



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: May 21, 2019

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010				

SUBJECT: Petition for the Andersen Village Community Facilities District and County of Tulare Local Mello-Roos Community Facilities Goals and Policies

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter; and
2. Receive the petition(s) for the proposed Andersen Village Community Facilities District; and
3. Authorize and approve the County of Tulare Local Goals and Policies concerning the use of the Mello-Roos Community Facilities Act of 1982.
4. Approve Resolution of Intent for Community Finance District 2019-01

SUMMARY:

The Andersen Village Project Specific Plan (SPA 16-001), includes a Memorandum of Understanding with the City of Kingsburg, which directs the agencies to share revenue for services through a Community Facilities District (CFD). The CFD is also a requirement of the Tentative Subdivision Map. The Specific Plan is currently being implemented through approved infrastructure plans, the proposed final subdivision map / improvement agreement, encroachment permit, and building permit review that is currently being considered by the City of Kingsburg.

The Tulare County Planning Commission recommended approval of the Andersen Village Project, including the Community Facilities District (Resolution 9468) on May

SUBJECT: Petition for the Andersen Village Community Facilities District and County of Tulare Local Mello-Roos Community Facilities Goals and Policies
DATE: May 21, 2019

30, 2018. The Project was approved by the BOS on June 26, 2018. On April 3, 2018, Tulare County Local Agency Formation Commissions (LAFCO) made both Sewer (Selma-Kingsburg-Fowler Sanitation District) and Water (City of Kingsburg) available to the project through an extra-territorial agreement. Since this project crosses County boundaries, the lands within Fresno County require annexation to the City of Kingsburg, and the lands within Tulare County to the SKF Sanitation District, through a Fresno County LAFCO action prior to adoption of the City's CFD.

The Andersen Village Specific Plan's Finance Plan describes how services will be provided by the City and for the most part through a revenue / tax sharing agreement with the County, but ultimately funded through the proposed Community Facilities District (CFD). The project is located adjacent to existing City schools and solid waste, police, fire, medical services, and communications that already exist in the City.

The CFD process for the Andersen Specific Plan creates the opportunity to "annex" (no LAFCO action required) other areas into a County Wide CFD. Staff will return 30 days after the CFD Goals and Policies approval with a proposal to establish a Community Facilities District No. 2019-01, of which Andersen Village is only a portion. In the future, annexation into the County Wide CFD No. 2019-01 will be a very simple process by which an area within the County can be "annexed" into the CFD through Board action by including the area onto the County CFD Figure through a petition by the applicant (with supplements to service descriptions and/or rate and method apportionment).

The approval of the CFD Goals and Policies proposed are required to achieve this. Section 53312.7(a) of the California Government Code requires that the County consider and adopt local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982 (the "Act") prior to the initiation of proceedings. Priority for services to be financed by a CFD shall be given to those services that are necessary for the public health, safety, and welfare and normally would be paid from the County's general fund, or as is sometimes the case, from grant funding or Measure R funds.

ENVIRONMENTAL SUMMARY:

The Board of Supervisors approved the Final Environmental Impact Report (State Clearing House # 2016091017) for the Andersen Village Specific Plan, including the proposal for a CFD on June 26, 2018.

ANDERSEN VILLAGE CFD:

The petitioners for the CFD are both the developer and homebuilder of the project, and there were no protests to the CFD formation from these two property owners. The two principal sources of financing include a property tax sharing agreement between Tulare County and the City of Kingsburg, and a "shared" Community Facilities Districts formed over the entire project, with revenues collected by the

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DATE: May 21, 2019

County and transferred to the City for services and maintenance expenses. This tax-sharing proposal, the "Master Tax Agreement," is consistent with other annexations in Tulare County. City services such as special property tax assessments for fire, police and roads are not allocated under the Master Tax Agreement. The Project includes facilities beyond the funding capacity of the City or County. Here a CFD is the appropriate tool, as a CFD may also levy a special tax for services. This District would be set up and administered by the City in the County, with annual "pass through taxes" to the City based on levied special taxes.

Summary of Tulare County CFD Goals and Policies:

The Bond Financing and Credit Quality requires that CFD bond issues have a four to one (4:1) property value to public lien ratio as provided in Section 53345.8(b) or (c) of the Act.

The County will require all major land use approvals and governmental permits necessary for development of land in the CFD to be substantially in place before bonds may be issued. A reserve fund will be required for all bond issues.

The County in most cases will require the submittal of an absorption/marketing study for projects to be secured by new development. However, the County may consider exceptions to the bond issuance policies that do not represent an unusual credit risk and/or which otherwise provide extraordinary public benefits.

In regards to disclosure, the County shall provide a notice of special taxes to sellers of property (other than developers) which will enable them to comply with their notice requirements. Special tax formulas shall provide for minimum special tax levels and may provide amounts requiring the accumulation of funds reasonably required for future debt service equal to projected delinquencies of special tax payments, and the costs of remarketing, credit enhancement, and liquidity facility fees.

All costs associated with the preparation of the appraisal report shall be paid by the entity requesting the establishment of the CFD, or new improvement area or tax zone. For new development projects, a petition (subject to waiver) meeting the requirements of the applicable authorizing law will be required.

The County shall not accrue or pay any interest on any portion of the deposit or the costs refunded to any applicant. Neither the County nor the CFD shall be required to reimburse any applicant or property owner from any funds other than the proceeds of bonds issued by the CFD or special taxes levied in the CFD.

Time schedules will (unless specific exceptions are allowed) observe established Board meeting schedules and agenda deadlines. To the extent possible, financing will be scheduled to allow debt service to be placed on the tax rolls with a minimum of capitalized interest.

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DATE: May 21, 2019

The County, upon action by the Board, may find in limited and exceptional instances that a waiver to any of the stated policies is reasonable given identified special benefits derived from such waiver.

FISCAL IMPACT/FINANCING:

The costs associated with these proposed goals and policies for establishment of CFD's will not cause any Net County Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living". The authorization to initiate the requested goals and policies for establishment of CFD's in Tulare County helps fulfill this initiative.

ADMINISTRATIVE SIGN-OFF:



Aaron R Bock,
Assistant Director



Michael Washam,
Associate Director



For
Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Exhibit "A" – Statement of Goals and Policies
Attachment No. 1 – Planning Commission CFD Resolution No. 9468
Attachment No. 2 – CFD Petitions (Hash and San Joaquin Homes (JRR Holding Inc.))
Attachment No. 3 – Public Hearing Notice

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF PETITION FOR THE)
ANDERSEN VILLAGE COMMUNITY) Resolution No. _____
FACILITIES DISTRICT AND COUNTY OF)
TULARE LOCAL MELLO-ROOS)
COMMUNITY FACILITIES GOALS AND)
POLICIES)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, 2019 BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

WHEREAS, pursuant to section 53312.7 of the California Government Code, a local agency may initiate proceedings to establish a Community Facilities District (CFD) only if it has first considered and adopted Local Goals and Policies Concerning the use of the Mello-Roos Community Facilities Act of 1982; and

WHEREAS, a CFD is an approved principal financing mechanism that may be utilized by the County of Tulare under its Debt Policies; and

WHEREAS, the Local Goals and Policies (Exhibit "A") are designed to ensure that CFDs created are made for the public good and comply with all relevant laws, acts, and agreements; and

WHEREAS, the Local Goals and Policies may be amended or supplemented by Board resolution at any time and approval does not obligate the Board in any way to create CFDs if they meet the parameters set forth.

EXHIBIT “A”

COUNTY OF TULARE

**STATEMENT OF GOALS AND POLICIES CONCERNING USE OF THE
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

I. GENERAL.

Section 53312.7(a) of the California Government Code requires that the County of Tulare (the “County”) consider and adopt local goals and policies concerning the use of the Mello-Roos Community Facilities Act of 1982 (the “Act”) prior to the initiation of proceedings on or after January 1, 1994 to establish a new community facilities district (“CFD”) under the Act.

These Goals and Policies Concerning Use of the Mello-Roos Community Facilities Act of 1982 (the “Policies”) provide guidance and conditions for the conduct by the County of proceedings for, and the issuance of bonds secured by special taxes levied in, a community facilities district (CFD) established under the Act. The Policies are intended to be general in nature; specific details will depend on the nature of each particular application or financing. The Policies are applicable to financings under the Act and are intended to comply with Section 53312.7(a) of the Government Code. These Policies shall not apply to any assessment financing or any certificate of participation or similar financings involving leases of or security in public property. The Policies are subject to amendment by the Board of Supervisors (the “Board”) at any time.

II. FINANCING PRIORITIES.

It is the policy of the County to give priority of financing, through the use of the Act, as follows:

a) Refinancing of pre-existing assessment liens and refunding of any bonds secured by said liens as these may affect land within the CFD;

b) Facilities & Fees: The facilities and fees eligible to be financed by a CFD are those identified in the Act. Priority for CFD financing of public facilities

and fees shall be given to public facilities and fees which: (a) are necessary for development to proceed in an orderly fashion, or (b) are otherwise coordinated to correspond to the phasing of the related private development project.

c) Services: The services eligible to be financed by a CFD are those identified in the Act. Subject to the conditions set forth in the Act, priority for public services to be financed by a CFD shall be given to services which are (a) necessary for the public health, safety, and welfare and (b) would otherwise be paid from the County's general fund.

III. BOND FINANCINGS; CREDIT QUALITY.

Value-to-Public Lien Ratio. All CFD bond issues should have at least a four to one (4:1) property value to public lien ratio after calculating the value of the financed public improvements to be installed, unless otherwise specifically approved by the Board as provided in Section 53345.8(b) or (c) of the Act. Property value shall be based on an appraisal (as described in VI below).

Entitlement Status. The County will require all major land use approvals and governmental permits necessary for development of land in the CFD to be substantially in place before bonds may be issued.

Reserve Fund. In most cases, a reserve fund equal to the lesser of (i) ten percent (10%) of the original proceeds of the bond issue, (ii) the maximum annual debt service on the bonds, or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the bonds, will be required for all bond issues where less than fifty percent (50%) of the buildable acreage has been developed. A smaller reserve fund may be required by the County for bond issues where development thresholds identified by the County have been met.

