

## **RESOLUTION NO. 2009-86**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CALLING AN ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS THE QUESTION OF LEVYING A SPECIAL TAX WITHIN THE AREA PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES) (ANNEXATION NO. 12)**

**WHEREAS**, on March 22, 2006, the City Council (the "City Council") of the City of Elk Grove (the "City"), approved Resolution 2006-73 establishing Community Facilities District No. 2006-1 (Maintenance Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, for the purpose of providing for the financing of certain maintenance services (the "Services") described in Exhibit A hereto; and

**WHEREAS**, at an election held on March 22, 2006, more than two-thirds of the votes cast were in favor of the levy of a special tax and the establishment of an appropriations limit, all as determined by the Council in Resolution No. 2006-75, duly adopted on March 22, 2006; and

**WHEREAS**, the City Council on February 25, 2009, duly adopted Resolution No. 2009-43 (the "Resolution of Intention") declaring its intention to annex certain territory to the CFD and to levy a special tax within that territory to pay for the Services and setting a public hearing on the proposed annexation for April 22, 2009; and

**WHEREAS**, the territory proposed to be annexed is identified in a map entitled "Annexation Map No. 12 of Community Facilities District No. 2006-1 (Maintenance Services)" a copy of which was recorded, on March 9, 2009, in Book 110 of Maps of Assessment and Community Facilities Districts at Page 17, in the office of the Sacramento County Recorder; and

**WHEREAS**, the City Council convened a public hearing on Wednesday, April 22, 2009 after 6:00 p.m., at the regular meeting place of the City Council, City Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, at which hearing all persons interested, including all taxpayers, property owners and registered voters within the CFD and the territory proposed to be annexed, were given an opportunity to appear and be heard on the proposed annexation of territory to the CFD and the levy of special taxes within the territory proposed to be annexed; and

**WHEREAS**, written protests have not been filed by fifty percent (50%) or more of the registered voters residing within the CFD, or by fifty percent (50%) or more of the registered voters residing within the territory to be annexed, or by the owners of one-half (1/2) or more of the area within the CFD, or by the owners of one-half (1/2) or more of the territory to be annexed; and

**WHEREAS**, the City Council has determined that there are fewer than twelve registered voters residing in the territory proposed to be annexed to the CFD and that the qualified electors in such territory are the landowners; and

**WHEREAS**, on the basis of all of the foregoing, the City Council has determined to call an election to authorize the annexation of territory to the CFD and the levying of a special tax as described in Exhibit B hereto; and

**WHEREAS**, the City Council has received a written instrument from each landowner in the territory proposed to be annexed to the CFD consenting to the shortening of election time requirements, waiving analysis and arguments, and waiving all notice requirements relating to the conduct of the election.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elk Grove that:

**Section 1. Recitals.** All of the above recitals are true and correct, and the City Council so finds and determines.

**Section 2. Confirmation of Findings in Resolution of Intention.** The City Council reconfirms all of its findings and determinations as set forth in the Resolution of Intention.

**Section 3. Finding Regarding Protests.** The City Council finds and determines that written protests to the proposed annexation of territory to the CFD and the levy of the special tax within such territory are insufficient in number and in amount under the Act, and the City Council hereby further orders and determines that all such protests are hereby overruled.

**Section 4. Finding Regarding Prior Proceedings.** The City Council finds and determines that all prior proceedings had and taken by the City Council with respect to the annexation of territory to CFD are valid and in conformity with the requirements of the Act.

**Section 5. Tax Lien.** Upon recordation of an amended notice of special tax lien pursuant to Sections 3117.5 and 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the territory proposed to be annexed and this lien shall continue in force and effect until the collection of the tax is terminated by the City Council.

**Section 6. Call and Order of Election.** The City Council hereby calls and orders a special election to be held on Wednesday, April 22, 2009 ("election day"), at which election the question of levying the special tax within the territory proposed to be annexed shall be submitted to the qualified electors of the territory proposed to be annexed. The terms of the measure are described in this Resolution. The abbreviated form of the statement of the ballot measure is set forth in Exhibit C hereto and is incorporated herein by reference.

**Section 7. Vote Required.** If the proposition on the question of levying the special tax within the territory proposed to be annexed receives the approval of more than two-thirds (2/3) of the votes cast on the proposition, then the territory proposed to be annexed will be added to and become part of the CFD with full legal effect and the City Council will be authorized to levy the special tax within the annexed territory.

