

ORDINANCE NUMBER 1445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST) OF THE CITY OF PERRIS AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA NO. 2 OF SAID DISTRICT

WHEREAS, on August 27, 2024, the City Council (the “Council”) of the City of Perris, California (the “City”) adopted Resolution No. 6479 (the “Resolution of Consideration”) declaring its intention to make certain changes within Improvement Area No. 2 (the “Improvement Area”) of Community Facilities District No. 2022-4 (Park West) of the City of Perris (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

WHEREAS, on October 8, 2024, and in accordance with the Act, the Council opened a public hearing after providing all notice required relating to the change proceedings relating to the Improvement Area of the District, and setting forth the amended and restated rate and method of apportionment and manner of collection of the special tax to be levied within the Improvement Area, which will be used to pay principal and interest on bonds proposed to be authorized within the Improvement Area, the proceeds of which will be applied to finance (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto; (2) the payment of development and other fees for the acquisition or construction of public facilities (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; and (3) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, as further described in the Resolution of Consideration; and

WHEREAS, at the public hearing, all persons not exempt from the special tax desiring to be heard on all matters pertaining to the change proceedings relating to the Improvement Area of the District, including the boundaries of the District and the Improvement Area, the special tax, and the Facilities, were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

WHEREAS, on October 8, 2024, following the close of the public hearing, the Council adopted a resolution determining the necessity to incur bonded indebtedness of the District (the “Resolution Calling a Special Election”) which called a consolidated special election on October 8, 2024, within the Improvement Area of the District on a proposition relating to the levying of special taxes, the incurring of bonded indebtedness and the establishment of an appropriations limit for the Improvement Area (the “Special Election”); and

WHEREAS, on October 8, 2024, the Special Election was held within the Improvement Area of the District at which the qualified electors of the Improvement Area, approved by more than a two-thirds vote the proposition labeled on the official ballot as the

“Proposition,” which generally authorized the levy of special taxes within the Improvement Area, for the District as described in the Resolution of Consideration; and

WHEREAS, on October 8, 2024, following its determination that the requisite two-thirds of votes cast at the Special Election were in favor of levying the special taxes, the City Council directed the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Riverside a notice of special tax lien for the Improvement Area in the form required by the Act and Division 4.5 of the California Streets and Highways Code pursuant to Section 53328.3 of the Act.

THE CITY COUNCIL OF THE CITY OF PERRIS, IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST) OF THE CITY OF PERRIS, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Council finds the above recitals are true and correct and incorporated herein by this reference.

Section 2. By the passage of this Ordinance, the Council authorizes the levy of a special tax within the Improvement Area of the District at the maximum rate in accordance with the amended and restated rate and method of apportionment for the Improvement Area set forth as Exhibit “C” to the Resolution of Consideration, and for reference purposes are attached hereto as Exhibit “A” and incorporated herein by this reference (the “Rate and Method”).

Section 3. The Council or its designee is hereby further authorized to determine, by ordinance, resolution, or by other action if permitted by then applicable law, on or before August 1 of each year, the specific special tax to be levied for the next ensuing fiscal year on each parcel of land in the Improvement Area of the District. The special tax to be levied shall not exceed the maximum rates set forth in the Rate and Method, respectively, but the special tax may be levied at a lower rate. The City Clerk is authorized and directed to file with the county auditor on or before the 10th day of August of each tax year a certified copy of such ordinance or resolution accompanied by a list of all parcels subject to the special tax levy with the tax to be levied on each parcel.

Section 3. Properties or entities of the state, federal or other local governments shall be exempt from the above-referenced and approved special taxes only to the extent set forth in Section 8 of the Rate and Method, and otherwise shall be subject to the tax consistent with the provisions of Section 53317.3 and 53317.5 of the Act in effect as of the date of adoption of this Ordinance.

Section 4. All of the collections of the special taxes pursuant to the Rate and Method shall be used only as provided for in the Act and Resolution of Consideration. The special taxes shall be levied within the Improvement Area only so long as needed to accomplish the purposes described in Resolution of Consideration.

Section 5. The special taxes shall be collected pursuant to the Rate and Method 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, or other procedures as may be adopted by the Council. The City Manager, or his or her designee, is

hereby authorized and directed to provide or to cause to be provided all necessary information to the auditor/tax collector of the County of Riverside and to otherwise take all actions necessary in order to effect proper billing and collection of the special taxes, so that the special taxes shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each fiscal year until the bonds issued on the security of such special taxes (the "Bonds") are paid in full, the Facilities have been paid for, and provision has been made for payment of all of the administrative costs of District. The special taxes may be subject to the same penalties and the same procedure, sale and lien priority in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Notwithstanding the foregoing, the City Manager or the Finance Director may collect, or cause to be collected, one or more installments of the special taxes by means of direct billing by the District of the property owner of the Improvement Area of the District, if, in the judgment of the City Manager or the Finance Director, such means of collection will reduce the administrative burden of the District in administering the District where it 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.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, 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 Act shall apply to delinquent special tax payments.

Section 6. As a cumulative remedy, if any amount levied as a special tax for payment of bond interest or principal of any Bonds of the District, together with any penalties and other charges accruing under this ordinance, are not paid when due, the Council may, not later than four (4) years after the due date of the last installment of principal of the Bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax.

Section 7. This Ordinance relating to the levy of the special taxes within the District shall take effect immediately upon its final passage in accordance with the provisions of Section 36937(a) of the Government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

Section 8. The Mayor 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 City.

Section 9. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City as required by law, and is hereby directed to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

ADOPTED, SIGNED and **APPROVED** this 12th day of November, 2024.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number 1445 was duly introduced for first reading by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of October, 2024 and that it was adopted at a regular meeting of said Council on the 12th day of November, 2024, by the following vote:

AYES: CORONA, RABB, ROGERS, NAVA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

By: _____
Nance Salazar, City Clerk

EXHIBIT “A”

**AMENDED AND RESTATED RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAX
FOR IMPROVEMENT AREA NO. 2
OF COMMUNITY FACILITIES DISTRICT NO. 2022-4
(PARK WEST) OF THE CITY OF PERRIS**

[SEE ATTACHED]