

**AN ORDINANCE OF THE COUNTY OF SANTA BARBARA
LEVYING SPECIAL TAXES WITHIN THE COUNTY OF
SANTA BARBARA COMMUNITY FACILITIES DISTRICT
NO. 2002-1 (ORCUTT COMMUNITY PLAN)**

WHEREAS, on July 9, 2002, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") adopted a resolution entitled "A Resolution of the Board of Supervisors of the County of Santa Barbara of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes and Rescinding Resolution No. 02-191" stating its intention to establish the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) (the "Community Facilities District"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), and to finance certain services (the "Services");

WHEREAS, the Board of Supervisors has held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act;

WHEREAS, at the hearing, the Board of Supervisors proposed to modify the Resolution of Intention in a way that would increase the probable special tax to be paid by the owners of property within the Community Facilities District;

WHEREAS, at the hearing, the Board of Supervisors directed that the report required by Section 53325 of the Act be prepared, the Board of Supervisors received and considered such report, and thereafter adopted a resolution entitled "A Resolution of the Board of Supervisors of the County of Santa Barbara Modifying Resolution of Intention and Approving Amended and Restated Rate and Method of Apportionment" modifying the Resolution of Intention so as to amend and restate the rate and method of apportionment of the special tax originally proposed to be levied within the Community Facilities District in its entirety;

WHEREAS, subsequent to the hearing, the Board of Supervisors adopted resolutions entitled "A Resolution of the Board of Supervisors of the County of Santa Barbara of Formation of the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan), Authorizing the Levy of a Special Tax within the District and Establishing an Appropriations Limit for the District" (the "Resolution of Formation") and "A Resolution of the Board of Supervisors of the County of Santa Barbara Calling Special Election for the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the propositions of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, an election was held in which the qualified electors of the Community Facilities District approved said propositions by more than the two-thirds vote required by the Act;

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:**

Section 1. By the passage of this Ordinance, the Board of Supervisors hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit A to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2002-03 and in each fiscal year thereafter until canceled in accordance with law.

Section 2. The Treasurer-Tax Collector of the County (the "Treasurer-Tax Collector") is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the Community Facilities District, in the manner and as provided in the Rate and Method of Apportionment.

Section 3. 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 of Apportionment. In no event shall the special taxes be levied on any parcel within the Community Facilities District in excess of the maximum tax specified in the Rate and Method of Apportionment.

Section 4. All of the collections of the special tax shall be used as provided for in the Act, the Rate and Method of Apportionment and the Resolution of Formation including, but not limited to, the payment of the costs of providing the Services, the payment of the costs of administering the Community Facilities District and the costs of collecting and administering the special tax.

Section 5. The special taxes shall be collected from time to time as necessary to meet the financial obligations of the Community Facilities 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. The Treasurer-Tax Collector is hereby authorized and directed to 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 Community Facilities District in each fiscal year.

Notwithstanding the foregoing, the Treasurer-Tax Collector may collect one or more installments of the special taxes by means of direct billing by the Community Facilities District of the property owners within the Community Facilities District if, in the judgment of the Treasurer-Tax Collector, such means of collection will reduce the burden of administering the

Community Facilities 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 property owners.

Section 6. 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 Community Facilities 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 Community Facilities District shall not be affected.

Section 7. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Santa Barbara News Press*, a newspaper of general circulation, printed and published in the County of Santa Barbara, State of California, together with the names of the Board of Supervisors members voting for and against the same.


PASSED, ADOPTED and APPROVED by the Board of Supervisors of the County of Santa Barbara this 15th day of October, 2002.

AYES: Supervisors Schwartz, Rose, Marshall, Gray, Urbanske

NOES: None

ABSENT: None

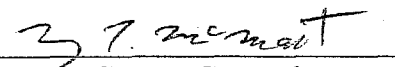
ABSTAIN: None


Gail Marshall
Chair, Board of Supervisors
County of Santa Barbara

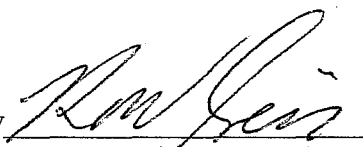
ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By 
Deputy Clerk

Approved as to Form:
Stephen Shane Stark
County Counsel

By 
Deputy County Counsel

Approved as to Form:
Robert W. Geis
Auditor-Controller

By 
Deputy Auditor-Controller