

RESOLUTION NO. 25-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF CITY OF OCEANSIDE COMMUNITY FACILITIES DISTRICT NO. 2023-1 (NORTH RIVER FARMS PUBLIC FACILITIES), APPROVING A SECOND AMENDMENT TO THE RATE AND METHOD OF APPORTIONMENT AND DECREASING THE AMOUNT OF BONDED INDEBTEDNESS AND CALLING AN ELECTION THEREIN

WHEREAS, on January 11, 2023, the City Council of the City of Oceanside (the “City Council”) adopted Resolution No. 23-R0019-1 stating its intention to form City of Oceanside Community Facilities District No. 2023-1 (North River Farms Public Facilities) (“Community Facilities District No. 2023-1” or the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Act”); and

WHEREAS, on January 11, 2023, the City Council also adopted Resolution No. 23-R0020-1 stating its intention to incur bonded indebtedness within the District in the amount not to exceed \$45,000,000 to finance the facilities and improvements identified in Resolution No. 23-R0019-1 (collectively, the “Facilities”); and the Administrative Expenses to be incurred in financing the Facilities and forming and administering the District (the “Administrative Expenses”); and

WHEREAS, a notice calling a public hearing on February 15, 2023, was published as required by law relative to the intention of the City Council to establish Community Facilities District No. 2023-1 and to incur bonded indebtedness within Community Facilities District No. 2023-1; and

WHEREAS, on February 15, 2023, the City Council conducted a noticed public hearing to determine whether it should proceed with the establishment of Community Facilities District No. 2023-1, issue bonds for the benefit of Community Facilities District No. 2023-1 to pay for the Facilities and Administrative Expenses and authorize the rate and method of apportionment of the special taxes in the form attached as Exhibit A to the Resolution of Formation (as defined below) (the “Rate and

Method”) to be levied within Community Facilities District No. 2023-1 for the purposes described in the Resolution of Formation; and

WHEREAS, at the February 15, 2023, public hearing all persons desiring to be heard on all matters pertaining to the establishment of Community Facilities District No. 2023-1, the levy of the special taxes in accordance with the Rate and Method and the issuance of bonds within Community Facilities District No. 2023-1 to pay for the cost of the proposed Facilities and Administrative Expenses were heard and a full and fair hearing was held; and

WHEREAS, after the public hearing, on February 15, 2023, the City Council adopted Resolution Nos. 23-R0080-1 (the “Resolution of Formation”) and 23-R0081-1 (the “Resolution to Incur Bonded Indebtedness”) which formed the District and called a special election on February 15, 2023, within the District on propositions relating to the levying of the special taxes, the incurring of bonded indebtedness and the establishment of an appropriations limit for the District, which were approved by more than two-thirds vote by the qualified electors on February 15, 2023; and

WHEREAS, pursuant to Resolution No. 23-R0082-1, adopted on February 15, 2023, the City Council, acting as the legislative body of Community Facilities District No. 2023-1, declared the results of the special election and directed the recording of notices of special tax liens within Community Facilities District No. 2023-1; and

WHEREAS, on February 28, 2024, the City Council, acting as the legislative body of Community Facilities District No. 2023-1, adopted Resolution No. 24-R0027-1, stating its intention to consider the approval of an Amended and Restated Rate and Method of Apportionment for Community Facilities District No. 2023-1 (the “Amended and Restated Rate and Method”); and,

WHEREAS, on April 24, 2024, this Council conducted a noticed public hearing to determine whether it should proceed with the approval of the Amended and Restated Rate and Method; and,

1 **WHEREAS**, at the April 24, 2024, public hearing all persons desiring to be heard on all
2 matters pertaining to the approval of the Amended and Restated Rate and Method were heard and a
3 full and fair hearing was held; and,

4 **WHEREAS**, after the public hearing, on April 24, 2024, the City Council adopted Resolution
5 No. 24-R0149-1 which approved the Amended and Restated Rate and Method and called a special
6 election on April 24, 2024, within the District on a proposition relating to the approval of the Amended
7 and Restated Rate and Method, which was approved by more than two-thirds vote by the qualified
8 electors on April 24, 2024; and

9
10 **WHEREAS**, pursuant to Resolution No. 24-R0150-1, adopted on April 24, 2024, the City
11 Council, acting as the legislative body of Community Facilities District No. 2023-1, declared the
12 results of the April 24, 2024 special election and directed the recording of notices of special tax liens
13 within Community Facilities District No. 2023-1; and

