

RESOLUTION NO. 01-16

**RESOLUTION OF THE GOVERNING BOARD OF THE FORT ORD REUSE
AUTHORITY AMENDING AND RESTATING RESOLUTION NO. 01-10
DECLARING INTENTION TO ESTABLISH A COMMUNITY FACILITIES
DISTRICT, AND DIRECTING ACTIONS RELATED THERETO**

**FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law"), this Governing Board (the "Board") may commence proceedings for the establishment of a community facilities district; and

WHEREAS, on September 21, 2001, this Board adopted Resolution No. 01-10 (the "Prior Resolution of Intention") declaring its intention to form the Fort Ord Reuse Authority Basewide Community Facilities District (the "District") and has taken various actions in furtherance of the formation of the District and a reservation of the entitlement to incur bonded indebtedness of the District; and

WHEREAS, this Board now desires to take action to clarify the purposes of the District and the rate and method of apportionment of special taxes to be levied in the District, and to that end now desires to amend and restate in full the Prior Resolution of Intention and to direct various other actions related thereto as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Ord Reuse Authority as follows:

1. The Prior Resolution of Intention is hereby amended and restated in its entirety to read as set forth in this Resolution.
2. The Board proposes to recommence the proceedings necessary to establish the District pursuant to the Law.
3. The name proposed for the District is Fort Ord Reuse Authority Basewide Community Facilities District.
4. The proposed boundaries of the District are as shown on the map of the District on file with the Secretary, and heretofore recorded on October 5, 2001 in the Office of the County Recorder of the County of Monterey in the Book 4 of Maps of Assessment and Community Facilities Districts at Page 46 (Document No. 2001 084620), which boundaries are hereby preliminarily approved.
5. The types of public facilities (the "Facilities") proposed to be eligible for funding by the District and pursuant to the Law shall consist of those items listed on Exhibit A hereto under the heading "Facilities," which Exhibit is by this reference incorporated herein.
6. It is hereby acknowledged that FORA has entered into Implementation Agreements (collectively, the "Implementation Agreements") with other governmental bodies that intend to acquire title to, in the aggregate, all of the real property included within the District and the improvements thereon. FORA has also entered into a Water/Wastewater Facilities Agreement (the "Water/Wastewater

Agreement”) with the Marina Coast Water District (“MCWD”) whereby MCWD has agreed to own and operate various water and wastewater facilities located and to be constructed with the boundaries of the District. The Board hereby declares that the Implementation Agreements and the Water/Wastewater Agreement are of benefit to residents within the jurisdiction of FORA, and are joint community facilities agreements with respect to the Facilities for purposes of the Law.

7. Except to the extent that funds are otherwise available to the District to pay for the Facilities, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied within the District and collected in such manner as this Board or its designee shall 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 District, in sufficient detail to allow each landowner within the proposed District to estimate the maximum amount such owner will have to pay, is described in Exhibit B attached hereto which Exhibit is by this reference incorporated herein.

This Board finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the California Government Code (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the District.

8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the proposed District, with each owner having one vote for each acre or portion of an acre of land such owner owns in the District.

9. The Executive Officer of the Authority is hereby directed to study the proposed Facilities and to make, or cause to be made, and file with the Board a report in writing, presenting the following: (a) a brief description of the Facilities; and (b) an estimate of the fair and reasonable cost of providing the Facilities, including the incidental expenses in connection therewith, including any Authority administrative costs and all other related costs.

Said report shall be made a part of the record of the public hearing provided for below.

10. Friday, January 18, 2002, at 4:00 p.m. or as soon thereafter as the matter may be heard, in the then meeting place of this Board. FORA Conference Facility (also known as the Monterey Bridge Center), 201 13th Street, Building 2925, Marina, California, be, and the same are hereby appointed and fixed as the time and place when and where this Board, as legislative body for the District, will conduct a public hearing on the establishment of the District and consider and finally determine whether the public interest, convenience and necessity require the formation of the District and the levy of said special tax.

11. The Clerk to the Board is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. Said notice shall be substantially in the form of Exhibit C hereto.