Absorption/Marketing Study. An Absorption/Marketing Study is an analysis of the rate at which homes are purchased and office space is leased based on assumptions as to projected sale prices, lease rates, and comparable real estate market information. In most cases, the County will require the submittal of an absorption/marketing study for projects to be secured by new

development. A market absorption consultant will be selected by the County, and the cost of the study paid out of application fees.

Failure to Meet Credit Criteria. Less than a four to one (4:1) property value to public lien ratio, excessive tax delinquencies, or projects of uncertain economic viability may cause the County to disallow the sale of bonds or require credit enhancement prior to bond sale. The County may consider exceptions to the above Policies for bond issues that do not represent an unusual credit risk, either due to credit enhancement or other reasons specified by the County, and/or which otherwise provide extraordinary public benefits, to the extent permitted by and subject to any applicable requirements of the Act.

IV. DISCLOSURES

Purchasers of Property. As a minimum, any disclosures mandated by applicable state law to inform prospective purchasers of their obligations under the CFD shall apply to each CFD. In addition, there may be additional requirements mandated by the County for particular kinds of financings on a case-by-case basis.

Disclosure Requirements for the Resale of Lots. The County shall provide a notice of special taxes to sellers of property (other than developers) which will enable them to comply with their notice requirements under Section 1102.6 of the Civil Code. This notice shall be provided by the County within five (5) working days of receiving a written request for the notice. A reasonable fee may be charged for providing the notice, not to exceed any maximum fee specified in the Act.

Continuing Bond Disclosure. Landowners in a CFD that are responsible for twenty percent (20%) or more of the annual special taxes must agree to provide: (i) initial disclosure at the time of issuance of any bonds; and (ii) annual disclosure as required under Rule 15c2- 12 of the Securities Exchange Commission until the special tax obligation of the property owned by such owner drops below twenty percent (20%).

V. EQUITY OF SPECIAL TAX FORMULAS AND MAXIMUM SPECIAL TAXES

Minimum Special Tax Levels. Special tax formulas shall provide for minimum special tax levels which satisfy the following payment obligations of a CFD: (a) one hundred ten percent (110%) gross debt service coverage for all CFD bonded indebtedness, (b) the administrative expenses of the CFD, and (c) amounts equal to the differences between expected earnings on any escrow fund and the interest payments due on related bonds of the CFD.

In addition, the special tax formula may provide for the following to be included in the special tax levels: (a) any amounts required to establish or replenish any reserve fund established in association with the indebtedness of the CFD, (b) the accumulation of funds reasonably required for future debt service, (c) amounts equal to projected delinquencies of special tax payments, (d) the costs of remarketing, credit enhancement, and liquidity facility fees, (e) the cost of acquisition, construction, furnishing, or equipping of authorized Facilities, (f) lease payments for existing or future facilities, (g) costs associated with the release of funds from an escrow account, (h) the costs of Authorized Services, and (i) any other costs or payments permitted by law.

Equity of Special Tax Allocation Formula. The special tax formula shall be reasonable in allocating the CFD's payment obligations to parcels within the CFD. Exemptions from the special tax may be given to parcels which are publicly owned, are held by a property owners' association, are used for a public purpose such as open space or wetlands, are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easements, or have insufficient value to support bonded indebtedness.

Aggregate Tax Burden. The total projected non-residential property tax levels for any CFD (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding property owners'

association annual levies and as to any special tax levies, based on the expected special tax rates and not any “back-up” special taxes) must be reasonable, and will be considered by the Board on a case-by-case basis.

The total projected residential property tax levels (including ad valorem taxes, any maintenance, landscaping or other impositions on the land in the CFD and other similar annual government charges levied on parcels in the CFD, but excluding homeowners’ association annual levies and as to any special tax levies, based on the expected special tax rates and not any “back-up” special taxes) for any CFD (or, if a CFD has multiple improvement areas or tax zones, for each improvement area or tax zone and not the entire CFD) shall not exceed the lesser of (i) 2.00% of the estimated sales prices of the respective homes to be constructed in the CFD at the time the Board adopts a resolution of intention to establish or annex parcels into a CFD (with such prices to be determined by reference to an absorption study or appraisal prepared for the CFD or such other information as the County shall determine), or (ii) any maximum specified in the Act. The annual increase, if any, in the maximum special tax for any parcel shall not exceed any maximum specified in the Act. The increase in the special tax levied on any residential parcel as a consequence of delinquency or default by the owner of any other parcel shall not exceed any maximum specified in the Act.

Levy on Entire Parcels. Special taxes will only be levied on an entire County assessor’s parcel, and any allocation of special tax liability of a County assessor’s parcel to leasehold or possessory interest in the fee ownership of such county assessor’s parcel shall be the responsibility of the fee owner of such parcel and the County shall have no responsibility therefore and has no interest therein. Failure of the owner of any County assessor’s parcel to pay or cause to be paid any special taxes in full when due, shall subject the entire parcel to foreclosure in accordance with the Act.

Feasibility Analysis. The County may retain a special tax consultant to prepare a report which: (a) recommends a special tax for the proposed CFD or

new improvement area or tax zone, and (b) evaluates the special tax proposed to determine its ability to adequately fund identified public facilities and fees, County administrative costs, services, and other related expenditures. Such analysis shall also address the resulting aggregate tax burden of all proposed special taxes plus existing special taxes, ad valorem taxes, and assessments on the properties within the CFD or new improvement area or tax zone.

VI. APPRAISALS

The definitions, standards, and assumptions to be used for appraisals shall be determined by County staff on a case-by-case basis, with input from County consultants and CFD applicants, and by reference to relevant materials and information promulgated by the State of California (including, but not limited to, the California Debt Investment and Advisory Commission). In any event, the value-to-lien ratio shall be determined based upon an appraisal by an independent Member Appraisal Institute (“M.A.I.”) appraiser of the proposed CFD. The appraiser shall be selected by or otherwise acceptable to the County, and the appraisal shall be coordinated by and under the direction of, or otherwise be acceptable to, the County.

The appraisal must be dated within three (3) months of the date the bonds are priced, unless the Board determines a longer time is appropriate.

All costs associated with the preparation of the appraisal report shall be paid by the entity requesting the establishment of the CFD or new improvement area or tax zone, if applicable, through the advance deposit mechanism described below.

VII. COUNTY PROCEEDINGS.

Petition. For new development projects, a petition meeting the requirements of the applicable authorizing law will be required. The applicant is urged to obtain unanimous waivers of the election-waiting period. In applying to the County for formation of a CFD or a new improvement area or tax zone, the applicant must specify any reasonably expected impediments to obtaining

petitions, including from co-owners and/or lenders of record (where required). Waiver of the petition shall be made only upon showing of extraordinary hardship. For existing development, petitions are preferred, but may be waived, depending on the nature of the project and degree of public importance.

Deposits and Reimbursements. All County staff and consultant costs incurred in the evaluation of CFD applications and the establishment of the CFD or new improvement area or tax zone will be paid by the entity, if any, requesting the establishment of the CFD or new improvement area or tax zone by advance deposit increments. The County shall not incur any expenses for processing and administering a CFD that are not paid by the applicant or from CFD bond proceeds. In general, expenses not chargeable to the CFD shall be directly borne by the proponents of the CFD.

Any petition for formation of a CFD or new improvement area or tax zone shall be accompanied by an initial deposit in the amount determined by the County to fund initial staff and consultant costs associated with CFD review and implementation. If additional funds are needed to off-set costs and expenses incurred by the County, the County shall make written demand upon the applicant for such funds. If the applicant fails to make any deposit of additional funds for the proceedings, the County may suspend all proceedings until receipt of such additional deposit.

The County shall not accrue or pay any interest on any portion of the deposit refunded to any applicant or the costs and expenses reimbursed to an applicant. Neither the County nor the CFD shall be required to reimburse any applicant or property owner from any funds other than the proceeds of bonds issued by the CFD or special taxes levied in the CFD.

Representatives. The County and the applicant shall each designate a representative for each financing district proceeding. The representatives shall be responsible for coordinating the activities of their respective interests and shall be the spokespersons for each such interest. The purpose of this requirement is to avoid duplication of effort and misunderstandings from failure

to communicate effectively. In the case of the County, it allows the County's consultants to report to a single official who will, in turn, communicate with other staff members.

Time Schedule. The final schedule of events for any proceeding shall be determined by the County, in consultation with its financing team and the applicant. Any changes will require approval by the appropriate County official. Time schedules will (unless specific exceptions are allowed) observe established Board meeting schedules and agenda deadlines. To the extent possible, financings will be scheduled to allow debt service to be placed on the tax rolls with a minimum of capitalized interest.

VIII. FINANCING TERMS

All terms and conditions of any CFD bonds shall be established by the County. The County will control, manage, and invest all CFD-issued bond proceeds. Each bond issue shall be structured to adequately protect bond owners and to not negatively impact the bonding capacity or credit rating of the County through the special taxes, credit enhancements, foreclosure covenant, and reserve funds.

All statements and material related to the sale of bonds shall emphasize and state that neither the faith, credit nor the taxing power of the County is pledged to security or repayment of the Bonds. The sole source of pledged revenues to repay CFD bonds are special taxes, bond proceeds, and reserve funds held under the bond documents, and the proceeds of foreclosure proceedings and additional security instruments provided at the time of bond issuance.

The County shall select all consultants necessary for the formation of the CFD or new improvement area or tax zone and the issuance of bonds, including the underwriter(s), bond counsel, disclosure counsel, financial advisors, appraiser, market absorption/pricing consultant, and the special tax consultant. Prior consent of the applicant shall not be required in the determination by the County of the consulting and financing team.

