

CITY COUNCIL OF THE CITY OF ROSEVILLE

RESOLUTION NO. 05-91

**A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT
AND TO LEVY A SPECIAL TAX IN
LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)**

WHEREAS, on January 19, 2005, this Council adopted Resolution No 05-23 "RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE TO FORM COMMUNITY FACILITIES DISTRICT AND LEVY A SPECIAL TAX IN LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)" (the "Resolution of Intention") with respect to LONGMEADOW Community Facilities District No. 2 (Public Services) (the "CFD") of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention incorporates a map of the proposed boundaries of the CFD, states the public services (the "Services") to be provided and the method of apportionment of the special tax to be levied within the CFD to pay the cost of providing such Services, and is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, the Services to be provided as stated in the Resolution of Intention are set forth in Exhibit B attached hereto and hereby made a part hereof; and

WHEREAS, this Council noticed a public hearing to be held on March 2, 2005, all pursuant to the Act and the Resolution of Intention relating to the proposed formation of the CFD; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at the hearing evidence was presented to this Council on said matters before it, including a CFD Report (the "Report") as to the Services to be provided in the CFD and the costs thereof and incidental expenses related thereto, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent or more of the registered voters residing within the territory of the CFD or property owners of one-half or more of the area of land within the CFD and not exempt from the proposed special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein has not been eliminated by protest by fifty percent or more of

the registered voters residing within the territory of the CFD or the owners of one-half or more of the area of land within the CFD and not exempt from the special tax;

NOW THEREFORE, the City Council of the City of Roseville (the "City") resolves:

Section 1. Recitals Correct. The foregoing recitals are true and correct.

Section 2. No Majority Protest. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.

Section 3. Name of CFD. The Community Facilities district designated "LONGMEADOW Community Facilities District No. 2 (Public Services)" of the City is hereby established pursuant to the Act.

Section 4. Boundaries of CFD. The boundaries of the CFD, are as set forth in the map of the CFD heretofore recorded in the Placer County Recorder's Office on _____, 2005, in Book ___ at Page ___ of Maps of Assessment and Community Facilities Districts.

Section 5. Description of Services. The type of public services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services (the "Services") in Exhibit B hereto and by this reference incorporated herein.

Section 6. Special Tax.

a. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the CFD, is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this Council.

b. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are shown in Exhibit A attached hereto and by this reference incorporated herein.

Section 7. Increased Demands. It is hereby found and determined that the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring in the CFD. The Services are in addition to those provided in the territory of the CFD before the CFD was created and are additional services which do not supplant services already available within such territory at this time.

Section 8. Responsible Official. The office of the Director of Finance of the City of Roseville, 311 Vernon Street, Roseville, California 95678 (916-774-5319) is designated as the office responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number, estimating future Special Tax levies and for establishing procedures to promptly respond to inquiries regarding estimates of future Special Tax levies. The City may contract with private consultants to provide this service in lieu of the Director of Finance.

Section 9. Tax Lien. The Special Tax will be collected and enforced as a separate line item on the regular property tax bill. However, this City Council reserves the right, under Section 53340, to utilize any method of collecting the Special Tax which it shall, from time to time, determine to be in the best interests of the City, including, but not limited to, direct billing by the City to the property owners and supplemental billing. In particular, the City may bill the 2004-05 Special Taxes directly, and not post those taxes to the regular, secured property tax roll. The procedure for collection in any case when the City chooses to collect the Special Tax through direct billing shall be as follows:

After levy by the City Council, whether pursuant to authorizing ordinance or annual resolution, the City Director of Finance shall prepare and send to the property owners by first class U.S. Mail, at their addresses as shown on the last equalized assessment roll, a tax bill, which shall specify the amount due, give instructions for payment to the City Director of Finance, state (as is hereby authorized and provided) that the first installment of the Special Tax (50% of the annual Special Tax shall be payable in each installment) shall be delinquent if not received by the City Director of Finance by the close of business on the next succeeding December 10, and the second installment shall be delinquent if not paid by the City Director of Finance by the close of business on the next succeeding April 10, shall specify (as is hereby authorized and provided) that all delinquencies shall incur an immediate 10% penalty, and an additional 1 1/2% penalty on the first day of each month beginning with the next succeeding September 1, and shall specify (as is hereby authorized and provided) that delinquencies are subject to judicial foreclosure under the procedure set forth in §53356.1 and following of the Government Code.

