

ORDINANCE NUMBER O- 19152 (NEW SERIES)

ADOPTED ON FEB 24 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ) AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA NO. 4 OF SUCH DISTRICT.

WHEREAS, on February 11, 2003, the Council of the City of San Diego [Council] adopted Resolution No. R- 297632 [Resolution of Proposed Annexation] calling an election to annex certain territory to Community Facilities District No. 2 (Santaluz) [District] and to authorize the levy of a special tax within Improvement Area No. 4 to finance certain public facilities described in Resolution No. R-297517, and to secure the payment of bonded indebtedness for Improvement Area No. 4; and

WHEREAS, on February 11, 2003, the Council also adopted Resolution No. R- 297634 [Resolution to Incur Bonded Indebtedness] which called a special election on February 11, 2003 within Improvement Area No. 4 of the District on a proposition to incur up to \$10,500,000 of bonded indebtedness of the District for Improvement Area No. 4; and

WHEREAS, on February 11, 2003, two special elections were held for Improvement Area No. 4 of the District at the first of which the qualified electors approved by more than a two-thirds vote Proposition A. authorizing the levy of a special tax within Improvement Area No. 4 of the District for the purposes described in the Resolution of Proposed Annexation, and at the second of which the qualified electors of Improvement Area No. 4 approved by more than a two-

thirds vote Proposition B, authorizing the issuance of bonded indebtedness for Improvement Area No. 4 as described in the Resolution to Incur Bonded Indebtedness; and

WHEREAS, following the elections on Propositions A and B, the City Clerk canvassed the results of the elections and certified that more than two-thirds of the votes cast were in favor of Proposition A and more than two-thirds of the votes cast were in favor of Proposition B; and

WHEREAS, on February 11, 2003, the Council adopted Resolution No. R-297633 in accordance with Section 53339.8 of the Act, which declared the annexation of the territory within Improvement Area No. 4 to have full legal effect [Resolution of Annexation]; NOW,

THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, acting in its capacity as the legislative body of Community Facilities District No. 2 (Santaluz) as follows:

Section 1. That the above recitals are all true and correct.

Section 2. By the passage of this Ordinance, the Council authorizes the levy of a special tax within Improvement Area No. 4 at the maximum rates and in accordance with the rate and method of apportionment set forth in Exhibit C to Resolution No. R-297517 [Rate and Method], which, as amended by the Resolution of Proposed Annexation, is incorporated by reference herein.

Section 3. The Council is hereby further authorized to determine in each subsequent fiscal year, by ordinance, or by resolution if permitted by then applicable law, on or before August 10 of each year, or such later date as is permitted by law or the Rate and Method, the specific special tax rate and amount to be levied on each parcel of land in Improvement Area No. 4 pursuant to the Rate and Method. The special tax rate to be levied in Improvement Area

No. 4 pursuant to the Rate and Method shall not exceed the applicable maximum rates set forth therein, but the special tax may be levied at a lower rate.

Section 4. Properties or entities of the state, federal or other local governments shall be exempt from the special tax levied within Improvement Area No. 4, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act and the Rate and Method. No other properties or entities are exempt from the special tax within Improvement Area No. 4 unless the properties or entities are expressly exempted in the Rate and Method, or in a resolution of consideration to levy a new special tax or special taxes or to alter the rate or method of apportionment of an existing special tax as provided in Section 53334 of the Act.

Section 5. All of the collections of the special tax pursuant to the Rate and Method shall be used as provided for in the Act and Resolution No. R-297517 and the Resolution of Annexation. The special tax shall be levied within Improvement Area No. 4 only so long as needed for the purposes described in Resolution No. R-297517.

Section 6. The special tax levied pursuant to the Rate and Method shall be collected in the same manner and at the same time as ordinary ad valorem property taxes are collected or may be directly billed to parcels at a different time and in a different manner if necessary to meet the financial obligations of Improvement Area No. 4 and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes (which such procedures include the exercise of all rights and remedies permitted by law to make corrections, including, but not limited to, the issuance of amended or supplemental tax bills), as such procedure may be modified by law or by the Council from time to time.

Section 7. As a cumulative remedy, if any amount levied as a special tax for payment of the interest or principal of any bonded indebtedness of the District issued for Improvement

Area No. 4, together with any penalties and other charges accruing under this Ordinance, are not paid when due, the Council may, not later than four years after the due date of the last installment of principal on the bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax.

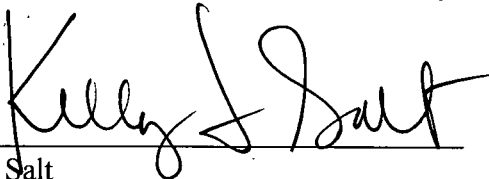
Section 8. This Ordinance shall take effect thirty days following its final passage, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Act.

Section 9. The City Clerk is hereby authorized to transmit a certified copy of this Ordinance to the San Diego County Assessor and Treasurer-Tax Collector, and to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Kelly J. Salt
Deputy City Attorney

KJS:pev
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