IX. EXCEPTIONS TO THESE POLICIES

The County may find in limited and exceptional instances that a waiver to any of the above stated Policies is reasonable given identified special benefits to be derived from such waiver. Such waivers only will be granted by action of the Board.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ESTABLISHING A)
COMMUNITY SERVICE DISTRICT AND FUTURE) Resolution No. _____
ANNEXATION AREA. COMMUNITY)
FACILITIES DISTRICT 2019-01)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____,
_____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN
OFFICIAL MEETING HELD _____, 2019 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), the County Board of Supervisors (the "Board") of the COUNTY OF TULARE (the "County") is authorized to establish a community facilities district and to act as its legislative body;

WHEREAS, this County Board, having received a petition from the owners of not less than 10% of the area of land proposed to be included in the proposed community facilities district, now desires to proceed with the establishment of a community facilities district in order to finance costs of certain public services necessary or incidental to development within the proposed boundaries of the proposed community facilities district; and

WHEREAS, under Section 53339.2 of the Act, the Board further desires and hereby determines that it is in the public convenience and necessity to undertake proceedings to provide for future annexation of territory to the proposed community facilities district.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF TULARE AS FOLLOWS:

1. Authority. This Board proposed to conduct proceedings to establish a community facilities district and future annexation area pursuant to the Act.
2. Name of CFD; Name of Future Annexation Area. The name proposed for the community facilities district is "COUNTY OF TULARE Community Facilities District No. 2019-01 (Public Services)" (the "CFD"). Attached as Exhibit A. The name proposed for the territory proposed to be annexed into the CFD in the future is "COUNTY OF TULARE Community Facilities District No. 2019-01 (Public Services) (Future Annexation Area)" (the "Future Annexation Area").
3. Boundaries Described. The proposed boundaries of the CFD and the Future Annexation Area are as shown on the map on file with the Clerk of the Board. Those boundaries are hereby preliminarily approved and reference is hereby made to the boundary map for further particulars. The Clerk of the Board is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD and the Future Annexation Area in the office of the Tulare County Recorder within 15 days after the date of adoption of this Resolution, but in any event no later than 15 days prior to the public hearing date specified below. Parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.
4. Authorized Services. The type of services (the "Authorized Services") proposed to be financed by the CFD and the Future Annexation Area pursuant to the Act shall consist of those listed in Exhibit A hereto and hereby incorporated herein. The County intends to provide the Authorized Services on an equal basis in the original territory of the CFD and, when it has been

annexed to the CFD, the Future Annexation Area. This Board hereby finds and determines that the public interest will not be served by allowing the property owners in the CFD and the Future Annexation Area to enter into a contract in accordance with Section 53329.5(a) of the Act.

5. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Authorized Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this Board or its designee may determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein (the "Rate and Method"). This Board hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD.

As required by Section 53339.3(d) of the Act, the Board hereby determines that the special tax proposed to pay for Authorized Services to be supplied within the Future Annexation Area shall be equal to any special tax levied to pay for the same Authorized Services in the existing CFD, except that a higher or lower tax may be levied within the Future Annexation Area to the extent that the actual cost of providing the Authorized Services in the Future Annexation Area is higher or lower than the cost of providing those Authorized Services in the existing CFD. In so finding, the Board does not intend to limit its ability to levy a special tax within the Future Annexation Area to provide new or additional services beyond those supplied within the existing CFD.

6. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD, all lands owned by any public entity, including the United States, the State of California, the County, or any departments or political subdivisions

thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Authorize Services and the CFD. If a portion of the property within the CFD becomes exempt for any reason, wholly or in part, from the levy of the Special Tax, this Board will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD that is not exempt in order to yield the annual expenses of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax and the Act regarding limitations on maximum annual Special Tax rates and annual increases in the annual Special Tax levy.

7. Election and Unanimous Approval. The levy of the Special Tax shall be subject to the approval of the qualified electors within the CFD at a special election. The proposed voting procedure shall be by approval of the qualified landowner voters within the proposed CFD at a special election.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

8. CFD Report. The Assistant Resource Management Agency Director (or deputy or designee thereof) is hereby directed to study the proposed Authorized Services and to make, or cause to be made, and file with the Clerk of the Board a report in writing (the "CFD Report"), which shall be a part of the record of the public hearing hereinafter specified and which shall present the following:

(a) A description of the Authorized Services that will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Authorized Services and incidental expenses in connection therewith, and all other related costs.

9. Public Hearing. ____ day, May ____, 2019, at ____ a.m. or as soon as possible thereafter, in the County Board Chambers, 2800 West Burrel Avenue, Visalia, CA are hereby appointed and fixed as the time and place when and where this Board, as legislative body for the CFD, will

conduct a public hearing on the establishment of the CFD and the Future Annexation Area, and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the Future Annexation Area and the levy of the Special Tax.

10. Notice of Hearing. The Clerk of the Board is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD and the Future Annexation Area. The publication shall be completed at least 7 days before the date of the public hearing specified above.

The notice of the public hearing shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

11. Effective Date. This resolution shall take effect upon its adoption.

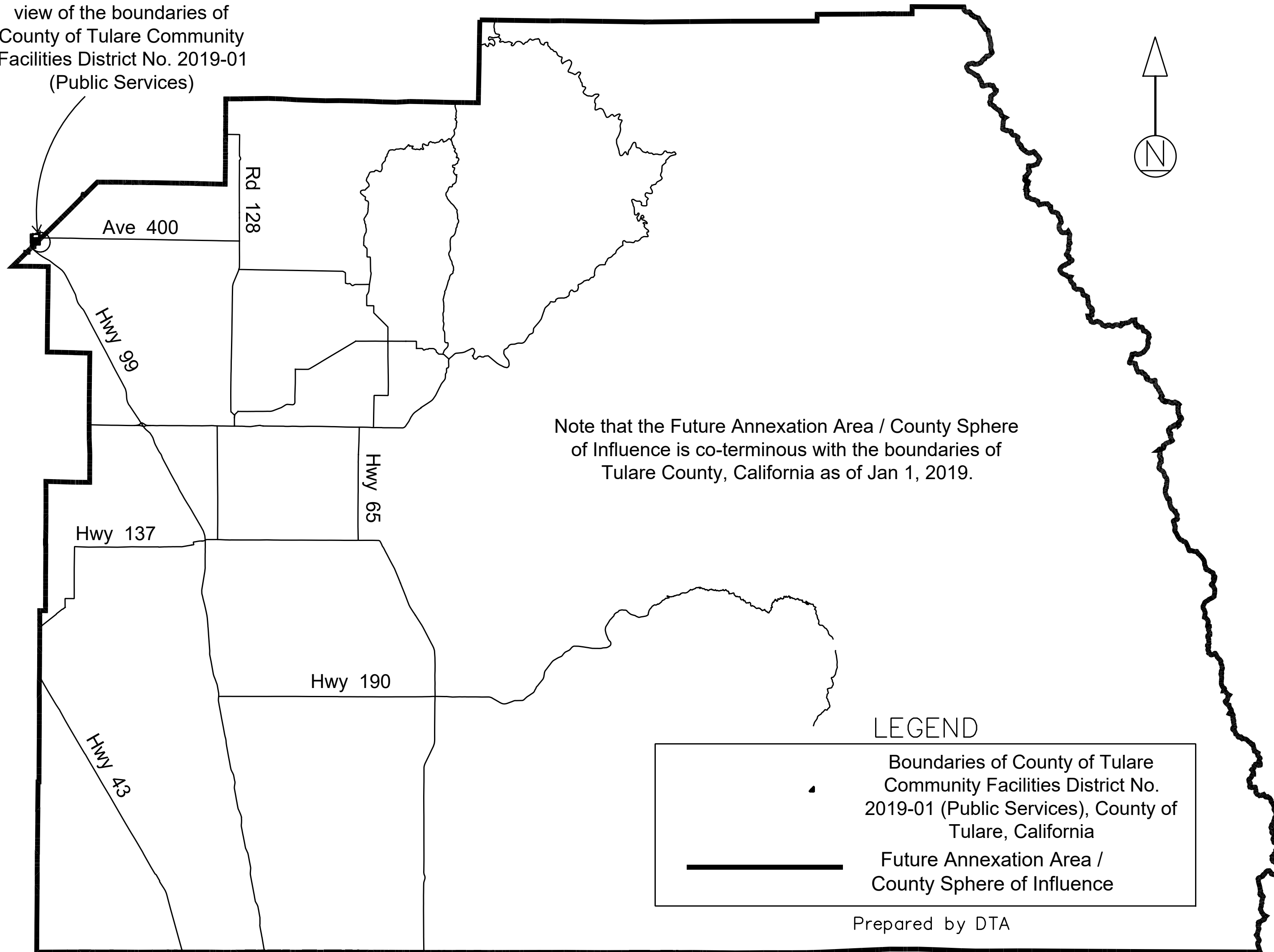
That the Board of Supervisors:

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter; and
2. Received the petition for the proposed Andersen Village Community Facilities District; and
3. Authorized and approved the County of Tulare Local Goals and Policies Concerning the Use of the Mello-Roos Community Facilities Act of 1982.
4. Approved Resolution of Intent for Community Finance District 2019-01



Exhibit "A" Diagram for Resolution of Intent

COUNTY OF TULARE COMMUNITY FACILITIES DISTRICT NO. 2019-01 (PUBLIC SERVICES) COUNTY OF TULARE STATE OF CALIFORNIA

See Sheet 2 for a detailed view of the boundaries of County of Tulare Community Facilities District No. 2019-01 (Public Services)



LEGEND

-  Boundaries of County of Tulare Community Facilities District No. 2019-01 (Public Services), County of Tulare, California
-  Future Annexation Area / County Sphere of Influence

Prepared by DTA

(1) Filed in the office of the Clerk of the Board of Supervisors of Tulare County this ____ day of _____, 2019.

Jason T. Britt,
Clerk of the Board of Supervisors
Tulare County, California

(2) I hereby certify that the within map showing the proposed boundaries of County of Tulare Community Facilities District No. 2019-01 (Public Services), County of Tulare, State of California, was approved by the Clerk of the Board of Supervisors at a regular meeting thereof, held on this ____ day of _____, 2019, by its Resolution No. _____.

Jason T. Britt,
Clerk of the Board of Supervisors
Tulare County, California

(3) Filed this ____ day of _____, 2019, at the hour of ____ o'clock __m, in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ and as Instrument No. _____ in the office of the County Recorder in the County of Fresno, State of California.

