

2013 DEC 2
OAKLAND CITY COUNCIL
ORDINANCE NO. 13216 C.M.S.

AN ORDINANCE DISSOLVING CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION DISTRICT)

WHEREAS, on July 2, 2013, the City Council of the City of Oakland, adopted Resolution No 84496 C M S entitled “A Resolution of Intention of the City of Oakland to Establish City of Oakland Community Facilities District No 2013-1 (Wildfire Prevention District) in the Current Wildfire Prevention Assessment District Area, Schedule a Public Hearing, Levy a Special Tax to Finance Certain Pubhc Services and Approving a Proposed Boundary Map for Community Facilities District No 2013-1 Pursuant to the Mello-Roos Community Facilities Act of 1982,” stating its intention to establish “City of Oakland Community Facilities District No 2013-1 (Wildfire Prevention District)” (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, sections 53311, *et seq*, of the California Government Code (the “Act”), to finance the cost of wildfire prevention services, and

WHEREAS, notice was published as required by the Act relative to the intention of the City Council to form the CFD, and

WHEREAS, the City Council held a noticed public hearing as required by the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to finance the costs of the wildfire prevention services, and

WHEREAS, at the hearing, all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of special taxes in the CFD were heard, substantial evidence was presented and considered by the City Council and a full and fair hearing was held, and

WHEREAS, subsequent to the hearing, on August 2, 2013, the City Council adopted Resolution No 84594 C M S , entitled “Resolution of Formation of City of Oakland Community Facilities District No 2013-1 (Wildfire Prevention District)” and Resolution No 84595 C M S , entitled “Resolution of the City Council of the City of Oakland Calling and Giving Notice for the Holding of a Special District Mail-Ballot Election for City of Oakland Community Facilities District No 2013-1 (Wildfire Prevention District) on Wednesday, November 13, 2013” (the “Resolution Calling Election”), which resolutions adopted a definition of the services to be financed by the CFD, established the CFD, authorized the levy of a special tax with the CFD and called an election within the CFD on the ballot measure identified in the Resolution Calling Election, and

WHEREAS, on November 13, 2013, a special election was held within the CFD at which the qualified electors failed to approve the ballot measure identified in the Resolution Calling Election by the two-thirds vote required by the Act, and, on December 10, 2013, the City Council adopted Resolution No 84768 C M S , entitled "Resolution Declaring the Results of the City of Oakland's Community Facilities District No 2013-1 (Wildfire Prevention District) Special Mail Ballot Election Held on Wednesday, November 13, 2013", and

WHEREAS, Section 53338.5 of the Act authorizes the City Council, by ordinance, to dissolve the CFD upon determining that (a) the CFD is not obligated to pay any outstanding debt and (b) the CFD has no authorization to levy any special tax, and

WHEREAS, the City Council wishes to dissolve the City pursuant to the Act, now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS

Section 1 Findmgs The City Council hereby finds that the recitation of facts set forth in the preceding clauses is true and correct. The City Council further finds that because the qualified electors of the CFD did not approve the ballot measure identified in the Resolution Calling Election, the CFD is not obligated to pay any outstanding debt and the CFD has no authorization to levy any special tax

Section 2. Dissolution of the CFD. By the passage of this Ordinance, the City Council hereby dissolves the CFD

Section 3 Effective Date This Ordinance shall take effect 30 days from the date of final passage

IN COUNCIL, OAKLAND, CALIFORNIA, FEB - 4 2014

PASSED BY THE FOLLOWING VOTE

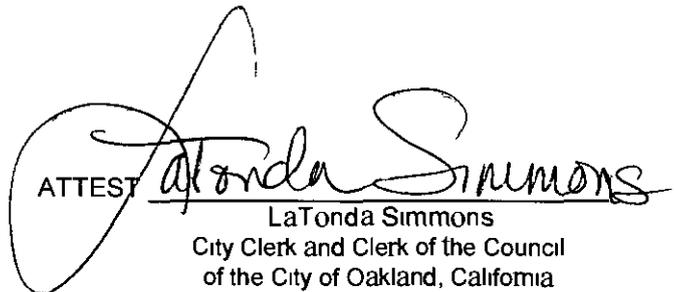
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date
JAN 21 2014

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

DATE OF ATTESTATION 2/5/2014

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JAN 23 AM 10:26

**AN ORDINANCE DISSOLVING CITY OF OAKLAND COMMUNITY
FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION
DISTRICT)**

NOTICE AND DIGEST

This ordinance will dissolve City of Oakland Community Facilities District No 2013-1 (Wildfire Prevention District) The District is being dissolved because a special tax to be levied on properties within the District for the provision of fire prevention and preparedness services within the District failed to receive the two-thirds majority vote required for passage