

ORDINANCE NO. LFFA-001

AN ORDINANCE LEVYING SPECIAL TAXES

**SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY
Community Facilities District No. 2016-1**

WHEREAS, on February 4, 2016, this Board (the "Board") of the Santa Cruz Libraries Facilities Financing Authority (the "Authority") adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "Santa Cruz Libraries Facilities Financing Authority Community Facilities District No. 2016-1" (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, this Board has also adopted a resolution entitled "Resolution Determining the Necessity to Incur Bonded and Other Indebtedness" (the "Resolution Determining Necessity"), determining the necessity to incur bonded indebtedness and other debt (as defined in the Act) in the maximum aggregate principal amount of \$67,000,000 upon the security of the special tax to be levied within the CFD pursuant to the Act; and

WHEREAS, under the Resolution of Formation and the Resolution Determining Necessity, and a "Resolution Calling Special Election" (the "Election Resolution"), the propositions of the levy of the special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness or other debt (as defined in the Act) will be submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, under the Election Resolution, which is by this reference incorporated herein, the special election will be held in the CFD on June 7, 2016 by the Santa Cruz County Clerk (the "Special Election").

WHEREAS, this Board now wishes to initiate the completion of proceeding for the levy of special taxes within the CFD, which shall be conditioned on the approval, by an affirmative vote of more than 2/3rds of the votes cast at the Special Election, of the propositions set forth above.

NOW, THEREFORE, IT IS ORDAINED, by the Board of the Santa Cruz Libraries Facilities Financing Authority, as follows:

1. **Special Tax Levy.** By the passage of this Ordinance, following the approval by the affirmative vote of more than 2/3rds of the votes cast at the Special Election, the Board hereby authorizes and levies Special Taxes within the CFD pursuant to the Act, at the rate and in accordance with the formula set forth in the Resolution of Formation, the provisions of which are hereby incorporated herein. Subject to other orders of this Board, the Special Taxes are hereby levied for a period of 30 years

commencing in Fiscal Year 2016-17. Unless otherwise specified by resolution of this Board, no further ordinances or resolutions shall be required under the Act to cause of the levy of the Special Taxes in any fiscal year.

2. **Annual Determination of Levy.** The Treasurer of the Authority is hereby authorized and directed each fiscal year to determine or cause to be determined the Special Taxes and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Resolution of Formation.

3. **Maximum Special Tax.** In no event shall the Special Taxes be levied on any parcel within the CFD in excess of the maximums specified in the Resolution of Formation.

4. **Special Tax Collections.** All of the collections of the special tax shall be used as provided for in the Act and in the Resolution of Formation including, but not limited to, the payment of costs of providing the Facilities, the payment of principal and interest on any Bonds, the replenishment of any reserve fund for the Bonds, the payment of the costs of the Authority in administering the CFD, and the costs of collecting and administering the special tax.

5. **Manner of Collection.** The Special Taxes shall be collected in the same manner as ordinary ad valorem taxes are collected by the County of Santa Cruz 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 Board may provide for other appropriate methods of collection by resolutions of the Board. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments. The Treasurer of the Authority is hereby authorized and directed to provide all necessary information to the Auditor/Controller/Treasurer/Tax Collector of the County of Santa Cruz in order to effect proper billing and collection of the Special tax, so that the special tax shall be included on the secured property tax roll of the County of Santa Cruz for each fiscal year until otherwise directed by the Authority.

6. **Severability.** 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 the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

7. **Publication.** The Secretary shall cause this Ordinance to be published in accordance with Section 25124(a) and 25124(b)(1) of the California Government Code in a newspaper of general circulation published and circulated in the County of Santa Cruz, and is authorized and directed to cause a summary of the ordinance to be used for such publication.

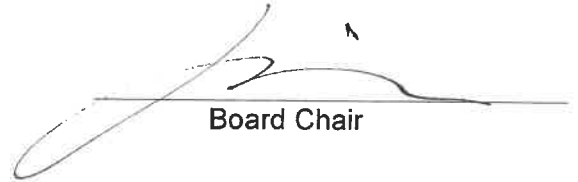
8. **Effective Date.** This adoption of this Ordinance shall be conditioned on the approval, by an affirmative vote of more than 2/3rds of the votes cast at the Special Election, of the propositions set forth above, and shall take effect 30 days from the date of final passage.

INTRODUCED on June 2, 2016, upon motion of Director Susan Mauriello,
seconded by Director Chuck Comstock, and on the following roll call vote, to wit:

AYES: Bernal, Goldstein, Comstock, Mauriello
NOES:
ABSENT:
ABSTAINING:

ATTEST:


Secretary

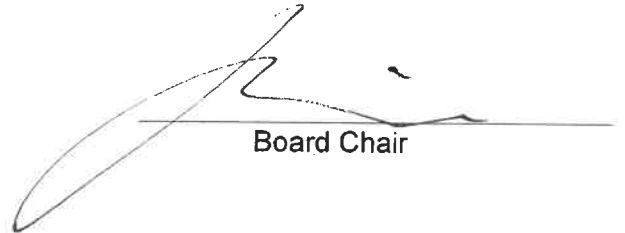

Board Chair

PASSED AND ADOPTED on July 28, 2016, upon motion of Director Susan Mauriello,
seconded by Director Tina Shull, and on the following roll call vote, to wit:

AYES: Goldstein, Haruyama, Mauriello, Shull (Alternate)
NOES:
ABSENT:
ABSTAINING:

ATTEST:


Secretary


Board Chair

APPROVED AS TO
SUFFICIENCY AND FORM:


Jones Hall, Bond Counsel