

ORDINANCE NO. 2020-02

**AN ORDINANCE OF THE COASTSIDE FIRE PROTECTION DISTRICT
LEVYING SPECIAL TAXES WITHIN CERTAIN TERRITORY ANNEXED TO
COASTSIDE FIRE PROTECTION DISTRICT COMMUNITY FACILITIES
DISTRICT NO. 22 (CFD NO. 22)**

**Coastside Fire Protection District
Community Facilities District No. 22 Annexation No. 1**

WHEREAS, on August 22, 2012, the Board of Directors (the "Board") of the Coastside Fire Protection District (the "District"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted resolutions, entitled, "A Resolution of the Board of Directors of the Coastside Fire Protection District of Formation of the Coastside Fire Protection District Community Facilities District No. 22 (CFD No. 22), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the Board of Directors of the Coastside Fire Protection District Calling Special Election for Coastside Fire Protection District Community Facilities District No. 22 (CFD No. 22)," which resolutions, among other things, established Community Facilities District No. 22 (CFD No. 22) (the "Community Facilities District") and called an election within the Community Facilities District on the proposition of levying special taxes (the "Special Taxes") within the Community Facilities District to pay for certain public services (the "Services") and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on August 22, 2012, an election was held in which the qualified electors of the Community Facilities District, by more than the two-thirds vote required by the Act, approved such proposition; and

WHEREAS, on August 22, 2012, the Board, pursuant to the Act, adopted Ordinance No. 2012-01, entitled "An Ordinance of the Coastside Fire Protection District Levying Special Taxes Within the Coastside Fire Protection District Community Facilities No. 22 (CFD No. 22)" ("Ordinance No. 2012-01"), which, among other things, authorized and levied the Special Taxes within the Community Facilities District; and

WHEREAS, on February 26, 2020, the Board, pursuant to the Act, adopted a resolution entitled "A Resolution of the Board of Directors of the Coastside Fire Protection District of Intention to Annex Territory to the Coastside Fire Protection District Community Facilities District No. 22 (CFD No. 22) and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention") stating its intention to annex certain territory (the "Additional Territory") to the Community Facilities District, and to authorize the levy of the Special Taxes within the Additional Territory to provide the Services, and setting April 22, 2020 as the date for a public hearing to be held on the proposed annexation of the Additional Territory to the Community Facilities District; and

WHEREAS, on April 22, 2020, the Board opened, conducted, and closed said public hearing; and

WHEREAS, on April 22, 2020, the Board adopted a resolution entitled “A Resolution of the Board of Directors of the Coastside Fire Protection District Calling a Special Election to Levy a Special Tax Within Territory Proposed to be Annexed to the Coastside Fire Protection District Community Facilities District No. 22 (CFD No. 22),” calling for a special election to submit to the qualified electors of the Additional Territory the proposition to levy the Special Taxes within the Additional Territory to pay for the services; and

WHEREAS, on May 27, 2020, an election was held in which the qualified electors of the Additional Territory approved said proposition by more than the two-thirds vote required by the Act; and

WHEREAS, on May 27, 2020, the Board adopted a resolution entitled “A Resolution of the Board of Directors of the Coastside Fire Protection District Declaring Results of Special Election, Determining That Certain Territory is Added to and Part of the Coastside Fire Protection District Community Facilities District No. 22 (CFD No. 22), Approving of a Consolidated Boundary Map and Directing Recording of a Notice of Annexation,” declaring the results of said special election and determining that the Additional Territory is added to and part of the Community Facilities District; and

WHEREAS, Section 53339.8(a) of the Act provides that, if two-thirds of the votes cast on the proposition are in favor of levying the special tax, after the canvass of the returns of the election, the legislative body may levy any special tax within the annexed territory, as specified in the resolution of intention adopted pursuant to Section 53339.2 of the Act, and as specified in the ordinance adopted pursuant to Section 53340 of the Act; and

WHEREAS, Section 53340 of the Act provides that, after a community facilities district has been created and authorized to levy specified special taxes pursuant to Article 3.5 of the Act (commencing with Section 53339 of the Act), relating to the annexation of territory, the legislative body may, by ordinance, levy the taxes at the rate and apportion them in the manner specified in the resolution adopted pursuant to Article 3.5 of the Act (commencing with Section 53339 of the Act), such resolution being the resolution of intention to annex territory to a community facilities district; and

WHEREAS, the Community Facilities District has been authorized to levy the Special Taxes within the Additional Territory pursuant to Article 3.5 of the Act (commencing with Section 53339 of the Act); and

WHEREAS, the Resolution of Intention provides that the Special Taxes are to be levied within the Additional Territory in accordance with the rate and method of apportionment specified in the Resolution of Formation (the “Rate and Method”).

NOW, THEREFORE, the Board of Directors of the Coastside Fire Protection District does hereby find, declare, order and ordain that:

Section 1. The matters set forth in the recitals of this Ordinance are true and correct.

Section 2. The Board hereby authorizes and levies the Special Taxes within the Additional Territory pursuant to Sections 53339(a) and 53340 of the Act, at the rate and in accordance with the Rate and Method. The Special Taxes are hereby levied commencing in fiscal year 2019-2020 and in each fiscal year thereafter until the last fiscal year in which such Special Taxes are authorized to be levied pursuant to the Rate and Method. The Board may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of Special Taxes in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the Special Taxes be levied on any parcel within the Additional Territory in excess of the maximum tax specified therefor in the Rate and Method. The Special Taxes shall be levied on all of the parcels in the Additional Territory, unless exempted by law or by the Rate and Method.

Section 3. The proceeds of the Special Taxes shall only be used to pay, in whole or in part, the cost of providing the Services and incidental expenses pursuant to the Act.

Section 4. The 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 the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the Board.

Section 5. If for any reason any portion of this Ordinance is found to be invalid, or if any Special Tax is found inapplicable to any particular parcel within the Additional Territory, as applicable, by a court of competent jurisdiction, the balance of this Ordinance and the application of such Special Tax to the remaining parcels within the Additional Territory shall not be affected.

The Clerk of the Coastside Fire Protection District shall certify as to the adoption of this Ordinance.

Section 6. The Board President shall sign this Ordinance and the Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation, within fifteen (15) days of the adoption. The Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Clerk, in accordance with Government Code Section 36933.

Section 7. This Ordinance shall take effect thirty (30) days from the date of final passage.

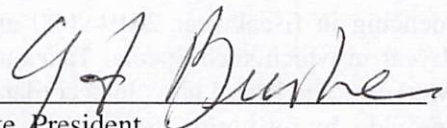
PASSED AND ADOPTED by the Board of Directors of the Coastside Fire Protection District on this 27th of May 2020, by the following vote, to wit:

AYES: *Burke, Cockrell, Mackimmie, McShane, Stockman*

NOES: *none*

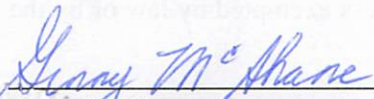
ABSENT: *none*

ABSTAIN: *none*



Gary Burke, President
Board of Directors

ATTEST:



Ginny McShane, Secretary
Board of Directors