12. This Governing Board hereby determines that the contemplated formation of a community facilities district and any issuance of community facilities district special tax bonds involving the Authority and the District, in accordance with Section 15061(b) of the California Environmental Quality Act (CEQA) Guidelines is not a “Project,” as defined in Section 15378 of the CEQA Guidelines, and is therefore exempt from the requirements of CEQA. Pursuant to CEQA Guidelines Sections 15061(d) and 15062, the Secretary is hereby directed to cause a Notice of Exemption to be prepared, executed and filed in regard to the foregoing determination.

13. It is hereby acknowledged that the law firm of Quint & Thimmig LLP has been retained by FORA to serve as bond counsel in connection with prospective revenue bonds that may be issued by FORA. The Board hereby authorizes the Executive Officer to enter into an amendment to the agreement for the services of such counsel to expand the scope of services to be provided to include legal advice and the drafting of proceedings necessary to complete the formation of the District, and to increase the compensation to such counsel thereunder by an amount determined by the Executive Officer and General Counsel to FORA to be appropriate in the circumstances, but not to exceed \$10,000.00.

14. Resolution Numbers 01-11, 01-12, 01-13 and 01-14, all of which were previously adopted by this Board in furtherance of the proceedings initiated pursuant to the Prior Resolution of Intention, are hereby repealed.

15. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Fort Ord Reuse Authority this 14th day of December 2001, by the following vote:

AYES: 8 - Board Members Perrine, Johnson, Mallozzi, Barnes, Albert, Suter, Morrison, & Smith

NOES: 0 - Board Members

ABSTAIN: 0 - Board Members

ABSENT: 0 - Board Members Budick, Pottier, Callagano, Hoffmann, & Pennington

I, JAMES E. PERRINE, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes hereof in Item 10, pages 34 of the duly approved minutes dated December 14, 2001.

DATED: 2/8/02

By: James E. Perrine
JAMES E. PERRINE
Chair, Board of Directors
Fort Ord Reuse Authority

06006.02:J5957
12/6/01

EXHIBIT A

FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT

DESCRIPTION OF FACILITIES ELIGIBLE TO BE FUNDED BY THE DISTRICT

FACILITIES

It is intended that the District will finance all or a portion of the costs of any of the following types of facilities:

A. Roadway Improvements: roadway improvements within and in the vicinity of the District identified in the Authority's current Capital Improvement Plan (the "CIP") or otherwise necessary by reason of, or incident to, the development of the property within and adjacent to the District, including but not limited to the following (parenthetical references are to the CIP):

Highway 1 (CIP #R3)	Abrams (CIP #FO2)
Highway 68 Bypass Freeway (CIP #R6)	12 th Street/Imjin Road (CIP #FO3)
Highway 218 (CIP #R9)	Blanco Road/Imjin Road (CIP #FO4)
Davis Road (CIP #1)	8th Street (CIP #FO5)
Davis Road (CIP #2)	Inter-Garrison Road (CIP #FO6)
Blanco Road (CIP #3)	Gigling Road (CIP #FO7)
Reservation Road (CIP #4)	2nd Avenue (CIP #FO8)
Del Monte Boulevard (CIP #5)	General Jim Moore Boulevard (CIP #FO9)
Del Monte Boulevard (CIP #6)	California Avenue (CIP #FO10)
California Avenue (CIP #7)	Salinas Avenue (CIP #FO11)
Crescent Court (CIP #8)	Eucalyptus Road (CIP #FO12)
Gateway & misc. improvements (CIP #FO1)	Eastside Road (CIP #FO13)

B. Transit Improvements and Vehicles: transportation system facilities, and related equipment and transit vehicles with an estimated useful life of five years or longer, identified in the CIP or otherwise necessary by reason of, or incident to, the development of the property within and adjacent to the District, including but not limited to the following (parenthetical references are to the CIP):

Transit vehicles (CIP #T3)
Intermodal centers (CIP #T22)

C. Water and Storm Drain Improvements: water system and storm drain improvements within or in the vicinity of the District necessary by reason of, or otherwise incident to, the development of the property within and adjacent to the District, including but not limited to:

Potable water augmentation facilities
Storm drainage system

D. Habitat management: costs related to habitat management within or in the vicinity of the District, or otherwise incident to or required by reason of development of the property within and adjacent to the District, including but not limited to habitat management on parcels owned by the University of California within or adjacent to the District.

