

ORDINANCE NO. 2005-09

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REEDLEY
LEVYING SPECIAL TAXES WITHIN THE CITY OF REEDLEY
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)**

WHEREAS, on September 27, 2005, this City Council (the "Council") of the City of Reedley (the "City") adopted a resolution entitled "A Resolution of the City Council of the City of Reedley Declaring its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Pursuant to the Mello-Roos Community Facilities Act of 1982" (the "Resolution of Intention"), stating its intention to establish the City of Reedley Community Facilities District No. 2005-1 (Public Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the "Law"), to fund certain services (the "Services");

WHEREAS, notice was published as required by the Law of the public hearing called pursuant to the Resolution of Intention relative to the intention of this City Council to form the District and to provide for the costs of the Services;

WHEREAS, the Resolution of Intention called for a public hearing on the District to be held on November 8, 2005 and on this date this Council held the public hearing as required by Law relative to the determination to proceed with the formation of the District and the levy of special taxes therein;

WHEREAS, at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of the special taxes were heard, evidence was presented and considered by this City Council and a full and fair hearing was held;

WHEREAS, subsequent to said hearing, this City Council adopted resolutions entitled "A Resolution of the City of Reedley of Formation of City of Reedley Community Facilities District No. 2005-1 (Public Services), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), which resolution established the District, authorized the levy of a special tax with the District, and established an appropriations limit within the District, respectively; and

WHEREAS, on November 8, 2005 an election was held within the District in which the eligible landowner electors approved said propositions by more than two-thirds of the votes cast in the election.

NOW, THEREFORE, it is hereby FOUND, DETERMINED and ORDERED by the City Council of the City of Reedley, as follows:

Section 1. By the passage of this Ordinance this City Council hereby authorizes and levies special taxes within the District, pursuant to the Law, at the rate and in

accordance with the rate and method of apportionment of special taxes appended as Exhibit B to the Resolution of Intention (the "Rate and Method of Apportionment"), and approved by the Resolution of Formation, which Resolution of Intention is by this reference incorporated herein. The special taxes are hereby levied commencing in fiscal year 2006-07 and in each fiscal year thereafter.

Section 2. The Finance Director of the City is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Rate and Method of Apportionment.

Section 3. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method of Apportionment.

Section 4. All of the collections of the special tax shall be used as provided for in the Law and in the Resolution of Formation including the payment of costs of providing the Services, and the costs of collecting and administering the District and the levy and collection of the special tax.

Section 5. The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special taxes 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. In addition, the provisions of Section 53356.1 of the California Government Code shall apply to delinquent special tax payments. The Finance Director is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Fresno and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year.

Notwithstanding the foregoing, the Finance Director may collect one or more installments of the special taxes on any one or more parcels in the District by means of direct billing by the City of the property owners within the District, if, in the judgment of the Finance Director, such means of collection will reduce the administrative burden on the City in administering the District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the applicable property owners.

Section 6. 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, the balance of this Ordinance, and the application of the special tax to the remaining parcels within the District, shall not be affected.

Section 7. This ordinance shall take effect thirty (30) days after its adoption.

Section 8. Due to the nature of this ordinance it shall not be codified.

Section 9. The City Clerk shall cause this ordinance to be published once in a newspaper of general circulation in the City of Reedley within 15 days of its adoption.



Ray Soleno

Mayor of the City of Reedley

ATTEST

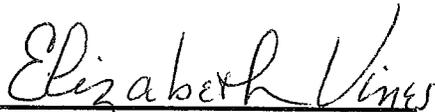
I hereby certify that the foregoing Ordinance No. 2005-09 was introduced and given first reading by title only at a regular meeting of the City Council of the City of Reedley held on the 8th day of November, 2005, and was thereafter duly passed, approved, and adopted at a regular meeting of said City Council held on the 22nd day of November, 2005 by the following vote:

AYES: Brockett, Rapada, Betancourt, Soleno.

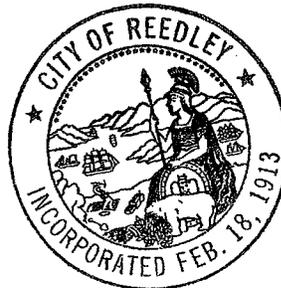
NOES: None.

ABSTAIN: None.

ABSENT: Ikemiya.



Elizabeth Vines
City Clerk of the City of Reedley



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AYES: Brockett, Rapada, Betancourt, Soleno.
NOES: None.
ABSTAIN: None.
ABSENT: Ikemiya.



Elizabeth Vines
City Clerk of the City of Reedley

