

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

AN ORDINANCE OF THE SAN BENITO COUNTY )  
BOARD OF SUPERVISORS, LEVYING SPECIAL ) ORDINANCE NO. \_\_\_\_\_  
TAXES WITHIN COUNTY OF SAN BENITO )  
COMMUNITY FACILITIES DISTRICT 2018-1 )  
(RESIDENTIAL SERVICES) )

The Board of Supervisors of the County of San Benito, State of California, does ordain as follows:

**SECTION 1. FINDINGS:**

- A. Resolution of Intention to Form CFD 2018-1: On August 7, 2018, the Board of Supervisors of the County of San Benito (the "Board") adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish "County of San Benito Community Facilities District No. 2018-1 (Residential Services)" (the "CFD") 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 levy a special tax (the "Special Tax") to finance certain public services (the "Services") as provided in the Act.
- B. Public Hearing: Pursuant to notice as specified in the Act, and as part of the Proceedings, the Board has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the Special Tax to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Board and a full and fair hearing was held.
- C. Resolutions Establishing the CFD, Authorizing Levy of Special Taxes and calling for Special Election: On September 25, 2018, upon the conclusion of the public hearing, the Board adopted its "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively.
- D. Special Election: On September 25, 2018 a special election was held among the landowners within the CFD at which such landowners approved the levy of the Special Tax by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Board.

## **SECTION 2:**

Based on the foregoing, the Board hereby authorizes and levies the Special Tax on all of the parcels within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax ("Rate and Method of Apportionment") on file with the Clerk of the Board and as approved in the Resolution of Formation. By this reference, both the Resolution of Intention and the Resolution of Formation are incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2018/19 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

## **SECTION 3.**

The County of San Benito's ("County") Treasurer or designee, or an employee or consultant of the County, 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, in the manner and as provided in the Rate and Method of Apportionment.

## **SECTION 4.**

Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation, the Rate and Method of Apportionment 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 Resolution of Formation.

**SECTION 5.** 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 County in administering the CFD, and the costs of collecting and administering the Special Tax.

**SECTION 6.** 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 Board may provide for other appropriate methods of collection by resolution(s) of the Board. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The County Treasurer is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Benito 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 San Benito for fiscal year 2018/19 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the County.

**SECTION 7.** 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, 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 shall not be affected.

**SECTION 8.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 9:** Publication. Within ten (10) days after its adoption, this Ordinance shall be published pursuant to California Government Code 6061 in its entirety in a newspaper of general circulation which is printed, published and circulated within the County of San Benito, State of California.

The foregoing Ordinance was introduced by the Board of Supervisors the County of San Benito, State of California, at a regular meeting of said Board held on September 25, 2018, and was passed and adopted at a regular meeting of said Board held on the October 9, 2018, by the following roll call vote:

AYES: Supervisor(s)  
NOES: Supervisor(s)  
ABSTAIN: Supervisor(s)  
ABSENT: Supervisor(s)

By: \_\_\_\_\_  
Anthony Botelho, Chair

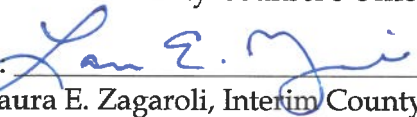
**ATTEST:**

By: \_\_\_\_\_  
Janet Slibsager, Clerk of the Board

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL FORM:**

San Benito County Counsel's Office

By:  \_\_\_\_\_  
Laura E. Zagaroli, Interim County Counsel

Date: 10/1/2018