

RESOLUTION NO. RES-11- 0005

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH OF FORMATION OF THE CITY OF  
LONG BEACH COMMUNITY FACILITIES DISTRICT NO.  
2011-1 (DOUGLAS PARK – NORTH OF COVER STREET  
AREA – SERVICES LEVY), AUTHORIZING THE LEVY OF  
A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY  
ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE  
DISTRICT, AND SUBMITTING LEVY OF THE SPECIAL  
TAX AND THE ESTABLISHMENT OF THE  
APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS  
OF THE DISTRICT

WHEREAS, on January 4, 2011, this City Council adopted Resolution No.  
RES-11- 0003 entitled “A Resolution of the City Council of the City of Long Beach  
Declaring Its Intention to Establish a Community Facilities District and to Authorize the  
Levy of Special Taxes Therein – Douglas Park North of Cover Street Area – Services  
Levy” (the “Resolution of Intention”) stating its intention to form the City of Long Beach  
Community Facilities District No. 2011-1 (Douglas Park – North of Cover Street Area –  
Services Levy) (the “District”) pursuant to the Long Beach Special Tax Financing  
Improvement Law, Long Beach Municipal Code Section 3.52.511 et seq. (the “Law”); and

WHEREAS, the Resolution of Intention, incorporating by reference a map of  
the proposed boundaries of the District and describing the municipal services (the  
“Services”) eligible to be financed by the District, and the rate and method of  
apportionment of the special tax to be levied within District to pay costs of the Services  
and of the administration of the District is on file with the City Clerk and the provisions  
thereof are incorporated herein by this reference as if fully set forth herein; and

1 WHEREAS, the Resolution of Intention called for a public hearing on the  
2 District to be held on January 18, 2011, and notice of the public hearing was published as  
3 required by the Law; and

4 WHEREAS, on this date this City Council held the public hearing as  
5 required by the Law and the Resolution of Intention relative to the proposed formation of  
6 the District; and

7 WHEREAS, at the hearing all interested persons desiring to be heard on all  
8 matters pertaining to the formation of the District, the Services eligible to be funded by  
9 the District and the levy of the special tax in the District were heard and a full and fair  
10 hearing was held; and

11 WHEREAS, at the hearing evidence was presented to this City Council on  
12 the matters before it, including a report by the City Treasurer (the "Report") as to the  
13 Services eligible to be funded by the District and the costs thereof, a copy of which is on  
14 file with the City Clerk, and this City Council at the conclusion of the hearing was fully  
15 advised regarding the District; and

16 WHEREAS, written protests with respect to the formation of the District, or  
17 the furnishing of specified types of Services by the District as described in the Report  
18 have not been filed with the City Clerk by fifty percent (50%) or more of the registered  
19 voters residing within the territory of the District or property owners of one-half (1/2) or  
20 more of the area of land within the District and not exempt from the special tax; and

21 WHEREAS, the special tax proposed to be levied in the District to pay for  
22 the Services as set forth in Exhibit B to the Resolution of Intention has not been  
23 eliminated by protest by fifty percent (50%) or more of the registered voters residing  
24 within the territory of the District or the owners of one-half (1/2) or more of the area of  
25 land within the District and not exempt from the special tax;

26 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
27 follows:

28 Section 1. The foregoing recitals are true and correct.

1           Section 2.    The proposed special tax to be levied within the District has  
2 not been precluded by majority protest pursuant to Section 3.52.5210 of the Law.

3           Section 3.   All prior proceedings taken by this City Council in connection  
4 with the establishment of each of the District and the levy of the special tax in the District  
5 have been duly considered and are hereby found and determined to be valid and in  
6 substantial conformity with the Law. On December 21, 1999, this City Council adopted  
7 Resolution No. C-27626 approving Local Goals and Policies for Community Facilities  
8 Districts Related to Commercial Development, and this City Council hereby finds and  
9 determines that the District is in conformity with said goals and policies.

