

ORDINANCE NO. 1287

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF MILL VALLEY COMMUNITY FACILITIES DISTRICT NO. 2016-1 (MUNICIPAL SERVICES) AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THAT DISTRICT

RECITALS:

WHEREAS, the City Council of the City of Mill Valley (the “City Council”), has previously adopted a resolution entitled “A Resolution of Intention of the City Council of the City of Mill Valley to Establish City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services) and to Authorize the Levy of a Special Tax within City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services)” (the “Resolution of Intention to Establish District”) stating its intention to conduct proceedings to form City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”) to finance certain public facilities and services to serve the area of land hereinafter described; and

WHEREAS, the Resolution of Intention to Establish District set August 1, 2016 as the date of a public hearing on the establishment of the District, extent of the District, the furnishing of specified types of public facilities within the District and services to serve the District and the proposed rate and method of apportionment of the special tax; and

WHEREAS, a notice of the public hearing was published and mailed to each registered voter and to each landowner proposed to be included in the District in accordance with the Act; and

WHEREAS, prior to the public hearing there was filed with the City Council a report containing a description of the facilities and services necessary to adequately meet the needs of the District and an estimate of the cost of financing such facilities and services as required by Section 53321.5 of the Act; and

WHEREAS, at the public hearing all persons desiring to be heard on all matters pertaining to the establishment of the District, the extent of the District, the furnishing of specified types of public facilities and services within the District, and the proposed rate and method of apportionment of the special tax were heard and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it and the City Council at the conclusion of the hearing is fully advised as to all matters relating to the formation of the District and the levy of the special tax; and

WHEREAS, subsequent to the public hearing, the City Council adopted a resolution entitled “A Resolution of Formation of the City Council of the City of Mill Valley to Establish City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services), to Make Environmental Findings and Determinations with Respect Thereto pursuant to the California Environmental Quality Act, to Establish an Appropriations Limit Therefor, to Authorize the Levy of a Special Tax Therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors Thereof” (the “Resolution of Formation”) which established the District and authorized the levy of a special tax within the District; and

WHEREAS, subsequent to the public hearing, the City Council also adopted a resolution entitled “A Resolution of the City Council of the City of Mill Valley Calling a Special Election within City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services) and Directing the City Attorney to Prepare an Impartial Analysis” (the “Resolution Calling a Special Election”) which called a special election of the qualified electors of the District; and

WHEREAS, pursuant to the terms of the Resolution Calling a Special Election, an election was held within the District at which the qualified electors of the District approved the establishment of an appropriations limit for the District and the levy of a special tax within the District; and

WHEREAS, on January 3, 2017, the City Council adopted a resolution entitled “A Resolution of the City Council of the City of Mill Valley Declaring the Results of a Special Election in City of Mill Valley Community Facilities District No. 2016-1 (Municipal Services) and Directing the Recording of a Notice of Special Tax Lien” (the “Resolution Declaring Results of Election”) that certified the results of the November 8, 2016 election, which election was consolidated with the statewide general election held on that same date and was conducted by the elections official of the County of Marin, which results showed that more than two-thirds of the votes cast in the District were in favor of the proposition to establish an appropriations limit for the District and levy the special tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

1. Recitals. The above recitals are all true and correct.
2. Authorization of Levy of Special Tax. By passage of this Ordinance, the City Council authorizes the levy of a special tax within the District at the maximum rate

and in accordance with the rate and method of apportionment set forth in Exhibit "B" to the Resolution of Formation (the "Rate and Method") which is on file in the office of the City Clerk and incorporated herein by reference.

3. Annual Rate Determination. The City Council is hereby further authorized to determine on or before August 10 of each year, or such other date as is established by law or by the County Auditor-Controller of the County of Marin, the specific special tax to be levied on each parcel of land in the District, except that the special tax rate to be levied shall not exceed the maximum rates set forth in the Rate and Method, but the special tax may be levied at a lower rate.
4. Exemption of Government Property. Properties or entities of the state, federal, or other local governments shall be exempt from the above-referenced and approved special tax only to the extent set forth in the Rate and Method, and otherwise shall be subject to tax consistent with the provisions of Section 53317.3 and 53317.5 of the Act.
5. Use of Collections. All of the collections of the special tax shall be used only as provided for in the Act and in the Resolution of Formation. The special tax shall be levied only so long as needed for its purpose as described in the Resolution of Formation.
6. Collection. The special tax shall be collected in the same manner as ordinary ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien in any case of delinquency as applicable for ad valorem property taxes; provided, however, that the special tax may be collected by direct billing by the City of the property owners in the District or in such other manner as may be provided by the City Council.
7. Authorization. The specific authorization for adoption of this Ordinance is the provisions of Section 53340 of the Act.
8. Severability. 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 District, by a Court of competent jurisdiction, that balance of this Ordinance, and the application of the special tax to the remaining parcels within the District shall not be affected.
9. Certification. The City Clerk shall certify to the passage of this Ordinance and cause it to be published or posted in accordance with law.


THE FOREGOING ORDINANCE was adopted at a regular meeting of the City Council of the City of Mill Valley on this on the 17th day of January, 2017 by the following vote:

AYES: Councilmembers: McEntee, Wickham, Moulton-Peters, Sloan

NOES: Councilmembers:

ABSENT Councilmembers: McCauley

ABSTAIN: Councilmembers:



JESSICA SLOAN
MAYOR OF THE CITY OF MILL VALLEY

ATTEST:



KELSEY ROGERS
CITY CLERK ADMINISTRATIVE ANALYST