**Section 8. Submission of Ballot Proposition.** The City Council hereby submits to the landowners within the territory proposed to be annexed to the CFD at the special election the ballot proposition set forth in Section 6 of this resolution. The City Council hereby authorizes the City Clerk to conduct the election.

**Section 9. Conduct of Election.** The special election shall be held and conducted, the returns canvassed, and the results ascertained and determined, as herein provided:

(a) All owners of land within the territory proposed to be annexed to the CFD upon the date of the special election shall be qualified to vote upon the measure submitted at the special election. Each landowner shall have one vote for each acre or portion thereof that she, he, or it owns within the territory proposed to be annexed to the CFD, as provided in Government Code section 53326(b).

(b) Pursuant to Government Code section 53327, the special election shall be conducted as a mailed ballot election. There shall be no polling places for the special election.

(c) The City Clerk has mailed to each landowner in the territory proposed to be annexed to the CFD a ballot in the form set forth in Exhibit C hereto, which action is hereby ratified by the City Council.

(d) Each voter desiring to vote for the measure to levy a special tax shall mark an "X" or a check mark in the voting square opposite the word "YES." To vote against the measure, the voter shall mark an "X" or a check mark in the voting square opposite the word "NO."

(e) The City Clerk shall accept the ballots of the landowners up to five minutes following the adoption of this resolution by the City Council. The City Clerk shall have available ballots that may be marked at the City Clerk's office on the election day by voters. Once all qualified electors have voted, the City Clerk may close the election.

(f) The City Clerk shall commence the canvass of the returns of the special election as soon as the election is closed at the City Clerk's office. At the conclusion of the canvass, the City Clerk shall declare the results of the election.

(g) The City Council shall declare the results of the special election following the completion of the canvass of the returns and shall cause to be inserted into its minutes a statement of the results of the special election as ascertained by the canvass of the returns.

**Section 10. General Authorization with Respect to the Election.** The members of the City Council, the City Clerk, and the other officers of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

**Section 11. Accountability Measures.** Pursuant to Section 50075.1 of the California Government Code, the City has created a separate account into which the special tax proceeds shall be deposited; and the City shall prepare a report, as required, pursuant to the requirements of Section 53343.1.

**Section 12. Effective Date.** This resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 22<sup>nd</sup> day of April 2009.



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PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

**EXHIBIT A**  
**DESCRIPTION OF SERVICES**

**Included Services**

Services that may be funded by the collection of annual special taxes in the Community Facilities District No. 2006-1 (Maintenance Services) are listed below.

- Maintenance of public parkways, public parks, open space, landscape setbacks, bike and other paths in open space areas, and landscaped medians, including tree, shrub, lawn, and ground cover care; mowing; weed control; pruning; fertilization; litter removal; tree and shrub well maintenance; irrigation system inspections; and repair and replacement of vegetation and other physical features and systems.
- Maintenance of environmental preserves, which are retained and used as open space recreational lands, to the extent allowed by, and fulfilling the requirements of, the U.S. Corps of Engineers 404 permit (e.g., passive recreation, informational signage, litter collection and other non-obtrusive activities) and the associated performance and management of environmental mitigation monitoring and annual reporting necessary to assure proper maintenance of these lands.
- Maintenance of publicly owned masonry sound walls, barrier and property fencing, including but not limited to, enhanced wood or concrete fences, ornamental iron fences, post-and-cable fences, and pedestrian bridges constructed within or over public lands, easements or rights-of-way.
- Maintenance to entryway monumentation, enhanced stamped concrete and paver stone surface treatments, and landscaping within or over public lands, easements or public rights-of-way.
- Maintenance of landscaping and improvements to detention basins and drainage facilities, exclusive of repair and replacement of the detention and drainage facilities themselves which will remain the obligation of other public agencies, such as the City of Elk Grove.
- Autumn leaf cleanup, including street sweeping and drainage inlet cleaning, for public parkways, landscape setbacks and landscaped medians in and adjacent to roadways within the CFD.
- Maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features.
- Repair and replacement of District-maintained facilities, including graffiti, and direct damage related to wear-and-tear.

**Costs of services**

The costs of the services and incidental costs to be funded by annual special taxes in Community Facilities District No. 2006-1 (Maintenance Services) include:

- Electric and water utility costs associated with the services.
- Contingency costs, including a contingency reserve, as required by the District.
- Funding of designated sinking funds to be used by the City to fund future repairs to landscaping, entry monuments and features, walls and fences, and other services as determined by the City.

