

RESOLUTION NO. R-33-12

**A RESOLUTION OF THE CITY COUNCIL OF COLTON, CALIFORNIA
AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY
FACILITIES DISTRICT NO. 89-1 FOR FISCAL YEAR 2012/2013.**

WHEREAS, the CITY COUNCIL of the CITY OF COLTON, CALIFORNIA previously undertook proceedings to form a community facilities district (this Community Facilities District is designated as COMMUNITY FACILITIES DISTRICT NO. 89-1 and is referred to herein as the "District"), and conducted an election and received a favorable vote from the qualified electors authorizing the levy of a special tax in the District, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, the Act authorized the City Council to levy the special taxes at the rate and apportion them in the manner as approved by the qualified electors and further authorized the City Council to thereafter provide, by resolution, for the levy of the special tax in the current tax year or future tax years at the same rate or at a lower rate than the rate provided by the ordinance; and

WHEREAS, the City Council desires to authorize the levy of the special tax by resolution for the current and all future tax years.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the City Council does, by the passage of this resolution, authorize the levy of special taxes at the rate and formula as set forth in Exhibit "A" attached hereto, referenced and so incorporated.

1
2 **SECTION 3.** That the City Council is hereby further authorized, by Resolution, to
3 determine the specific special tax rate and amount to be levied for the then current tax year
4 or future tax years, except that the special tax rate to be levied shall not exceed that as set
5 forth in Exhibit "A", but the special tax may be levied at a lower rate.

6
7 **SECTION 4.** The proceeds of the above authorized and levied special tax may only
8 be used to pay, in whole or in part, the costs of the following:

- 9 A. Payment of principal of and interest on any outstanding authorized bonded
10 indebtedness;
11
12 B. Necessary replenishment of bond reserve funds or other reserve funds;
13
14 C. Payment of costs and expenses of authorized public facilities and services;
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16 D. Repayment of advances and loans, as appropriate; and
17 E. Payment of District administrative costs.

18 The proceeds of the special tax shall be used as set forth above, and shall not be used for
19 any other purpose.

20 **SECTION 5.** The above authorized special tax shall be collected in the same
21 manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties
22 and the same procedure, sale and lien priority in case of delinquency as is provided for ad
23 valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable
24 administrative costs incurred in collecting any such special tax.

25
26 **SECTION 6.** The above authorized special tax shall be secured by the lien imposed
27 pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of
28 California, which lien shall be a continuing lien and shall secure each levy of the special tax.
29 The lien of the special tax shall continue in force and effect until the special tax obligation is

1 prepaid, permanently satisfied and canceled in accordance with Section 53344 of them
2 Government Code of the State of California or until the special tax ceases to be levied by the
3 Legislative body of the local Agency in the manner provided in Section 53330.5 of said
4 Government Code.

5 **SECTION 7.** This Resolution shall take effect upon its adoption under the specific
6 authorization of Government Code Section 53340 and as the levy of taxes for the usual and
7 current expenses of the District as provided by Government Code Section 36937 (d).
8

9 **SECTION 8.** The City Clerk shall sign this Resolution and shall cause the same to
10 be published within fifteen (15) days after its passage at least once in a newspaper of general
11 circulation published and circulated in this City.
12

13 **PASSED, APPROVED AND ADOPTED THIS 17th DAY OF JULY 2012.**
14

15 
16 SARAH S. ZAMORA
17 Mayor

18 ATTEST:

19 
20 EILEEN C. GOMEZ, CMC
21 City Clerk
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Exhibit A

City of Colton

2012/13 Special Tax Levy
Community Facilities District 89-1

Levy Components		2012/13
PRINCIPAL AND INTEREST		
Principal		\$160,000.00
Interest		85,320.00
TOTAL		\$245,320.00
ADMINISTRATION COSTS		
City Staff and Expenses		\$7,000.00
County Auditor and Assessor Fees		66.00
Registrar/Transfer/Paying Agent Fees		2,220.00
Consulting Services and Expenses		3,801.34
Delinquency Management Allowance		300.00
TOTAL		\$13,387.34
Total Principal, Interest and Admin Costs		\$258,707.34
ADJUSTMENTS APPLIED TO LEVY		
Replenishment/ (Credit)		(\$11,482.76)
TOTAL		(\$11,482.76)
TOTAL CHARGE		
Special Tax Requirement		\$247,224.58
Applied Charge at Projected Rate		\$247,204.40
Difference (due to rounding)		\$20.18
SPECIAL TAX RATES*		
Developed Residential Units	212	
Maximum Special Tax Rate per unit		\$1,855.18
Projected Special Tax Rate per unit for 2012/13		\$998.08
Developed Commercial Acreage	8.92	
Maximum Special Tax Rate per acre		\$7,420.70
Projected Special Tax Rate per acre for 2012/13		\$3,992.31

* The projected special tax rate is based on the proposed budget shown and reflects a 0.00% change over the prior year's levy.

