

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

June 6, 2018 – Agenda Item VIII

Resolution No. 18-92

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY ADOPTING AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT 2018-1 (SANTA SUSANA MOUNTAINS)

WHEREAS, on March 7, 2018, the Governing Board (the “Board”) of the Mountains Recreation and Conservation Authority (the “MRCA”), adopted Resolution No. 18-50 (the “ROI”), stating its intention to form the Mountains Recreation and Conservation Authority Community Facilities District 2018-1 (Santa Susana Mountains) ("CFD No. 2018-1"), under the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the “Act”), for the purpose of paying the costs of certain services (the “Services”) to be provided by the MRCA; and

WHEREAS, pursuant to notice as specified in the Act, the Board held a public hearing at which it resolved to proceed with the formation of CFD 2018-1 and approved the rate and method of apportionment of the special tax (“Special Tax”) to be levied with CFD 2018-1 to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to CFD 2018-1 and the Special Tax were heard, substantial evidence was presented and considered by the Board, and a full and fair hearing was held; and

WHEREAS, the Board subsequent to said public hearing adopted Resolution No. 18-68 (the “ROF”), which established CFD 2018-1 and authorized the levy of special tax within CFD 2018-1; and

WHEREAS, the Board has heretofore found that fewer than twelve persons have been registered to vote within the territory of the CFD for the ninety days preceding the close of the public hearing heretofore held by the Council for the purposes of these proceedings. Accordingly, the vote shall be by the landowners within the CFD (the "Qualified Electors"), and each qualified elector at the close of such public hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the CFD.

WHEREAS, on May 2, 2018, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Board.

WHEREAS, on May 2, 2018, the Board subsequent to the election, adopted Resolution No. 18-70, which certified the results of the election, declared CFD 2018-1 to be fully formed with the authority to levy the special tax, and declared that all prior proceedings and actions taken by the Board were valid and in conformity with the Act.

NOW, THEREFORE, THE BOARD DOES HEREBY ORDAIN AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Board hereby authorizes and levies special taxes within CFD 2018-1 pursuant to the Act, and in accordance with the Rate and Method of Apportionment of Special Tax set forth in the Resolution of Formation which Rate and Method of Apportionment ("RMA") is by this reference incorporated herein. The special taxes are hereby levied commencing in fiscal year 2018-2019 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.
3. The MRCA Executive Officer, as the officer having charge and control of the Services in and for CFD 2018-1, or the designee of such official, 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 CFD 2018-1, in the manner and as provided in the RMA.
4. The special tax shall be levied on all the parcels in CFD 2018-1, unless exempted by law or by the RMA. In no event shall the special tax be levied on any parcel within CFD 2018-1 in excess of the maximum special tax specified in the RMA.
5. All of the collections of the special tax shall be used as provided for in the Act and in the ROF including, but not limited to, the payment of the costs of the Services, the payment of the costs of the MRCA in administering CFD 2018-1, and the costs of collecting and administering the special tax.
6. The special taxes 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 Executive Officer is hereby authorized to collect the special taxes by other appropriate methods of collection, including direct billing to the

affected property owners at such intervals deemed appropriate.

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 CFD 2018-1, by a court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels with CFD 2018-1 shall not be affected.
8. The Secretary of the Governing Board is directed to publish this Ordinance at least once in a newspaper of general circulation published and circulated within the boundaries of the MRCA within 15 days after its introduction.
9. This Ordinance shall take effect thirty (30) days after the Ordinance's final passage.

Chairperson

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the forgoing resolution was adopted at a special meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 6th day of June, 2018.

Date

Executive Officer