

ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN DIEGO RURAL FIRE PROTECTION DISTRICT, CALIFORNIA AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 04-1

ORDINANCE NO. 04-1

WHEREAS, the BOARD OF DIRECTORS of the SAN DIEGO RURAL FIRE PROTECTION DISTRICT, CALIFORNIA (the "Board of Directors"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of a 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"). This Community Facilities District is designated as COMMUNITY FACILITIES DISTRICT NO. 04-1 (the "District").

The Board of Directors of the San Diego Rural Fire Protection District, California, acting as the legislative body of Community Facilities District No. 04-1, does hereby ordain as follows:

Section 1. This Board of Directors does, by the passage of this ordinance, authorize the levy of special taxes within the District pursuant to the Rate and Method of Apportionment of Special Taxes as set forth in Exhibit "A" attached hereto (the "Rate and Method"), referenced and so incorporated.

Section 2. This Board of Directors, acting as the legislative body of the District, is hereby further authorized, by Resolution, to annually determine the special taxes to be levied within the District for the then current tax year or future tax years, except that the special tax to be levied within the District shall not exceed the maximum special tax calculated pursuant to the Rate and Method, but the special tax may be levied at a lower rate.

Section 3. The special taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the District may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

Section 4. The special taxes 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 and shall secure each levy of the special tax. The lien of the special tax shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with Section 53344 of the Government Code of the State of California or until the special tax ceases to be levied by the Board of Directors in the manner provided in Section 53330.5 of said Government Code.

Section 5. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the Clerk to the Board of Directors shall cause this Ordinance to be published in a newspaper of general circulation in the City pursuant to the provisions of Government Code Section 36933.

Introduced at a regular meeting of the Board of Directors of the San Diego Rural Fire Protection District, California, on February 10, 2004;

Enacted at a regular meeting of the Board of Directors of the San Diego Rural Fire Protection District, California, held on the 10th day of February 2004, by the following vote:

AYES: DIRECTORS: Amato, Terry, Baldwin, Puckett

NOES: DIRECTORS:

ABSENT: DIRECTORS: Eastwood

ABSTAIN: DIRECTORS:

Dale Amato

Board Chairman

San Diego Rural Fire Protection District

ATTEST:

Deborah Bowers

Clerk to the Board