

ORDINANCE NO. 1024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 1, INTO THE RESORT OF EMPIRE LAKES COMMUNITY FACILITIES DISTRICT NO. 2018-01 OF THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

A. Recital

WHEREAS, the City Council (the "City Council") of the City of Rancho Cucamonga (the "City") has established The Resort at Empire Lakes Community Facilities District No. 2018-01 of the City of Rancho Cucamonga, County of San Bernardino, State of California (the "District") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services, which are necessary to meet increased demands placed upon the City as a result of the development of said real property; and

WHEREAS, the rate and method of apportionment of special tax for the District is set forth in Exhibit "C" to the City Council Resolution No. 2024-003, which was adopted on February 6, 2024 (the "Resolution"); and

WHEREAS, the City has conducted proceedings to annex territory into the District and, with respect to the proceedings, following an election of the qualified electors in the territory proposed for annexation (the "Annexation Territory"), the City Council, on March 20, 2024, adopted a Resolution which declared the results of the special election and determined that the territory proposed to be annexed is added to and part of the District.

B. Ordinance

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rancho Cucamonga, California, acting in its capacity as the legislative body of the City of The Resort at Empire Lakes Community Facilities District No. 2018-01 of the City of Rancho Cucamonga, County of San Bernardino, State of California, does hereby:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. By the passage of this Ordinance, the City Council hereby authorizes and levies the special tax within the District, including the Annexation Territory, pursuant to Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," (the "Act"), at the rate and in accordance with the rate and method of apportionment of special tax set forth in the Resolution, which rate and

method is by this reference incorporated herein. The special tax has previously been levied in the original territory of the District beginning in Fiscal Year 2019-20 pursuant to Ordinance No. 493 passed and adopted by the City Council on January 16, 2019, and the special tax is hereby levied commencing in Fiscal Year 2024-25 in the District, including the Annexation Territory identified as Annexation No. 1, and in each fiscal year thereafter to pay for the services for the District and the costs of administering the District.

SECTION 3. The City Manager of the City or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific special tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, including the Annexation Territory, in the manner and as provided in the Resolution.

SECTION 4. Exemptions from the levy of the special tax shall be as provided in the Resolution and the applicable provisions of the Act. In no event shall the special tax be levied on any parcel within the District in excess of the maximum special tax specified in the Resolution.

SECTION 5. All of the collections of the special tax shall be used as provided in the Act and in the Resolution, including, but not limited to, the payment of the costs of the services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the special tax.

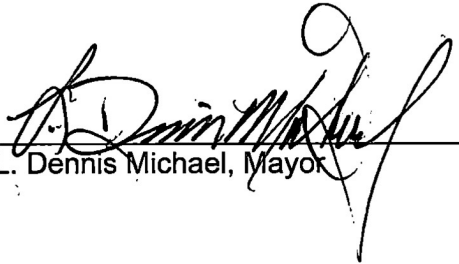
SECTION 6. The special tax shall be collected in the same manner and at the same time as ordinary *ad valorem* taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes; provided, however, that the District may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations. The City Manager of the City, or his or her designee, is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Bernardino 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 San Bernardino for Fiscal Year 2024-25 and for each fiscal year thereafter until no longer required to pay for the services or until otherwise terminated by the City.

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 the District, including the Annexation Territory, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the District, including the Annexation Territory, shall not be affected.

SECTION 8. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance, or a summary of it, to be published in a newspaper of general circulation in the City.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council the 20th day of March, 2024 and by unanimous vote of the City Council members present, further reading was waived.

PASSED, APPROVED, AND ADOPTED this 3rd day of April, 2024.


L. Dennis Michael, Mayor

ATTEST:

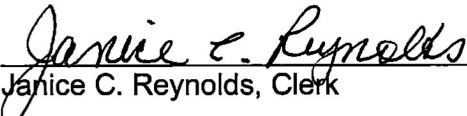

Janice C. Reynolds, Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

I, **JANICE C. REYNOLDS**, City Clerk of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 20th day of March 2024, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 3rd day of April 2024.

AYES: Hutchison, Kennedy, Michael, Scott, Stickler
NOES: None
ABSENT: None
ABSTAINED: None

Executed this 4th day of April 2024, at Rancho Cucamonga, California.


Janice C. Reynolds, Clerk