

ORDINANCE 2022-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
STATE OF CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES
IN A COMMUNITY FACILITIES DISTRICT**

**CITY OF HESPERIA
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(RESIDENTIAL MAINTENANCE & SERVICES)**

WHEREAS, this City Council (the “City Council”) of the City of Hesperia (the “City”) on December 21, 2021 adopted Resolution No. 2021-61 entitled “A Resolution of the City Council of the City of Hesperia, State of California, Declaring its Intention to Establish a Community Facilities District and Future Annexation Area and to Authorize the Levy of Special Taxes” (the “Resolution of Intention”) and has conducted proceedings (the “Proceedings”) to establish the City of Hesperia Community Facilities District No. 2021-1 (Residential Maintenance & Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”) to finance the costs of the maintenance of police protection services, maintenance and lighting of parks, parkways, streets, roads, storm drains, and open space (the “Services”) as provided in the Act; and

WHEREAS, the Resolution of Intention called for a public hearing to be held on February 15, 2022, or as soon thereafter as the matter may be heard; and

WHEREAS, on February 15, 2022, and as part of the Proceedings, this City Council held a public hearing under the Act relative to the determination to proceed with the formation of the District and Future Annexation Area and the rate and method of apportionment of the special tax (the “Special Tax”) to be levied within the District to finance the Services and, at such hearing, all persons desiring to be heard on all matters pertaining to the formation of the District and Future Annexation Area and the levy of the Special Tax were heard, substantial evidence was presented and considered by this City Council, and a full and fair public hearing was held; and

WHEREAS, upon the conclusion of the hearing, this City Council adopted a resolution entitled “A Resolution of the City Council of the City of Hesperia, State of California, Establishing the Formation of a Community Facilities District and Future Annexation Area” (the “Resolution of Formation”), whereby the City Council (i) established the District and Future Annexation Area, (ii) authorized the levy of the Special Tax within the District, and (iii) preliminarily established an appropriations limit for the District, all pursuant to the Act; and

WHEREAS, on February 15, 2022, a special election was held among the landowner voters within the District at which the landowner voters approved the proposition relating to the levy of Special Taxes within the District and the establishment of an appropriations limit for

the District by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this City Council; and

WHEREAS, the City Council ordered the recordation with the County Recorder of the County of San Bernardino of a Notice of Special Tax Lien (the "Notice").

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

SECTION 1: All of the facts set forth in this Ordinance are true, correct and are adopted as findings.

SECTION 2: By the passage of this Ordinance, the City Council hereby authorizes and levies the Special Tax within the District pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation, which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2022-2023 and in each fiscal year thereafter to pay for the Services for the District and all costs of administering the District, as contemplated by the Resolution of Formation and the Proceedings. By this Ordinance, the City Council also authorizes and levies the Special Tax upon any parcels annexed to the District in the Future Annexation Area for fiscal year 2022-2023 and in each fiscal year thereafter.

SECTION 3: The Director of Administrative Services or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, in the manner and as provided in the Resolution of Formation.

SECTION 4: Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the District in excess of the maximum Special Tax specified in the Resolution of Formation.

SECTION 5: All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the Special Tax.

SECTION 6: The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and 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; provided, however, that the City Council may provide for other appropriate methods of collection by resolution(s) of the City Council. The Director of Administrative Services of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Bernardino in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of San Bernardino for fiscal year 2022-23 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION 7: 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 8: The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation for the City.

SECTION 9: This Ordinance shall become effective thirty (30) days following adoption.

SECTION 10: The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution no. 2007-101.

ADOPTED AND APPROVED this 15th day of February 2022.



Brigit Bennington, Mayor

ATTEST:



Erin Baum, Assistant City Clerk

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
CITY OF HESPERIA

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I, Erin Baum, Assistant City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2022-01 was introduced and adopted at a Regular Meeting of the City of Hesperia City Council held on the 15th day of February, 2022 by the following vote to wit:

AYES: Bennington, Bird, Gregg, Holland and Swanson
NOES: None
ABSTAIN: None
ABSENT: None



Erin Baum
Assistant City Clerk



I, Erin Baum, Assistant City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2022-01 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this _____ day of _____.

Erin Baum
Assistant City Clerk

