

ORDINANCE NO.

**ORDINANCE OF THE CITY COUNCIL OF CITY OF
OCEANSIDE, ACTING AS THE LEGISLATIVE BODY OF CITY
OF OCEANSIDE COMMUNITY FACILITIES DISTRICT NO.
2023-1 (NORTH RIVER FARMS PUBLIC FACILITIES)
AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SUCH
DISTRICT**

WHEREAS, on January 11, 2023, the City Council (the "City Council") of the City of Oceanside (the "City") adopted No. 23-R0019-1 declaring its intention to form City of Oceanside Community Facilities District No. 2023-1 (North River Farms Public Facilities) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, comprising Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the "Act"), and its Resolution No. 23-R0020-1 declaring its intention to incur bonded indebtedness for the District; and

WHEREAS, on February 15, 2023, after providing all notice required by the Act, the City Council conducted a noticed public hearing required by the Act relative to the proposed formation of the District, the proposed levy of a special tax therein to finance certain public facilities described in Resolution No. 23-R0019-1 and to secure the payment of any bonded indebtedness of the District, and the proposed issuance of up to \$45,000,000 of bonded indebtedness as described in Resolution No. 23-R0020-1; and

WHEREAS, at the February 15, 2023 public hearing, all persons desiring to be heard on all matters pertaining to the formation of the District and the proposed levy of the special tax to finance the facilities described in Resolution No. 23-R0019-1 and to secure the payment of up to \$45,000,000 of bonded indebtedness of the District as described in Resolution No. 23-R0020-1 (the "Bonds") were heard and a full and fair hearing was held; and

WHEREAS, on February 15, 2023, the City Council adopted Resolution Nos. 23-R0080-1 and 23-R0081-1 which formed the District and called a special election within the District on

February 15, 2023 on three propositions relating to the levy of a special tax within the District, the issuance of the Bonds and the establishment of an appropriations limit for the District; and

WHEREAS, on February 15, 2023, a special election was held within the District at which the qualified electors approved by more than a two-thirds vote Propositions A, B and C authorizing the levy of a special tax within the District for the purposes described in Resolution No. 23-R0019-1, the issuance of the Bonds as described in Resolution No. 23-R0020-1 and establishing an appropriations limit for the District; 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,

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

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

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

1 **WHEREAS**, the District has received petitions signed by each of NRF AIV LLC, a Delaware
2 limited liability company, Lennar Homes of California, LLC, a California limited liability company,
3 and Millrose Properties California, LLC, a California limited liability company, which collectively
4 own all of the land within Community Facilities District No. 2023-1, the boundaries of which are
5 described in the boundary map for the District recorded at Book No. 50 of Maps and Assessment and
6 Community Facilities at Page No. 71, as Instrument No. 2023-7000011 on January 18, 2023, in the
7 office of the County Recorder for the County of San Diego, which petitions meet the requirements of
8 Section 53332 of the Act, requesting that the District initiate proceedings to (1) approve the Second
9 Amended and Restated Rate and Method of Apportionment for Community Facilities District No.
10 2023-1, attached to the Resolution of Intention (as defined below) as Attachment “A” (the “Second
11 Amended and Restated Rate and Method”) and (2) reduce the maximum bonded indebtedness to be
12 incurred by the District to \$25,000,000; and
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14 **WHEREAS**, on March 12, 2025, the City Council, acting as the legislative body of the District,
15 adopted Resolution No. 2025-R0089-1 (the “Resolution of Intention”), stating its intention to consider
16 the approval of the Second Amended and Restated Rate and Method and reducing the maximum
17 bonded indebtedness to be incurred by the District to \$25,000,000; and
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19 **WHEREAS**, a notice calling a public hearing on April 23 2025, was published as required by
20 law relative to the intention of the City Council to consider the approval of the Second Amended and
21 Restated Rate and Method and reducing the maximum bonded indebtedness to be incurred by the
22 District to \$25,000,000; and

23 **WHEREAS**, on April 23, 2025, this City Council conducted a noticed public hearing to
24 determine whether it should proceed with the approval of the Second Amended and Restated Rate and
25 Method and reducing the maximum bonded indebtedness to be incurred by the District to \$25,000,000;
26 and
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1 **WHEREAS**, at the April 23, 2025, public hearing all persons desiring to be heard on all
2 matters pertaining to the approval of the Second Amended and Restated Rate and Method and reducing
3 the maximum bonded indebtedness to be incurred by the District to \$25,000,000 were heard and a full
4 and fair hearing was held; and

5 **WHEREAS**, on April 23, 2025, following the close of the public hearing, the City Council
6 adopted Resolution No. _____ (the "Change Resolution"), which called a special election on April 23,
7 2025 within the District on the approval of the Second Amended and Restated Rate and Method and
8 reducing the maximum bonded indebtedness to be incurred by the District to \$25,000,000; and
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10 **WHEREAS**, on April 23, 2025, a special election was held within the District at which the
11 qualified electors approved by more than a two-thirds vote, Propositions A and B, approving the
12 Second Amended and Restated Rate and Method for the District and reducing the maximum bonded
13 indebtedness to be incurred by the District to \$25,000,000; and

14 **NOW, THEREFORE, THE CITY COUNCIL, ACTING AS THE LEGISLATIVE**
15 **BODY OF CITY OF OCEANSIDE COMMUNITY FACILITIES DISTRICT NO. 2023-1**
16 **(NORTH RIVER FARMS PUBLIC FACILITIES), ORDAINS AS FOLLOWS:**
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18 **Section 1.** The above recitals are all true and correct.

19 **Section 2.** By the passage of this Ordinance, the City Council authorizes the levy of a
20 special tax within the District at the maximum rates and in accordance with the Second Amended and
21 Restated Rate and Method.

22 **Section 3.** The City Council is hereby further authorized to determine in each subsequent
23 fiscal year, by ordinance, or by resolution if permitted by then applicable law, on or before August 10
24 of each year, or such later date as is permitted by law, the specific special tax rate and amount to be
25 levied on each parcel of land in the District pursuant to the Second Amended and Restated Rate and
26 Method. The special tax rates to be levied pursuant to the Second Amended and Restated Rate and
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1 Method shall not exceed the applicable maximum rates set forth therein, but the special tax may be
2 levied at a lower rate.

3 **Section 4.** Properties or entities of the state, federal or other local governments shall be
4 exempt from the special tax, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act
5 and the Second Amended and Restated Rate and Method. No other properties or entities are exempt
6 from the special tax unless the properties or entities are expressly exempted in the Resolution of
7 Formation and the Change Resolution, or in a resolution of consideration to levy a new special tax or
8 special taxes or to alter the rate or method of apportionment of an existing special tax as provided in
9 Section 53334 of the Act.
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11 **Section 5.** All of the collections of the special tax pursuant to the Second Amended and
12 Restated Rate and Method shall be used as provided for in the Act, the Resolution of Formation and
13 the Change Resolution. The special tax shall be levied within the District only so long as needed for
14 the purposes described in the Resolution of Formation and in the Change Resolution.

15 **Section 6.** The special tax levied pursuant to the Second Amended and Restated Rate and
16 Method shall be collected in the same manner as ordinary ad valorem property taxes are collected and
17 shall be subject to the same penalties and the same procedure, sale and lien priority in case of
18 delinquency as is provided for ad valorem taxes (which such procedures include the exercise of all
19 rights and remedies permitted by law to make corrections, including, but not limited to, the issuance
20 of amended or supplemental tax bills), as such procedure may be modified by law or by this Council
21 from time to time.
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23 **Section 7.** As a cumulative remedy, if any amount levied as a special tax for payment of
24 the interest or principal of any bonded indebtedness of the District, together with any penalties and
25 other charges accruing under this Ordinance, are not paid when due, the City Council may, not later
26 than four years after the due date of the last installment of principal on the Bonds, order that the same
27 be collected by an action brought in the superior court to foreclose the lien of such special tax.
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1 **Section 8.** This Ordinance relating to the levy of the special tax within the District shall
2 take effect 30 days following its final passage, and the specific authorization for adoption is pursuant
3 to the provisions of Section 53340 of the Act. Upon effectiveness, this Ordinance shall supersede
4 Ordinance No. 24-OR0206-1 previously approved by the City with respect to the levy of special taxes
5 of the District.

6 **Section 9.** The Mayor of the City shall sign this Ordinance and the City Clerk shall attest
7 to the Mayor's signature and then cause the same to be published within fifteen (15) days after its
8 passage at least once in The San Diego Union Tribune, a newspaper of general circulation published
9 and circulated in the City of Oceanside.

10 The specific authorization for adoption of this Ordinance is pursuant to the provisions of
11 Section 53340 of the Act.

12 **Section 10.** The City Clerk is hereby authorized to transmit a certified copy of this
13 ordinance to the Treasurer-Tax Collector of the County of San Diego, and to perform all other acts
14 which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this
15 Ordinance.
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17 **Section 11.** A full reading of this Ordinance is dispensed with prior to its final passage, a
18 written or printed copy having been available to the City Council and the public a day prior to its final
19 passage.
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21 **Section 12.** This Ordinance shall take effect thirty days after its final passage.
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1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
2 held on the 23rd day of April, 2025, and thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the ____ day of ____, 2025 by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:
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12 MAYOR OF THE CITY OF OCEANSIDE

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14 ATTEST:

APPROVED AS TO FORM:

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16 _____
City Clerk

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City Attorney