Roland Hill
Assessor / Clerk - Recorder, County of Tulare
By _____
Deputy
Fee _____

Exempt recording requested,
per CA Government Code §6103

Exhibit "A" Diagram for Resolution of Intent

SHEET 2 OF 2

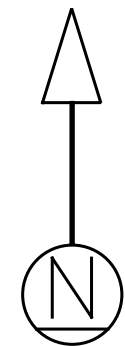
COUNTY OF TULARE COMMUNITY FACILITIES DISTRICT NO. 2019-01 (PUBLIC SERVICES) COUNTY OF TULARE STATE OF CALIFORNIA

Ave 400

RD 16
Tulare County

Assessor Parcels within the Boundary of
County of Tulare
Community Facilities District No. 2019-01
(Public Services):
028-140-012-000
028-140-013-000
028-140-018-000
028-140-022-000

Tax Zone 1 Includes
Assessor parcel numbers
028-140-012-000,
028-140-013-000,
028-140-018-000, and
028-140-022-000.

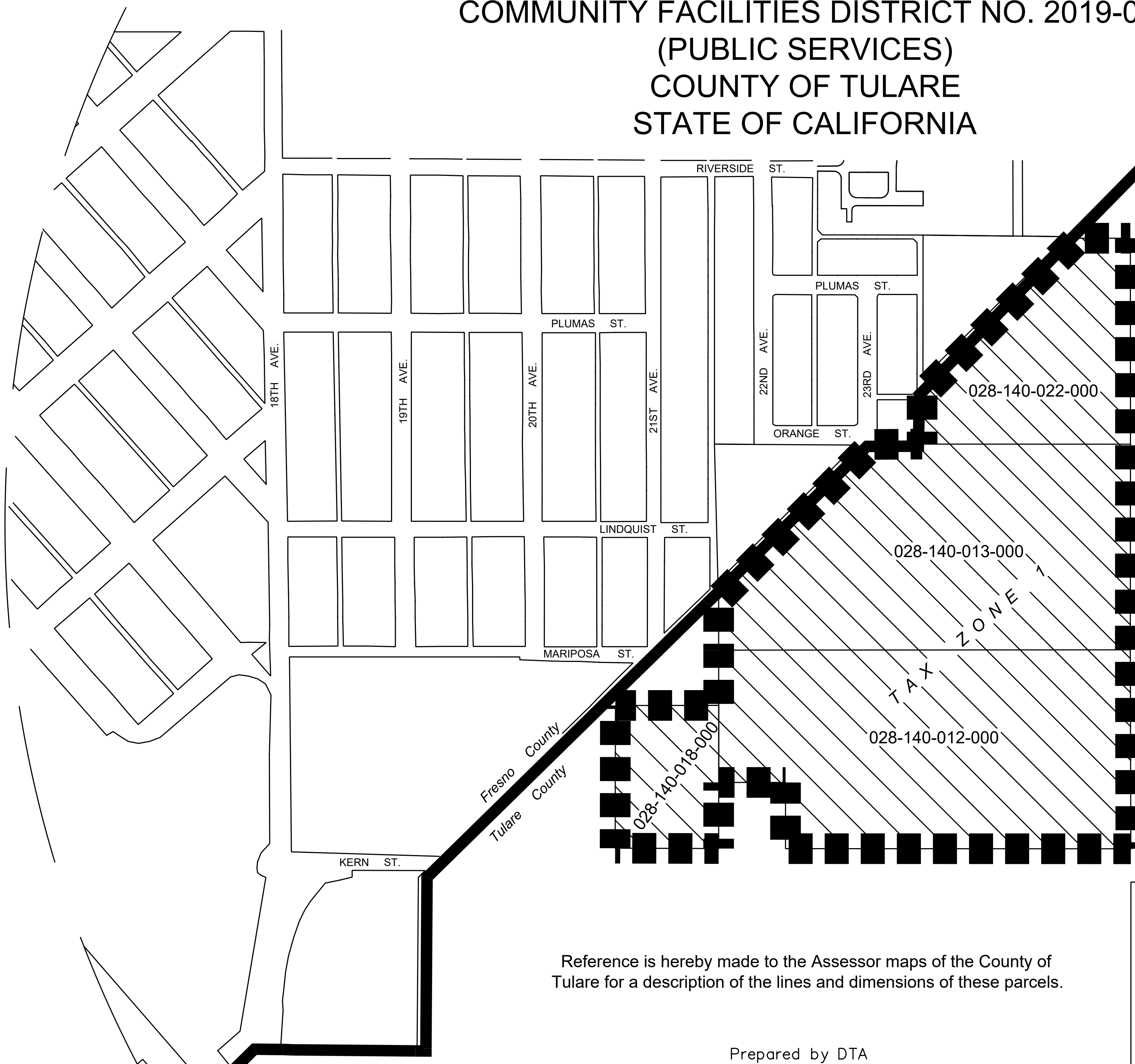


LEGEND

	Boundaries of County of Tulare Community Facilities District No. 2019-01 (Public Services), County of Tulare, California
	Future Annexation Area / County Sphere of Influence
	Assessor Parcel Line

Reference is hereby made to the Assessor maps of the County of
Tulare for a description of the lines and dimensions of these parcels.

Prepared by DTA



Attachment 1

Planning Commission CFD Resolution No. 9468

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A RESOLUTION DECLARING ITS)
INTENTION TO ESTABLISH THE ANDERSEN VILLAGE)
COMMUNITY FACILITIES DISTRICT NO. 2018-____) RESOLUTION NO. 9468
(SERVICES) PURSUANT TO THE MELLO-ROOS)
COMMUNITY FACILITIES ACT OF 1982 AND TO LEVY A)
SPECIAL TAX IN CONNECTION THEREWITH)

Resolution of the Tulare County Planning Commission recommending that the Board of Supervisors approve the Community Facilities District (CFD) in accordance with the Andersen Village Specific Plan (SPA 16-001), and the Memorandum of Understanding by and between the City of Kingsburg and the County of Tulare, under the Mello-Roos Community Facilities Act of 1982 (Section 53311 *et. seq.* of the California Government Code) (the “Act”).

WHEREAS, the development of the territory commonly known as Andersen Village Specific Plan will necessitate the provision of additional facilities and services; and

WHEREAS, the “Act” authorizes the County to establish a community facilities district to finance such facilities and services; and

WHEREAS, A public hearing was held for this recommendation on May 30, 2018, in the Planning Commission Chambers at 2800 Burrell Avenue, Visalia, CA for the establishment of the District. Aaron Bock, Chief Planner, and consultant, Stephen Peck, AICP, delivered the presentation in regards to the CFD. At the Hearing, comments were made by Steve Bohm, and Mr. Desatoff, (CID) neither spoke for, or against, the establishment of the District, or the extent of the District. It is noted for the record that comments for the types of public facilities or services within the District may be made in writing by any interested person or taxpayer.

WHEREAS, pursuant to its own initiative and as authorized by Section 53318 of the Act, the Board of Supervisors desires to institute proceedings to establish a community facilities district to finance such facilities and services and to levy a special tax for that purpose against parcels located in Andersen Village.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed all the documentation for the financing for the Andersen Village Specific Plan and finds that the CFD is the appropriate vehicle to pay for the infrastructure and long term maintenance of the facilities within the Specific Plan as agreed to by the Tax Sharing Agreement found within the Memorandum of Understanding by and between the City of Kingsburg and the County of Tulare.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The recitals stated above are true and correct.
2. The Board of Supervisors proposes to establish a community facilities district under the terms of the Act designated as the Andersen Village Community Facilities District No. 2018-__ (Services) (the “District”).
3. The boundaries of the territory proposed for inclusion in the District are shown on the in Exhibit C for the “Andersen Village Community Facility District” map that is on file in the office of the Clerk of the Board.
4. The facilities and services proposed to be financed by the District are described in Exhibit B to this Resolution, attached hereto and incorporated herein by reference (the “Facilities and Services”).
5. Except where funds are otherwise available, a special tax sufficient to pay for all the Facilities and Services, along with the incidental expenses for the Facilities and Services described in Exhibit B, will be annually levied within the District (the “Special Tax”). The Special Tax will be secured by recordation of a continuing lien against all nonexempt real property in the District. The rate, method of apportionment, and manner of collection of the Special Tax are described in Exhibit A to this resolution, attached hereto and incorporated herein by reference (the “Rate and Method of Apportionment”). The Rate and Method of Apportionment contains sufficient detail to allow each landowner or resident within the District to estimate the maximum Special Tax that he or she will be required to pay.
6. The Special Tax will be levied annually, for an indefinite period with no expiration or sunset. For the purposes of this Section, “public facilities” does not include services described in section 53313 of the Act.
7. Under no circumstances may the Special tax on a residential parcel in the District be increased in any fiscal year as a consequence of delinquency or default in payment of the Special Tax levied on another parcel or parcels by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquency or default.
8. The Special Tax, if levied, will be subject to the following accountability measures:
 - a) Proceeds of the Special Tax will be deposited in a special account (the “Special Account”) and used only for the purpose of financing the Facilities and Services and incidental expenses relating to the Facilities and Services; and
 - b) An annual report will be filed by the Finance Officer of the City at least once a year including a description of the amount of funds and the status of any project included in the Facilities and Services.

The provisions of this section are a limitation on the expenditure of Special Tax proceeds. The City does not, solely by virtue of this section or this resolution, or solely by virtue of the levy or collection of the Special Tax, assume any obligation to provide any particular service or to purchase, construct, expand, improve, or rehabilitate any property of any particular kind.

9. Concurrently with, or subsequently to, the establishment of the District, the Board of Supervisors may submit the levy of the Special Tax to the qualified electors of the District. The City Clerk, as elections official, will conduct the election. The vote will be by the landowners of the District, and each landowner of the District who is the owner of record at the close of the election, or is the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the District. The number of votes to be voted by a particular landowner will be specified on the ballot provided to that landowner. The election will be conducted by mail ballot.
10. That upon recommendation by the Planning Commission for the approval of the CFD and by the approval by the Board of Supervisors, the County Administrative Officer will file a report with the Board of Supervisors at or before the time of the Hearing containing: (i) a brief description of the public facilities and services which will, in his or her opinion, be required to adequately meet the needs of the District; (ii) his or her estimate of the cost of providing those public facilities and services; and (iii) his or her estimate of the fair and reasonable cost of the incidental expenses for Facilities and Services described in Exhibit B.
11. If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the resolution. The Board of Supervisors hereby declares that it would have adopted this resolution, and each section, subsection, sentence, clause, phrase or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.
12. The Clerk of the Board is directed to give notice of the Hearing as required by law. The notice shall be substantially in the form specified in section 53322 of the Act.
13. The City Clerk shall certify to the adoption of this Resolution.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed CFD in conformance with the adopted General Plan, Administration, and Taxing Structures for improvements and maintenance for the County of Tulare.

