

INTRODUCED BY COUNCILMEMBER _____

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ORDINANCE NO. ____ C.M.S.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLAND
LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2003-2004 AND
FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO
COMMUNITY FACILITIES DISTRICT NO. 2003-1
(WERNER COURT VEGETATION MANAGEMENT)**

WHEREAS, at the time set for the public hearing in the matter of Community Facilities District No. 2003-1 (Werner Court Vegetation Management) ("CFD No. 2003-1") by its Resolution of Intention, the City Council (the "Council") conducted the public hearing as scheduled, and at the close of the public hearing, the Council determined that a majority protest under Section 53324 of the Government Code was not made at the hearing; and

WHEREAS, at the conclusion of the public hearing, the Council adopted its Resolution of Formation pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of CFD No. 2003-1; and

WHEREAS, in order to proceed with (1) the authorized maintenance services, (2) the levy of the authorized special tax and (3) establishment of the appropriations limitation for CFD No. 2003-1, as provided by the Resolution of Formation, the three matters were submitted to an election of the qualified electors of CFD No. 2003-1; and in said special election all votes were cast as "Yes" votes in favor of the ballot measure, and the Clerk having certified on said basis that the ballot measure has passed; Now therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAKLAND:

1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax (the "Rate and Method of Apportionment") as set forth in Exhibit A to that certain resolution of the City Council (the "Council") entitled "Resolution of Formation of Community Facilities District No. 2003-1 (Werner Court Vegetation Management)," adopted by the Council on July 15, 2003 (the "Resolution"), a special tax is hereby levied on all taxable property within Community Facilities District No. 2003-1 (Werner Court Vegetation Management) ("CFD No. 2003-1") for the 2003-2004 fiscal year and for all subsequent fiscal years in the amount to be established annually in accordance with the Rate and Method of Apportionment, subject to the maximum authorized special tax limit.

2. The Director of the Financial Services Agency (the "Finance Director") of the City of Oakland (the "City"), is authorized and directed, with the aid of the appropriate officers and agents of the City but without further action of the Council, to determine the Special Tax Requirement and the Special Tax for each parcel of Taxable Property within CFD No. 2003-1 (as said terms are defined in the Rate and Method of Apportionment), to prepare or cause to be prepared the annual Special Tax roll in the amount of the Special Tax in accordance with the Rate and Method of Apportionment and, without further action of the Council, to provide all necessary and appropriate information to the Alameda County Auditor-Controller in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the Special Tax on the secured property tax roll of the County of Alameda (the "County"); provided that, as provided in the Resolution and Government Code Section 53340, this Council reserves the right to utilize any method of collecting the Special Tax which it shall, from time to time, determine to

be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

3. The appropriate officers and agents of the City are authorized to make adjustments to the Special Tax roll prior to the final posting of the Special Taxes to the secured property tax roll of the County each fiscal year, as may be necessary to achieve a correct match of the Special Tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

4. If for any cause any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the Special Tax to the remaining parcels, shall not be affected.

5. This ordinance shall take effect and be in force immediately upon adoption as a tax measure.

Introduction Date: JUL 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2003, 20

PASSED BY THE FOLLOWING VOTE:

AYES: - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California