

ORDINANCE NO. 2168

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL LEVYING SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 1, INCLUDING CERTAIN ANNEXATION TERRITORY

WHEREAS, the City of Campbell (the "City") has conducted proceedings pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to establish "City of Campbell Community Facilities District No. 1" (the "CFD") for the purpose of financing certain municipal services (the "Services") as provided in the Act; and

WHEREAS, the rate and method of apportionment of special tax for the CFD (the "Rate and Method") is set forth in Exhibit B to City Council Resolution 11474, which was adopted on November 5, 2012 (the "Resolution of Formation"); and

WHEREAS, the City subsequently conducted proceedings to annex territory into the CFD and, following an election of the qualified electors in the territory proposed for annexation (the "Annexation Territory"), the City Council, on May 7, 2013, adopted its Resolution No. 11544, entitled "A Resolution Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien."

The City Council of the City of Campbell does ordain as follows:

SECTION ONE: By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD, including the Annexation Territory, pursuant to the Act, at the rate and in accordance with method set forth in the Rate and Method, which rate and method are by this reference incorporated herein. The Special Tax has previously been levied in the original territory of the CFD beginning in fiscal year 2013-14 pursuant to Ordinance No. 2163, and the Special Tax is hereby levied commencing in fiscal year 2014-15 in the Annexation Territory and in each fiscal year thereafter to pay for the Services for the CFD and all costs of administering the CFD.

SECTION TWO: The City Manager or designee, or an 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 CFD, including the Annexation Territory, in the manner and as provided in the Rate and Method.

SECTION THREE: Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation, the Rate and Method and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Rate and Method.

SECTION FOUR: 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 costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

SECTION FIVE: 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 Council may provide for other appropriate methods of collection by resolution(s) of the Council. The City Manager of the City (or the City Manager's designee) is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Santa Clara 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 Santa Clara for fiscal year 2013-14 and for each fiscal year thereafter, as set forth in Section One above, until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION SIX: 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 CFD, including the Annexation Territory, 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, including the Annexation Territory, shall not be affected.

SECTION SEVEN: 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 circulated in the City.

SECTION EIGHT: This Council affirms the provisions of Ordinance No. 2163 except to the extent any terms of such Ordinance are inconsistent with the provisions of this Ordinance, in which case the terms of this Ordinance shall govern.

SECTION NINE: This Ordinance shall become effective (30) days following its passage and adoption and shall be published once within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this 21st day of May, 2013 by the following roll call vote:

AYES : Councilmembers: Kotowski, Baker, Waterman, Low
NOES : Councilmembers: None
ABSENT : Councilmembers: Cristina

APPROVED:



Evan D. Low, Mayor

ATTEST:


Anne Bybee, City Clerk