

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI LEVYING A SPECIAL TAX WITHIN AND RELATING TO THE CITY OF COTATI COMMUNITY FACILITIES DISTRICT NO. 2017-01 (PUBLIC SERVICES)

WHEREAS, by legal proceedings taken by the City Council (the “City Council”) of the City of Cotati (the “City”) pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter in this ordinance, the “Act”), together with the voter approval received at a special election held on September 12, 2017, the City Council has been authorized to levy a special tax (the “Special Tax”) upon all nonexempt property within the City of Cotati Community Facilities District No. 2017-01 (Public Services) (“CFD No. 2017-01”); and

WHEREAS, as set forth in the resolution entitled, “Resolution of Formation of a Community Facilities District; Conditional Authorization to Levy a Special Tax; and Conditional Establishment of an Initial Appropriations Limit for CFD No. 2017-01 (the “Resolution of Formation”), the Special Tax is to be levied on the nonexempt property within CFD No. 2017-01 in accordance with the applicable rate and method of apportionment of special tax (the “RMA”) attached to the Resolution of Formation as Exhibit B.

WHEREAS, having received voter approval at the September 12, 2017 special election, the City Council now wishes by this ordinance to levy the special tax in accordance with the Resolution of Formation and the Act;

WHEREAS, the action of levying a special tax within and relating to the City of Cotati Community Facilities District No. 2017-01 does not constitute a project as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no further environmental review is required.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1: LEVY OF SPECIAL TAX

Pursuant to Sections 53328 and 53340 of the Act, and in accordance with the applicable RMA, as recited above, the Special Tax is hereby levied on all nonexempt parcels within CFD No. 2017-01.

SECTION 2: LEVY OF SPECIAL TAX

Without limiting the generality of the foregoing Section 1, the Special Tax shall be levied on the nonexempt parcels within CFD No. 2017-01 in accordance with the terms and conditions of the

RMA. The first Fiscal Year for which the Special Tax shall be levied shall be Fiscal Year 2017-2018 or such subsequent Fiscal Year as may be determined in accordance with the RMA.

SECTION 3: ANNUAL DETERMINATION OF SPECIAL TAX AMOUNTS

The officer of the City designated as the “CFD Administrator” (as said term is defined in the RMA), with the aid of the appropriate officers, agents and consultants of the City, is authorized and directed to determine each Fiscal Year, without further action by the City Council, the amount of the Special Tax on each nonexempt parcel in accordance with the RMA applicable to each such nonexempt parcel and to provide all necessary and appropriate information to the Sonoma County Auditor in proper form and in the proper time to effect the correct and timely billing and collection of the Special Tax in the same manner and at the same time as ordinary ad valorem property taxes levied by Sonoma County (the “County”) on each nonexempt parcel; provided that, as provided in the Resolution of Formation and Section 53340 of the Act, the City reserves the right to utilize any method of collecting the Special Tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to direct billing by the City to the property owners and supplemental billing.

SECTION 4: ADJUSTMENTS TO CORRECT COMPUTATIONAL ERRORS AUTHORIZED

The CFD Administrator, with the aid of the appropriate officers, agents and consultants of the City, are authorized to make adjustments to the amount of the Special Tax for any nonexempt parcel prior to the final posting of the annual Special Tax to the secured property tax roll of the County each Fiscal Year, as may be necessary to correct any computational error which has been timely discovered or to achieve a correct match between the Special Tax amount being levied and the assessor’s parcel number finally utilized by the County in sending out property tax bills.

SECTION 5: SEVERABILITY

If for any cause any portion of this Ordinance is found inapplicable to a particular parcel by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels, shall not be affected. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

SECTION 6: EFFECTIVE DATE AND POSTING OF ORDINANCE

The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

Approved: _____
Mayor

Attest: _____
Lauren Berges, Deputy City Clerk

Approved as to form:

Robin Donoghue, City Attorney

This document is a true and correct copy of Ordinance Number and has been published or posted pursuant to law. *California Government Code § 40806*

Lauren Berges, Deputy City Clerk