The City Council, as an alternative enforcement mechanism, may by resolution elect to place delinquent Special Taxes on the next secured property tax roll. In such event, attorneys' fees and costs to date in any foreclosure action, and penalties on the delinquency through the following December 1, may be included in the amount to be placed on the roll. Both remedies may be pursued simultaneously, but if the property owner pays the regular property tax bill for the subsequent year, including the delinquent Special Tax posted to that bill, the foreclosure action may thereafter be pursued solely for attorneys' fees and costs incurred subsequent to the posting of the delinquent Special Tax on the secured roll.

Section 10. Election. Pursuant to the provisions of the Act, and the proposition of the levy of the Special Tax, there shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council. The qualified electors for the election to be held in these proceedings shall be the landowners owning land within the District. The City Council will conduct the election by mailed ballot and hereby designates the City Clerk as the official to conduct the mailed-ballot election.

Section 11. Prior Proceedings Valid. This City Council now finds and determines that all proceedings up to and including the adoption of this Resolution were and are valid and in conformity with the requirements of the Act. This determination and finding is final and conclusive in accordance with Government Code Section 53325.1.

Section 12. Effectiveness. This Resolution shall take effect from and after its adoption.

* * * * *

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Roseville, California, at a regularly scheduled meeting thereof, held on the 2nd day of March, 2005, by the following vote of the City Council:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Mayor

ATTEST:

City Clerk of the City of Roseville

EXHIBIT A - Rate and Method of Apportionment
EXHIBIT B - List of Authorized Services and Incidental Expenses

EXHIBIT A
CITY OF ROSEVILLE
LONGMEADOW
COMMUNITY FACILITIES DISTRICT NO. 2
(Services District)
RATE AND METHOD OF APPORTIONMENT

1. BASIS OF SPECIAL TAX LEVY

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (the "Act") applicable to the land in the Longmeadow Community Facilities District No. 2 (the "CFD") of the City of Roseville (the "City") shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

2. DEFINITIONS

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

"Administrative Expenses" means the costs incurred by the City to determine, levy and collect the Special Taxes, including salaries of City employees and the fees of consultants and the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports, and any other costs required to administer the CFD as determined by the Finance Director.

"Annual Cost(s)" means for each Fiscal Year, the total of: 1) the estimated cost of authorized services; 2) Administrative Expenses, and 3) any amounts needed to cure actual or projected delinquencies in Special Taxes for the current or previous Fiscal Year.

"Annual Tax Escalation Factor" means an increase in the Maximum Special Tax Rate following the Base Year in an amount not to exceed 4% annually.

"Base Year" means Fiscal Year ending June 30, 2006.

“**CFD**” means the Longmeadow Community Facilities District No. 2 of the City of Roseville.

“**City**” means the City of Roseville, California.

“**Council**” means the City Council of the City of Roseville as the legislative body for the CFD under the Act.

“**County**” means the County of Placer, California.

“**County Assessor's Parcel**” means the Parcel and Parcel number as recorded by the County Assessor on the equalized tax roll.

“**Final Use Small Lot Parcel**” means a Parcel designated for development as a single family residence which is part of a Final Small Lot Subdivision Map.

“**Final Small Lot Subdivision Map**” means a recorded map designating the final Parcel splits for individual single family residential Parcels.

“**Finance Director**” means the Finance Director for the City of Roseville or his or her designee.

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

“**Large Lot Development Parcel**” means a Parcel that has been allocated residential land use but not yet subdivided into Final Use Small Lot Parcels.

“**Longmeadow**” means the Longmeadow development of the North Roseville Specific Plan area.

“**Maximum Special Tax**” means the greatest amount of Special Tax that can be levied against a Parcel in a given Fiscal Year.

“**Maximum Special Tax Revenue**” means the greatest amount of revenue that can be collected in total from a group of Parcels by levying the Maximum Special Tax.

“**Parcel**” means any County Assessor's Parcel in the CFD based on the equalized tax rolls of the County.

