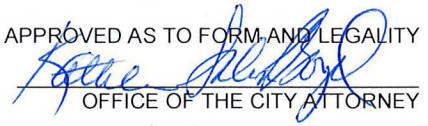


2015 JUL -9 PM 1:44


OFFICE OF THE CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13324 C.M.S.

AN ORDINANCE LEVYING SPECIAL TAXES WITHIN
COMMUNITY FACILITIES DISTRICT NO. 2015-1
(GATEWAY INDUSTRIAL DISTRICT)

WHEREAS, on June 17, 2015, the City Council of the City of Oakland (“City Council”) adopted Resolution No. 85665 C.M.S. entitled, “A Resolution of Intention of The City of Oakland to Establish City of Oakland Community Facilities District No. 2015-1 in the Gateway Industrial District, Levy a Special Tax to Finance Certain Public Services and Approve a Proposed Boundary Map For Community Facilities District No. 2015-1” (“**Resolution of Intention**”) wherein it declared its intention to establish a community facilities district to be known as “Community Facilities District No. 2015-1 (Gateway Industrial District)” (“**CFD No. 2015-1**”) and to levy a special tax (“**Special Tax**”) to pay the costs of certain public services pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code section 53311 et seq. (“**Act**”); and

WHEREAS, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2015-1 (attached as *Exhibit 3* to the Resolution of Intention), described the maintenance and administrative costs eligible to be funded by CFD No. 2015-1 (collectively “**Services**”) (attached as *Exhibit 1* to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2015-1 (“**Rate and Method of Apportionment**”) to pay for such public services (attached as *Exhibit 2* to the Resolution of Intention). The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland (“**City Clerk**”) and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

WHEREAS, on July 21, 2015, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under Section 53324 of the Government Code was not made at the hearing, and adopted Resolution No. 85724 C.M.S. (“**Resolution of Formation**”), pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed community facilities district. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

WHEREAS, on July 21, 2015, following adoption of the Resolution of Formation, the Council adopted Resolution No. 85722C.M.S. calling an election within CFD No. 2015-1 on the proposition of levying the Special Tax within CFD No. 2015-1; and

WHEREAS, on July 21, 2015 an election was held within CFD No. 2015-1 in which the only qualified elector, the City of Oakland, unanimously approved the levy of the Special Tax; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The City Council hereby authorizes the levy of the Special Tax within CFD No. 2015-1, pursuant to the Act, in accordance with the Rate and Method of Apportionment incorporated by reference in *Exhibit 2* to the Resolution of Intention and as approved by the Resolution of Formation.

SECTION 3. The Special Tax is hereby levied commencing in the first fiscal years' indicated in the Rate and Method of Apportionment and in each fiscal year thereafter, adjusted as provided for in the Rate and Method of Apportionment.

SECTION 4. The Treasurer of the City ("**Treasurer**") is hereby authorized and directed for each fiscal year to determine the Special Tax rate and amount to be levied for each parcel of real property within CFD No. 2015-1, in the manner and as provided in the Rate and Method of Apportionment.

SECTION 5. Properties or entities of the State, federal or local government shall be exempt from any levy of the Special Tax to the extent set forth in the Rate and Method of Apportionment.

SECTION 6. The Special Tax shall be used to pay for the costs of the Services, a description of which is incorporated in *Exhibit 1* of the Resolution of Intention, including the costs of collecting the special taxes and administering CFD No. 2015-1.

SECTION 7. The Special Taxes shall be collected from time to time as necessary to meet the financial obligations of CFD No. 2015-1 on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The Special Taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Government Code shall apply to delinquent Special Tax payments. The Treasurer is hereby authorized and directed to provide all necessary information to the auditor/tax collector of Alameda County and to otherwise take all actions necessary in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of CFD No. 2015-1 in each fiscal year.

SECTION 8. Notwithstanding the foregoing, the Treasurer may collect one or more installments of the Special Taxes on any one or more parcels in CFD No. 2015-1 by means of direct billing of the property owners of CFD No. 2015-1, if in the judgment of the Treasurer, such means of collection will reduce the administrative burden in administering CFD No. 2015-1 or is otherwise appropriate.

SECTION 9. If for any reason any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD No. 2015-1 by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels within the Improvement Area shall not be affected.

SECTION 10. The President of the Council shall sign this Ordinance and the Clerk of the City Clerk of the Council shall attest to the President's signature and then cause the same to be published within fifteen (15) days after its passage at least once in Oakland Tribune, a newspaper of general circulation published and circulated in the area of Community Facilities District No. 2015-1.

SECTION 11. This Ordinance relating to levy and collection of special taxes in Community Facilities District No. 2015-1 of the City of Oakland shall take effect immediately upon its passage in accordance with the provisions of Section 25123(c) of the California Government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 30 2015, 2015

PASSED BY THE FOLLOWING VOTE:

AYES- ~~Brooks~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY -7

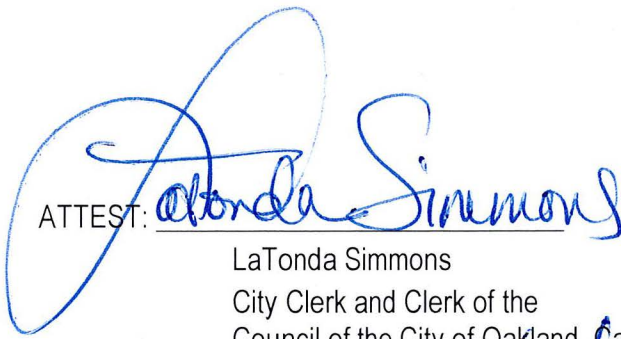
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks -1

Introduction Date
JUL 21 2015

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California

Date of attestation: 8/4/15

NOTICE AND DIGEST

**ORDINANCE LEVYING SPECIAL TAXES WITHIN THE
COMMUNITY FACILITIES DISTRICT NO. 2015-1
(GATEWAY INDUSTRIAL DISTRICT)**

This ordinance authorizes the City to levy a special tax within Community Facility District No. 2015-1 (Gateway Industrial District)

NOTICE AND DIGEST

**ORDINANCE LEVYING SPECIAL TAXES WITHIN
THE COMMUNITY FACILITIES DISTRICT NO.
2015-1 (GATEWAY INDUSTRIAL DISTRICT)**

This ordinance authorizes the City to levy a special tax within Community Facility District No. 2015-1 (Gateway Industrial District).

Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening **July 21, 2015**, and passed to print **7 Ayes, 1 Excused - Brooks**. Final adoption has been scheduled for the City Council meeting Thursday evening **July 30, 2015, 5:30 p.m.**, at One Frank H. Ogawa Plaza, Council Chambers, 3rd floor, Oakland, California. Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

LATONDA SIMMONS, City Clerk
OT #5534078; Jul. 25, 2015