

ORDINANCE NO. 2541ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
OXNARD, CALIFORNIA, AUTHORIZING THE LEVY OF A  
SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT  
NO. 1 (WESTPORT AT MANDALAY BAY) OF THE CITY OF  
OXNARD

WHEREAS, on August 29, 2000, the City Council of the City of Oxnard (the "City Council") adopted Resolution No. 11,814 stating its intention to form Community Facilities District No. 1 (Westport at Mandalay Bay) of the City of Oxnard ("Community Facilities District No. 1") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") for the purpose of financing the construction, purchase, modification, expansion, improvement or rehabilitation of waterways located within and without Community Facilities District No. 1 and to the extent bond proceeds are available all or a portion of sanitary sewer facilities, roadways and water facilities, and all appurtenances and appurtenant work in connection with the foregoing (the "Facilities") as shown on a map of Community Facilities District No. 1 on file in the office of the City Clerk and to finance the incidental expenses to be incurred (collectively, the "Incidental Expenses"), including: (a) the cost of engineering, planning and designing the Facilities; (b) all costs associated with the creation of the District, the issuance of the bonds, the determination of the amount of special taxes to be levied and the collection thereof, costs otherwise incurred in order to carry out the authorized purposes of the District and the cost of administering the District; and (c) the cost of forming a companion Mello-Roos Community Facilities District with boundaries coterminous with the District to be known as Community Facilities District No. 2 (Westport at Mandalay Bay) of the City of Oxnard, all as more fully described in Resolution No. 11,814 to serve the area within Community Facilities District No. 1; and

WHEREAS, notice was published and mailed as required by law relative to the intention of the City Council to form proposed Community Facilities District No. 1 and to levy a special tax to pay for the Facilities; and

WHEREAS, on October 3, 2000, the City Council held a noticed public hearing as required by law to determine whether it should proceed with the formation of Community Facilities District No. 1 and authorize the rate and method of apportionment of a special tax to be levied within Community Facilities District No. 1 for the purpose of paying for the Facilities, creating or replenishing any necessary reserve funds, paying the annual costs associated with the bonds proposed to be issued to finance the Facilities, including, but not limited to, the principal and interest and other periodic costs on bonds of Community Facilities District No. 1, any remarketing, credit enhancement and liquidity facility fees and other expenses of the type permitted by Section 53345.3 of the Act, the costs of forming Community Facilities District No. 1, and the costs of administering the levy and collection of the special tax and all other administrative costs of the special tax levy and bond issues; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of Community Facilities District No. 1, the levy of a special tax and the issuance of bonds to pay for a portion of the Facilities were heard and a full and fair hearing was held; and

WHEREAS, on October 3, 2000, the City Council adopted Resolution Nos. 11,823 and 11,824 which established Community Facilities District No. 1, authorized the levy of a special tax within Community Facilities District No. 1 and called an election within Community Facilities District No. 1 for October 3, 2000 on the propositions of levying a special tax, authorizing the issuance of bonds and establishing an appropriations limit; and

WHEREAS, on October 3, 2000, an election was held within Community Facilities District No. 1 at which the qualified electors approved by more than a two-thirds vote the propositions of levying a special tax as set forth in Resolution No. 11,823, issuing bonds and establishing an appropriations limit; and

WHEREAS, on October 3, 2000, the City Council adopted Resolution No. 11,826 which certified the results of the October 3, 2000 election conducted by the City Clerk, which results showed that more than two-thirds of the votes cast were in favor of the propositions to levy the special tax, issuing bonds and establishing an appropriations limit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 1 DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. By the passage of this Ordinance, the City Council authorizes the levy of a special tax at the rate and formula set forth in Attachment A to Resolution No. 11,823 and which is incorporated herein by reference.

SECTION 3. The City Council is hereby further authorized to determine, by ordinance, or by resolution if permitted by then applicable law, the specific special tax to be levied on each parcel of land in Community Facilities District No. 1. The special tax to be levied shall not exceed the maximum rates set forth in said Attachment A, but the special tax may be levied at a lower rate.

SECTION 4. Properties or entities of the state, federal or other local governments shall be exempt from the above-referenced and approved special tax only to the extent set forth in said Attachment A hereto and otherwise shall be subject to tax consistent with the provisions of Section 53317.3 of the Act in effect as of the date of adoption of this Ordinance.

SECTION 5. All of the collections of the special tax shall be used only as provided for in the Act and Resolution No. 11,814. The special tax shall be levied only so long as needed to accomplish the purposes described in Resolution No. 11,814.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes as such collection procedure may be modified by law or this City Council from time to time.

SECTION 7. As a cumulative remedy, if debt is outstanding, the City Council may, not later than four years after the due date of the last installment of principal on the Bonds, order that any delinquent special tax as levied in whole or in part for payment of the debt, together with any penalties, interest and costs accruing under this Ordinance, be collected by an action brought in the superior court to foreclose the lien of such special tax.

**SECTION 8.** This Ordinance relating to the levy of the special tax shall take effect 30 days after its final passage in accordance with the provisions of Section 36937 of the Government Code, and this specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

**SECTION 9.** The Mayor of the City Council, acting on behalf of Community Facilities District No. 1 shall sign this Ordinance and the City Clerk shall attest to the Mayor's signature and then cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the District, or by posting in three public places in the District, or published in a newspaper of general circulation printed and published in the City of Oxnard and circulated in the District. Ordinance No. 2541 was first read on October 3, 2000, and finally adopted on October 24, 2000.

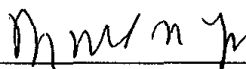
ADOPTED, SIGNED AND APPROVED this 24th day of October, 2000 by the following vote:

AYES: Councilmembers Lopez, Maulhardt, Pinkard, Zaragoza and Holden.

NOES: None.

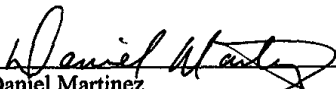
ABSENT: None.

ABSTAIN: None.



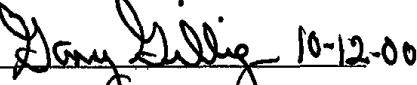
Dr. Manuel M. Lopez  
Mayor of the City of Oxnard acting as the legislative  
body of Community Facilities District No. 1  
(Westport at Mandalay Bay) of the City of Oxnard

ATTEST:

  
Daniel Martinez  
City Clerk on behalf of the City of Oxnard

(SEAL)

APPROVED AS TO FORM:

  
Gary Gillig (City Attorney)