“**Public Parcel**” means any Parcel that (1) is, or is intended to be, publicly owned, and (2) is normally exempt from the levy of general *ad valorem* property taxes under California law,

including public streets; schools; parks; and public drainageways, public landscaping, greenbelts, and public open space. These Public Parcels—so identified at the formation of CFD—are exempt from the levy of Special Taxes.

“Single Family Unit” means either a lot created by a Final Subdivision Map or a single family unit as assigned by the City to the applicable Parcel with zoning allowing for no more than two units per Parcel.

“Special Tax(es)” means any tax levy under the Act in the CFD.

“Tax Collection Schedule” means the document prepared by the City for the County Auditor to use in levying and collecting the Special Taxes each Fiscal Year.

“Taxable Parcel” means any Parcel that is not exempt from Special Taxes as defined below.

“Tax-Exempt Parcel” means all Public Parcels.

3. DETERMINATION OF PARCELS SUBJECT TO SPECIAL TAX

The Finance Director shall prepare a list of the Parcels subject to the Special Tax using the records of the County Assessor and the City's own records. The City shall identify the Taxable Parcels from a list of all Parcels within the CFD using the procedure described below.

- 1) Exclude all Tax-Exempt Parcels.
- 2) The remaining Parcels are subject to the Special Tax according to the formula detailed below.

It shall be the burden of the taxpayer to timely correct any errors in the determination of the Parcels subject to the Special Tax.

4. DURATION OF THE SPECIAL TAX

Taxable Parcels in the CFD shall remain subject to the Special Tax in perpetuity.

5. ASSIGNMENT OF MAXIMUM SPECIAL TAXES

The Maximum Special Tax for the CFD is \$139 per Single Family Unit for the Base Year. These Maximum Special Taxes will be escalated in accordance with the Annual Tax Escalation Factor in each year following the Base Year.

By August 1 of each Fiscal Year, using the **Definitions** from **Section 2**, the Finance Director shall assign the Maximum Special Taxes to each Taxable Parcel as follows:

1. Large Lot Development Parcels—The Maximum Special Tax for a Large Lot Development Parcel shall be determined by multiplying the Maximum Special Tax per Single Family Unit by the number of Single Family Units allocated to the Large Lot Development Parcel or as otherwise designated by the City
2. Final Use Small Lot Parcels – The Maximum Special Tax for each Final Use Small Lot Parcel is equivalent to the number of Single Family Units times the Maximum Special Tax per Single Family Unit.
3. Conversion of a Tax-Exempt Parcel to a Taxable Parcel – if a Public Parcel is not needed for public use and is converted to private use, it shall become subject to the Special Tax.
4. Taxable Parcels Acquired by a Public Agency – A Taxable Parcel that is acquired by a public agency after the CFD is formed will remain subject to the applicable Special Tax unless the Special Tax obligation is satisfied pursuant to Section 53317.5 of Government Code. An exception to this may be made if the public ownership and use of a Tax Exempt Parcel is transferred to a Taxable Parcel of comparable acreage and the private ownership and use of the Taxable Parcel is transferred to the Tax Exempt Parcel. Where such a trading of ownership and uses occurs, the previously Tax-Exempt Parcel becomes a Taxable Parcel, and the Maximum Special Tax from the previously Taxable Parcel is transferred to the newly Taxable Parcel. This trading of Parcels will be permitted to the extent that there is no net loss in Maximum CFD Revenue.

6. SETTING THE ANNUAL SPECIAL TAX RATE

The Special Tax levy for each Taxable Parcel will be established annually as follows:

1. Compute the Annual Costs using the **Definitions** in **Section 2**.
2. Determine the Special Tax levy for each parcel as follows:

Step 1: Calculate the Maximum Special Tax Revenue from Taxable Parcels.

Step 2: Compare the Annual Costs with the Maximum Special Tax Revenue calculated in the previous step.

Step 3: If the Annual Costs are less than the Maximum Special Tax Revenue, decrease the Special Tax levy proportionately for each Taxable Parcel until the Special Tax revenue equals the assigned Annual Cost.

3. Prepare the Tax Collection Schedule for each Parcel and send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the following Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the Auditor for such inclusion.