- District costs associated with the setting, levy, and collection of the Special Taxes.

### **Excluded Services**

Revenues from CFD No. 2006-1 special taxes will not be used to fund any of the following:

- Private fences and gates located within the public landscape corridor or open space right-of-way (except for graffiti removal, which may be funded by the CFD).
- Any landscaping, fences, gates, or monuments located on private property.

## EXHIBIT B

### CITY OF ELK GROVE COMMUNITY FACILITIES DISTRICT No. 2006-1 (Maintenance Services)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

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A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2006-1 (Maintenance Services) [herein "CFD No. 2006-1"] of the City of Elk Grove shall be levied and collected according to the tax liability determined by the City Council, acting in its capacity as the legislative body of CFD No. 2006-1, through the application of the appropriate Special Tax rate, as described below. All of the property in CFD No. 2006-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD No. 2006-1.

#### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, other parcel map, or functionally equivalent map or instrument recorded in the Office of the County Recorder. In the absence of such map, the City Engineer will make the final "Acre" or "Acreage" determination.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Part 1, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means the actual or estimated costs incurred by the City, acting for and on behalf of the CFD as the CFD Administrator thereof, to determine, levy and collect the Special Taxes, including salaries of City employees and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the CFD; the costs of collecting installments of the Special Taxes, including charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; the costs related to the preparation of required reports; and any other costs required to administer the CFD as determined by the CFD Administrator.

**"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 authorized to be funded by CFD No. 2006-1 as set forth in the documents adopted by the City Council when the CFD was formed.

**"CFD Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**"CFD" or "CFD No. 2006-1"** means Community Facilities District No. 2006-1 (Maintenance Services) of the City of Elk Grove.

**"City"** means the City of Elk Grove.

**"City Clerk"** means the City Clerk for the City of Elk Grove or his or her designee.

**"City Engineer"** means the City Engineer for the City of Elk Grove or his or her designee.

**"City Manager"** means the City Manager for the City of Elk Grove or his or her designee.

**"Council"** means the City Council of the City of Elk Grove, acting as the legislative body of CFD No. 2006-1.

**"County"** means the County of Sacramento.

**"CPI"** means the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers. The CPI used shall be as determined by the Bureau of Labor Statistics from April to April beginning with the period from April 2006 to April 2007. In the event this index ceases to be published, the CPI shall be another index as determined by the CFD Administrator that is reasonably comparable to the CPI for the San Francisco-Oakland-San Jose Area.

**"Developed Property"** means in any Fiscal Year, all Parcels of Taxable Property, for which a building permit for new construction was issued after January 1, 2006 and prior to May 1 of the preceding Fiscal Year in which the Special Tax is being levied.

**"Final Map"** means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*), that creates lots that do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" shall not include an Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

**"Final Map Property"** means, in any Fiscal Year, all Parcels within CFD No. 2006-1 for which a Final Map was recorded prior to May 1 of any Fiscal Year, which are not yet Developed Property and which, based on the Zoning Designations for the Parcels, are expected to be Single Family Property when a building permit is issued.

**"Finance Director"** means the Finance Director for the City of Elk Grove or his or her designee.

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

**"Land Use Class"** means, individually, Non-Residential Property, Multi-Family Property, or Single Family Property.

**"Lot"** means an individual residential lot, identified and numbered on a recorded Final Map, on which a building permit has been or will be issued for construction of a single-family unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to the Tentative Map.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below that can be levied in any Fiscal Year on any Assessor's Parcel of Taxable Property.

**"Multi-Family Property"** means all Parcels of Developed Property within the boundaries of the CFD for which a building permit has been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to duplexes, triplexes, townhomes, condominiums, and apartment units.



**"Non-Residential Property"** means all Parcels of Developed Property within the boundaries of the CFD that are not Single Family Property, Multi-Family Property, Property Owner Association Property or Tax-Exempt Property.

**"Property Owner Association Property"** means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

**"Proportionately"** means, for Developed Property and Final Map Property within the boundaries of CFD No. 2006-1, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property and Final Map Property, respectively.

**"Public Property"** means any property within the boundaries of the CFD No. 2006-1 that is expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

**"Residential Property"** means all Assessor's Parcels of Developed Property for which a building permit has or may be issued for a residential structure consisting of one or more residential units including, but not limited to, single family detached homes, single family attached homes, duplexes, triplexes, town homes, condominiums, and apartment units.

**"Single Family Property"** means, in any Fiscal Year, all Parcels of Developed Property for which a building permit has been issued for purposes of constructing a detached residential unit, or all Parcels of Final Map Property for which a building permit may be issued for construction of a detached residential unit. Such residential unit does not or will not share a common wall with another Unit.

**"Special Tax"** means a special tax levied in any Fiscal Year to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D below.

**"Special Tax Requirement"** means that amount required in any Fiscal Year for the CFD No. 2006-1: (a) to pay (i) Authorized Services, maintenance expenses, sinking fund payments, and capital reserves authorized to be funded by CFD No. 2006-1, (ii) Administrative Expenses, (iii) any amounts required to establish or replenish any reserve funds; and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected; less (b) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of CFD No. 2006-1 that are not exempt from the Special Tax pursuant to law or as defined below.

**"Tax-Exempt Property"** means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, or (ii) Property Owner Association Property, or (iii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement.

**"Tax Zone"** means one of seventeen (17) mutually exclusive tax zones identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax, as may be updated to include new Parcels added to the CFD as a result of future annexations

**"Tentative Map"** means a map that (i) is made for the purpose of showing the design of a proposed subdivision and the condition pertaining thereto; (ii) has been approved by the City; (iii) is not based on a

detailed survey of the property within the map area; and (iv) is not recorded at the County Recorder's Office to create legal lots.

**"Undeveloped Property"** means, for each Fiscal Year, all Parcels of Taxable Property within the boundaries of CFD No. 2006-1 that are not classified as Developed Property or Final Map Property, as determined by the CFD Administrator.

**"Unit"** means an individual single-family detached unit or an individual residential unit within, but not limited to, a duplex, triplex, fourplex, townhome, condominium, or apartment structure. A second Unit or granny flat on a Parcel of Single Family Property shall not be considered an additional Unit for purpose of levying the Special Taxes.

**"Zoning Designation"** means, for a particular Parcel, the designation of zoning for the Parcel based on reference to the specific plan, Tentative Map, or as otherwise determined by the CFD Administrator.

### ***B. DATA COLLECTION FOR ANNUAL TAX LEVY***

All current Assessor's Parcel numbers for all Parcels of Taxable Property to be included within CFD No. 2006-1 at formation have been identified and assigned to a Tax Zone as shown in Attachment 1. In annexation proceedings, the CFD Administrator shall attach a new Attachment 1 listing the new Assessor's Parcel number(s) of the Parcel(s) proposed for annexation and the new Attachment 1 will show the assignment(s) of the Parcel(s) to a Tax Zone.

On or about June 1 of each Fiscal Year, the CFD Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property within CFD No. 2006-1.

The CFD Administrator shall then determine: (i) whether each Assessor Parcel of Taxable Property is Developed Property, Final Map Property or Undeveloped Property, using the definitions above; (ii) for Developed Property and Final Map Property, which Parcels are Single Family Property, Multi-Family Property, and Non-Residential Property, using the definitions above; (iii) for Developed Property that is Multi-Family Property, the number of Units within each building based on reference to the building permit, site plan, condominium plan, or other development plan; and (iv) the Special Tax Requirement. Developed Property and Final Map Property shall be subject to the Special Taxes pursuant to Sections C and D below.

### ***C. MAXIMUM SPECIAL TAX RATE***

#### **Developed Property and Final Map Property**

The following Maximum Special Tax rates shown in Table 1 apply to all Parcels classified as Developed Property or Final Map Property according to the Land Use Classes within CFD No. 2006-1:

