

ORDINANCE NO. 25-1011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF MONTCLAIR COMMUNITY FACILITIES DISTRICT NO. 2025-1 (THE VILLAGE AT MONTCLAIR) AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Council (the "City Council") of the City of Montclair, California (the "City"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of special taxes in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, this community facilities district shall hereinafter be referred to as the City of Montclair Community Facilities District No. 2025-1 (The Village at Montclair), County of San Bernardino, State of California (the "District").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF MONTCLAIR COMMUNITY FACILITIES DISTRICT NO. 2025-1 (THE VILLAGE AT MONTCLAIR), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The Recitals set forth above are incorporated herein, are made findings and determination of the City Council, and are an operative part of this Ordinance.

Section 2. Special Taxes. This City Council does, by the passage of this Ordinance, authorize the levy of special taxes on taxable properties located in the District pursuant to the Amended and Restated Rate and Method of Apportionment as set forth in Exhibit "A" attached hereto and incorporated herein by this reference (the "Rate and Method").

Section 3. Annual Levy of Special Taxes. This City Council, acting in its capacity as the legislative body of the District, is hereby further authorized, by resolution, to annually determine the special tax to be levied within the District for the then current tax year or future tax years; provided, however, the special tax to be levied shall not exceed the maximum special tax authorized to be levied pursuant to the Rate and Method.

Section 4. Manner of Collection. The special taxes herein authorized to be levied, to the extent possible, shall be collected in the same manner as ad valorem property taxes or in such other manner as this City Council shall determine, including without limitation, direct billing of the affected property owners, and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any special taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the Treasurer of the City of Montclair, acting for and on behalf of the District.

Section 5. Special Tax Lien. The special taxes authorized to be levied shall be secured by the lien imposed pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien to secure each levy of the special tax, shall attach to all non-exempt real property in the District and shall continue in force and effect until the lien is canceled in accordance with law or until collection of the tax by the legislative body ceases.

Section 6. Effective Date. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City of Montclair.

**AMENDED AND RESTATED
RATE AND METHOD OF APPORTIONMENT FOR
CITY OF MONTCLAIR
COMMUNITY FACILITIES DISTRICT NO. 2025-1
(THE VILLAGE AT MONTCLAIR)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the City of Montclair Community Facilities District No. 2025-1 (The Village at Montclair) ("CFD No. 2025-1") and collected each Fiscal Year commencing in Fiscal Year 2025-2026, in an amount determined by the CFD Administrator, according to the method of apportionment set forth herein. All of the real property in CFD No. 2025-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided. All Special Taxes collected hereunder shall only be used for the Special Tax A Requirement or Special Tax B Requirement, as hereinafter defined, and for no other purpose.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or (i) if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map; or (ii) such higher number as determined by the CFD Administrator pursuant to Section E herein.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs directly related to the formation and administration of CFD No. 2025-1 including, but not limited to: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the City, CFD No. 2025-1 or any designee thereof of complying with City or CFD No. 2025-1 disclosure requirements; the costs associated with responding to public inquiries regarding the Special Taxes; the costs of the City, CFD No. 2025-1 or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2025-1 for any other administrative purposes of CFD No. 2025-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means any real property to which an Assessor's parcel number is assigned as shown on an Assessor's Parcel Map.

ORDINANCE NO. 25-1011
EXHIBIT A

"Assessor's Parcel Map" means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

"Authorized Maintenance Services" means the (i) maintenance and lighting of parks, parkways, streets, roads, and open space, (ii) the operation and maintenance of bio-retention basins and storm drainage systems, and (iii) any other services authorized to be financed pursuant to the Act.

"Authorized Public Safety Services" means (i) fire protection and suppression services, (ii) police protection services and (iii) any other services authorized to be financed pursuant to the Act.

"CFD Administrator" means the official of the City, or designee thereof, responsible for determining the Special Tax A Requirement and Special Tax B Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 2025-1" means the City of Montclair Community Facilities District No. 2025-1 (The Village at Montclair).

"City" means the City of Montclair.

"Consumer Price Index" means the Consumer Price Index published by the U.S. Bureau of Labor Statistics for "All Urban Consumers" in the Los Angeles – Long Beach - Anaheim Area, measured as of the month of December in the calendar year which ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the Los Angeles – Long Beach - Anaheim Area.

"Council" means the City Council of the City, acting as the legislative body of CFD No. 2025-1.

"County" means the County of San Bernardino.

"Developed Property" means, for each Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to January 1 of the previous Fiscal Year (i.e., a building permit for new construction issued prior to January 1, 2024 would be considered Developed Property beginning in Fiscal Year 2024-2025).

"Exempt Welfare Exemption Property" means, for each Fiscal Year, an Assessor's Parcel that is (a) receiving a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County's assessor's roll finalized as of January 1 of the previous Fiscal Year, and (b) exempt from the Special Tax pursuant to Section 53340(c) of the Act.

