

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PLACERVILLE, STATE OF CALIFORNIA, AUTHORIZING
THE LEVY OF SPECIAL TAXES IN A COMMUNITY
FACILITIES DISTRICT**

CITY OF PLACERVILLE

**COMMUNITY FACILITIES DISTRICT NO. 2023-1
(COTTONWOOD PARK PHASE 4 & 6 MAINTENANCE
AND SERVICES)**

WHEREAS, this City Council (the “City Council”) of the City of Placerville (the “City”) on September 26, 2023, adopted Resolution No. 9244 entitled “A Resolution of the City Council of the City of Placerville, State of California, Declaring its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes” (the “Resolution of Intention”) and has conducted proceedings (the “Proceedings”) to establish the City of Placerville Community Facilities District No. 2023-1 (Cottonwood Park Phase 4 & 6 Maintenance and Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”) to finance the costs of plowing and removal of snow, and maintenance of curbs/sidewalks, landscapes and streetlights and related appurtenances (the “Services”) as provided in the Act; and

WHEREAS, the Resolution of Intention called for a public hearing to be held on November 14, 2023, or as soon thereafter as the matter may be heard; and

WHEREAS, on November 14, 2023, and as part of the Proceedings, this City Council held a public hearing under the Act relative to the determination to proceed with the formation of the District and the rate and method of apportionment of the special tax (the “Special Tax”) to be levied within the District to finance the Services and, at such hearing, all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of the Special Tax were heard, substantial evidence was presented and considered by this City Council, and a full and fair public hearing was held; and

WHEREAS, upon the conclusion of the hearing, this City Council adopted a resolution entitled “A Resolution of the City Council of the City of Placerville, State of California, Establishing the Formation of a Community Facilities District” (the “Resolution of Formation”), whereby the City Council (i) established the District, (ii) authorized the levy of the Special Tax within the District, and (iii) preliminarily established an appropriations limit for the District, all pursuant to the Act; and

WHEREAS, on November 14, 2023, a special election was held among the landowner voters within the District at which the landowner voters approved the proposition relating to the levy of Special Taxes within the District and the establishment of an appropriations limit for the District by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this City Council; and

WHEREAS, the City Council ordered the recordation with the County Recorder of the County of El Dorado of a Notice of Special Tax Lien (the “Notice”).

NOW, THEREFORE, the City Council of the City of Placerville, DOES HEREBY ORDAIN as follows:

By the passage of this Ordinance, the City Council hereby authorizes and levies the Special Tax within the District pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation, which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2024/25 and in each fiscal year thereafter to pay for the Services for the District and all costs of administering the District, as contemplated by the Resolution of Formation and the Proceedings. However, should Initiative #1935 be included as an initiative measure at election and subsequently be approved by voters, the duration of the Special Tax is 50 years.

1. The City’s Finance Director or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, in the manner and as provided in the Resolution of Formation.

2. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the District in excess of the maximum Special Tax specified in the Resolution of Formation.

3. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the Special Tax.

4. The Special Tax 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 the City Council may provide for other appropriate methods of collection by resolution(s) of the City Council. 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 El Dorado 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 El Dorado for fiscal year 2024/25 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City. Should Initiative #1935 be included as an initiative measure at election and subsequently be approved by voters, the duration of the Special Tax is 50 years.

5. 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 District by a court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the District shall not be affected.

6. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation for the City.

7. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

8. This Ordinance shall become effective thirty (30) days following adoption.

INTRODUCED and first read on the 14th day of November 2023; and PASSED AND ADOPTED this 12th day of December 2023.

MICHAEL SARAGOSA, Mayor

ATTEST:

REGINA O'CONNELL, City Clerk