

MEETING DATE: 08.13.12

AGENDA ITEM: Adoption of an Ordinance Adding a New Chapter 15.12, Community Facilities District Financing, to the Culver City Municipal Code.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1-5

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1 **15.12.005 Purpose and Applicability**

2 The purpose and intent of this Chapter is to establish a procedure for financing
3 certain public capital facilities and services through the establishment of community
4 facilities districts, the levy of special taxes within such districts and the issuance of
5 bonds secured by such special taxes. The provisions of this Chapter are intended
6 to be a supplement to existing state law for the formation of community facilities
7 districts (Mello-Roos Community Facilities Act of 1982).

8 **15.12.010 Special Tax Proceedings**

9 Proceedings for the formation of a community facilities district or districts may be
10 conducted pursuant to this Chapter whether or not provided in any state law.

11 **15.12.015 Nonexclusivity**

- 12 A. This Chapter is not, in any way, exclusive.
- 13 B. The procedures provided in this Chapter are alternative to any other
- 14 procedure provided in this Code or under state law.
- 15 C. The resolution of intention in any proceedings under any state law or other
- 16 provision of this Code may provide that such provisions are supplemented by
- 17 this Chapter.

18 **15.12.020 Construction**

19 This Chapter is to be liberally construed.

20 **15.12.025 Incorporation of the Mello-Roos Community Facilities**
21 **Act of 1982.**

- 22 A. The Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing
- 23 with Section 53311, of Part 1 of Division 2 of Title 5 of the Government Code,
- 24 as amended from time to time), is incorporated in and made a part of this
- 25 Chapter.
- 26 B. Except as otherwise provided by this Chapter, the mode and manner for
- 27 making improvements, for levying and collecting special taxes and for issuing
- 28 bonds shall be as prescribed in the Mello-Roos Community Facilities Act of
- 1982.

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2 **15.12.030 Authorized Services; Public Parking Facilities**

- 3 A. A community facilities district special tax, whether approved by vote of the
4 landowners or the registered voters of the district, may finance the operation,
5 maintenance and servicing related to provision of transportation services, in
6 addition to the services specified in the Mello-Roos Community Facilities Act
7 of 1982, notwithstanding the fact that any such services supplant services
8 which were already available within the territory when the district was created.
9
10 B. A community facilities district special tax, whether approved by vote of the
11 landowners or the registered voters of the district, may finance the purchase,
12 construction, expansion, improvement, or rehabilitation of any public parking
13 facility with an estimated useful life of five years or longer, and the operation
14 and maintenance of such parking facility, in addition to the financing powers
15 specified in the Mello-Roos Community Facilities Act of 1982.
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17 **15.12.035 Special Tax Levy; Election; Voter Qualifications; Ballots**

- 18 A. Notwithstanding Government Code Section 53326(a), the City Council shall
19 submit the levy of any special taxes to the qualified electors of the proposed
20 community facilities district or to the qualified electors of the territory to be
21 annexed by the community facilities district in the next general election or in a
22 special election to be held, notwithstanding any other requirement, including
23 any requirement that elections be held on specified dates, contained in the
24 Elections Code, at least 45 days, but not more than 180 days, following the
25 adoption of the resolution of formation. This subsection 15.12.35.A shall
26 apply only if the election is to be by the landowners of the proposed
27 community facilities district, as described in Government Code Section
28 53326(b), and the proposed community facilities district is funding authorized
services with no debt to be issued.

B. Notwithstanding Government Code Section 53326(b), if the vote is to be by
the landowners of the proposed community facilities district, as described in
Government Code Section 53326(b), the City Council may provide for an
alternative to the method of voting of each landowner having one vote for
each acre or portion of an acre of land that a landowner owns within the
proposed community facilities district. The alternative method of voting
authorized by this subsection 15.12.035.B, provides that each landowner
shall have one vote for each dollar or portion of a dollar of special tax that
may be levied on such landowner's land to be included in the proposed
community facilities district, based upon the proposed rate and method of
apportionment and manner of collection of special tax for the proposed
community facilities district, and the special taxes thereby to be levied in the

1 first full fiscal year following formation of the proposed district. This
2 subsection 15.12.35.B shall apply only if the City Council finds that such
3 alternative method of voting is more reflective of the burden of the special tax
4 to be levied on the landowners in the proposed community facilities district.

5 **15.12.040 Goals and Policies.**

6 Notwithstanding Government Code Section 53312.7(a), the local goals and policies
7 required in connection with any proceedings taken, special tax levied or bonds
8 issued pursuant to this Chapter, may be adopted at any time prior to or during the
9 proceedings to establish a community facilities district.

10 **15.12.045 Conflict of Law.**

11 In the event of any conflict between the provisions of this Chapter and the provisions
12 of the Mello-Roos Community Facilities Act of 1982, this Chapter shall govern.

13 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
14 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
15 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
16 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
17 Culver City News and shall post this Ordinance or a summary thereof in at least three
18 places within the City.

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SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____ day of _____, 2012.

ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

A12-00523

CAROL A. SCHWAB, City Attorney