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(O-2013-23)
COR. COPY

ORDINANCE NUMBER O- 20209 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 17 2012

AN ORDINANCE LEVYING A SPECIAL TAX SOLELY WITHIN AND RELATING TO CONVENTION CENTER FACILITIES DISTRICT NO. 2012-1 CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

WHEREAS, the Council of the City of San Diego (City) has conducted proceedings under and pursuant to the terms and provisions of Division 27 of Article 1 of Chapter 6 of the San Diego Municipal Code (Division) 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) (Act) as modified by the Division, to form its Convention Center Facilities District No. 2012-1, City of San Diego, County of San Diego, State of California (Convention Center Facilities District); and

WHEREAS, the qualified electors of the Convention Center Facilities District were asked to authorize the Council to levy a special tax and to issue debt to finance certain public capital improvements to and the expansion of the existing San Diego Convention Center (collectively, the Authorized Improvements), and to establish the appropriations limit for the Convention Center Facilities District, all as set forth in the Council's Resolution No. 307243 (Resolution of Formation) and Resolution No. 307244 (Resolution Deeming it Necessary to Incur Bonded Indebtedness), both approved by the Council on January 24, 2012 and signed by the Mayor on January 30, 2012 (collectively, the Formation Resolutions); and

WHEREAS, a special, mailed-ballot election was conducted pursuant to the Council's Resolution No. 307245, adopted by the Council on January 24, 2012 and not subject to Mayoral veto; and

WHEREAS, the authority contained in the Formation Resolutions was approved by the qualified electors within the Convention Center Facilities District as certified in the Council's Resolution No. 307413 (Resolution Declaring Election Results), adopted by the Council on May 7, 2012 and not subject to Mayoral veto; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That pursuant to the Division 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 (RMA), and subject to Section 5, below, a special tax is hereby levied on all taxable parcels within the Convention Center Facilities District in the maximum amounts provided in the RMA.

Section 2. That the 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 3. 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 4. 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 5. That no tax shall be levied under this ordinance until: (a) a final judgment has been rendered by the Court, including any appeals, finding that the special tax is valid; and (b) the Coastal Commission of the State of California has given final approval to the Convention Center expansion project.

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. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Brant C. Will
Deputy City Attorney

BCW:jdf
9/10/2012
10/01/12. COR. COPY
Or.Dept:Debt Mgmt.
Doc. No.: 447524

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 16 2012

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 10·17·12
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor