide or to cause to be provided all necessary information to the auditor/tax collector of the County of San Bernardino and to otherwise take all actions necessary in order to effect proper billing and collection of the special taxes, so that the special taxes shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each fiscal year until the applicable Bonds are paid in full, the facilities have been paid for, and provision has been made for payment of all of the administrative costs of the District. The special taxes for the services shall be levied perpetually. The special taxes may be subject to the same penalties and the same procedure, sale and lien priority in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Notwithstanding the foregoing, the City Manager may collect, or cause to be collected, one or more installments of the special taxes by means of direct billing by the District of the property owners within the District, if, in the judgment of the City Manager, such means of collection will reduce the administrative burden of the District in administering the District where it is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes 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. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

SECTION 9.

As a cumulative remedy, if any amount levied as a special tax for facilities (“Facilities Special Tax”) for payment of bond interest or principal, 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 of the Bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such Facilities Special Tax.

SECTION 10.

This Ordinance relating to the levy of the special taxes shall take effect immediately upon its final passage in accordance with the provisions of Section 36937(a) of the Government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

SECTION 11.

The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino an amended notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen (15) days following final passage by the City Council of this Ordinance.

SECTION 12.

The Mayor shall sign this Ordinance and 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 a newspaper of general circulation published and circulated in the City.

SECTION 13.

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this __ day of _____, 2021.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA MCGEE, City Clerk

APPROVED AS TO FORM:

ERIC VAIL, City Attorney
Burke, Williams & Sorensen, LLP

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Ordinance No.____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the ____ day of _____, 2022.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ____ day of _____, 2022.

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EXHIBIT A
CITY OF RIALTO
COMMUNITY FACILITIES DISTRICT NO. 2020-1 (EL RANCHO VERDE)
AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT
(to be attached)