D. AND, BE IT FURTHER RESOLVED as follows:

E. This Planning Commission hereby recommends that the Board of Supervisors find that the Andersen Village Specific Plan infrastructure, services, and maintenance requires financing and special taxes that can only be levied through a CFD.

F. This Planning Commission hereby recommends that the Tulare County Board of Supervisors approve the CFD for the Andersen Village Specific Plan.

The foregoing resolution was adopted upon motion of Commissioner Pitigliano, seconded by Commissioner Gong, at a scheduled meeting of the Planning Commission on May 30, 2018, by the following roll call vote:

AYES: Elliot, Pitigliano, Whitlatch, Millies, Gong, Dias, Aguilar

NOES: None

ABSTAIN: None

ABSENT: None

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

Exhibits

“A” - Rate and Method of Apportionment

“B” - Facilities and Services

“C” - CFD Boundary Map

Exhibit A

Rate and Method of Apportionment

EXHIBIT A

**County of Tulare
Andersen Village Community Facilities District No. 2018-1 (Services)
Tulare County, California**

**AMENDED RATE, METHOD OF APPORTIONMENT, AND
MANNER OF COLLECTION OF SPECIAL TAX**

1. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (Act) applicable to the land in the Andersen Village Community Facilities District No. 2017-1 (Services) (CFD) of the County of Tulare shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

2. Definitions

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

“**Administrative Expenses**” means the actual or estimated costs incurred by the County to form the CFD and to determine, levy, and collect the Special Taxes, including compensation of County employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the Special Taxes on the general tax rolls, preparation of required reports, and any other costs required to administer the CFD as determined by the County.

“**Administrator**” means the County Administrative Officer, or his or her designee.

“**Annual Infrastructure Costs**” means, for each Fiscal Year, the total cost of (1) Authorized Facilities and (2) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

“**Annual Services Costs**” means for each Fiscal Year, the total cost of (1) Authorized Services, (2) Administrative Expenses, and (3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

“**Assessor’s Parcel Map**” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.

“**Assessor's Parcel Number**” means the Parcel and Parcel Number as recorded by the County Assessor on the equalized tax roll.

“**Authorized Facilities**” means those facilities, as listed in the resolution forming the CFD.

“**Authorized Services**” means those services, as listed in the resolution forming the CFD.

“**Base Year**” means the Fiscal Year beginning July 1, 2018, and ending June 30, 2019.

“**Building Permit**” means a permit issued by the County of Tulare or the City of Kingsburg for the construction of a Residential Use structure in the District.

“**Building Square Foot(age)**” has the same meaning as that defined for the School Mitigation Fee by California Government Code Section 65995 for “Assessable Space,” which is “all of the square footage within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area” as determined upon issuance of the initial Building Permit.

“**CFD**” means the Andersen Village Community Facilities District No. 2018-1 (Services) of the County of Tulare.

“**Council**” means the Board of Supervisors of the City acting for the CFD under the Act.

“**County**” means the County of Tulare, California.

“**County Assessor’s Parcel**” means a lot or Parcel with an assigned Assessor’s Parcel Number in the maps used by the County Assessor in the preparation of the tax roll.

“**Developed Parcel**” means any Taxable Parcel with a Building Permit issued for Residential Uses.

“**Development Plan**” means a condominium plan, specific plan, apartment plan, site plan, or other development plan that identifies such information as the type of structure, acreage, square footage, or number of Units that are approved to be developed on Single-Family Parcels and Multifamily Residential Use Parcels.

“**Final Subdivision Map**” means a recorded map designating the final Parcel Subdivision for individual Parcels based on the Vesting Tentative Map for the Andersen Village Specific Plan.

“**Fiscal Year**” means the period starting July 1 and ending the following June 30.

“**Infrastructure Special Tax**” means the Special Tax identified in **Attachment 1** for each Land Use Category identified to fund the costs of Authorized Facilities. The Infrastructure Special Tax is increased by the Infrastructure Special Tax Escalation Factor in each Fiscal Year following the Base Year.

“**Infrastructure Special Tax Escalation Factor**” means a factor of 2 percent in any Fiscal Year following the Base Year by which the Special Tax for the previous Fiscal Year will be increased for the current Fiscal Year.

“**Land Use Category**” means the categories of taxable land uses shown in **Attachment 1**.

“**Large Lot Parcel**” means a Parcel created by a Large Lot Subdivision Map.

“**Maximum Annual Special Tax**” means the greatest amount of Special Tax that can be levied against a Parcel in a given Fiscal Year. The Maximum Annual Special Tax is the sum of the Fiscal Services Special Tax and Infrastructure Special Tax assigned to each Taxable Parcel.

“**Maximum Annual Special Tax Revenue**” means the greatest amount of revenue that can be collected in total from a group of Parcels (such as Developed Parcels) by levying the Special Tax.

“**Multifamily**” or “**Multifamily Residential Use**” means any Parcel or Development Project designated or developed for more than one residential dwelling Unit per Parcel. Such uses may consist of apartments, condominiums, townhomes, time-share units, row houses, duplexes, triplexes for fourplexes.

“**Municipal Costs Index**” means the index published by *American City & County*.

“**Other Land Uses**” means Parcels with land uses other than Residential Uses. Such Parcels are Tax-Exempt Parcels.

“**Parcel**” means any County Assessor’s Parcel in the CFD based on the equalized tax rolls of the County.

“**Public Parcel**” means any Parcel that is or is intended to be publicly owned, as designated in any final map that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainageways, landscaping, wetlands, greenbelts, and open space.

“**Remainder Parcel**” means a Parcel that is created as the result of the recordation of a Large Lot Parcel Map or Final Small Lot Subdivision Map, which results in a Parcel within the boundaries of a Large Lot Parcel that has not been mapped for final development approval. Such a Remainder Parcel may contain taxable and tax-exempt uses, such as Residential Uses, and Public Parcels, such as school or park sites. Once designated as a Remainder Parcel, such Parcel will be considered a Large Lot Parcel for the purposes of future Subdivisions and for the provisions of **Sections 4** through **6**.

“**Residential Use**” means a Parcel designated for residential use, such as single-family residential units, residential condominiums, townhouses, Multifamily Residential Uses, or apartments.

“**RMA**” means the Rate, Method of Apportionment, and Manner of Collection of Special Tax.

“**Services Special Tax**” means the Special Tax identified in **Attachment 1** for each Land Use Category identified to fund the costs of Authorized Services. The Services Special Tax is increased by the Services Special Tax Escalation Factor in each Fiscal Year following the Base Year.

“**Services Special Tax Escalation Factor**” means an annual percentage increase in the Fiscal Mitigation Special Tax and Local Area Special Tax based on the Consumer Price Index (CPI) (prior calendar year annual average, San Francisco, All Urban Consumers [CPI-U] Index), the CPI (prior calendar year annual average, Pacific West Cities, All Urban Wage Earners and Clerical Workers), or the Municipal Cost Index annual average, whichever is greater, but not exceeding 4 percent.

“**Single-Family Parcel**” means, in any Fiscal Year, all Parcels in the CFD for which a building permit was issued or may be issued for construction of a Unit that is a single-family residential, residential condominium, or townhouse Unit.

“**Special Tax(es)**” mean(s) any tax levy under the Act in the CFD.

“**Subdivision**” or “**Subdivided**” means a division of a Parcel into two or more Parcels through the Subdivision Map Act process. A Subdivision also may include the merging of two or more Parcels to create new Parcels.

“**Tax Collection Schedule**” means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

“**Taxable Parcel**” means any Parcel that is not a Tax-Exempt Parcel.

“**Tax-Exempt Parcel**” means a Parcel not subject to the annual Special Tax. Tax-Exempt Parcels include Public Parcels, Undeveloped Parcels, and Other Use Parcels.

Certain privately owned Parcels also may be exempt from the levy of annual Special Taxes, including common areas owned by homeowners’ associations or property owner associations, wetlands, detention basins, water quality ponds, and open space, as determined by the Administrator.

“**Undeveloped Parcel**” means a Parcel that is a Large Lot Parcel or a Remainder Parcel.

“**Unit**” means (1) a Single-Family Parcel dwelling Unit; and means (2) for a Multifamily Residential Use Parcel, an individual residential Unit in an apartment building.

3. **Duration of the Special Tax**

Parcels in the CFD will remain subject to the Services Special Tax in perpetuity.

Parcels in the CFD will be subject to the Infrastructure Special Tax through Fiscal Year 2018-23.

If the Special Tax ceases to be levied, the City will direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased, and the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax, in addition, will identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

4. **Administrative Tasks**

Administrative tasks required of the Administrator are discussed below:

- A. Annual Special Tax Escalation. The Administrator shall increase the Fiscal Mitigation Special Tax and Local Area Special Tax by the Services Special Tax Escalation Factor in each Fiscal Year following the Base Year. The Administrator shall increase the Infrastructure Special Tax Escalation Factor in each Fiscal Year following the Base Year.
- B. Assignment of the Maximum Annual Special Tax to Taxable Parcels. As Taxable Parcels are Subdivided or combined, the Administrator will assign the Maximum Annual Special Tax to each new Taxable Parcel based on the records of the City:
 1. Assignment of the Maximum Annual Special Tax to Developed Parcels. The Services Special Tax and Infrastructure Special Tax are assigned to all Developed Parcels and Subdivided parcels on an equal pro rate basis according to the cumulative number of dwelling units for each Final Map phase:

- a. For multifamily RM 3.0 parcels, each parcel shall be allocated an amount equal to four dwelling units.
 - b. For single family R-1-7 parcels, each parcel shall be allocated an amount equal to one dwelling unit.
 - c. Sum the Services Special Tax and Infrastructure Special Tax to determine the Maximum Annual Special Tax for the Taxable Parcel.
2. Assignment of the Maximum Annual Special Tax to Final Map Parcels. The Services Special Tax and Infrastructure Special Tax are assigned to Final Map Parcels using the following procedures:
- a. For multifamily RM 3.0 parcels, each parcel shall be allocated an amount equal to four dwelling units.
 - b. For single family R-1-7 parcels, each parcel shall be allocated an amount equal to one dwelling unit.
 - c. Sum the Services Special Tax and Infrastructure Special Tax to determine the Maximum Annual Special Tax for the Taxable Parcel.
3. Assignment of the Maximum Annual Special Tax to Undeveloped Parcels. Un-subdivided Parcels are not subject to the Special Tax.
- C. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel is not needed for public use and is converted to a taxable use or transferred to a private owner, it shall become subject to the Special Tax.
- D. Taxable Parcel Acquired by a Public Agency. A Taxable Parcel acquired by a public agency shall be reclassified as a Tax-Exempt Parcel and is no longer subject to the Special Tax levy.
- E. Maintenance of Parcel Records. The Administrator will maintain a development status for each Parcel in the CFD as Parcels are Subdivided and developed. The record will contain the Assessor's Parcel Number, Land Use Category, number of Units per Taxable Parcel, the Fiscal Mitigation Special Tax, Local Area Special Tax, Infrastructure Special Tax, and Maximum Annual Special Tax for each Taxable Parcel.
5. **Assignment of the Maximum Annual Special Tax**
- A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions in **Section 2**, the Administrator shall cause:
1. Each Parcel to be classified as a Taxable Parcel or a Tax-Exempt Parcel.
 2. Each Parcel to be classified as a Developed Parcel, Final Map Parcel, or an Undeveloped Parcel.
- B. Assignment of the Maximum Annual Special Tax to Taxable Parcels. The Maximum Annual Special Tax will be assigned to each Taxable Parcel each Fiscal Year using the procedures (not all

steps may be applicable for each such Parcel) in **Section 4**.

6. **Calculating Annual Special Taxes**

The Administrator will compute the Annual Costs and determine the annual Special Tax levy for each Taxable Parcel based on the assignment of the Special Tax in **Section 5**. The Administrator then will determine the tax levy for each Taxable Parcel using the following process:

- A. Compute the Annual Services Costs using the definition of Annual Services Costs in **Section 2**.
- B. Calculate the Services Special Tax levy for each Taxable Parcel by the following steps:
 - Step 1: Compute 100 percent of the Services Special Tax revenue for all Developed Parcels.
 - Step 2: Compare the Annual Services Costs with the amount calculated in the previous step.
 - Step 3: If the Annual Services Costs are lower than the amount calculated in *Step 1*, decrease proportionately the Services Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Services Costs.
 - Step 4: If the Annual Services Costs are greater than the amount calculated in *Step 1*, increase proportionately the Services Special Tax levy for each Final Map Parcel until the revenue from the Special Tax levy equals the Annual Services Costs, or 100 percent of the Services Special Tax for all Final Map Parcels, if needed to fund Annual Services Costs.
- C. Compute the Annual Infrastructure Costs using the definition of Annual Infrastructure Costs in **Section 2**.
- D. Calculate the Infrastructure Special Tax levy for each Taxable Parcel by the following steps:
 - Step 1: Compute 100 percent of the Infrastructure Special Tax revenue for all Developed Parcels.
 - Step 2: Compare the Annual Infrastructure Costs with the amount calculated in the previous step.
 - Step 3: If the Annual Infrastructure Costs are lower than the amount calculated in *Step 1*, decrease proportionately the Infrastructure Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Infrastructure Costs.
 - Step 4: If the Annual Infrastructure Costs are greater than the amount calculated in *Step 1*, increase proportionately the Infrastructure Special Tax levy for each Final Map Parcel until the revenue from the Special Tax levy equals the Annual Services Costs, or 100 percent of the Services Special Tax for all Final Map Parcels, if needed to fund Annual Infrastructure Costs.

- E. Sum the amount determined in **Sections 6.B** and **6.D** above.
- F. Levy on each Taxable Parcel the amount calculated in **Section 6.E** above.
- G. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the Auditor for such inclusion.

The Administrator will make every effort to correctly calculate the Special Tax for each Parcel. It will be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments.

7. Interpretation, Application and Appeal of Special Tax Formula and Procedures

Any taxpayer who feels the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Administrator appealing the levy of the Special Tax. The Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the Administrator verifies the tax should be modified or changed, the Special Tax levy will be corrected and, if applicable in any case, a refund will be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties, or any definition applicable to the CFD.

Without Council approval, the Administrator may make minor, non-substantive administrative and technical changes to the provisions of this Exhibit that do not materially affect the rate, method of apportionment, and manner of collection of the Special Tax for purposes of the administrative efficiency or convenience or to comply with new applicable federal, state, or local law.

8. Prepayment of the Special Tax Obligation

The Special Tax for a Taxable Parcel may not be prepaid. The Special Tax is collected to fund Authorized Services in perpetuity, or until the Council determines the Special Tax no longer should be collected.

9. Manner of Collection

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes, provided, however, that the Administrator or their designee may bill the Special Tax directly and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the financial obligations.

Attachment 1
Andersen Village CFD No. 2018- (Services)
Maximum Annual Special Tax - Base Year of FY 2018-19

CFD Phasing and Maximum Annual Tax by Phase						
		Total	Phase 1	Phase 2	Phase 3	Total
		Dwelling Units	85	59	38	182
		SF	61	51	38	150
		MF	24	8	-	32
		Parks/Landscaping (SF)	14,000	110,444	14,000	138,444
	Unit Cost/Year	Streets (SF)	122,040	104,616	81,468	308,124
Subdivision Maintenance						
Public Streets	\$ 0.125	\$ 38,516	\$ 15,255.00	\$ 13,077.00	\$ 10,183.50	\$ 38,515.50
Street Lighting	\$ 15.00	\$ 5,135	\$ 2,034.00	\$ 1,743.60	\$ 1,357.80	\$ 5,135.40
Parks and Landscaping (onsite)	\$ 0.35	\$ 48,455	\$ 4,900.00	\$ 38,655.40	\$ 4,900.00	\$ 48,455.40
Storm Drainage (onsite)		\$ 10,000	\$ 7,500.00	\$ 2,500.00	\$ -	\$ 10,000.00
Capital/Debt Service		\$ 15,000	\$ 7,005.49	\$ 4,862.64	\$ 3,131.87	\$ 15,000.00
Fire Services		\$ 23,000	\$ 10,741.84	\$ 7,456.10	\$ 4,802.23	\$ 23,000.17
Police		\$ 70,308	\$ 32,835.98	\$ 22,792.03	\$ 14,679.61	\$ 70,307.62
General Government and Admin		\$ -				\$ -
CFD Administration @ 5%		\$ 10,521	\$ 4,013.62	\$ 4,554.34	\$ 1,952.75	\$ 10,520.70
CFD Contingency and Reserve @ 10%		\$ 21,041	\$ 8,027.23	\$ 9,108.68	\$ 3,905.50	\$ 21,041.41
General Contingency		\$ 12,486	\$ 5,831.37	\$ 4,047.66	\$ 2,606.97	\$ 12,486.00
Total-Phase		\$ 254,462	\$ 98,144.53	\$ 108,797.44	\$ 47,520.23	\$ 254,462.20
Cumulative Total		\$ 98,144.53	\$ 206,941.97	\$ 254,462.20		
Per Year/Unit		\$ 1,398.14	\$ 1,154.64	\$ 1,437.10	\$ 1,398.14	
Per Month/Unit		\$ 116.51	\$ 96.22	\$ 119.76	\$ 116.51	
Estimated Assessed Valuation		\$ 51,300,000	25,530,000	18,630,000	12,540,000	56,700,000
Supplemental Tax Rate		0.496%	0.384%	0.469%	0.449%	

Exhibit B

Facilities and Services

Exhibit B

Andersen Village CFD No. 2018-_____ (Services)

List of Authorized Services

The authorized services to be funded from the levy and collection of annual special taxes include those set forth below in addition to the costs associated with collecting and administering the special taxes, annually administering the District, and costs associated with forming the District. The authorized services to be funded include:

1. Maintenance and lighting of parks, parkways, streets, roads, and openspace, including street lights, paving and curb and gutter, maintenance for the public park, maintenance of Road 16/Madsen and Kern Street, maintenance of all local streets within the District, and maintenance of the perimeter landscaping.
2. Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, and maintenance of the storm drainage pond.
3. Police protection services provided by the City of Kingsburg.
4. Fire protection and suppression services, and ambulance and paramedic services provided by the City of Kingsburg.
5. Maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the local agency or by another local agency pursuant to an agreement entered into under Section 53316.2.

List of Authorized Facilities

The authorized facilities to be funded from the levy and collection of annual special taxes include those set forth below. The authorized services to be funded include:

1. Local park, recreation, parkway, and open-space facilities.
2. The district may also finance the construction or undergrounding of water transmission and distribution facilities, natural gas pipeline facilities, telephone lines, facilities for the transmission or distribution of electrical energy, and cable television lines to provide access to those services to customers who do not have access to those services or to mitigate existing visual blight.
3. The district may also finance the acquisition, improvement, rehabilitation, or maintenance of any real or other tangible property, whether privately or publicly owned, for flood and storm protection services, including, but not limited to, storm drainage and treatment systems and sandstorm protection systems.
4. A community facilities district may also finance the purchase, construction, expansion, improvement, or rehabilitation of any real or other tangible property with an estimated useful life of five years or longer or may finance planning and design work that is directly related to the purchase, construction, expansion, or rehabilitation of any real or tangible property. The facilities need not be physically located within the district.

Exhibit C

CFD Boundary Map

**Attachment 2
COUNTY OF TULARE
COMMUNITY FACILITIES DISTRICT NO. 2019-01
(PUBLIC SERVICES)**

PETITION

**Andersen Village Community Facilities District
(With Waivers)**

**To Create a Community Facilities District
and Related Matters**

Attachment 2. "Steve Hash Petition"

**COUNTY OF TULARE
COMMUNITY FACILITIES DISTRICT NO. 2019-01
(PUBLIC SERVICES)**

**PETITION
(With Waivers)**

**To Create a Community Facilities District
and Related Matters**

May 2, 2019

To the Honorable County Board of Supervisors
County of Tulare
2800 West Burrel Avenue
Visalia, CA 93291

Members of the County Board of Supervisors:

This is a petition to create a Community Facilities District and related matters under the Mello-Roos Community Facilities Act of 1982 (the "Act") and it states as follows:

1. Petitioner. This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below as or for the record owner(s) of the parcels of land identified below (the "Property"). The Petitioner warrants to the County of Tulare (the "County") that the Petitioner is such owner or is legally authorized to execute this Petition for and on behalf of such owner(s).

2. Proceedings Requested. This Petition asks that the County Board of Supervisors undertake proceedings under the Act to create a Community Facilities District to be designated "County of Tulare Community Facilities District No. 2019-01 (Public Services)" (the "Community Facilities District"), and a future annexation area related thereto (the "Future Annexation Area"), to levy special taxes in the Community Facilities District.

3. Boundaries. This Petition asks that the territory to be included in the boundaries of the Community Facilities District and the Future Annexation Area consist of that shown on a map of the proposed boundaries of the Community Facilities District filed with the Clerk of the Board, which includes the Property and is hereby made a part hereof.

4. Purpose. This Petition asks that the Community Facilities District be created and that the special taxes be levied to finance all or a part of the public services (the "Authorized Services") shown in Exhibit A attached hereto and made a part hereof.

5. Special Tax. The Petitioner agrees that the County will, subject to the approval of the Petitioner in the proceedings for the Community Facilities District, be authorized to levy a Special Tax in the Community Facilities District to pay for the Services, to be levied pursuant to the Rate and Method of Apportionment (the "RMA") shown in Exhibit B attached hereto and made a part hereof, subject to the completion of all proceedings by the County under the Act.

6. Election. The Petitioner asks that the special property-owner election to be held under the Act to authorize the Special Tax and to establish any appropriations limits for the Community Facilities District be conducted by the County and its officials, using a mailed or hand-delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the County Board of Supervisors as the public hearing on the Community Facilities District under the Act or as soon thereafter as possible.

7. Waivers. To expedite the completion of the proceedings for the Community Facilities District, the Petitioner waives all notices of hearing and all published notices regarding the establishment of the Community Facilities District, notices of election, applicable waiting periods under the Act for the holding of any public hearing and for election and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived.

8. Authority Warranted. The Petitioner warrants to the County that the presentation of this Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the County for the formation of the Community Facilities District shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the County, the Petitioner agrees, at its expense, to supply to the County current title evidence so that the County may supply any notice and ballot required under the Act for the establishment of the Community Facilities District.

9. Due-Diligence and Disclosures. The Petitioner agrees to cooperate with the County, its attorneys and consultants and to provide all information and disclosures required by the County about the Special Tax to purchasers of the Property or any part of it.

10. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the County to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the County's costs in establishing the Community Facilities District. Petitioner agrees that this Petition shall not be considered as filed with the County for purposes of commencing proceedings for the Community Facilities District under the Act unless and until deemed filed by the County in its absolute discretion.

The Assessor Parcels Comprising the Property are listed on the attached Exhibit C and contain __. __ total acres.

The Petitioner (record owner) is: Steven C. Hash
Elizabeth Shafer H
_____,
a [California] _____

By: [Signature]

Title: Trustee

By: Elizabeth Shafer 5/2/19
Title: Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Napa)

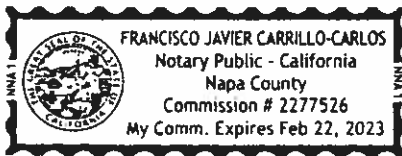
On May 2nd 2019 before me, Francisco Javier Carrillo Carlos
Date Here Insert Name and Title of the Officer

personally appeared Steven C Hesh and Elizabeth Syder
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: County of Tulare Document Date: 5/2/19
Number of Pages: 6 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Attachment 2: "JJR Management Services, Inc." Petition

May 10, 2019

To the Honorable County Board of Supervisors
County of Tulare
2800 West Burrel Avenue
Visalia, CA 93291

Members of the County Board of Supervisors:

This is a petition to create a Community Facilities District and related matters under the Mello-Roos Community Facilities Act of 1982 (the "Act") and it states as follows:

1. **Petitioner.** This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below as or for the record owner(s) of the parcels of land identified below (the "Property"). The Petitioner warrants to the County of Tulare (the "County") that the Petitioner is such owner or is legally authorized to execute this Petition for and on behalf of such owner(s).
2. **Proceedings Requested.** This Petition asks that the County Board of Supervisors undertake proceedings under the Act to create a Community Facilities District to be designated "County of Tulare Community Facilities District No. 2019-01 (Public Services)" (the "Community Facilities District"), and a future annexation area related thereto (the "Future Annexation Area"), to levy special taxes in the Community Facilities District.
3. **Boundaries.** This Petition asks that the territory to be included in the boundaries of the Community Facilities District and the Future Annexation Area consist of that shown on a map of the proposed boundaries of the Community Facilities District filed with the Clerk of the Board, which includes the Property and is hereby made a part hereof.
4. **Purpose.** This Petition asks that the Community Facilities District be created and that the special taxes be levied to finance all or a part of the public services (the "Authorized Services") shown in Exhibit A attached hereto and made a part hereof.
5. **Special Tax.** The Petitioner agrees that the County will, subject to the approval of the Petitioner in the proceedings for the Community Facilities District, be authorized to levy a Special Tax in the Community Facilities District to pay for the Services, to be levied pursuant to the Rate and Method of Apportionment (the "RMA") shown in Exhibit B attached hereto and made a part hereof, subject to the completion of all proceedings by the County under the Act.
6. **Election.** The Petitioner asks that the special property-owner election to be held under the Act to authorize the Special Tax and to establish any appropriations limits for the Community Facilities District be conducted by the County and its officials, using a mailed or hand-delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the County Board of Supervisors as the public hearing on the Community Facilities District under the Act or as soon thereafter as possible.

7. **Waivers.** To expedite the completion of the proceedings for the Community Facilities District, the Petitioner waives all notices of hearing and all published notices regarding the establishment of the Community Facilities District, notices of election, applicable waiting periods under the Act for the holding of any public hearing and for election and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived.

8. **Authority Warranted.** The Petitioner warrants to the County that the presentation of this Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the County for the formation of the Community Facilities District shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the County, the Petitioner agrees, at its expense, to supply to the County current title evidence so that the County may supply any notice and ballot required under the Act for the establishment of the Community Facilities District.

9. **Due-Diligence and Disclosures.** The Petitioner agrees to cooperate with the County, its attorneys and consultants and to provide all information and disclosures required by the County about the Special Tax to purchasers of the Property or any part of it.

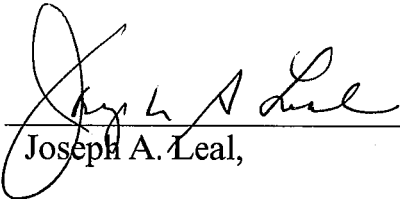
10. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the County to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the County's costs in establishing the Community Facilities District. Petitioner agrees that this Petition shall not be considered as filed with the County for purposes of commencing proceedings for the Community Facilities District under the Act unless and until deemed filed by the County in its absolute discretion.

The Assessor Parcels Comprising the Property are listed on the attached Exhibit C and contain __. __ total acres.

The Petitioner (record owner) is:

PRESIDIO JJR SUMMERLIN 123, LLC, a Delaware limited liability company,

By: JJR Management Services, Inc.
a [California] its Operating Manager

By: 
Joseph A. Leal,

Title: President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Tulare

On May 10, 2019
Date

before me, Teresa Garcia Hernandez
Here Insert Name and Title of the Officer

personally appeared

Joseph A. Leal
Name of Signer

who proved to me on the basis of satisfactory evidence to be the person whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity , and that by his/her/their signature on the instrument the person , or the entity upon behalf of which the person acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Teresa Garcia Hernandez
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: County of Tulare

Document Date: 5/2/19

Number of Pages: 19

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): President
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

[Empty box for thumbprint]

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

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EXHIBIT A

PROPOSED DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

County of Tulare Community Facilities District 2019-01 (Public Services)

It is intended that the CFD will be authorized to finance all or a portion of the costs of any of the following types of services authorized by the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code, which includes the following:

Lane Mile of Roadways

Maintenance, including aesthetic improvements cost items including signages, street trees, decorative lighting fixtures, and other public space enhancements. Other maintenance items include servicing, repair, replacement, and removal of roadways and sidewalks. cleaning and removal of graffiti, and associated electric, water, and other utility costs.

Parks

Maintenance, including servicing, repair, replacement, and removal of neighborhood parks (includes park amenities such as park community centers, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.). Maintenance also includes technological enhancements, cleaning and removal of graffiti, and associated electric, water, and other utility costs.

Parking Spaces

Maintenance, including servicing, repair, replacement, and removal of parking spaces (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.). Maintenance also includes technological enhancements, cleaning and removal of graffiti, and associated electric, water, and other utility costs.

Landscaped Parkways and Medians

Maintenance, including servicing, repair, replacement, and removal of parkways, landscape setbacks, and landscaped roadway medians (including all signage, turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, electricity, repair/replacement & inspection, and associated appurtenant facilities located within the streetscape). Maintenance includes cleaning and removal of graffiti, and associated electric, water, and other utility costs.

Trails

Maintenance, including servicing, repair, replacement, and removal of all facilities associated with the trails (includes amenities such as trees, plant material, sod, irrigation systems, sidewalks, drainage facilities, weed control and other abatements, signs, associated appurtenant facilities., etc.).

Maintenance & Operating Reserve

Operating expenses, including the costs incurred to operate and service the facilities of the CFD. This will include the accumulation of surpluses that are available for discretionary use.

Administrative Reserve

Administrative expenses, including the cost incurred to determine, levy, and collect special taxes, including compensation of the County employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the County.