**TABLE 1  
MAXIMUM SPECIAL TAX RATES COMMUNITY FACILITIES DISTRICT NO. 2006-1**

<b>Tax Zone</b>	<b>Maximum Special Tax by Land Use Class (Fiscal Year 2006-07)<sup>1</sup></b>		
	<b>Single Family Property</b>	<b>Multi-Family Property</b>	<b>Non-Residential Property</b>
1	\$360 per Unit (Developed) or Lot (Final Map)	\$252 per Unit (Developed)	\$468 per Acre (Developed)
2	\$400 per Unit (Developed) or Lot (Final Map)	\$280 per Unit (Developed)	\$520 per Acre (Developed)
3	\$450 per Unit (Developed) or Lot (Final Map)	\$315 per Unit (Developed)	\$585 per Acre (Developed)
4	\$500 per Unit (Developed) or Lot (Final Map)	\$350 per Unit (Developed)	\$650 per Acre (Developed)
5	\$550 per Unit (Developed) or Lot (Final Map)	\$385 per Unit (Developed)	\$715 per Acre (Developed)
6	\$600 per Unit (Developed) or Lot (Final Map)	\$420 per Unit (Developed)	\$780 per Acre (Developed)
7	\$650 per Unit (Developed) or Lot (Final Map)	\$455 per Unit (Developed)	\$845 per Acre (Developed)
8	\$700 per Unit (Developed) or Lot (Final Map)	\$490 per Unit (Developed)	\$910 per Acre (Developed)
9	\$750 per Unit (Developed) or Lot (Final Map)	\$525 per Unit (Developed)	\$975 per Acre (Developed)
10	\$800 per Unit (Developed) or Lot (Final Map)	\$560 per Unit (Developed)	\$1,040 per Acre (Developed)
11	\$900 per Unit (Developed) or Lot (Final Map)	\$630 per Unit (Developed)	\$1,170 per Acre (Developed)
12	\$1,000 per Unit (Developed) or Lot (Final Map)	\$700 per Unit (Developed)	\$1,300 per Acre (Developed)
13	\$1,100 per Unit (Developed) or Lot (Final Map)	\$770 per Unit (Developed)	\$1,430 per Acre (Developed)
14	\$1,200 per Unit (Developed) or Lot (Final Map)	\$840 per Unit (Developed)	\$1,560 per Acre (Developed)
15	\$1,300 per Unit (Developed) or Lot (Final Map)	\$910 per Unit (Developed)	\$1,690 per Acre (Developed)
16	\$1,400 per Unit (Developed) or Lot (Final Map)	\$980 per Unit (Developed)	\$1,820 per Acre (Developed)
17	\$1,500 per Unit (Developed) or Lot (Final Map)	\$1,050 per Unit (Developed)	\$1,950 per Acre (Developed)

<sup>1</sup> Beginning July 1, 2007 and each July 1 thereafter, the Maximum Special Tax that may be levied on each Assessor's Parcel shall be the Maximum Special Tax for the previous Fiscal Year increased by the greater of the CPI increase or 2%.

## Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain Residential Property and Non-Residential Property. The Maximum Special Tax that may be levied on such an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that may be imposed on all Land Use Classes located on that Assessor's Parcel. The CFD Administrator's allocation to each type of property shall be final.

## Undeveloped Property; Tax-Exempt Property

No Special Tax shall be levied on Undeveloped Property or Tax-Exempt Property.

## Annual Escalation of Maximum Special Tax

Beginning July 1, 2007, and each July 1 thereafter, the Maximum Special Tax that may be levied on each Assessor's Parcel shall be the Maximum Special Tax for the previous Fiscal Year increased by the greater of the CPI increase or 2%.

### ***D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX***

Commencing with Fiscal Year 2006-07, and for each following Fiscal Year, the Council shall levy the Special Tax at the rates established pursuant to steps 1 and 2 below so that the total amount of the Special Tax levied equals the Special Tax Requirement. The CFD Administrator shall determine the rates as follows:

Step 1: The CFD Administrator shall determine rates on each Assessor's Parcel of Developed Property (up to 100% of the applicable Maximum Special Tax for each Land Use Class of Developed Property within each Tax Zone) such that the total amount levied is equal to the Special Tax Requirement for the Fiscal Year. In determining the rates applicable to an Assessor's Parcel of Developed Property, the CFD Administrator may reduce such rates by taking into account the funds available for Authorized Services serving that Parcel that were applied as a credit to reduce the Special Tax Requirement. Other than for the specific rate reduction described above, the CFD Administrator shall determine rates such that the Special Tax is levied Proportionately on each Assessor's Parcel of Developed Property.

Step 2: If additional revenue is needed after Step 1, the CFD Administrator shall determine rates on each Assessor's Parcel of Final Map Property (up to 100% of the applicable Maximum Special Tax within each Tax Zone) until the total amount levied is equal to the Special Tax Requirement for the Fiscal Year. In determining the rates applicable to an Assessor's Parcel of Final Map Property, the CFD Administrator may reduce such rates by taking into account the funds available for Authorized Services serving that Parcel that were applied as a credit to reduce the Special Tax Requirement. Other than for the specific rate reduction described above, the CFD Administrator shall determine rates such that the Special Tax is levied proportionately on each Assessor's Parcel of Final Map Property.

### **E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on Tax-Exempt Property.

### ***F. INTERPRETATION OF SPECIAL TAX FORMULA***

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. The

City may make interpretations by ordinance or resolution for the purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Tax.

**G. APPEALS**

Any landowner or resident who pays the Special Tax and believes that the amount of the Special Tax levied on their Assessor's Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator will then promptly review the appeal and, if necessary meet with the landowner or resident. If the CFD Administrator determines that the tax should be changed, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted. The decision of the CFD Administrator shall be final and binding as to all persons.

**H. MANNER OF COLLECTION**

The Special Tax for CFD No. 2006-1 as levied pursuant to Sections C and D shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet financial obligations of CFD No. 2006-1 or as otherwise determined appropriate by the CFD Administrator.

**I. TERM OF SPECIAL TAX**

Taxable Property within CFD No. 2006-1 shall remain subject to the Special Tax in perpetuity.

**ATTACHMENT 1**

**CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
CFD FORMATION – MARCH 2006**

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	127-0160-050	172 Single family units
	119-0151-010, 119-0151-018	32 Single family units
	127-0030-018	10 Single family units
	119-1990-001 and a portion of 119-1990-002	4.11 non-residential acres
	119-1990-003, 119-1990-004 and a portion of 119-1990-002	2.71 non-residential acres
	115-0170-036	25 Single family units
	116-0042-003, 116-0042-026 and 116-0042-027	141 Single family units
	121-0150-016	96 Multi-family units
	121-0180-019	30 Single family units
2	121-0140-020	33 Single family units
	119-0151-013 through 119-0151-015, 119-0151-020	54 Single family units
4	132-0870-014	46 Single family units
	127-0120-020, 127-0120-021	39 Single family units

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

**ATTACHMENT 1 - 2**

**CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION # 1 – JUNE 2006**

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	134-0110-064 (Parcel B) and 065 (Parcel A), 134-0110-073	78 Single family units
	122-0230-001	20 Single family units
	122-0230-003, 004, 005, 006	15 Single family units
	115-0161-003	11 Single family units
	127-0120-074	4 Single family units
	127-1020-073	3 Single family units
	127-0120-091	1 Single family unit
	127-0120-072	4 Single family units
	134-0670-001 thru 004	10.30 non-residential acres
	126-0250-006 and 008	5.14 non-residential acres
2	134-0110-128	100 Single family units
	132-0020-108	265 Single family units 198 Multi family units
3	127-0530-021	43 Single family units

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1 - 3

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION # 2 – JUNE 2006

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone</b>	<b>Proposed Residential Units/Non residential Acres</b>
1	121-0140-007	28 Single family units
	134-0110-057	10 Single family units
	127-0140-024	9 Single family units
	127-0010-038	36 Multi family units
	127-0010-039	48 Multi family units
	121-0140-007	8 Single family units

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.



**ATTACHMENT 1- 4**

**CITY OF ELK GROVE  
 COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
 ASSIGNMENT OF PARCELS TO TAX ZONES  
 ANNEXATION #3 – SEPTEMBER 2006**

<b>Tax Zone</b>	<b>Assessor's Parcels Included In Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	116-0021-036	175 Single family units
	115-0170-034 and 035	50 Single family units
	132-0870-019	124 Multi family units
	119-1110-088	2.5 Non-residential acres
	116-0090-016	.62 Non-residential acres
	134-0630-001	4.27 Non-residential acres
	119-1910-001, 002, 007,016, 017, 018	6.36 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 5

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #4 – DECEMBER 2006

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	116-0011-020 & 021 116-0138-002 thru 006 116-0138-008 & 009	11.36 Non-residential acres
	119-1910-019 (portion)	4.65 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 6

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT No. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #5 – MARCH 2007

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	119-1970-013	10.93 Non-residential acres

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<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 7

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #6 – JUNE 2007

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	116-0320-034	2.34 Non-residential acres
	116-1490-020 116-1490-007 116-1490-018	3.22 Non-residential acres
	119-1110-096	0.67 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