E. Other Public Facilities: facilities incident to the provision of public safety to the area within and in the vicinity of the District, including but not limited to the construction and equipping of a fire station to be located within or in the vicinity of the District.

Each of the foregoing shall include, without limitation, costs related to: all work and activities to study, review environmental impacts and mitigation measures, planing and design, and all work to construct and install the improvements, including (as applicable) but not limited to, acquisition of right of way and land, soils testing, mobilization, permits, plan check and inspection fees, legal and overhead costs, clearing, grubbing, coordination and supervision costs, tree removal, environmental mitigation actions, grading, protective fencing and erosion control, trenching (including shoring and backfill), base and finish paving and pavement restoration, curbs, gutters and sidewalks, signage and striping, signalization, landscaping and irrigation, lighting, relocation of existing facilities and improvements which are in existence and are to be retained in a different location, and related appurtenances.

OTHER

The District may also fund any of the following:

1. Administrative fees and expenses of the Authority related to the District.
2. Reimbursement of costs related to the formation of the District, including costs of engineers, special tax consultants, attorneys, and any other consultants incurred or advanced by the Authority, any landowner in the District, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the Authority, any landowner in the District or any party related to any of the foregoing for facilities, fees or other purposes or costs of the District.
3. Any other costs described in Section 53317(e) of the Law and not specifically listed above.

EXHIBIT B

FORT ORD REUSE AUTHORITY BASEWIDE COMMUNITY FACILITIES DISTRICT

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

I. Introduction

Special Taxes authorized under the Mello-Roos Community Facilities Act of 1982, as amended, applicable to the land in the Fort Ord Reuse Authority Basewide Community Facilities District (the "CFD") shall be levied and collected as herein provided, according to the tax liability determined through the application of the rate and method of apportionment described below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purpose, to the extent, and in the manner herein provided.

II. Definitions

Where used in this Rate and Method of Apportionment of Special Tax, capitalized 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 or other map of record.

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

"Assessor's Parcel" means a lot or parcel in the CFD shown on an official map of the County Assessor of the County of Monterey and assigned a discrete identifying Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Monterey designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means a discrete identifying number assigned to an Assessor's Parcel and shown on an Assessor's Parcel Map.

"Base Year" means the Fiscal Year beginning on July 1, 2001, and ending on June 30, 2002.

"Board" means the Governing Board of FORA, acting as the legislative body for the CFD under the Act.

"CFD" means the Fort Ord Reuse Authority Basewide Community Facilities District.

"CFD Administrator" means an official of FORA, or designee thereof, responsible for the levy and collection of the Special Taxes.

"County" means the County of Monterey, California.

"County Assessor" means the Assessor of the County.

“Developed Property” means, for each Fiscal Year, all Property for which, prior to June 30 of the prior Fiscal Year and after September 1, 2001, either a building permit or a certificate of occupancy has been issued, whichever is issued earlier, that enables the construction of new buildings, the rehabilitation or renovation of housing existing as of September 1, 2001, or expansion of the useable area of buildings that is designed to accommodate additional employees and related impacts or that intensifies the use of a Property.

“Exempt Property” refers to Assessor’s Parcels within the CFD which currently satisfy, or upon final map recordation will satisfy, one or more of the following conditions:

- Public Property, but not including any Possessory Interest Held by Non-exempt Entity with respect to any Public Property;
- Property which is, or will irrevocably be dedicated for, public use, including but not limited to streets, public easements, public rights-of way, detention basins, etc.;
- Property which is unmanned utility property;
- Property designated as permanent park or as open space;
- Other Property which is determined by the CFD Administrator as having no intrinsic value upon foreclosure, such as sliver parcels at entries, monuments, landscaped parcels on a perimeter, etc.;
- Property exempt from the levy of Special Taxes by operation of law; and
- At any time. Property for which the Special Tax has been paid in full.

