



ORDINANCE NO. 5010

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

AMENDING THE LEVY OF SPECIAL TAXES FOR CERTAIN PARCELS WITHIN COMMUNITY FACILITIES DISTRICT NO. 2001-1 (PROMONTORY SPECIFIC PLAN)

WHEREAS, the County of El Dorado (the "County") has previously conducted proceedings to establish Community Facilities District No. 2001-1 (Promontory Specific Plan) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code; and

WHEREAS, the Board of Supervisors (the "Board") adopted its Resolution of Formation, Resolution No. 181-2001 (the "Resolution of Formation"), on June 26, 2001, officially forming the CFD, and approved the Rate and Method of Apportionment of Special Tax attached to the Resolution of Formation as Exhibit C (as subsequently amended, the "Rate and Method"); and

WHEREAS, on June 14, 2005, this Board adopted its Resolution Ordering Change to Rate and Method of Apportionment of Special Taxes, Resolution No. 168-2005, and thereby approved a change to the Rate and Method in accordance with the request and affirmative vote made by landowners in the CFD affected by such change, which change authorized the taxation of certain parcels owned by such landowners and thereafter referred to in the Rate and Method as the "Eligible Redesignation Parcels" to be classified and taxed as "Developed Parcels" at an earlier date than would otherwise be the case under the Rate and Method as constituted prior to such change, upon receipt by the County from the owner of the subject Eligible Redesignation Parcel or Parcels of a "Redesignation Request" (as said term is defined in the Rate and Method); and

WHEREAS, pursuant to landowner petitions received by the County, the County has been asked to amend the Rate and Method to provide for the application of the special tax to new development on certain parcels in the District owned by such landowners which are the subject of changed development plans from plans contemplated at the time of formation of the CFD and to thereby reflect an appropriate special tax for the currently anticipated land uses of such parcels, with such amendment applicable only to such landowners' parcels.

WHEREAS, on June 24, 2014, this Board held a public hearing on the matter and adopted a resolution entitled "Resolution to Reapportion Special Taxes for Certain Land Within CFD No. 2001-1 (Promontory Specific Plan) and Submitting Amended Levy of Tax to Qualified Electors" (the "Resolution"), pursuant to which the Board approved the proposed First Amendment to Rate and Method (the "First Amendment") in the form attached as Exhibit B to the Resolution.

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WHEREAS, Government Code Section 53338 authorizes the holding of a special election of the qualified electors in the Community Facilities District on the issue of amending the Rate and Method and the Board found that the qualified electors for the purpose of such election were the owners of the land affected by the amendment, and pursuant to waivers received from such owners a special election was held on June 24, 2014, and the ballots were submitted to the Clerk of the Board as the official conducting the election, whereby it was determined that 100% of the votes were cast in favor of the amendment.

SECTION 1. LEVY OF SPECIAL TAXES UNDER AMENDED RATE AND METHOD. This Board authorizes and levies special taxes within the Community Facilities District pursuant to the Act, at the rate and in accordance with the method of apportionment set forth in the Rate and Method as amended by the First Amendment (together, the "Amended Rate and Method"), which Amended Rate and Method is by this reference incorporated herein. The special taxes are hereby levied according to the Amended Rate and Method commencing in fiscal year 2014-15 and in each fiscal year, all as contemplated by the Amended Rate and Method and the proceedings heretofore conducted for the Community Facilities District.

SECTION 2. DETERMINATION OF SPECIAL TAX RATE. The Auditor-Controller (or a designee of such official) of the County is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the Community Facilities District, in the manner and as provided in the Amended Rate and Method.

SECTION 3. SUPPLEMENTING PRIOR SPECIAL TAX ORDINANCE. This Ordinance supplements Ordinance No. 4584 adopted on July 17, 2001, to the extent appropriate to reflect the amendment described herein.

SECTION 4. SEVERABILITY. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax as previously constituted to the parcels within the Community Facilities District shall not be affected.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 2014, by the following vote of said Board.

Attest: Ayes :
James S. Mitrison Noes:
Clerk of the Board of Supervisors Absent:

By: _____ Deputy Clerk _____ Norma, Santiago, Chair, Board of Supervisors