14 **WHEREAS**, the District has received petitions signed by each of NRF AIV LLC, a Delaware
15 limited liability company, Lennar Homes of California, LLC, a California limited liability company,
16 and Millrose Properties California, LLC, a California limited liability company, which collectively
17 own all of the land within Community Facilities District No. 2023-1, the boundaries of which are
18 described in the boundary map for the District recorded at Book No. 50 of Maps and Assessment and
19 Community Facilities at Page No. 71, as Instrument No. 2023-7000011 on January 18, 2023, in the
20 office of the County Recorder for the County of San Diego, which petitions meet the requirements of
21 Section 53332 of the Act, requesting that the District initiate proceedings to (1) approve the Second
22 Amended and Restated Rate and Method of Apportionment for Community Facilities District No.
23 2023-1, attached to the Resolution of Intention (as defined below) as Attachment "A" (the "Second
24 Amended and Restated Rate and Method") and (2) reduce the maximum bonded indebtedness to be
25 incurred by the District to \$25,000,000; and
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1 **WHEREAS**, on March 12, 2025, the City Council, acting as the legislative body of
2 Community Facilities District No. 2023-1, adopted Resolution No. 2025-R0089-1 (the "Resolution of
3 Intention"), stating its intention to consider the approval of the Second Amended and Restated Rate
4 and Method and reducing the maximum bonded indebtedness to be incurred by the District to
5 \$25,000,000; and,

6 **WHEREAS**, a notice calling a public hearing on April 23, 2025, was published as required by
7 law relative to the intention of the City Council to consider the approval the Second Amended and
8 Restated Rate and Method and reducing the maximum bonded indebtedness to be incurred by the
9 District to \$25,000,000; and,

10 **WHEREAS**, on April 23, 2025, this Council conducted a noticed public hearing to determine
11 whether it should proceed with the approval of the Second Amended and Restated Rate and Method
12 and reducing the maximum bonded indebtedness to be incurred by the District to \$25,000,000; and,

13 **WHEREAS**, at the April 23, 2025, public hearing all persons desiring to be heard on all
14 matters pertaining to the approval of the Second Amended and Restated Rate and Method and reducing
15 the maximum bonded indebtedness to be incurred by the District to \$25,000,000 were heard and a full
16 and fair hearing was held; and,

17 **WHEREAS**, the City Council has determined that there have been fewer than twelve
18 registered voters residing in the District for the period of 90 days prior to April 23, 2025, and that the
19 qualified electors in the District are the landowners within the District; and,

20 **WHEREAS**, on the basis of all of the foregoing, the City Council has determined at this time
21 to proceed with the approval of the Second Amended and Restated Rate and Method and reducing the
22 maximum bonded indebtedness to be incurred by the District to \$25,000,000 as described herein.

23 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE HEREBY**
24 **FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

25 **Section 1.** Each of the above recitals is true and correct.
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1 **Section 2.** The City Council hereby adopts the Second Amended and Restated Rate and
2 Method as the rate and method for Community Facilities District No. 2023-1. Except where funds are
3 otherwise available, it is the intention of the City Council, subject to the approval of the eligible voters
4 within Community Facilities District No. 2023-1, to levy the proposed special taxes at the rates for
5 Community Facilities District No. 2023-1 set forth in the Second Amended and Restated Rate and
6 Method on all non-exempt property within Community Facilities District No. 2023-1 sufficient to pay
7 for (i) the Facilities, (ii) the principal and interest and other periodic costs on the bonds proposed to be
8 issued by the District to finance the Facilities and Administrative Expenses, including the
9 establishment and replenishment of reserve funds, any remarketing, credit enhancement and liquidity
10 facility fees (including such fees for instruments which serve as the basis of a reserve fund in lieu of
11 cash), administrative expenses and other expenses of the type permitted by Section 53345.3 of the Act;
12 and (iii) the Administrative Expenses. The Second Amended and Restated Rate and Method is
13 described in detail in Attachment "A" to the Resolution of Intention which is incorporated herein by
14 this reference, and the City Council hereby finds that the Second Amended and Restated Rate and
15 Method contains sufficient detail to allow each landowner within the District to estimate the maximum
16 amount that may be levied against each parcel. The Special Tax (as defined in the Second Amended
17 and Restated Rate and Method) shall be levied on each assessor's parcel for a period not to exceed
18 Fiscal Year 2063-64.

21 **Section 3.** Upon recordation of a Second Amended and Restated Notice of Special Tax
22 Lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each
23 levy of the special tax shall attach to all non-exempt real property in the District and this lien shall
24 continue in force and effect until the special tax obligation is prepaid and permanently satisfied and
25 the lien canceled in accordance with law or until collection of the special tax by the District ceases.

