

ORDINANCE NO. _____

An ordinance calling special election for City of Los Angeles Community Facilities District No. 11 (Ponte Vista).

WHEREAS, 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 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"), establishing City of Los Angeles Community Facilities District No. 11 (Ponte Vista) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District;

WHEREAS, the City Council also adopted an ordinance entitled "An Ordinance Deeming it Necessary to Incur Bonded Indebtedness within City of Los Angeles Community Facilities District No. 11 (Ponte Vista)" (the "Ordinance Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$30,000,000;

WHEREAS, pursuant to the provisions of said ordinances, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District, and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act;

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein;

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 the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District;

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 Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

Sec. 2. The City Clerk is hereby designated as the official to conduct said election.

Sec. 3. As authorized by Section 53353.5 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

Sec. 4. 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 heretofore held by the City Council on the establishment of the Community Facilities District and 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. 5. 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); (b) to the holding of said election on February 3, 2021; and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. 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. 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at the Office of the City Clerk, Election Division, 200 North Spring Street, Room 285, Los Angeles, California, on February 3, 2021; provided, that, in the event the February 3, 2021 City Council meeting is held via teleconference and/or videoconference only, the means for observing such meeting would be as prescribed in the notice and agenda for such City Council meeting. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Ordinance of Formation, the Ordinance Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not 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. 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

Sec. 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner; (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (c) the printed name, signature, and address of the voter; (d) the date of signing and place of execution of the declaration described in clause (b) above; and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

Sec. 9. The City Clerk shall accept the ballots of the qualified electors in the Office of the City Clerk, Election Division, 200 North Spring Street, Room 285, Los Angeles, to and including 10:00 a.m. on February 3, 2021, whether said ballots be

personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

Sec. 10. The City Council hereby determines that the facilities financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

Sec. 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing 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, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the City Administrative Officer of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating: (a) the amount of bond proceeds received and expended during the preceding year; and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the City Administrative Officer of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

Sec. 12. 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. 13. This ordinance shall become operative on the later of: (a) the date on which that certain 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"), becomes effective; or (b) the date on which this ordinance would otherwise become effective pursuant to the City Charter; provided, however, that this ordinance shall not become operative unless the Ordinance of Formation becomes effective.

EXHIBIT A

OFFICIAL BALLOT

CITY OF LOS ANGELES

February 3, 2021

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is _____.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Los Angeles and obtain another.

CITY OF LOS ANGELES COMMUNITY FACILITIES DISTRICT NO. 11 (PONTE VISTA)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Los Angeles Community Facilities District No. 11 (Ponte Vista) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum amount of not to exceed \$30,000,000 and levy a special tax in order to finance certain facilities and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$30,000,000, all as specified in the 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" and the Ordinance entitled "An Ordinance Deeming it Necessary to Incur Bonded Indebtedness within City of Los Angeles Community Facilities District No. 11 (Ponte Vista)," adopted by the Council of the City of Los Angeles on _____, 2020?

Yes:

No:

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 _____

Approved _____