

ORDINANCE NUMBER O- 21335 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 16 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE CLOSEOUT AND
DISSOLUTION OF COMMUNITY FACILITIES DISTRICT NO.
1 (MIRAMAR RANCH NORTH) AND ALLOCATING THE
REMAINING SURPLUS BALANCE OF SPECIAL TAX.

WHEREAS, the City of San Diego (City) previously established Community Facilities District No. 1 (Miramar Ranch North) (CFD No. 1), pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (Act); and

WHEREAS, in 1991, an election was held and the landowners, comprised of the qualified voters of CFD No. 1, authorized CFD No. 1 to incur bonded indebtedness (Bonds) in an aggregate principal amount not to exceed \$73,000,000 and approved the Rate and Method of Apportionment of the Special Taxes (RMA) for CFD No. 1 to pay the principal of and interest on the Bonds; and

WHEREAS, the Council of the City of San Diego (Council), acting as the legislative body of CFD No. 1 (Legislative Body) pursuant to both Resolution No. R- 277111 adopted by the City on January 8, 1991 and Ordinance No. O-17588 adopted by the City on February 19, 1991, authorized the levy of a special tax sufficient to pay principal, interest and other periodic costs with respect to the Bonds, as well as administrative expenses and other amounts necessary to meet the Annual Special Tax Levy requirement, as defined in the established RMA for CFD No. 1; and

WHEREAS, the proceeds of all Bonds issued by CFD No. 1 to finance authorized public facilities were spent as projects were constructed and completed between 1991 and 2004; and

WHEREAS, all Bonds issued by CFD No. 1 have matured and been paid in full as of September 1, 2020, and collection of the special tax levied on the parcels within CFD No. 1, as outlined in the RMA ceased as of that date; and

WHEREAS, following the final debt service payment on the Bonds and miscellaneous remaining administrative expenses, CFD No. 1 had a remaining surplus balance of approximately \$177,000 (Surplus Balance), which funds have been transferred to the City from the trustee and are being held upon closeout of CFD No. 1; and

WHEREAS, the Act is silent with respect to the disposition of surplus funds upon dissolution of a Community Facilities District; and

WHEREAS, staff and the Office of the City Attorney recommends that the City expend the Surplus Balance in accordance with the purposes for which the Bonds were issued as stated in Resolution R-276932, on the same improvements that were originally constructed using the Bond proceeds supported by the special tax levy; and

WHEREAS, in consultation with City staff it has been determined that the most appropriate use of the Surplus Balance is the Scripps Miramar Ranch Library Expansion Capital Improvement Project; and

WHEREAS, under Government Code section 53338.5 the Legislative Body may, by ordinance, dissolve any existing Mello-Roos Community Facilities District which it has created, such as CFD No. 1, upon making all of the following determinations: (a) that the district is not

obligated to pay any outstanding debt; and (b) that the district has no authorization to levy any special tax; and

WHEREAS, upon dissolving a district pursuant to California Government Code section 53338.5, the legislative body shall cause to be recorded pursuant to Streets and Highways Code section 3114.5 an addendum to the Notice of Special Tax Lien, which shall state that the Community Facilities District and all associated liens, if any, have been dissolved; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That CFD No. 1 is hereby dissolved, as it is not obligated to pay any outstanding debt and has no authorization to levy any special tax.

Section 2. That the Mayor, or his designee, is authorized to cause to be recorded pursuant to Streets and Highways Code section 3114.5 an addendum to the Notice of Special Tax Lien, which shall state that the Community Facilities District and all associated liens, if any, have been dissolved.

Section 3. That the Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S00811, Scripps Miramar Ranch Library Expansion, and to appropriate and expend a not to exceed amount of \$180,000 from Fund 300014, Miramar Ranch North Refunding-Bond Fund, for the purpose of library expansion.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David L. Powell
David L. Powell
Deputy City Attorney

DLP:jdf
05/27/2021
07/13/2021 COR. COPY
Or.Dept: Debt Management
Doc. No.: 2672533_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of 06/29/2021 .

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 7/16/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 16 2021

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 15 2021, and on JUN 29 2021

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21335