

**RESOLUTION NO. 02-1**

**RESOLUTION OF FORMATION OF THE FORT ORD REUSE AUTHORITY  
BASEWIDE COMMUNITY FACILITIES DISTRICT**

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

**WHEREAS**, on December 14, 2001, this Board adopted Resolution No. 01-16 (the "Resolution of Intention") stating its intention to form the Fort Ord Reuse Authority Basewide Community Facilities District (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law"); and

**WHEREAS**, the Resolution of Intention, incorporating by reference a map of the proposed boundaries of the District and describing the types of public facilities proposed to be eligible for funding by the District (the "Facilities"), and the rate and method of apportionment of the special tax to be levied within the District to pay for the facilities and other costs of the District, is on file with the Secretary and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, on this date, this Board held the public hearing as required by the Law and the Resolution of Intention relative to the proposed formation of the District; and

**WHEREAS**, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the Facilities proposed to be eligible to be funded by the District, and the levy of the special tax were heard and a full and fair hearing was held; and

**WHEREAS**, at the hearing evidence was presented to the Board on the matters before it, including a report by the Executive Officer of the Fort Ord Reuse Authority (the "Report") as to the Facilities eligible to be funded by the District and the costs thereof, a copy of which is on file with the Secretary, and this Board at the conclusion of the hearing was fully advised regarding the District; and

**WHEREAS**, written protests with respect to the formation of the District and/or the furnishing of specified types of Facilities have not been filed with the Secretary by fifty percent (50%) or more of the registered voters residing within the territory of the District or property owners of one-half or more of the area of land within the District which is not exempt from the special tax; and

**WHEREAS**, the special tax proposed to be levied in the District to pay for costs of the Facilities, as set forth in Exhibit B to the Resolution of Intention, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half or more of the area of land within the District which is not exempt from the special tax.

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

1. The foregoing recitals are true and correct.
2. The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 53324 of the Law.
3. The proceedings taken by this Board from and after the adoption of the Resolution of Intention in connection with the establishment of the District and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Law.

4. The community facilities district designated "Fort Ord Reuse Authority Basewide Community Facilities District" is hereby established pursuant to the Law.

5. The boundaries of the District, as described in the Resolution of Intention and set forth in the boundary map of the District recorded in the Monterey County Recorder's Office in Book 4 of Maps of Assessment and Community Facilities Districts at Page 46 (Document No. 2001 084620), are hereby approved, are incorporated herein by this reference and shall be the boundaries of the District.

6. The types of public facilities eligible for funding by the District pursuant to the Law (referred to in this Resolution as the "Facilities") are as described in Exhibit A to the Resolution of Intention, which Exhibit is by this reference incorporated herein. This Board hereby finds that the Facilities are necessary to meet increased demands placed upon local agencies as the result of development occurring and expected to occur in the District.

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 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 to the Resolution of Intention which Exhibit is by this reference incorporated herein. The Board hereby clarifies that clause (4) of the last sentence of Section VI of the rate and method of apportionment of the special tax, regarding special taxes levied on property described as "Social Service Providers" in Section IV of the rate and method of apportionment of special taxes, is to be interpreted to provide that the total amount levied and paid by such agencies is based upon the \$8,900.00 per building unit special tax rate and any new development by such Social Service Providers after the May 1, 2002 date in Section IV shall be levied at the otherwise applicable per building unit special tax rate.

8. Advances of funds or contributions of work in kind from any lawful source, specifically including but not limited to advances or contributions by (a) the Authority, (b) any local governmental agency whose jurisdiction includes land within the boundaries of the District, or (c) any owner or developer of property within the District, may be reimbursed from special tax proceeds to the extent of the lesser of the value or cost of the advance or contribution, but only upon the approval of this Board acting as the legislative body of the District and any such agreement to do so shall not constitute a debt or liability of the Fort Ord Reuse Authority or any successor entity or entities.

9. The Executive Officer of the Fort Ord Reuse Authority, 100 12<sup>th</sup> Street, Marina, California 93933, telephone number (831) 883-3672, is the officer of the Authority that will be responsible for preparing or causing to be prepared annually and whenever otherwise necessary a current roll of special tax levy obligations by assessor's parcel number and which will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Law.

10. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by this Board, as the legislative body for the District, ceases.

11. In accordance with Section 53325.7 of the California Government Code, the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at \$50,000,000 for the 2001-2002 fiscal year and said appropriations limit shall be submitted to the voters of the District as provided below. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Law.

12. Pursuant to the provisions of the Law, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election, the time, place and conditions of which election shall be as specified by a separate resolution of the Board.

13. 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 18<sup>th</sup> day of January, 2002, by the following vote:

AYES: 13 - Board Members Perrine, Barlick, Johansen, McCloud, Gustafson, Pindergrass, Callagno, Albert Roffman, Mahcini, Potter, Smith, & Burns

NOES: 0 - Board Members 0

ABSTAIN: 0 - Board Members 0

ABSENT: 0 - Board Members 0

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 5b, pages 2-3 of the duly approved minutes dated January 18, 2002.

DATED: 2/8/02

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

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