

**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. 2019-2 (FOOTHILL/SPRUCE) AUTHORIZING  
THE LEVY OF 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. 2019-2 (FOOTHILL/ SPRUCE) DOES ORDAIN AS FOLLOWS:***

***Section 1.*** By the passage of this ordinance, the City Council authorizes the levy of special taxes at the rates and pursuant to the formula set forth in Exhibit "A" to Resolution No. 7584 (the "Resolution"), and which for reference purposes is attached hereto as Exhibit "A" and incorporated herein by this reference.

***Section 2.*** 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 shall not exceed the maximum rates set forth in Exhibit "A", but the special taxes may be levied at a lower rate. Nevertheless, no less than the 26% and 39.6%, respectively, of the funds received from the services special tax shall be used for fire protection and police protection purposes. 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 3.*** Properties or entities 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 A hereto and otherwise shall be subject to the tax consistent with the provisions of Section 53317.3 of the Mello-Roos Community Facilities Act of 1982 (the "Act") in effect as of the date of adoption of this Ordinance.

***Section 4.*** All of the collections of the special taxes shall be used only as provided for in the Act and the Resolution. The special taxes shall be levied only so long as needed to accomplish the purposes described in the Resolution, except that the special taxes related to services shall be levied perpetually.

***Section 5.*** The special taxes shall be collected from time to time as necessary to meet the financial obligations of Community Facilities District No. 2019-2 (Foothill/ Spruce) of the City of Rialto (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 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 6.** 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 7.** 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 8.** 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 a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following final passage by the City Council of this Ordinance.

**Section 9.** 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 10.** The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

ORDINANCE NO. \_\_\_\_\_

***ADOPTED, SIGNED*** and ***APPROVED*** this \_\_\_\_th day of \_\_\_\_\_, 2019.

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DEBORAH ROBERTSON, Mayor

**ATTEST:**

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BARBARA McGEE, City Clerk

**APPROVED AS TO FORM**

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FRED GALANTE, City Attorney

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

Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
of Rialto this \_\_\_\_ day of \_\_\_\_\_, 2019.

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**EXHIBIT "A"**

*CITY OF RIALTO*  
*COMMUNITY FACILITIES DISTRICT NO. 2019-2*  
*(FOOTHILL/ SPRUCE)*

**RATE AND METHOD OF APPORTIONMENT**