

186857

ORDINANCE NO. _____

An ordinance deeming it necessary to incur bonded indebtedness within City of Los Angeles Community Facilities District No. 11 (Ponte Vista).

WHEREAS, on October 28, 2020, the Council (the “City Council”) of the City of Los Angeles (the “City”), pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), adopted a resolution entitled “Resolution of the Council of the City of Los Angeles of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes” stating its intention to establish City of Los Angeles Community Facilities District No. 11 (Ponte Vista) (the “Community Facilities District”) and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities;

WHEREAS, on October 28, 2020, the City Council also adopted a resolution entitled “Resolution of the Council of the City of Los Angeles to Incur Bonded Indebtedness of the Proposed City of Los Angeles Community Facilities District No. 11 (Ponte Vista) (the “Resolution to Incur Bonded Indebtedness”) declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue;

WHEREAS, pursuant to the Resolution to Incur Bonded Indebtedness, notice of said public hearing was published in the *Los Angeles Daily Journal*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act;

WHEREAS, on December 1, 2020, the City Council opened, conducted, and closed said public hearing;

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters;

WHEREAS, no oral or written protests against the proposed debt issue were made or filed at or before said public hearing;

WHEREAS, the City Council adopted an ordinance entitled “An Ordinance of Formation of City of Los Angeles Community Facilities District No. 11 (Ponte Vista), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Ordinance of Formation”);

WHEREAS, the City Clerk of the City (the “City Clerk”) is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District;

WHEREAS, there has been filed with the City Clerk a letter from the Registrar-Recorder/County Clerk of the County of Los Angeles indicating that no persons were

registered to vote within the territory of the proposed Community Facilities District as of October 30, 2020, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing;

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5, Chapter 2.5, Division 3, Title 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on February 3, 2021, and waiving any impartial analysis, arguments, or rebuttals, as set forth in Sections 53326 and 53327 of the Act;

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on February 3, 2021; and

WHEREAS, the City is authorized to undertake all of the above pursuant to its Charter and the Constitution and other applicable laws of the State of California.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The foregoing recitals are true and correct.

Sec. 2. The City Council deems it necessary to incur the bonded indebtedness.

Sec. 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Ordinance of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.

Sec. 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.

Sec. 5. The maximum amount of debt to be incurred is \$30,000,000.

Sec. 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

Sec. 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

Sec. 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

Sec. 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of October 30, 2020, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

Sec. 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented: (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5, Chapter 2.5, Division 3, Title 5 of the Act (commencing with Section 53345 of the Act); and (b) to the holding of said election on February 3, 2021. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on February 3, 2021.

Sec. 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is February 3, 2021.

Sec. 12. The election is to be conducted by mail ballot. The voted ballots shall be returned to the City Clerk no later than 10:00 a.m. on February 3, 2021; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

Sec. 13. The officers, employees, and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this ordinance and not inconsistent with the provisions hereof.

Sec. 14. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
CHARLES HONG
Deputy City Attorney

Date 11/18/20

File No. 13-1646-S7

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed 12/01/2020

Approved 12/09/2020

Published Date: 12/14/2020
Ordinance Effective Date: 01/14/2021
Council File No.: 13-1646-S7