ORDINANCE NO. 25-1011
EXHIBIT A

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Lot(s)" means the individual lots created by Tract Map No. 20273.

"Maximum Annual Special Tax" means the Maximum Annual Special Tax A and/or Maximum Annual Special Tax B, as applicable.

"Maximum Annual Special Tax A" means the Maximum Annual Special Tax A, determined in accordance with Section C.1 below, that can be levied in any Fiscal Year on any Assessor's Parcel of Developed Property within CFD No. 2025-1.

"Maximum Annual Special Tax B" means the Maximum Annual Special Tax B, determined in accordance with Section C.1 below, that can be levied in any Fiscal Year on any Assessor's Parcel of Developed Property within CFD No. 2025-1.

"Parking Property" means, for each Fiscal Year, any property within the boundaries of CFD No. 2025-1 that is used exclusively or primarily as a parking lot, garage, parking structure, or roadway, as of January 1 of the previous Fiscal Year, as determined by the CFD Administrator.

"Property Owner Association Property" means, for each Fiscal Year, any property within the boundaries of CFD No. 2025-1 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

"Proportionately" means, for Developed Property, that the ratio of the actual Special Tax A levy to the Maximum Annual Special Tax A is equal for all Assessor's Parcels of Developed Property and that the ratio of the actual Special Tax B levy to the Maximum Annual Special Tax B is equal for all Assessor's Parcels of Developed Property, except to the extent that the Special Tax levy on Developed Property is limited as described in Section D below.

"Public Property" means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2025-1 that was owned by or irrevocably offered for dedication to the federal government, the State, the City or any other public agency as of January 1 of the previous Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use; and (ii) any property within the boundaries of CFD No. 2025-1 that was encumbered, as of January 1 of the previous Fiscal Year, by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Special Tax" means the Special Tax A and/or Special Tax B, as applicable.

ORDINANCE NO. 25-1011
EXHIBIT A

"Special Tax A" means the annual special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax A Requirement.

"Special Tax B" means the annual special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax B Requirement.

"Special Tax A Requirement" means that amount required in any Fiscal Year for CFD No. 2025-1 to: (i) pay for Authorized Maintenance Services; (ii) pay a share of Administrative Expenses as determined by the CFD Administrator; (iii) pay for reasonably anticipated Special Tax A delinquencies based upon the historical delinquency rate for CFD No. 2025-1; less (iv) a credit for funds available to reduce the annual Special Tax A levy, as determined by the CFD Administrator.

"Special Tax B Requirement" means that amount required in any Fiscal Year for CFD No. 2025-1 to: (i) pay for Authorized Public Safety Services; (ii) pay a share of Administrative Expenses as determined by the CFD Administrator; (iii) pay for reasonably anticipated Special Tax B delinquencies based upon the historical delinquency rate for CFD No. 2025-1; less (iv) a credit for funds available to reduce the annual Special Tax B levy, as determined by the CFD Administrator.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2025-1 which are not exempt from the Special Tax pursuant to law or Section E below.

"Tract Map No. 20273" means the final subdivision map for Tract No. 20273 recorded July 26, 2022 in Book 363 of Tract Maps at Pages 54-57 with the County of San Bernardino Recorder's office.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Taxable Property within CFD No. 2025-1 shall be classified as Developed Property or Undeveloped Property and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

The Maximum Annual Special Tax for Developed Property shall be based on the Acreage of the Assessor's Parcel.

C. **MAXIMUM ANNUAL SPECIAL TAX**

1. **Developed Property**

The Fiscal Year 2025-2026 Maximum Annual Special Tax is shown below in Table 1.

Table 1
Maximum Annual Special Tax for Developed Property

	Fiscal Year 2025-2026 Maximum Special Tax A	Fiscal Year 2025-2026 Maximum Special Tax B
Developed Property	\$20,315 per Acre	\$26,847 per Acre

On each July 1, commencing on July 1, 2026, the Maximum Annual Special Tax A and Maximum Annual Special Tax B shall be increased by the greater of (i) the percentage increase in the Consumer Price Index or (ii) the actual costs of Authorized Maintenance Services and Authorized Public Safety Services with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) per Fiscal Year.

2. **Undeveloped Property**

Neither the Special Tax A nor the Special Tax B shall be levied on Undeveloped Property.

3. **Multiple Land Uses**

In some instances, an Assessor's Parcel may contain both Undeveloped Property and Developed Property.

In such cases, the Acreage of the Assessor's Parcel shall be allocated between Developed Property and Undeveloped Property based the portion of the Assessor's Parcel for which building permits had been issued prior to January 1 of the prior Fiscal Year and portion of the Assessor's Parcel for which building permits had not been issued prior to January 1 of the prior Fiscal Year. The Acreage that is considered Developed Property shall be allocated between residential property and non-residential property based on the site plan. The Maximum Special Tax that can be levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax that can be levied on each type of property located on that Assessor's Parcel.