**ATTACHMENT 1- 8**

**CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #7 – OCTOBER 2007**

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	134-0182-001	300 Single family units 48.10 Non-residential acres
	119-1540-029	4.10 Non-residential acres
	134-0050-011	6.76 Non-residential acres
	134-0220-078 134-0220-072 134-0600-039 134-0220-069	280 Multi family units 279.5 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 9

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #8 – MARCH 2008

Tax Zone	Assessor's Parcels Included in Tax Zone <sup>1</sup>	Proposed Residential Units/Non residential Acres
1	116-0050-013 116-0050-027 116-0050-030 116-0050-031	5.7 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 10

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #9 – JUNE 2008

Tax Zone	Assessor's Parcels Included in Tax Zone <sup>1</sup>	Proposed Residential Units/Non residential Acres
1	119-1110-097 119-1110-098	1.48 Non-residential acres
1	132-0720-033	132 Multi family units

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

**ATTACHMENT 1- 11**

**CITY OF ELK GROVE  
 COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
 ASSIGNMENT OF PARCELS TO TAX ZONES  
 ANNEXATION #10 – SEPTEMBER 2008**

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
2	116-0070-025	3.32 Non-residential acres
1	116-1380-002 116-1380-003 116-1380-004 116-1380-005 116-1380-006 116-1380-008 116-1380-009 116-0011-020 116-0011-021	11.54 Non-residential acres
1	116-0021-012	5.00 Non-residential acres

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.



ATTACHMENT 1- 12

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #11 – DECEMBER 2008

<b>Tax Zone</b>	<b>Assessor's Parcels Included in Tax Zone<sup>1</sup></b>	<b>Proposed Residential Units/Non residential Acres</b>
1	132-0460-077	8.58 Non-residential acres

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<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

ATTACHMENT 1- 13

CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT NO. 2006-1 (MAINTENANCE SERVICES)  
ASSIGNMENT OF PARCELS TO TAX ZONES  
ANNEXATION #12 – APRIL 2009

Tax Zone	Assessor's Parcels Included in Tax Zone <sup>1</sup>	Proposed Residential Units/Non residential Acres
1	116-0030-037	115 Multi family units

<sup>1</sup> The Property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to Assessor's Parcel numbers in future Fiscal Years.

EXHIBIT C

OFFICIAL BALLOT

SPECIAL TAX ELECTION  
CITY OF ELK GROVE  
ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT  
NO. 2006-1 (MAINTENANCE SERVICES)  
ANNEXATION NO. 12

(April 22, 2009)

Number of votes entitled to cast: 115

**INSTRUCTIONS TO VOTERS:** To vote on the measure, mark an (X) in the voting square after the word "YES" or after the word "NO." All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the City Clerk, City of Elk Grove, 8380 Laguna Palms Way, Suite 200, Elk Grove, California 95758, to obtain another.

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**MEASURE SUBMITTED TO QUALIFIED ELECTORS**

<b>Ballot Measure:</b> Shall the City of Elk Grove be authorized to levy a special tax at the rates and apportioned as described in Exhibit B to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 2006-1 (Maintenance Services) adopted by the City Council on February 25, 2009 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Map No. 12 of Community Facilities District No. 2006-1 (Maintenance Services), City of Elk Grove, County of Sacramento," to finance certain services as set forth in Exhibit A of the Resolution?	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

**NOTE:** This is a special landowner election. You must return this ballot to the City Clerk, City of Elk Grove, either (i) to her office at City Hall, 8380 Laguna Palms Way, Suite 200, Elk Grove, California 95758, by 4:00 p.m. on April 22, 2009 or (ii) thereafter, to the regular meeting place of the Council at 8400 Laguna Palms Way on April 22, 2009, by five minutes following the adoption of the resolution calling the election (the City Council meeting convenes at 6:00 p.m. on April 22, 2009).

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-86**

STATE OF CALIFORNIA            )  
COUNTY OF SACRAMENTO        )        ss  
CITY OF ELK GROVE             )

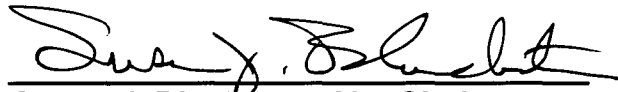
*I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 22, 2009 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**        *Hume, Scherman, Cooper, Davis, Detrick*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN :**    **COUNCILMEMBERS:**        *None*

**ABSENT:**     **COUNCILMEMBERS:**        *None*



**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**