

Meeting Date: 01/07/15 (7)

ORDINANCE NO. 10369 (N.S.)

**AN ORDINANCE OF THE COUNTY OF SAN DIEGO
LEVYING SPECIAL TAXES WITHIN IMPROVEMENT
AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF
COMMUNITY FACILITIES DISTRICT NO. 2008-01
(HARMONY GROVE VILLAGE), COUNTY OF SAN DIEGO,
STATE OF CALIFORNIA**

The Board of Supervisors of the County of San Diego ordains as follows:

WHEREAS, the Board of Supervisors (the “Board”) of the County of San Diego (the “County”) has conducted proceedings under the Mello-Roos Community Facilities Act of 1982 (the “Act”) to establish the “Community Facilities District No. 2008-01 (Harmony Grove Village), County of San Diego, State of California” (the “Original Community Facilities District”), with “Improvement Area No. 1” and “Improvement Area No. 2” (collectively, the “Improvement Areas”), to authorize the levy of special taxes (the “Special Taxes”) therein to finance the acquisition and construction of certain public capital facilities and of certain public services; and

WHEREAS, the Board, pursuant to the Act, is authorized to levy special taxes upon the land within Improvement Area No. 1 of the Original Community Facilities District at the rate and in accordance with the method of apportionment (the “Improvement Area No. 1 Rate and Method of Apportionment”) set forth in Exhibit E to Resolution No. 08-113 of the Board, entitled “Resolution of the Board of Supervisors of the County of San Diego Establishing Community Facilities District No. 2008-01 (Harmony Grove Village), County of San Diego, State of California, and its Improvement Area No. 1 and its Improvement Area No. 2 and Providing for the Levy of a Special Tax Therein to Finance the Acquisition and Construction of Certain Public Facilities and Governmental Fees and the Provision of Certain Public Services,” adopted by the Board on June 25, 2008 (the “Resolution of Formation”), and upon the land within Improvement Area No. 2 of the Original Community Facilities District at the rate and in accordance with the method of apportionment (the “Improvement Area No. 2 Rate and Method of Apportionment” and, together with the Improvement Area No. 1 Rate and Method of Apportionment, the “Rates and Methods of Apportionment”) set forth in Exhibit F to the Resolution of Formation; and

WHEREAS, on June 25, 2008 the Board called an election for the imposition of Special Taxes in Improvement Area No. 1 and Improvement Area No. 2 in accordance with the Resolution of Formation, which election was held on July 23, 2008, and the Special Taxes were approved by unanimous vote of the property owners, a vote of the registered voters being unnecessary because the property was entirely uninhabited; and

WHEREAS, on September 17, 2014, the Board adopted a resolution entitled “A Resolution of the Board of Supervisors of the County of San Diego of Intention to Annex Territory to Improvement Area No. 2 of Community Facilities District No. 2008-01 (Harmony Grove Village), County of San Diego, State of California” (the “Resolution of Intention to Annex

Territory”), proposing the annexation of certain additional territory described in the Resolution of Intention to Annex Territory (the “Additional Territory”) to Improvement Area No. 2 of the Original Community Facilities District; and

WHEREAS, on October 29, 2014, the Board held a noticed public hearing on the proposed annexation of the Additional Territory to Improvement Area No. 2 of the Original Community Facilities District and the levy of special taxes therein, as required by the Act and the Resolution of Intention to Annex Territory; and

WHEREAS, the proposed annexation of the Additional Territory to Improvement Area No. 2 of the Original Community Facilities District was not precluded by a majority protest pursuant to Section 53339.6 of the Act; and

WHEREAS, on October 29, 2014, the Board adopted a resolution entitled “A Resolution of the Board of Supervisors of the County of San Diego Calling Special Election Regarding Annexation of Territory to Improvement Area No. 2 of Community Facilities District No. 2008-01 (Harmony Grove Village), County of San Diego, State of California” (the “Resolution Calling Election”), calling for a special election of the qualified electors within the Additional Territory; and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on October 29, 2014, and said qualified electors approved said proposition by more than the two-thirds vote required by the Act; and

WHEREAS, pursuant to said proceedings, the Additional Territory was annexed to and made a part of Improvement Area No. 2 of the Original Community Facilities District (as so annexed, the “Community Facilities District”) and the Board is authorized to levy any special tax within the Additional Territory as specified in the Resolution of Intention to Annex Territory.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DOES ORDAIN AS FOLLOWS:

Section 1. By the passage of this Ordinance, the Board hereby authorizes and levies special taxes within Improvement Area No. 1 of the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the Improvement Area No. 1 Rate and Method of Apportionment. The special taxes for facilities are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the earlier of (a) the date on which there are no bonds of Improvement Area No. 1 of the Community Facilities District (the “Improvement Area No. 1 Bonds”) outstanding, or (b) after fiscal year 2057-2058, all pursuant to the Improvement Area No. 1 Rate and Method of Apportionment. The special taxes for services are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Improvement Area No. 1 Rate and Method of Apportionment.

Section 2. By the passage of this Ordinance, the Board hereby authorizes and levies special taxes within Improvement Area No. 2 of the Community Facilities District pursuant to

Sections 53328, 53339.8 and 53340 of the Act, at the rate and in accordance with the Improvement Area No. 2 Rate and Method of Apportionment. The special taxes for facilities are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the earlier of (a) the date on which there are no bonds of Improvement Area No. 2 of the Community Facilities District (the "Improvement Area No. 2 Bonds" and, together with the Improvement Area No. 1 Bonds, the "Bonds") outstanding, or (b) after fiscal year 2057-2058, all pursuant to the Improvement Area No. 2 Rate and Method of Apportionment. The special taxes for services are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Improvement Area No. 2 Rate and Method of Apportionment.

Section 3. Each of the Debt Finance Manager, County of San Diego and the Deputy Director, County of San Diego Department of Public Works (each a "CFD Manager" is hereby authorized and directed each fiscal year to determine the specific special tax rates and amounts to be levied for the next ensuing fiscal year for each parcel of real property within each Improvement Area of the Community Facilities District, in the manner and as provided in the respective Rate and Method of Apportionment.

Section 4. 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 Rates and Methods of Apportionment. In no event shall the special taxes be levied on any parcel within any Improvement Area of the Community Facilities District in excess of the maximum tax specified in the respective Rate and Method of Apportionment.

Section 5. All of the collections of the special tax shall be used as provided for in the Act, the Rates and Methods of Apportionment and the Resolution of Formation including, but not limited to, the payment of principal of and interest on the Bonds, the payment of the costs of the Facilities, the replenishment of the reserve fund for the Bonds, the payment of the costs of administering the Community Facilities District and the costs of collecting and administering the special tax.

Section 6. The special taxes shall be collected from time to time as necessary to meet the financial obligations of each Improvement Area of the Community Facilities 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, unless another procedure is adopted by the Board. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments. The CFD Manager is hereby authorized and directed to provide all necessary information to the County of San Diego Treasurer-Tax Collector 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 each Improvement Area of the Community Facilities District in each fiscal year.

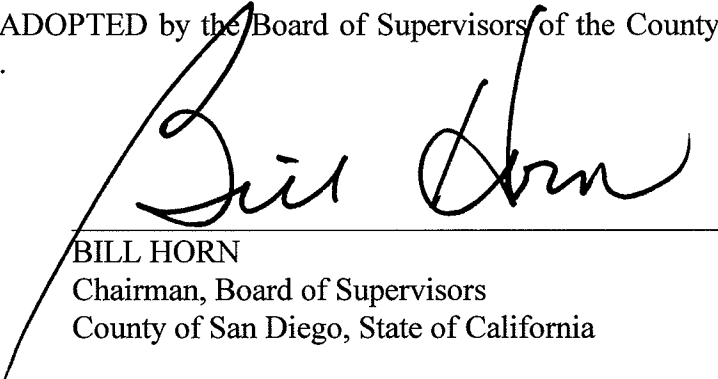
Notwithstanding the foregoing, the CFD Manager may collect one or more installments of the special taxes by means of direct billing by each Improvement Area of the Community

Facilities District of the property owners within such Improvement Area of the Community Facilities District if, in the judgment of the CFD Manager, such means of collection will reduce the burden of administering such Improvement Area of the Community Facilities 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 property owners.

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 an Improvement Area of the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within such Improvement Area of the Community Facilities District shall not be affected.

Section 8. This Ordinance shall take effect and shall be in force immediately after the date of its adoption as a tax measure and this Ordinance, or a summary thereof, shall be published in accordance with Section 25124 of the California Government Code in a newspaper of general circulation published in the area of the Community Facilities District.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 7th day of January, 2015.

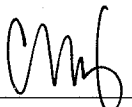

BILL HORN
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Jacob, D. Roberts, R. Roberts, Horn
ABSENT: Cox

ATTEST my hand and the seal of the Board of Supervisors this 7th day of January, 2015.

DAVID HALL
Clerk of the Board of Supervisors

By 
Christina Gomez, Deputy



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