“Existing Residential” means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1, and that will include the rehabilitation or renovation of housing located in the CFD as of September 1, 2001. The CFD Administrator shall defer to an appropriate official of local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New Residential, as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

“Final Nonresidential Subdivision” means a subdivision of Property for the purposes of nonresidential development by a condominium plan or through the recordation of a final map, parcel map, or lot line adjustment, resulting in a final configuration that enables the issuance of building permits.

“Final Residential Subdivision” means a subdivision of Property for the purposes of residential development by a condominium plan or through the recordation of a final map, parcel map, or lot line adjustment, resulting in a final configuration that enables the issuance of building permits.

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

“FORA” means the Fort Ord Reuse Authority.

“Hotel” means Property that is designated for visitor serving uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“Incidental Expenses” means such expenses as authorized to be incurred and financed in the proposed financing program of the CFD, whether incurred by FORA or its successor entity or entities, for purposes of administration of the CFD and the Special Tax.

“Industrial” means Property that is designated for business park/light industrial uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“Maximum Special Tax” means the Special Tax identified for each class of Property in Section IV hereof that is to be levied on Taxable Property.

“New Residential” means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1, and that will not include the rehabilitation or renovation of housing existing on the former Fort Ord as of September 1, 2001. The CFD Administrator shall defer to an appropriate official of the local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New Residential, as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

“Office” means Property that is designated for office and/or research and development uses, as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“Possessory Interest Held by Non-exempt Entity” means an interest in real property (whether fee title or possessory interest) that is generally subject to taxation under applicable California law.

“Property” means Assessor’s Parcels (as of January 1 of the previous Fiscal Year, or through June 30 of the previous year if adjustments are made after January 1 by the County Assessor or Treasurer/Tax Collector).

“Public Property” means any Assessor’s Parcel that is (1) publicly owned, and is (2) normally exempt from the levy of general ad valorem property taxes under California law, including public streets, public schools, public parks and public drainage ways, public landscaping, public greenbelts, and public open space.

“Retail” means a means Property that is designated for convenience and specialty retail, neighborhood retail, and regional retail uses, as those uses are defined in the Fort Ord Reuse Plan, Table 3.4-1

“Special Tax” means the special tax to be levied under the Act and this Rate and Method of Apportionment of Special Taxes. on Taxable Property.

“Taxable Property” means any Assessor’s Parcel that is not Exempt Property. This term includes Developed Property and Undeveloped Property.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property that is not Developed Property.

III. Assignment to Land Use Categories

Each Fiscal Year, all Property shall be classified by the CFD Administrator as Taxable Property or Exempt Property. Taxable Property includes any Possessory Interest Held by Non-exempt Entity with respect to any Public Property. All Taxable Property shall be subject to the Special Tax in accordance with the Maximum Special Tax Rates and method of apportionment described in Sections IV and V below. All Exempt Property shall not be subject to the levy of the Special Tax.

For purposes of determining the applicable Maximum Special Tax for each Taxable Property, all Taxable Property shall be assigned to one of the land use classes designated in Table 1 in Section IV below.

For Assessor's Parcel of Developed Property that contain more than one land use class shown in Table 1 in Section IV, the Maximum Special Tax for the Assessor's Parcel shall be the sum of the Maximum Special Tax for all land use classes located on that Assessor's Parcel. For an Assessor's Parcel that contains either New Residential or Existing Residential Property and Property assigned to other land use classes, the Acreage of such Assessor's Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use class as determined by the CFD Administrator by reference to the site plan approved for such Assessor's Parcel. The CFD Administrator's allocation to each type of Property shall be final.

IV. Maximum Special Tax Rates

The Maximum Special Tax Rates for each classification of Taxable Property, except those listed under "Exceptions" below, are shown in Table 1.

Table 1 – Taxable Property Classifications and Maximum Special Tax Rates

Property Classification	Maximum Special Tax Rates (One-time Special Tax Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$34,324 / Dwelling Unit
Existing Residential	\$10,320 / Dwelling Unit
Office	\$ 4,499 / Acre
Industrial	\$ 4,499 / Acre
Retail	\$92,768 / Acre
Hotel	\$ 7,653 / Room

Increase in the Maximum Special Tax Rates

On each July 1, commencing July 1, 2002, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's Construction Cost Index applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator).

Per Section 53321(d) of the Act, Special Taxes shall not be levied after Fiscal Year 2013-14 or the termination of FORA, whichever is later, but in no circumstances shall the Special Tax be levied later than calendar year 2051.

Exceptions: Notwithstanding the foregoing, the Maximum Special Taxes for the following described Property shall be determined as set forth below:

Hayes Housing: For new residential units on Assessor's Parcel Number 031-051-012 (map index no. 127), also known as the Hayes Housing project, the Maximum Special Tax Rate per unit shall be the New Residential

Maximum Special Tax determined as set forth above for the applicable Fiscal Year, less \$10,000.

Cypress-Patton:

For that Property known as the Cypress-Patton housing project, defined as the area within Assessor's Parcel Number 031-021-037 (map index no. 17), but excluding all areas of said parcel south of 12th St., west of 2nd Ave., south of 13th St. and west of the easterly boundary of Highway 1, plus all the areas within Assessor's Parcel Numbers 031-021-010 (map index no. 36), 031-021-028 (map index no. 40), and 031-021-029 (map index no. 37), the Maximum Special Tax for Fiscal Year 2001-2002 shall be \$4,638,400 in total for all new and existing residential units regardless of the number of units, and said Maximum Special Tax shall increase at a rate of not to exceed the lesser of the increase described in the paragraph following Table 1 above or two percent (2%) each subsequent Fiscal Year.

UC Property:

UC Property consists of all land at the former Fort Ord owned or screened for transfer to the University of California ("UC"), consisting of the Assessor Parcel Numbers and Map Index Numbers as listed in the table below:

Assessor Parcel Number	Map Index Number
031-111-006	3
031-111-029	15
031-111-027	27
031-121-007	25
031-121-002	163
031-121-003	26
031-111-011	22
031-111-009	8
031-111-010	18
031-101-018	63
031-121-009	60
031-121-008	52

For development on UC Property, the actual cost of habitat management activities incurred by UC on UC Property will be credited against the Special Tax otherwise due on UC Property to the extent that such habitat management activities are required by the Installation Wide Multispecies Habitat Management Plan for Fort Ord ("HMP") and its related Habitat Conservation Plan ("HCP") and to the extent that such actual costs are consistent with estimates made by the Center for Natural Lands Management or some other mutually acceptable third party of the cost of implementing the HMP and HCP on UC Property, all as determined by the CFD Administrator.

Marina Airport and

Per the definition of Developed Property, Assessor's Parcel Number

Seaside Golf Course: 031-111-026 (map index no. 6), known as Marina Airport, and Assessor's Parcel Number 031-051-005 (map index no. 124), known as Seaside Golf Course, will not be classified as Developed Property until a building permit is issued for an increase of square footage of a building or buildings through the addition of additional stories or a basement or any area outside the existing footprint of any building. Special Taxes will only be paid on the new square footage being added.

Social Service Providers: Properties identified for development by the following four social service entities shall be subject to a Maximum Special Tax of \$8,900 per building unit if, by May 1, 2002, they remit to the CFD an amount determined by the CFD Administrator to be ten percent (10%) of the total Special Tax that will be due and payable for their respective development and they present evidence to the CFD Administrator by May 1, 2002, that they have a building permit for their respective development, they are negotiating a disposition and development agreement with a public entity for their respective development, or they otherwise have applied for federal or State funds necessary to complete their development. The four social service entities are: Veterans Transition Center; Interim, Inc.; Shelter Outreach Plus; and Community Human Services.

V. Levy of the Special Tax

The Special Tax shall be levied on, and shall be due and payable for, each Property that is Taxable Property at the time the respective Assessor's Parcel first becomes Developed Property. The Special Tax so levied on an Assessor's Parcel shall be the Maximum Special Tax in effect for the Fiscal Year in which such Assessor's Parcel is so classified as Developed Property. After a Taxable Property has paid the Special Tax, the CFD Administrator may record a release of special tax lien for such Taxable Property.