EXHIBIT B

**RATE AND METHOD OF APPORTIONMENT FOR
COUNTY OF TULARE
COMMUNITY FACILITIES DISTRICT NO. 2019-01
(PUBLIC SERVICES)
COUNTY OF TULARE, STATE OF CALIFORNIA**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in County of Tulare Community Facilities District No. 2019-01 (Public Services), County of Tulare, State of California ("CFD No. 2019-01") and collected each Fiscal Year commencing in Fiscal Year 2019-20, in an amount determined by the County Board of Supervisors, through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2019-01, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Acre" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2019-01: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the County or any designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the County, CFD No. 2019-01, or any designee thereof of complying with CFD No. 2019-01 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the County, CFD No. 2019-01, or any designee thereof related to an appeal of the Special Tax; and the County's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD No. 2019-01 for any other administrative purposes of CFD No. 2019-01, including attorney's fees (including, but not limited to, legal fees of County Counsel), and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Age-Restricted Residential Property" means all Assessor's Parcels of Developed Property which are developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units. At least 80 percent (%) of the occupied units must include at least one resident who is verified to be over the age of 55, and the community follows a policy that demonstrates an intent to provide housing for those aged 55 or older.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

“Authorized Services” means those services eligible to be funded by CFD No. 2019-01, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2019-01 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2019-01 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2019-01 before the CFD was created and such Authorized Services may not supplant services already available within CFD No. 2019-01 when the CFD was created.

“Blended Consumer Price Index” means the sum of the Los Angeles Urban Consumer Price Index and the San Francisco Urban Consumer Price Index, divided by two (2).

“Building Permit” means a permit issued by the County or other governmental agency for the construction of a residential or non-residential building on an Assessor’s Parcel.

“CFD Administrator” means an official of CFD No. 2019-01, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD Formation” means the date on which the County Board approved documents to form CFD No. 2019-01.

“CFD No. 2019-01” means County of Tulare Community Facilities District No. 2019-01 (Public Services), County of Tulare, State of California.

“Consent and Election Form” means the form executed by the Property Owner(s) of the Assessor Parcel(s) to be annexed into CFD No. 2019-01 that constitutes the Property Owner’s approval and unanimous vote in favor of annexation into CFD No. 2019-01.

“County” means the County of Tulare.

“County Board” means the Board of Supervisors of the County.

“Developed Property” means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2019 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

“Dwelling Unit” means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

“Final Map” mean a final map, or portion thereof, approved by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots on which a building for new construction may be issued without further subdivision.

“Final Mapped Property” means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Property Owner Association Property, and Public Property, located in a Final Subdivision as of January 1 of the Fiscal Year preceding the

Fiscal Year for which the Special Taxes are being levied, but no earlier than January 1, 2019.

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

“Future Annexation Area” means the geographic area specifically identified as Future Annexation Area in Exhibit A of this Rate and Method of Apportionment.

“Land Use Class” means any of the classes listed in Table 1.

“Los Angeles Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Los Angeles – Anaheim – Riverside 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 Los Angeles Urban Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Los Angeles Urban Consumer Price Index.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below that can be levied by the County in any Fiscal Year on any Assessor’s Parcel of Taxable Property. For property that annexes into CFD No. 2019-01, a different Maximum Special Tax may be established by creating a separate Tax Zone for such annexed property.

“Multi-Family Residential Property” means, all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a Dwelling Unit that shares an inside wall with another Dwelling Unit, and consists of more than two (2) Dwelling Units, including, but not limited to, triplexes, condominiums, and apartment units.

“Non-Residential Property” means any and each Assessor’s Parcel of Developed Property for which a Building Permit permitting the construction of one or more non-residential units or facilities has been issued by the County or some other governmental agency.

“Notice of Amended Special Tax Lien” means a notice that needs to be recorded within 15 days after the County Board determines that the Special Tax has been authorized by the Property Owners of annexed properties. The Notice of Amended Special Tax Lien will include a description of the Special Tax and the name of the Property Owner of each Assessor Parcel being annexed into CFD No. 2019-01. The CFD Administrator will prepare and record the notice.

“Property Owner” means the owner of fee title to an Assessor Parcel.

“Property Owner Association Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2019-01 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

“Proportionately” means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2019-01 that is owned by or irrevocably offered for dedication to the Federal government, the State, the County, or any other public agency; 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, as such

section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2019-01 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Rate and Method of Apportionment” or **“RMA”** means this Rate and Method of Apportionment of Special Tax.

“Resolution of Formation” means the resolution forming CFD No. 2019-01.

“San Francisco Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the San Francisco Urban Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

“Single Family Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one (1) single-family residential Dwelling Unit.

“Special Tax” or **“Special Taxes”** means the special tax or special taxes to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount to be collected in any Fiscal Year for CFD No. 2019-01 to pay for certain costs as required to meet the needs of the CFD in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, including the establishment of reserves for future costs of Authorized Services, (ii) Administrative Expenses, and (iii) an amount to cover anticipated delinquencies for the payment of the Special Tax, based on the delinquency rate for the preceding Fiscal Year; less (iv) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator.

“State” means the State of California.

“Supplement” means the Supplement attached here as Exhibit B which supplements the Rate and Method of Apportionment by adding a new Section C as described below for new Tax Zones following the annexation of properties into CFD No. 2019-01. Except as expressly set forth in the Supplement, all provisions of the Rate and Method of Apportionment shall govern future Tax Zones.

“Tax Zone” means mutually exclusive geographic areas defined herein and identified in Exhibit A of this Rate and Method of Apportionment. All of the property within CFD No. 2019-01 at the time of CFD Formation is located within Tax Zone 1. Additional Tax Zones may be created when Assessor Parcels are annexed into CFD No. 2019-01. A separate Maximum Special Tax shall be identified for Assessor Parcels within the new Tax Zone at the time of such annexation.

“Tax Zone 1” means the geographic area specifically identified in Tax Zone 1 in Exhibit A of this Rate and Method of Apportionment.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2019-01 which are not exempt from the Special Tax pursuant to law or Section E below.

“Undeveloped Property” means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor’s Parcels within CFD No. 2019-01 shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator’s allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2019-2020 for Developed Property in Tax Zone 1 is shown below in Table 1. Under no circumstances shall a Special Tax be levied on additions to existing Dwelling Units. For property that annexes into the CFD, different maximum rates may be established by creating a separate Tax Zone for such annexed property. Alternatively, property may be annexed into a Tax Zone, that was established prior the annexation, and such property shall be subject to the Maximum Special Tax applicable to that Tax Zone.

TABLE 1
Maximum Special Taxes for Developed Property
For Fiscal Year 2019-2020
Community Facilities District No. 2019-01
Tax Zone 1

Land Use Class	Land Use Category	Fiscal Year 2019-2020 Maximum Special Tax
1	Single Family Residential Property	\$1,305.24 per Dwelling Unit
2	Multi-Family Residential Property	\$783.14 per Dwelling Unit
3	Age-Restricted Residential Property	\$652.62 per Dwelling Unit
4	Non-Residential Property	\$5,240 per Acre

b. Multiple Land Use Classes

In some instances, an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that can be levied on an Assessor's Parcel shall be the sum of the Maximum Special Taxes that can be levied for all Land Use Classes located on that Assessor's Parcel.

c. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2020, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the Blended Consumer Price Index during the twelve (12) months prior to December of the previous Fiscal Year, or four percent (4.00%).

2. **Undeveloped Property**

No Special Taxes shall be levied on Undeveloped Property.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2019-20 and for each following Fiscal Year, the CFD Administrator shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.



E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

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 previously levied 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 thirty (30) days in which to appeal to the County Board by filing a written notice of appeal with the clerk of the County, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The County may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the County will be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the County may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary or otherwise advisable to meet its financial obligations for CFD No. 2019-01, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. FUTURE ANNEXATIONS

If, in any Fiscal Year, a Property Owner within the Future Annexation Area wants to annex property into CFD No. 2019-01, the CFD Administrator shall apply the following steps as part of the annexation proceedings:

First: Working with the County Board and the Property Owner, the CFD Administrator shall determine the Maximum Special Tax that will apply to all Land Use Classes expected within the area to be annexed. Once determined, the Maximum Special Tax for the annexing area shall be identified in the Consent and Election Form which will be executed by the Property Owner as part of the annexation process. If the Maximum Special Tax that will apply to the annexed area is different than the Maximum Special Tax that is in effect for other Tax Zones that exist at the time of the annexation, the newly annexed area shall be designated as a separate Tax Zone for purposes of this Rate and Method of Apportionment.

Second: The CFD Administrator shall prepare a Supplement attached here as Exhibit B which will supplement the Rate and Method of Apportionment by adding a new Section C as described herein for new Tax Zones following the annexation of properties into CFD No. 2019-01. A Supplement will not need to be prepared for properties annexing into an existing Tax Zone.

Third: The CFD Administrator shall prepare a Notice of Amended Special Tax Lien for the properties to be annexed into CFD No. 2019-01.

Fourth: The Consent and Election Form, Notice of Amended Special Tax Lien, and Supplement (if required in Step 2) will be adopted by the County Board. If a Supplement was prepared and approved, the application of Section C of this Rate and Method of Apportionment shall be based on the Supplement for the newly annexed property.

Fifth: The CFD Administrator shall ensure that a Notice of Amended Special Tax Lien is recorded with the County against all Assessor Parcels annexed to CFD No. 2019-01.

I. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the discretion of the County

Attachment 3

Public Hearing Notice

NOTICE OF PUBLIC HEARING

Petition to Create a Community Finance District for the Andersen Village Specific Plan Area and County of Tulare Local Mello-Roos Community Facilities Goals and Policies

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, May 21, 2019 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing pertains to the petition for the proposed Andersen Village Community Facilities District; and authorization and approval of the County of Tulare Local Goals and Policies concerning the use of the Mello-Roos Community Facilities Act of 1982. The Goals and Policies are related to the Community Facilities District (CFD) for all of unincorporated Tulare County, and the Andersen Village CFD located on Tulare County APNs 028-140-007, 012, 013, 018 and 022, within the County Urban Development Boundary of Kingsburg and the Sphere of Influence of the City of Kingsburg, in the Selma 7.5 Minute USGS Quadrangle and is within a portion of the NE ¼ of Section 26, Township 16S, Range 22E, M.D.B.&E. The Andersen Village Specific Plan was approved with an Environmental Impact Report on June 26, 2018, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code of Regulations.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing. Judicial review of this Board of Supervisors decision is appealable pursuant to Code of Civil Procedure Section 1094.6.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting contact Tulare County Resource Management Agency by telephone at (559) 624-7000, 48-hours in advance of this meeting.

Jason T Britt, County Administrator/Clerk, Board of Supervisors