The City shall make every effort to correctly assign the number of taxable units and calculate the Special Tax for each parcel. It shall be the burden of the taxpayer to correct any errors in the determination of the parcels subject to the tax and their Special Tax assignments.

As development and subdivision of Longmeadow takes place, the Finance Director will maintain a file of each current assessor's parcel number within the CFD, its Maximum Special Tax, and the authorized Maximum Special Tax on all Parcels within the CFD available for public inspection.

7. ADMINISTRATIVE CHANGES AND APPEALS

The Finance Director or designee has the authority to make necessary administrative adjustments to the Rate and Method of Apportionment in order to interpret any portions of the Special Tax formula that require clarification.

Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Finance Director appealing the levy of the Special Tax. The Finance Director will then promptly review the appeal, and if necessary, meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, a recommendation at that time will be made to the City Council and, as appropriate, the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

Interpretations may also be made by Resolution of the City Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, the classification of properties or any definition applicable to the CFD.

8. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

Attachment 1
Longmeadow CFD No. 2 (Services)
Maximum Special Tax
Per Single Family Unit and Large Lot Development Parcel For Residential Land Uses

Large Lot Development Parcel	Land Use	Single Family Units	Maximum Special Tax Per SF Unit	Maximum Special Tax Per Large Lot Development Parcel
[1]	[2]		[3]	[3]
017-115-083	LDR	91	\$139	\$12,628
017-115-084	MDR	101	\$139	\$14,016
017-115-085	MDR	208	\$139	\$28,865
017-115-086	MDR	144	\$139	\$19,983
Total Units and Maximum Special Tax		544		\$75,492

"att1_ser"

[1] Represents all Taxable Parcels by County Assessor's Parcel number at the time of CFD Formation.

[2] Represents entitlement under project Development Agreement.

[3] Maximum Special Tax represents the tax in the Base Year of Fiscal Year 2005-2006. The Maximum Special Tax can be adjusted annually by the Annual Tax Escalation Factor.

EXHIBIT B
CITY OF ROSEVILLE
LONGMEADOW
COMMUNITY FACILITIES DISTRICT NO. 2
(Services District)

LIST OF AUTHORIZED SERVICES

The Maintenance Obligations to be financed, in whole or in part, by this CFD shall consist of the following:

1. Maintenance of the landscape corridors within the public right-of-way within the CFD, including but not limited to, soundwalls, trees, bus shelters, landscaping, the City and neighborhood entry features and the landscape median;
2. Maintenance of all public pedestrian or bicycle pathways;
3. Maintenance of the Open Space Buffer Areas and any lots that will be conveyed to the City, with such maintenance to include fire breaks and fire safety measures;
4. Maintenance of turf, landscaping and irrigation for neighborhood park site within the boundaries of CFD No. 2, including the reclaimed water booster pump serving the park site, provided that the total annual cost to CFD No. 2 of such maintenance shall be a maximum of \$30,000 in the Base Year, to commence upon the issuance of the first building permit within the Longmeadow property, and as provided in Section 3.2.3.1 of the Longmeadow Property Development Agreement, this annual cost can also be used for construction of park improvements CFD No. 2. The annual cost will be adjusted annually in accordance with provisions in the Rate & Method of Apportionment of Special Tax Levy;
5. Maintenance of any sound attenuation wall, berm, and related on-site sound attenuation improvements constructed as part of the CFD;
6. Maintenance of storm drainage and drainage system facilities; and
7. Performance and management of any environmental mitigation monitoring, including the annual review thereof.

Other authorized services include:

General City Costs

- City and County costs associated with the setting, levy, and collection of the Special Taxes.
- City costs associated with contract administration.

Sinking Funds

The Special Taxes may be collected and set-aside in designated sinking funds to be used by the City to fund vandalism repair and future repairs to and replacement of landscaping, entry monuments and features, walls and fences, and other improvements the maintenance of which is funded by CFD No. 2. Such sinking fund amounts shall be limited to the annual cost allocations listed in the CFD No. 2 hearing report for such facility services.

