

ORDINANCE NO. TPFA 2024-

**AN ORDINANCE OF THE TEMECULA PUBLIC
FINANCING AUTHORITY LEVYING SPECIAL TAXES
WITHIN TEMECULA PUBLIC FINANCING AUTHORITY
COMMUNITY FACILITIES DISTRICT NO. 23-02 (PRADO)**

THE BOARD OF DIRECTORS OF THE TEMECULA PUBLIC FINANCING
AUTHORITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. On January 23, 2024, this Board of Directors of the Temecula Public Financing Authority (the “Authority”) adopted Resolution No. TPFA 2024-01 entitled “A Resolution of the Board of Directors of the Temecula Public Financing Authority Declaring Its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – Prado” (the “Resolution of Intention”), stating its intention to establish the Temecula Public Financing Authority Community Facilities District No. 23-02 (Prado) pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the “Law”), to finance the costs of certain public improvements (the “Facilities”) and of certain municipal services (the “Services”), and the cost to prepay certain special taxes (the “Special Taxes”).

Section 2. Notice was published as required by the Law of the public hearing called pursuant to the Resolution of Intention relative to the intention of this Board of Directors to form the District and to provide for the costs of the Facilities, the Services and the prepayment of the Special Taxes.

Section 3. The Resolution of Intention called for a public hearing on the District to be held on February 27, 2024 and on such date this Board of Directors held the public hearing relative to the determination to proceed with the formation of the District.

Section 4. At the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of special taxes in the District were heard, substantial evidence was presented and considered by this Board of Directors and a full and fair hearing was held.

Section 5. Subsequent to said hearing, this Board of Directors adopted resolutions entitled “A Resolution of the Board of Directors of the Temecula Public Financing Authority of Formation of Temecula Public Financing Authority Community Facilities District No. 23-02 (Prado), Authorizing the Levy of a Special Tax Within the District, and Preliminarily Establishing an Appropriations Limit for the District” (the “Resolution of Formation”), “A Resolution of the Board of Directors of the Temecula Public Financing Authority Determining the Necessity to Incur Bonded Indebtedness of the Temecula Public Financing Authority Community Facilities District No. 23-02 (Prado)” (the “Resolution of Necessity”) and “A Resolution of the Board of Directors of the Temecula Public Financing Authority Calling Special Election Within Community Facilities District No. 23-02 (Prado)”, which resolutions established the District, authorized the levy of a special tax on property within the District, and called an

election within the District on the proposition of incurring indebtedness, levying the special tax and establishing an appropriations limit for the District.

Section 6. On February 27, 2024 an election was held within the District in which the sole eligible landowner elector approved said propositions.

Section 7. By the passage of this Ordinance this Board of Directors hereby authorizes and levies special taxes within the District, pursuant to the Law, at the rate and in accordance with the rate and method of apportionment of special taxes for the District approved by the Resolution of Formation (the “Rate and Method”) which Resolution is by this reference incorporated herein. The special taxes are hereby levied commencing in Fiscal Year 2024-2025 and in each fiscal year thereafter until payment in full of any bonds issued by the Authority for the District (the “Bonds”) as contemplated by the Resolution of Formation and the Resolution of Necessity, payment in full of all costs of administering the District, and so long as necessary to pay for the Services.

Section 8. The Authority Treasurer is hereby authorized and directed to work with the Finance Director for the City of Temecula (who is identified as the “CFD Administrator” in the Rate and Method) each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Rate and Method.

Section 9. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and Method attached as Exhibit B to the Resolution of Intention. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method.

Section 10. All of the collections of the special tax shall be used as provided for in the Law and in the Resolution of Formation including the payment of principal and interest on the Bonds, the replenishment of the reserves for the Bonds, the payment of the costs to provide the Facilities and the Services, and to prepay the Special Taxes, the costs of the Authority and the City of Temecula in administering the District, and the costs of collecting and administering the special tax.

Section 11. The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District 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 California 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 the County of Riverside 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 the District in each fiscal year.

Notwithstanding the foregoing, the Treasurer may collect one or more installments of the special taxes on any one or more parcels in the District by means of direct billing by the Authority of the property owners within the District, if any of the Bonds bear interest at a variable interest rate, or otherwise if, in the judgment of the Treasurer, such means of collection will reduce the administrative burden on the Authority in administering the District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the applicable property owners.

Section 12. 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 District, by a Court of competent jurisdiction, the balance of this Ordinance, and the application of the special tax to the remaining parcels within the District shall not be affected.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the Temecula Public Financing Authority this 27th day of February, 2024.

James Stewart, Chair

ATTEST:

Randi Johl, Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, Secretary of the Temecula Public Financing Authority, do hereby certify that the foregoing Ordinance No. TPFA 2024- was duly introduced and placed upon its first reading at a meeting of the Board of Directors of the Temecula Public Financing Authority on the 27th day of February, 2024, and that thereafter, said Ordinance was duly adopted by the Board of Directors of the Temecula Public Financing Authority at a meeting thereof held on the day of , , by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

Randi Johl, Secretary