10          Section 4.   The community facilities district designated "City of Long  
11 Beach Community Facilities District No. 2011-1 (Douglas Park – North of Cover Street  
12 Area – Services Levy)" is hereby established pursuant to the Law.

13          Section 5.   The boundaries of the District, as described in the Resolution  
14 of Intention and set forth in the boundary map of the District recorded on January 7,  
15 2011 in the Los Angeles County Recorder's Office at Book 193 of Maps of Assessment  
16 and Community Facilities Districts at Page 51 (instrument no. 20110038858), are  
17 hereby approved, are incorporated herein by this reference and shall be the boundaries  
18 of the District.

19          Section 6.   The types of services eligible to be funded by the District  
20 pursuant to the Law are as described in Exhibit A to the Resolution of Intention which  
21 Exhibit is by this reference incorporated herein.

22          Section 7.   Except to the extent that funds are otherwise available to the  
23 District to pay for the Services, a special tax sufficient to pay the costs thereof, secured  
24 by recordation of a continuing lien against all non-exempt real property in the District, will  
25 be levied within the District and collected in the same manner as ordinary ad valorem  
26 property taxes or in such other manner as this City Council shall determine, including  
27 direct billing of the affected property owners. The proposed rate and method of  
28 apportionment of the special tax among the parcels of real property within the District, in

1 sufficient detail to allow each landowner within the District to estimate the maximum  
2 amount such owner will have to pay, are described in Exhibit B to the Resolution of  
3 Intention, which Exhibit is by this reference incorporated herein, and shall be the rate and  
4 method of apportionment of special taxes for the District. This City Council hereby finds  
5 that the basis for the levy and apportionment of the special tax, as set forth in said rate  
6 and method of apportionment of special taxes, is reasonable.

7           Section 8.    The office of the Treasurer of the City of Long Beach, 333  
8 West Ocean Boulevard, 6th Floor, Long Beach, CA 90802, telephone number (562) 570-  
9 6845, is the office of the City that will be responsible for preparing annually and whenever  
10 otherwise necessary a current roll of special tax levy obligations by assessor's parcel  
11 number and who will be responsible for estimating future special tax levies for the District  
12 pursuant to Section 3.52.552 of the Law.

13           Section 9.    Upon recordation of a notice of special tax lien pursuant to  
14 Section 3114.5 of the California Streets and Highways Code for the District, a continuing  
15 lien to secure each levy of the special tax shall attach to all non-exempt real property in  
16 the District and this lien shall continue in force and effect until collection of the special tax  
17 by the City ceases.

18           Section 10.   In accordance with Section 3.52.5216 of the Long Beach  
19 Municipal Code, the appropriations limit, as defined by subdivision (h) of Section 8 of  
20 Article XIIB of the California Constitution, of the District is hereby preliminarily  
21 established at \$1,000,000 and said appropriations limit shall be submitted to the voters of  
22 the District as provided below. The proposition establishing the appropriations limit for  
23 the District shall become effective if approved by the qualified electors of the District  
24 voting thereon and shall be adjusted in accordance with the applicable provisions of  
25 Section 3.52.5216 of the Law.

26           Section 11.   Pursuant to the provisions of the Law, the proposition of the  
27 levy of the special tax and the proposition of the establishment of the appropriations limit  
28 specified above shall be submitted to the qualified electors of the District at an election

1 the time, place and conditions of which election shall be as specified by a separate  
2 resolution of this City Council.

3 Section 12. This resolution shall take effect immediately upon its adoption  
4 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

5 I hereby certify that the foregoing resolution was adopted by the City  
6 Council of the City of Long Beach at its meeting of January 18, 2011, by the following  
7 vote:

8  
9 Ayes: Councilmembers: DeLong, O'Donnell, Schipske, Andrews,  
10 Johnson, Gabelich, Neal, Lowenthal.  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 Noes: Councilmembers: None.  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 Absent: Councilmembers: Garcia.  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19   
20 \_\_\_\_\_  
21 City Clerk  
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