26 **Section 4.** The City Council hereby approves the reduction of the maximum amount of
27 bonded indebtedness authorized to be incurred by the District to \$25,000,000. The indebtedness is to
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1 be incurred for the purpose of financing the costs of purchasing, constructing, modifying, expanding,
2 improving, or rehabilitating the Facilities, as described in Resolution No. 23-R0019-1, financing the
3 Administrative Expenses, and carrying out the powers and purposes of Community Facilities District
4 No. 2023-1, including, but not limited to, financing the costs of selling the bonds, establishing and
5 replenishing bond reserve funds and paying remarketing, credit enhancement and liquidity facility fees
6 (including such fees for instruments which serve as the basis of a reserve fund in lieu of cash),
7 administrative expenses and other expenses of the type authorized by Section 53345.3 of the Act.
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9 **Section 5.** Written protests against the approval of the Second Amended and Restated
10 Rate and Method reducing the maximum bonded indebtedness to be incurred by the District to
11 \$25,000,000 have not been filed by one-half or more of the registered voters within the boundaries of
12 the District or by the property owners of one-half or more of the area of land within the boundaries of
13 the District. The City Council hereby finds that the approval of the Second Amended and Restated
14 Rate and Method with respect to Community Facilities District No. 2023-1 reducing the maximum
15 bonded indebtedness to be incurred by the District to \$25,000,000 has not been precluded by a majority
16 protest pursuant to Section 53337 of the Act.
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18 **Section 6.** An election is hereby called for Community Facilities District No. 2023-1 on
19 the propositions of approving the Second Amended and Restated Rate and Method and reducing the
20 maximum bonded indebtedness to be incurred by the District to \$25,000,000. The propositions to be
21 placed on the ballot for the District are attached hereto as Attachment "A." Following certification of
22 a landowner vote in favor of the adoption of the Second Amended and Restated Rate and Method and
23 reducing the maximum bonded indebtedness to be incurred by the District to \$25,000,000, the District
24 shall record an amended and restated notice of special tax lien for the District.
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26 **Section 7.** The date of the foregoing election for the District shall be April 23, 2025, or
27 such later date as is consented to by the City Clerk and the landowners within the District. The City
28 Clerk shall conduct the election. Except as otherwise provided by the Act, the election shall be

1 conducted by personally delivered or mailed ballot and, except as otherwise provided by the Act, the
2 election shall be conducted in accordance with the provisions of law regulating elections of the City
3 insofar as such provisions are determined by the City Clerk to be applicable.

4 **Section 8.** It is hereby found that there are not more than twelve registered voters within
5 the territory of the District, and, pursuant to Section 53326 of the Act, each landowner who is the owner
6 of record on the date hereof, or the authorized representative thereof, shall have one vote for each acre
7 or portion thereof that he or she owns within the District.

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9 **Section 9.** This Resolution shall be effective upon its adoption.

10 PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 23rd
11 day of April, 2025 by the following vote:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

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20 ATTEST:

21 _____
22 City Clerk

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MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

City Attorney

ATTACHMENT "A"

SAMPLE BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2023-1
(NORTH RIVER FARMS PUBLIC FACILITIES)
OF CITY OF OCEANSIDE

SPECIAL ELECTION

April 23, 2025

This ballot represents ____ votes.

To vote, write or stamp a cross ("+" or "X") in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the City Clerk of City of Oceanside and obtain another.

PROPOSITION A: Shall the indebtedness permitted to be incurred by City of Oceanside Community Facilities District No. 2023-1 (North River Farms Public Facilities) (the "District") to finance the Facilities and the Administrative Expenses described in Resolution No. 23-R0019-1 of the City Council of the City of Oceanside be reduced from a maximum aggregate principal amount of \$45,000,000 to a maximum aggregate principal amount of \$25,000,000, to be issued as one or more series of bonds, with interest at a rate or rates not to exceed the maximum interest rate permitted by law?

YES _____
NO _____

PROPOSITION B: Shall a special tax with a second Amended and Restated Rate and Method of Apportionment (the "Second Amended and Restated Rate and Method") as provided in Attachment "A" to Resolution No. 2025-R0089-1 adopted by the City Council of the City of Oceanside on March 12, 2025, acting as the legislative body of City of Oceanside Community Facilities District No. 2023-1 (North River Farms Public Facilities) (the "District"), be levied to pay for the public facilities, administrative expenses and other purposes described in Resolution 23-R0019-1, including the payment of the principal of and interest on bonds issued to finance public facilities and administrative expenses for the District?

YES _____
NO _____