CITY COUNCIL OF THE CITY OF ROSEVILLE

RESOLUTION NO. 05- 92

RESOLUTION CALLING SPECIAL ELECTION IN
LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2
(PUBLIC SERVICES)

WHEREAS, on March 2, 2005 this Council adopted Resolution No. 05- "RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT AND TO LEVY A SPECIAL TAX IN LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)" (the "Resolution of Formation"), ordering the formation of the City's Longmeadow Community Facilities District No. 2 (Public Services) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the provisions of the Act;

NOW, THEREFORE, the City Council of the City of Roseville (the "City") resolves:

Section 1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

Section 2. Qualified Electors. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public hearings heretofore conducted and concluded by this Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearings.

Section 3. Conduct of Election. This Council hereby calls a special election to consider the measures described in Section 1 above, which election shall be held on March 2 and the results thereof canvassed at the meeting of this Council on March 2, 2005. The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until 7:00 p.m. on the election date. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a certified map of the boundaries of the CFD, and a sufficient description to allow the City Clerk to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California Elections Code. This Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 are applicable to this special election.

Section 4. Ballot. As authorized by Section 53353.5 of the Act, the two propositions described in section 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit "A" and by this reference incorporated herein and the form of ballot is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board of the election.

Section 5. Waivers. This Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the CFD. There is on file with the City Clerk a written waiver executed by all of the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving any requirement for notice, analysis and arguments in connection with the election. Accordingly, this Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. This Council also finds and determines that the City Clerk has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act

Section 6. Accountability. Under Section 50075.1 of the Government Code, the following accountability measures shall apply to the Special Taxes: (a) the Services and the incidental costs thereof, all as described in the Resolution of Formation shall constitute the specific single purpose of the Special Tax; (b) the proceeds of the Special Tax shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report as required by Section 50075.3 of the Government Code.

* * * * *

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Roseville, California, at a regularly scheduled meeting thereof, held on the 2nd day of March, 2005, by the following vote of the City Council:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Mayor

ATTEST:

City Clerk of the City of Roseville

EXHIBIT A - Form of Ballot

EXHIBIT A

LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)
CITY OF ROSEVILLE, PLACER COUNTY, CALIFORNIA

Official Ballot

This ballot is for the special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Roseville later than 7:00 o'clock p.m. on March 2, 2005 either by mail or in person. The City Clerk's office is located at City Hall, 311 Vernon Street, Roseville, California, 95678.

To Vote, mark a cross (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 of the City of Roseville and obtain another.

BALLOT MEASURE: Shall the City of Roseville, by and for its Community Facilities District No. 3 (Municipal Services) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 05-22 of the City of Roseville adopted by its Council on January 19, 2005.

YES: _____

NO: _____

By execution in the space provided below, you also confirm your waiver of the time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326 (a) and 53327 (b) of the California Government Code.

Acres Owned: 85.5

Number of Votes: 86

Property Owner: John Mourier Construction, Inc.

By: _____

John L. Mourier III, President

Address: 1430 Blue Oaks Boulevard, Suite 190

Roseville, CA 95747-7143

CITY COUNCIL OF THE CITY OF ROSEVILLE

RESOLUTION NO. 05- 93

RESOLUTION DECLARING ELECTION RESULTS OF
LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)

WHEREAS, on January 19, 2005, this Council adopted Resolution No. 05-93 "RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT AND TO LEVY A SPECIAL TAX IN LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)" (the "Resolution of Formation"), ordering the formation of the City's LONGMEADOW Community Facilities District No. 2 (Public Services) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, under the provisions of the Resolution of Formation, and pursuant to a resolution entitled "Resolution Calling Special Election in Longmeadow Community Facilities District No. 2 (Public Services)" (the "Election Resolution") heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the provisions of the Act; and

WHEREAS, pursuant to the terms of the Election Resolution, which are by this reference incorporated herein, the special election has been held and the City Clerk has on file a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, this Council has reviewed the Canvass, finds it appropriate and wishes to complete its proceedings for the CFD;

NOW, THEREFORE, the City Council of the City of Roseville (the "City") resolves:

Section 1. Recitals. The foregoing recitals are all true and correct.

Section 2. Issues Presented. The issues presented at the special election were the levy of a special tax within the CFD and the approval of an annual appropriations limit of not to exceed \$2,500,000 all pursuant to the Resolution of Formation.

Section 3. Canvass and Issues Approved. The Council hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the CFD. Pursuant to the Canvass, the issues presented at the special election were approved by the qualified electors of the CFD by more than two-thirds of the votes cast at the special election.

Section 4. Proceedings Approved. Pursuant to the voter approval, the CFD is hereby declared to be fully formed with the authority to levy the special taxes and to have the established appropriations limit, all as heretofore provided in these proceedings and in the Act. It is hereby found that all prior proceedings and actions taken by this Council with respect to the CFD were valid and in conformity with the Act.

Section 5. Notice of Tax Lien. The City Clerk is hereby directed to complete, execute and cause to be recorded in the office of the County Recorder of the County of Placer a notice of special tax lien in the form required by the Act, such recording to occur no later than 15 days following adoption by the Council of this resolution.

* * * * *

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Roseville, California, at a regularly scheduled meeting thereof, held on the 2nd day of March, 2005, by the following vote of the City Council:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Mayor

ATTEST:

City Clerk of the City of Roseville

EXHIBIT A

**CERTIFICATE OF CITY CLERK
CANVASS AND STATEMENT OF RESULTS OF ELECTION**

**CITY OF ROSEVILLE
LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2
(PUBLIC SERVICES)
PLACER COUNTY, CALIFORNIA**

I, Sonia Orozco, City Clerk of the City of Roseville (the "City") hereby certify:

I have personally received and assembled all ballots eligible to be cast in the special mailed-ballot, landowner election called by the City Council in its "RESOLUTION CALLING SPECIAL ELECTION IN LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2 (PUBLIC SERVICES)" adopted March 2, 2005, and in accordance with my instructions contained in that Resolution, I hereby declare the election closed.

I personally, in the presence of the City Council, and members of the public and City staff, counted the ballots and certify the result of that count to be as follows:

TOTAL VOTES THAT COULD BE CAST _____

TOTAL VOTES CAST "YES" _____

TOTAL VOTES CAST "NO" _____

TOTAL VOTES CAST _____

THE VOTES CAST "YES" EQUAL _____% OF THE TOTAL VOTES CAST.

I make this Certification on March 2, 2005.

Sonia Orozco
City Clerk of the City of Roseville

CITY COUNCIL OF THE CITY OF ROSEVILLE

ORDINANCE NO. 05-_____

**ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ROSEVILLE LEVYING A SPECIAL TAX
WITHIN LONGMEADOW COMMUNITY FACILITIES DISTRICT NO. 2
(PUBLIC SERVICES)**

WHEREAS, on January 19th, 2005, this Council adopted Resolution No 05-23 "Resolution of Intention of the City Council of the City of Roseville to Form Community Facilities District and Levy a Special Tax in Longmeadow Community Facilities District No. 2 (Public Services)" (the "Resolution of Intention") with respect to Longmeadow Community Facilities District No. 2 (Public Services) (the "CFD") of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), to pay the cost of providing of certain public services (the "Services") to the territory of the CFD; and

WHEREAS, notice was published as required by the Act relative to the intention of the Council to form the CFD and to provide for the Services; and

WHEREAS, the Council has held a noticed public hearing as required by the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax to be levied within the CFD to pay the cost of providing the Services to the territory of the CFD; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of said special taxes were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held; and

WHEREAS, subsequent to the hearing, this City Council adopted resolutions entitled "Resolution of Formation of Community Facilities District and to Levy a Special Tax in Longmeadow Community Facilities District No. 2 (Public Services)" (the "Resolution of Formation") and "Resolution Calling Special Election in Longmeadow Community Facilities District No. 2 (Public Services)" which resolutions established the CFD, authorized the levy of a special tax with the CFD and called an election within the CFD on the propositions of levying a special tax and establishing an appropriations limit within the CFD; and

WHEREAS, on March 2, 2005, a special election was held within the CFD at which the eligible landowner-electors approved such propositions by the two-thirds vote required by the Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSEVILLE DOES HEREBY ORDAIN as follows:

Section 1. By the passage of this Ordinance the Council hereby authorizes and levies special taxes within the CFD pursuant to the Act, at the rate and in accordance with the formula set forth in the Resolution of Formation, which Resolution is by this reference incorporated

herein. The special taxes are hereby levied commencing in fiscal year 2005-2006 and in each fiscal year thereafter, all as contemplated by the Resolution of Formation.

Section 2. The Director of Finance of the City 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 CFD, in the manner and as provided in the Resolution of Formation.

Section 3. Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum tax specified in the Resolution of Formation.

Section 4. All of the collections of the special tax shall be used as provided for in the Act and in the Resolution of Formation including, but not limited to, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the special tax.

Section 5. The special taxes shall be collected either by direct billing of the property owner or in the same manner as ordinary *ad valorem* taxes are collected and, in either case, 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; provided, however, that the provisions of the Act with regard to collection are applicable and the Council may provide for other appropriate methods of collection by resolutions of the Council.

Section 6. 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 CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels within the CFD shall not be affected.

Section 7. Upon final adoption by the City Council, this ordinance shall be published in accordance with applicable provisions of the City Charter, by either:

publishing the entire ordinance once in the *Roseville Press Tribune*, a newspaper of general circulation, published in the City of Roseville, within fourteen (14) days after its passage and adoption, either separately or as part of any published proceedings of the City Council or

posting the entire ordinance in at least three (3) public places in the City.

Section 8. This ordinance shall go into effect third (30) days after the date of its passage and adoption.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the City Council of the City of Roseville on the 2nd day of March, 2005 and was passed and adopted at a regular meeting of the City Council of the City of Roseville on the _____ day of _____, 2005.

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

Mayor

Attest:

City Clerk

Finance

COUNCIL COMMUNICATION

9239
City Clerk Use Only

Due

DATE:	February 17, 2005
TITLE:	PUBLIC HEARING Resolutions of Formation Longmeadow Community Facilities District No. 2 (Public Services)
CONTACT:	Rebecca Santini, Financial Analyst #5109 rsantini@roseville.ca.us

Meeting Date: March 2, 2005

SUMMARY RECOMMENDATION

Conduct a Public Hearing and adopt the resolutions of formation (ROF) to form the Longmeadow Mello-Roos Community Facilities District (CFD) for public services, as called for in the resolution of intention 05-23, approved by the City Council on January 19, 2005. The formation of this district is required by the project development agreement. The purpose of the district is to provide a funding mechanism to pay for ongoing landscape, median, park, and open space maintenance obligations arising from the development of the project. A special tax sufficient to pay for all such services will be levied annually within the CFD. It is requested that the City Council adopt the following resolution (attached):

- A Resolution of Formation of a Community Facilities District and to Levy a Special Tax in Longmeadow Community Facilities District No. 2 (Public Services).
- A Resolution Calling a Special Election in Longmeadow Community Facilities District No. 2 (Public Services).
- A Resolution Declaring Election Results of Longmeadow Community Facilities District No. 2 (Public Services).
- Ordinance of the City Council of the City of Roseville Levying a Special Tax within Longmeadow Community Facilities District No. 2 (Public Services).

BACKGROUND

The City of Roseville has recorded a development agreement with developer "Development Agreement by and between the City of Roseville, John Mourier Construction, Inc. and Roseville Technology Park Associates, LLC Relative to the Longmeadow Property". That agreement requires the establishment of a CFD for the purpose of funding landscaping, open space, neighborhood parks and other such facilities, as described in the development agreement and listed in the authorized facilities. The special tax will be billed as a separate line item on the regular property tax bill.

FISCAL IMPACT

The CFD will generate special taxes that will pay for the maintenance of landscape corridors, medians and entries, park and open space improvements, stormwater management and annual CFD administration. The special taxes will allow for an annual escalation factor, not to exceed 4%, to cover future cost of living expenses. The formation and administration of the CFD will not impact the City's general fund.

AGENDA ITEM

_____ *DR*

ENVIRONMENTAL REVIEW

Not applicable.

RECOMMENDATION

Staff recommends the City Council approve the attached Resolutions of Formation and Ordinance to form the Longmeadow Community Facilities District No. 2 (Public Services).

Respectfully Submitted,



Rebecca Santini,
Financial Analyst



Russell C. Branson,
Finance Director/Treasurer

APPROVED:



W. Craig Robinson
City Manager