The CFD Administrator's allocation of Acreage to each type of property shall be final.

D. APPORTIONMENT OF THE SPECIAL TAX

1. SPECIAL TAX A

Commencing with Fiscal Year 2025-2026 and for each following Fiscal Year, the Council shall levy the Special Tax A so that the amount of the Special Tax A equals the lesser of the Special Tax A Requirement or the Maximum Annual Special Tax A. The Special Tax A shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Annual Special Tax A.

To the extent that the Special Tax A Requirement is greater than the aggregate Maximum Annual Special Tax A, the Special Tax A collected shall first be allocated to pay Administrative Expenses not funded through the Special Tax B Requirement and then to pay for Authorized Maintenance Services.

2. SPECIAL TAX B

Commencing with Fiscal Year 2025-2026 and for each following Fiscal Year, the Council shall levy the Special Tax B so that the amount of the Special Tax B equals the lesser of the Special Tax B Requirement or the Maximum Annual Special Tax B. The Special Tax B shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Annual Special Tax B.

To the extent that the Special Tax B Requirement is greater than the aggregate Maximum Annual Special Tax B, the Special Tax B collected shall first be allocated to pay Administrative Expenses not funded through the Special Tax A Requirement and then to pay for Authorized Public Safety Services.

Notwithstanding the above, pursuant to Section 53321(d)(3) of the California Government Code, under no circumstances shall the Special Tax levied in any Fiscal Year against any Assessor's Parcel in CFD No. 2025-1 for which an occupancy permit for private residential use has been issued be increased as a consequence of delinquency or default by the owner or owners of any other Assessor's Parcel(s) within CFD No. 2025-1 by more than 10% above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults. To the extent that the levy of the Special Tax on Assessor's Parcels of residential property is limited by the provision in the previous sentence, the levy of the Special Tax on all of the Assessor's Parcels of non-residential property within CFD No. 2025-1 shall continue to increase in equal percentages at up to 100% of the Maximum Special Tax.

E. EXEMPTIONS

Neither the Special Tax A nor the Special Tax B shall be levied on Assessor's Parcels of Property Owner Association Property, Public Property, Exempt Welfare Exemption Property, or Parking Property.

Notwithstanding the foregoing, if the configuration of any Lot in Tract Map No. 20273 is altered (i.e., through future subdivisions, parcel changes, dedications, etc.) in a manner that results in a reduction in the Acreage of such Lot to an amount that is less than the Acreage amounts shown in Table 2 below ("Minimum Taxable Acreage") for such Lot, then the Acreage of all remaining Assessor's Parcels of Developed Property within such Lot shall be increased proportionately, such that the total Acreage of such Lot is equal to the Minimum Taxable Acreage as identified in Table 2 based on the land area identified on a final subdivision map, site plan, or other documentation, as determined by the CFD Administrator.

Table 2
Minimum Taxable Acreage for Tract Map No. 20273

Lot Number	Minimum Taxable Acreage
Lot 1	0.776
Lot 2	0.523
Lot 3	0.716
Lot 4	0.000
Lot 5	1.346
Total	3.361

Should an Assessor's Parcel no longer be classified as Property Owner Association Property, Public Property, Exempt Welfare Exemption Property, or Parking Property, its tax-exempt status will be revoked.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Council by filing a written notice of appeal with the City Clerk, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

Interpretations may be made by the Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Amended and Restate Rate and Method of Apportionment.

G. MANNER OF COLLECTION

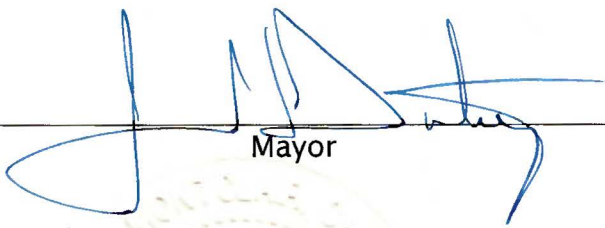
The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2025-1 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. TERM OF SPECIAL TAX

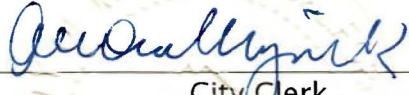
The Special Tax A shall be levied as long as necessary to meet the Special Tax A Requirement. The Special Tax B shall be levied as long as necessary to meet the Special Tax B Requirement.

APPROVED AND ADOPTED this 17th day of March, 2025.

ATTEST:




Mayor



City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 25-1011 of said City, which was introduced at a regular meeting of the City Council held on the 3rd day of March, 2025, and finally passed not less than five (5) days thereafter at a regular meeting of the City Council held on the 17th day of March, 2025, by the following vote, to-wit:

AYES: Mendez, Lopez, Ruh, Dutrey
NOES: None
ABSTAIN: None
ABSENT: Martinez



Andrea M. Myrick,
City Clerk