



ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF EL DORADO LEVYING A SPECIAL TAX
WITHIN COMMUNITY FACILITIES DISTRICT NO. 2002 01
(MISSOURI FLAT AREA)**

WHEREAS, on February 12, 2002, this Board adopted its Resolution No. 042 2002 (the “Resolution of Intention to Establish the District”) stating its intention to form Community Facilities District No. 2002 01 (Missouri Flat Area) of the County of El Dorado (the “District”) pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”);

WHEREAS, on February 12, 2002, this Board also adopted its Resolution No. 043 2002 (the “Resolution of Intention to Incur Bonded Indebtedness”) stating its intention to incur bonded indebtedness, in an amount not to exceed \$35,000,000, within the District for the purpose of financing the costs of certain public facilities specified in the Resolution of Intention to Establish the District (the “Facilities”);

WHEREAS, notice of hearing was published as required by law relative to the intention of this Board to form the proposed District and to incur the bonded indebtedness;

WHEREAS, on March 19, 2002, this Board held the noticed public hearings as required by law (1) to determine whether it should proceed with the establishment of the District and authorize, subject to a vote of the qualified electors, the levy of a special tax to be levied within the District sufficient to pay principal and interest on the bonds to be issued to finance the Facilities, and to pay authorized costs and expenses related thereto, all as described in the Resolution of Intention to Establish the District; and (2) on the proposal to incur the bonded indebtedness, subject to a vote of the qualified electors, as described in the Resolution of Intention to Incur Bonded Indebtedness;

WHEREAS, at the hearings all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, the proposed issuance of the bonded indebtedness, and all other matters set forth in the Resolution of Intention to Establish the

District and the Resolution of Intention to Incur Bonded Indebtedness, were heard and considered and full and fair hearings were held thereon;

WHEREAS, following the hearings, this Board did, on March 19, 2002, adopt its Resolution No. 074 2002 (the "Resolution of Formation") which established the District, determined the validity of prior proceedings relative to the formation of the District and authorized the levy of a special tax within the District, called an election for April 2, 2002, on the propositions of levying the special tax and establishing an appropriations limit within the District, and ordered the election consolidated with the election at which the proposition of incurring the bonded indebtedness is submitted to the qualified electors within the District;

WHEREAS, following the hearings, this Board did, on March 19, 2002, also adopt its Resolution No. 075 2002 (the "Resolution to Incur Bonded Indebtedness") which determined the necessity of incurring the bonded indebtedness in an amount not to exceed \$35,000,000 and called an election within the District for April 2, 2002, on the proposition of incurring the bonded indebtedness; and

WHEREAS, on April 2, 2002, in accordance with the Resolution of Formation and the Resolution to Incur Bonded Indebtedness, a consolidated election was held within the District at which the qualified electors approved by more than a two-thirds vote the propositions of levying the special tax, establishing the appropriations limit, and incurring the bonded indebtedness;

NOW THEREFORE, the Board of Supervisors of the County of El Dorado ordains, as follows:

Section 1. The above recitals are true and correct and this Board so finds and determines.

Section 2. By the passage of this Ordinance, this Board authorizes and levies a special tax within the District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in EXHIBIT A hereto (the "Rate and Method of Apportionment"). The special tax is levied commencing in fiscal year 2009-2010, and in each fiscal year thereafter until the earlier of (a) the date at which the tax is no longer needed for its purposes described in the Resolution of Formation and the Resolution to Incur Bonded Indebtedness, or (b) the fiscal year ending June 30, 2042.

Section 3. The County Auditor is authorized and directed, with the aid of the appropriate officers and agents of the County, to determine for each fiscal year, without further action of this Board, the special tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, in the manner and as provided in the Rate and Method of Apportionment.

Section 4. Properties or entities of the State, federal or local governments are exempt from the levy of the special tax to the extent set forth in the Rate and Method of Apportionment. In no event shall the special tax be levied on any parcel within the District in excess of the maximum annual special tax specified in the Rate and Method of Apportionment.

Section 5. All of the collections of the special tax shall be used as provided for in the Act and the Resolution of Formation.

Section 6. The special tax shall be collected on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments. The County Auditor is authorized and directed to provide all necessary information to the County Treasurer/Tax Collector and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax is levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each fiscal year.

Notwithstanding the foregoing, the County Treasurer/Tax Collector may collect one or more installments of the special tax by means of direct billing of the property owners within the District if, in his or her judgment, such means of collection will reduce the burden of administering the District or is otherwise appropriate in the circumstances. In such event, the special tax will become delinquent if not paid when due as set forth in the billing to the property owners.

Section 7. If, for any reason any portion of this Ordinance is found to be invalid, or the special tax is found inapplicable to any particular parcel within the District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the District shall not be affected.

Section 8. This Ordinance, fixing the amount of money to be raised by taxation, or the rate of taxes to be levied, shall, pursuant to Government Code Section 25134(c), take effect and become effective immediately.

Section 9. The Board of Supervisors finds that pursuant to California Government Code Section 25124 a summary of this Ordinance was published in the Mountain Democrat, a newspaper of general circulation published in the County, and a full copy of the proposed ordinance was posted in the office of the Clerk of the Board of Supervisors, at least five (5) days prior to the adoption hereof. It is directed that within 15 days of its passage a summary of this Ordinance shall be published one time in the Mountain Democrat, a newspaper of general circulation published in the County, along with the names of the supervisors voting for and against the Ordinance, and the Clerk of the Board shall post a certified copy of this Ordinance,

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along with the names of the supervisors voting for and against the Ordinance in the office of the Clerk of the Board of Supervisors.

INTRODUCED at a regular meeting of the Board of Supervisors of the County of El Dorado held on September ____, 2008.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of September, 2008, by the following vote of said Board:

Ayes:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk