ORDINANCE NO. 3496 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

LEVY THE CONFERENCE CENTER FACILITIES DISTRICT NO. 2013-1 SPECIAL TAX, PROVIDING FUNDING FOR THE MONTEREY CONFERENCE CENTER RENOVATION AND UPGRADE PROJECT

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the Council of the City of Monterey (the "City") has conducted proceedings under and pursuant to the terms and provisions of Article 7 of Chapter 18 of the Monterey City Code (the "Article") and, as provided therein, under certain provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following of the California Government Code) (the "Act") as modified by the Article, to form its Conference Center Facilities District No. 2013-1, City of Monterey, County of Monterey, State of California (the "Conference Center Facilities District"); and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project; and

WHEREAS, the qualified electors of the Conference Center Facilities District were asked to authorize the Council to levy a special tax and to issue debt to finance the construction, reconstruction, replacement, rehabilitation and upgrade of the Monterey Conference Center (collectively, the "Authorized Improvements"), and to establish the appropriations limit for the Conference Center Facilities District, all as set forth in the Council's Resolution No. 13-188 (the "Resolution of Formation") and Resolution No. 13-189 (the "Resolution Deeming it Necessary to Incur Bonded Indebtedness"), both approved by the Council on November 19, 2013 (collectively, the "Formation Resolutions"); and

WHEREAS, a special, mailed-ballot election was conducted pursuant to the Council's Resolution No. 13-190, adopted by the Council on November 19, 2013; and

WHEREAS, the authority contained in the Formation Resolutions was approved by the qualified electors within the Conference Center Facilities District as certified in the Council's Resolution No. 14-030 (the "Resolution Declaring Election Results"), adopted by the Council on March 4, 2014;
NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: That pursuant to the Article and to Sections 53316 and 53340 of the Act, and the Resolution Declaring Election Results, and in accordance with the Rate and Method of Apportionment of Special Tax specified in the Resolution of Formation (the “RMA”), and subject to Section 5, below, a special tax is hereby levied on all taxable parcels within the Conference Center Facilities District in the maximum amounts provided in the RMA.

SECTION 3: That the Mayor, the Vice-Mayor and the City Treasurer and their designees and any of them is authorized and directed, with the aid of the appropriate officers and agents of the City, and without further action of the Council, to administer and collect the special tax pursuant to Section 1 hereof.

SECTION 4: That taxpayers claiming that the amount of the special tax on their property is not correct are referred to Section I of the RMA for the proper appeal procedure.

SECTION 5: That if for any cause any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this Ordinance, and the application of the special tax to all other parcels, shall not be affected.

SECTION 6: That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been available to the Council and the public a day prior to its passage.

SECTION 7: This Ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 18th day of March, 2014, by the following vote:

AYES: 4  COUNCILMEMBERS: Downey, Haffa, Selfridge, Sollecito
NOES: 0  COUNCILMEMBERS: None
ABSENT: 0  COUNCILMEMBERS: None
ABSTAIN: 0  COUNCILMEMBERS: None
RECUSED: 1  COUNCILMEMBERS: Della Sala

APPROVED:

Mayor of said City

Catherine A. Parsons
City Clerk thereof