

RESOLUTION NO. 2015-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ESTABLISHING CITY OF ROHNERT PARK COMMUNITY FACILITIES DISTRICT NO. 2015-01 (SOUTHEAST SPECIFIC PLAN – SERVICES), AUTHORIZING THE LEVY OF SPECIAL TAXES AND CALLING AN ELECTION THEREIN

WHEREAS, the City Council has heretofore adopted Resolution No. 2015-174 (the “Resolution of Intention”) stating its intention to form City of Rohnert Park Community Facilities District No. 2015-01 (Southeast Specific Plan – Services) (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Act”); and

WHEREAS, a copy of the Resolution of Intention setting forth a description of the proposed boundaries of the Community Facilities District, the services and the incidental expenses to be financed by the Community Facilities District (the “Services” and the “Incidental Expenses,” respectively) and the rate and method of apportionment of the special tax proposed to be levied on the taxable property within the Community Facilities District (the “Special Tax”) is on file with the City Clerk, and the Resolution of Intention is incorporated herein by reference; and

WHEREAS, a notice of a public hearing to be held on November 24, 2015 was published and mailed to all landowners of the land proposed to be included within the Community Facilities District as provided for in the Resolution of Intention; and

WHEREAS, on November 24, 2015, the City Council opened the public hearing (the “Hearing”) as required by law; and

WHEREAS, at the Hearing there was filed with the City Council a report containing a description of the services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such improvements as required by Section 53321.5 of the Act (the “Community Facilities District Report”), and such report is incorporated herein by this reference; and

WHEREAS, at the Hearing all interested persons, property owners, voters and taxpayers desiring to be heard on (1) the establishment of the Community Facilities District, (2) the extent of the Community Facilities District, (3) the levy of the Special Tax and (4) the furnishing of the Services were heard, and a full and fair hearing was held; and

WHEREAS, at the Hearing evidence was presented to the City Council on the matters before it, and the proposed formation of the Community Facilities District and the levy of the Special Tax were not precluded by a majority protest of the type described in Section 53324 of the Act; and

WHEREAS, at the conclusion of the Hearing the City Council is fully advised as to all matters relating to the formation of the Community Facilities District, the furnishing of the Services, and the levy of the Special Tax; and

WHEREAS, the City Council has determined that there have been fewer than twelve registered voters residing in the proposed boundaries of the Community Facilities District for the period of 90 days prior to the Hearing and that the qualified electors in the Community Facilities District are therefore the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and with the calling of an election within the boundaries of the Community Facilities District to authorize (i) the levy of the Special Tax pursuant to the rate and method of apportionment of the special tax set forth in Exhibit “C” to the Resolution of Intention (the “Rate and Method”) and (ii) the establishment of an appropriations limit for the Community Facilities District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated “City of Rohnert Park Community Facilities District No. 2015-01 (Southeast Specific Plan – Services)” is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were and are valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District are established as shown on the map designated “Map of Proposed Boundaries of City of Rohnert Park Community Facilities District No. 2015-01 (Southeast Specific Plan – Services)”, which map is on file in the office of the City Clerk and was recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the County of Sonoma Book of Maps of Assessment and Community Facilities Districts in the County Recorder’s Office in Book No. 769, Page No. 43 on April 6, 2015 and again in Book No. 773, Page No. 20 on November 13, 2015.

SECTION 4. The types of Services and Incidental Expenses some or all of the cost of which is to be paid by the Special Tax are those described in the Resolution of Intention, and the City Council finds that the City is authorized to provide such Services and that they are in addition to the services currently provided in the Community Facilities District and will not supplant services already available therein. The estimated cost of the Services and Incidental Expenses to be so financed is set forth in the Community Facilities District Report.

SECTION 5. The City Council hereby adopts the Rate and Method as the applicable rate and method of apportionment of the Special Tax for the Community Facilities District. The City Council hereby finds that the Rate and Method contains sufficient detail to allow the owner of each parcel within the Community Facilities District to estimate the maximum amount of the Special Tax that may be levied against such owner’s parcel. As described in greater detail in the Community Facilities District Report, the Special Tax applicable to each parcel within the Community Facilities District is allocated to such parcel pursuant to Section 53325.3 of the Government Code and is hereby determined to be reasonable.

