



Meeting Date: 01/25/2011

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other	<input type="checkbox"/> Other

Prepared By: Michael More *MM* Agenda Item No. I-8

Reviewed By: City Manager *MB* City Attorney *JA* Finance *JC* Other (Specify) \_\_\_\_\_

**DATE:** January 18, 2011

**TO:** City Council

**FROM:** Michael More, Financial Services Manager *Michael B*  
Finance Department

**SUBJECT:** Judicial Foreclosures – Properties with Delinquent Assessments or Special Taxes

**RECOMMENDATION**

That City Council, acting as the legislative body of several Community Facilities Districts and Assessment Districts, instruct staff to proceed with judicial foreclosure on properties with delinquent special assessments and special taxes located within several Assessment Districts and Community Facilities District throughout the City, which special assessments and special taxes are secured by liens to repay bonded indebtedness.

**DISCUSSION**

The City has several Community Facilities Districts (CFDs) and Assessment Districts (ADs) for which taxes and assessments are levied to repay bonded indebtedness. The districts in which foreclosures will be initiated include the following:

- o Assessment District No. 2001-1 (Rice Avenue/Highway 101 Interchange)
- o Community Facilities Districts No. 1 and 2 (Westport)
- o Community Facilities Districts No. 3 and 4 (Seabridge)
- o Community Facilities District No. 2000-3 (Oxnard Blvd/Highway 101 Interchange)
- o Community Facilities Districts No. 5 (Riverpark)

All of the bond indentures for the bonds secured by the special tax/special assessment liens contain covenants which require the City to commence judicial foreclosure proceedings if certain conditions are met (e.g., the aggregate delinquent amount for a parcel exceeds \$5,000). The parcels listed on Attachment No. 1 have met the thresholds in the respective bond covenants, and the City must commence foreclosure proceedings.

California Government Code § 53356.1(a) provides that one of the allegations in a complaint to foreclose the lien of special taxes or assessments is that the City Council has instructed that the action

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be initiated. Failure to initiate foreclosure proceedings would constitute a default under each respective bond indenture.

Delinquency rates for special taxes and assessments for all districts remain manageable, ranging from 0.78 percent to 4.90 percent of the respective district's total annual levy.

**FINANCIAL IMPACT**

There is no financial impact to the City's general fund. All costs of the foreclosure proceedings are paid from the various CFDs and ADs. Proceeds from the foreclosure sales are deposited directly in the respective Assessment District or Community Facilities District funds.

MJM

Attachment #1 - Delinquent Parcel Listing

<b>APN</b>	<b>District</b>	<b>Amount Delinquent(1)</b>
216-0-182-425	AD 2001-1	<u>7,252.86</u>
<b>Total</b>		<b><u>7,252.86</u></b>
188-0-170-065	CFD 1	4,999.62
	CFD 2	<u>3,905.60</u>
<b>Total</b>		<b><u>8,905.22</u></b>
188-0-191-095	CFD 1	4,741.72
	CFD 2	<u>3,700.02</u>
<b>Total</b>		<b><u>8,441.74</u></b>
188-0-241-095	CFD 3	9,137.60
	CFD 4	<u>6,943.84</u>
<b>Total</b>		<b><u>16,081.44</u></b>
188-0-243-085	CFD 3	4,260.52
	CFD 4	<u>3,252.90</u>
<b>Total</b>		<b><u>7,513.42</u></b>
188-0-243-255	CFD 3	4,260.52
	CFD 4	<u>3,252.90</u>
<b>Total</b>		<b><u>7,513.42</u></b>
188-0-245-045	CFD 3	7,727.39
	CFD 4	<u>5,868.73</u>
<b>Total</b>		<b><u>13,596.12</u></b>
188-0-291-115	CFD 3	5,702.14
	CFD 4	<u>4,336.34</u>
<b>Total</b>		<b><u>10,038.48</u></b>
188-0-300-295	CFD 3	2,851.07
	CFD 4	<u>2,168.17</u>
<b>Total</b>		<b><u>5,019.24</u></b>
188-0-320-415	CFD 3	3,045.60
	CFD 4	<u>2,339.92</u>
<b>Total</b>		<b><u>5,385.52</u></b>
142-0-010-345	CFD 2000-3	<u>15,938.20</u>
<b>Total</b>		<b><u>15,938.20</u></b>
142-0-021-010	CFD 2000-3	<u>10,098.84</u>
<b>Total</b>		<b><u>10,098.84</u></b>
132-0-170-375	CFD 2000-3	620.28
	CFD 5	<u>5,876.12</u>
<b>Total</b>		<b><u>6,496.40</u></b>
132-0-140-445	CFD 5	<u>12,218.56</u>
<b>Total</b>		<b><u>12,218.56</u></b>

(1) Delinquent amount also includes the penalties and interest good through January 31, 2011