VI. Manner of Collection

The Special Tax shall be due and payable at the time an Assessor's Parcel is classified as Developed Property. Special Taxes shall be collected by direct billing of the owner of the respective Assessor's Parcel, and is to be paid prior to or concurrently with the issuance of a building permit or a certificate of occupancy has been issued, whichever is issued earlier. However, the CFD may collect the Special Tax in a different manner as determined by the CFD Administrator if necessary to meet its financial obligations or otherwise determined to be more efficient in the circumstances. Notwithstanding the foregoing, (1) Special Taxes levied on Property identified as "Cypress-Patton" in Section IV above shall be collected as such property becomes Developed Property, but no further levy or collection shall occur after the CFD has received the total amount for such property referenced in Section IV above; (2) any applicable credit against Special Taxes for Property identified as "UC Property" in Section IV above shall be determined by the CFD Administrator at each time Special Taxes would otherwise be due with respect to such Property, and in no event shall any rebate of Special Taxes already paid be made by reason of any credit amount arising after Special Taxes have been paid; (3) Special Taxes levied on Property identified as "Marina Airport and Seaside Golf Course" in Section IV above shall be levied as described in Section IV; and (4) Special Taxes levied on property described as "Social Service Providers" in Section IV above shall take into account any amount paid as of May 1, 2002 and shall otherwise be levied at the rate described in the text opposite such Property description in Section IV.

EXHIBIT C

FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT

NOTICE OF PUBLIC HEARING

Notice is hereby given that on December 14, 2001, the Governing Board of the Fort Ord Reuse Authority adopted Resolution No. 01-16 entitled "Resolution of the Governing Board of the Fort Ord Reuse Authority Amending and Restating Resolution No. 01-10 Declaring Intention To Establish A Community Facilities District, and Directing Actions Related Thereto." Pursuant to the Mello-Roos Community Facilities Act of 1982, the Governing Board of the Authority hereby gives notice as follows:

A. The text of said Resolution of Intention is as follows:

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law"), this Governing Board (the "Board") may commence proceedings for the establishment of a community facilities district; and

WHEREAS, on September 21, 2001, this Board adopted Resolution No. 01-10 (the "Prior Resolution of Intention") declaring its intention to form the Fort Ord Reuse Authority Basewide Community Facilities District (the "District") and has taken various actions in furtherance of the formation of the District and a reservation of the entitlement to incur bonded indebtedness of the District; and

WHEREAS, this Board now desires to take action to clarify the purposes of the District and the rate and method of apportionment of special taxes to be levied in the District, and to that end now desires to amend and restate in full the Prior Resolution of Intention and to direct various other actions related thereto as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Ord Reuse Authority as follows:

1. The Prior Resolution of Intention is hereby amended and restated in its entirety to read as set forth in this Resolution.
2. The Board proposes to recommence the proceedings necessary to establish the District pursuant to the Law.
3. The name proposed for the District is Fort Ord Reuse Authority Basewide Community Facilities District.
4. The proposed boundaries of the District are as shown on the map of the District on file with the Secretary, and heretofore recorded on October 5, 2001 in the Office of the County Recorder of the County of Monterey in the Book 4 of Maps of Assessment and Community Facilities Districts at Page 46 (Document No. 2001 084620), which boundaries are hereby preliminarily approved.

5. The types of public facilities (the "Facilities") proposed to be eligible for funding by the District and pursuant to the Law shall consist of those items listed on Exhibit A hereto under the heading "Facilities," which Exhibit is by this reference incorporated herein. 3

6. It is hereby acknowledged that FORA has entered into Implementation Agreements (collectively, the "Implementation Agreements") with other governmental bodies that intend to acquire title to, in the aggregate, all of the real property included within the District and the improvements thereon. FORA has also entered into a Water/Wastewater Facilities Agreement (the "Water/Wastewater Agreement") with the Marina Coast Water District ("MCWD") whereby MCWD has agreed to own and operate various water and wastewater facilities located and to be constructed within the boundaries of the District. The Board hereby declares that the Implementation Agreements and the Water/Wastewater Agreement are of benefit to residents within the jurisdiction of FORA, and are joint community facilities agreements with respect to the Facilities for purposes of the Law.

7. Except to the extent that funds are otherwise available to the District to pay for the Facilities, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied within the District and collected in such manner as this Board or its designee shall 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 District, in sufficient detail to allow each landowner within the proposed District to estimate the maximum amount such owner will have to pay, is described in Exhibit B attached hereto which Exhibit is by this reference incorporated herein.