SECTION 6. Except where funds are otherwise available, it is the intention of the City Council, subject to the approval of the eligible voters within the Community Facilities District, to levy the Special Tax at the rates set forth in the Rate and Method on all non-exempt property within the Community Facilities District in an aggregate amount sufficient to pay the cost of the Services and Incidental Expenses, subject to the limitations on such levy contained in the Rate and Method. The City and/or the Community Facilities District expect to incur, and in certain cases the City has

already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the Special Tax, and the annual administration of the Community Facilities District. The City Manager will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of Special Tax levies by assessor's parcel number and will be responsible for estimating future Special Tax levies pursuant to Section 53340.2 of the Act.

SECTION 7. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the Special Tax, the City Council shall, on behalf of the Community Facilities District, increase the levy on the remaining property within the Community Facilities District, up to the maximum amount permitted pursuant to the Rate and Method, to the extent permitted by law and these proceedings in order to yield the amount necessary to pay for the Services and Incidental Expenses; provided, however, that in no event shall the Special Tax on a residential property increase by more than 10 percent as a result of a default or defaults in the payment of Special Taxes by any other property owner(s).

SECTION 8. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all non-exempt real property in the Community Facilities District; and this lien shall continue in force and effect until collection of the Special Tax by the Community Facilities District ceases.

SECTION 9. Consistent with Section 53325.6 of the Act, the City Council finds and determines that the land within the Community Facilities District, if any, devoted primarily to agricultural, timber or livestock uses and being used for the commercial production of agricultural, timber or livestock products is contiguous to other land within the Community Facilities District and will be benefited by the Services proposed to be provided within the Community Facilities District.

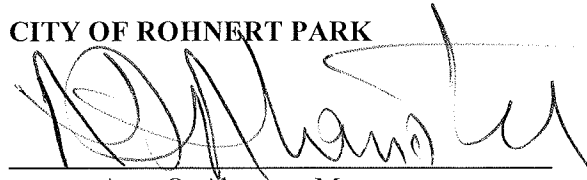
SECTION 10. An election is hereby called for the Community Facilities District on the propositions of levying the Special Tax on the property within the Community Facilities District and establishing an appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The propositions to be placed on the ballot for the Community Facilities District are attached hereto as Exhibit "A."

SECTION 11. The date of the election within the Community Facilities District shall be November 24, 2015, or such later date as is consented to by the City Clerk and the owners of the land within the Community Facilities District. The City Clerk shall conduct the election. Except as otherwise provided by the Act, the election shall be conducted by personally delivered or mailed ballot and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The City Council having found that there are no registered voters within the territory of the Community Facilities District, pursuant to Section 53326 of the Act each landowner who is the owner of record on the date hereof, or the authorized representative thereof, shall have one vote for each acre or portion thereof of land that he, she or it owns within the Community Facilities District.

SECTION 12. This Resolution shall be effective upon its adoption.

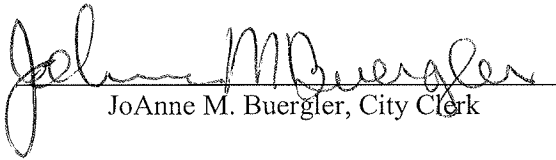
DULY AND REGULARLY ADOPTED this 24th day of November, 2015.

CITY OF ROHNERT PARK



Amy O. Ahanotu, Mayor

ATTEST:



JoAnne M. Buerger, City Clerk

Attachments: Exhibit A

CALLINAN Aye MACKENZIE: Aye STAFFORD: Aye BELFORTE Aye AHANOTU: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

EXHIBIT "A"

SAMPLE BALLOT

**CITY OF ROHNERT PARK COMMUNITY FACILITIES DISTRICT NO. 2015-01
(SOUTHEAST SPECIFIC PLAN - SERVICES)**

SPECIAL TAX AND APPROPRIATION LIMIT ELECTION

October 28, 2015

This ballot represents 81 votes.

To vote, write or stamp a cross ("+" or "X") in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the City Clerk of the City of Rohnert Park and obtain another.

PROPOSITION A: Shall a special tax be levied on property within City of Rohnert Park Community Facilities District No. 2015-01 (Southeast Specific Plan - Services) pursuant to the rate and method of apportionment as provided in Resolution No. 2015-174 of the City Council of the City of Rohnert Park to pay all or a portion of the cost of the Services and Incidental Expenses described in said Resolution?

YES _____

NO _____

PROPOSITION B: For each year commencing with Fiscal Year 2015-16, shall the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for City of Rohnert Park Community Facilities District No. 2015-01 (Southeast Specific Plan - Services) be an amount equal to \$44,000,000?

YES _____

NO _____