This Board finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the California Government Code (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the District.

8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the proposed District, with each owner having one vote for each acre or portion of an acre of land such owner owns in the District.

9. The Executive Officer of the Authority is hereby directed to study the proposed Facilities and to make, or cause to be made, and file with the Board a report in writing, presenting the following: (a) a brief description of the Facilities; and (b) an estimate of the fair and reasonable cost of providing the Facilities, including the incidental expenses in connection therewith, including any Authority administrative costs and all other related costs.

Said report shall be made a part of the record of the public hearing provided for below.

10. Friday, January 18, 2002, at 4:00 p.m. or as soon thereafter as the matter may be heard, in the then meeting place of this Board, FORA Conference Facility (also known as the Monterey Bridge Center), 201 13th Street, Building 2925, Marina, California, be, and the same are hereby appointed and fixed as the time and place when and where this Board, as legislative body for the District, will conduct a public hearing on the establishment of the District and consider and finally determine whether the public interest, convenience and necessity require the formation of the District and the levy of said special tax.

11. The Clerk to the Board is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. Said notice shall be substantially in the form of Exhibit C hereto.

12. This Governing Board hereby determines that the contemplated formation of a community facilities district and any issuance of community facilities district special tax bonds involving the Authority and the District, in accordance with Section 15061(b) of the California Environmental Quality Act (CEQA) Guidelines is not a "Project," as defined in Section 15378 of the CEQA Guidelines, and is therefore exempt from the requirements of CEQA. Pursuant to CEQA Guidelines Sections 15061(d) and 15062, the Secretary is hereby directed to cause a Notice of Exemption to be prepared, executed and filed in regard to the foregoing determination.

13. It is hereby acknowledged that the law firm of Quint & Thimmig LLP has been retained by FORA to serve as bond counsel in connection with prospective revenue bonds that may be issued by FORA. The Board hereby authorizes the Executive Officer to enter into an amendment to the agreement for the services of such counsel to expand the scope of services to be provided to include legal advice and the drafting of proceedings necessary to complete the formation of the District, and to increase the compensation to such counsel thereunder by an amount determined by the Executive Officer and General Counsel to FORA to be appropriate in the circumstances, but not to exceed \$10,000.00.

14. Resolution Numbers 01-11, 01-12, 01-13 and 01-14, all of which were previously adopted by this Board in furtherance of the proceedings initiated pursuant to the Prior Resolution of Intention, are hereby repealed.

15. This Resolution shall take effect from and after its adoption.

B. The exhibits to the Resolution which describe the types of facilities to be funded, the rate and method of apportionment of the special taxes for the district are on file in the office of the Secretary of the Authority.

C. The time and place established under said Resolution for the public hearing required under the Law are Friday, January 18, 2002, at the hour of 4:00 p.m. or as soon thereafter as the matter may be heard, in the then meeting place of the Governing Board of the Authority, FORA Conference Facility (also known as the Monterey Bridge Center), 201 13th Street, Building 2925, Marina, California.

D. At said hearing, the testimony of all interested persons or taxpayers for or against the establishment of the district, the extent of the district or the furnishing of the specified types of facilities will be heard. Any person interested may file a protest in writing with the Secretary. If fifty percent or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be included in the district, or the owners of one-half or more of the area of land in the territory proposed to be included in the district and not exempt from the special tax file written protests against the establishment of the district and the protests are not withdrawn to reduce the value of the protests to less than a majority, the Governing Board shall take no further action to establish the district or levy the special taxes for a period of one year from the date of the decision of the Governing Board, and if the majority protests of the registered voters or the landowners are only against the furnishing of a type or types of facilities within the district, or against levying a specified special tax, those types of facilities or the specified special tax will be eliminated from the proceedings to form the district.

E. The proposed voting procedure shall be by special mail or hand-delivered ballot to the

property owners within the territory proposed to be included in the district.

Dated: December __, 2001

_____/s/ Michael A. Houlemard, Jr.
Clerk to the Board,
Fort Ord Reuse Authority