

## RESOLUTION 22-2021

### A RESOLUTION OF THE BOARD OF DIRECTORS OF GROVELAND COMMUNITY SERVICES DISTRICT, ESTABLISHING THE FORMATION OF A COMMUNITY FACILITIES DISTRICT

#### GROVELAND COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-1 (PUBLIC SERVICES)

**WHEREAS**, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"), the Board of Directors (the "Board") of the Groveland Community Services District (the "District") may commence proceedings for the establishment of a community facilities district, and

**WHEREAS**, Section 53328.1 of the Act provides for an alternate and independent procedure for forming a community facilities district, in which the Board may form a community facilities district that initially consists solely of territory proposed for annexation to the community facilities district in the future, with the condition that a parcel or parcels within that territory may be annexed to the community facilities district and subjected to the special tax only with the unanimous approval of the owner or owners of the parcel or parcels at the time that the parcel or parcels are annexed, and

**WHEREAS**, on June 8, 2021, the Board adopted Resolution No. 18-2021 entitled "A Resolution of the Board of Directors of the Groveland Community Services District Declaring its Intention to Establish a Community Facilities District Initially Consisting Solely Territory Proposed for Annexation to the Community Facilities District in the Future and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to form the Groveland Community Services District Community Facilities District No. 2021-1 (Public Services) (the "CFD"), pursuant to the Act; and

**WHEREAS**, the Resolution of Intention, incorporating a map of the proposed boundaries of the future annexation area of the CFD and stating the services to be provided, is on file with the Board Secretary and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, the Resolution of Intention called for a public hearing pertaining to the formation of the CFD and the levy of said special tax to be held on Tuesday, July 13, 2021, at 10:00 a.m. or as soon thereafter as the matter may be heard, at the meeting place of the Board; and

**WHEREAS**, under the Resolution of Intention, the Board Secretary was directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the CFD, and the Board Secretary caused the publication of such notice at least seven (7) days before the date set for said public hearing; and

**WHEREAS**, on this date, this Board held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD; and

**WHEREAS**, at the public 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 such special tax were heard and a full and fair public hearing was held; and

**WHEREAS**, written protests with respect to the formation of the CFD and the furnishing of specified types of services have not been filed with the Board Secretary by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the proposed special tax; and

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The establishment of the CFD has not been precluded by majority protest pursuant to Section 53328.1 (a)(4) of the Act.
3. All prior proceedings taken by the Board in connection with the establishment of the CFD 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 requirements of the Act. The Board has heretofore adopted Local Goals and Policies for Community Facilities Districts, and the Board hereby finds and determines that the CFD is in conformity with said goals and policies.
4. The community facilities district designated as the "Groveland Community Services District, Community Facilities District No. 2021-1 (Public Services)" is hereby established pursuant to the Act.
5. The boundaries of the future annexation area of the CFD, as set forth in the map entitled "Proposed Boundaries of Future Annexation Area of Community Facilities District No. 2021-1 (Public Services), Groveland Community Services District, County of Tuolumne, State of California" heretofore recorded in the Tuolumne County Recorder's Office on June 10, 2021, in Book 3 at Page 16 of Maps of Assessment and Community Facilities Districts, as Document # 2021009112, are hereby approved, are incorporated herein by reference and shall be the boundaries of the future annexation area of the CFD.
6. The type of public services proposed to be financed by the CFD and pursuant to the Act shall consist of those items shown in Exhibit A hereto and by this reference incorporated herein (the "Services"). It is hereby found and determined that the Services are necessary to meet the increased demands as the result of development occurring in the CFD.
7. The appropriations limit for the CFD and the applicable rate of the special tax and the method of apportionment and manner of collection of that tax shall be specified and be approved by the unanimous approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed to the CFD. The maximum rate of special tax applicable to a parcel or parcels shall be specified in the unanimous approval relating to the parcel or parcels. Except to the extent that funds are

otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property annexing to the CFD in the future, will be levied annually within the CFD pursuant to the rate and method of apportionment, and collected in the same manner as ordinary ad valorem property taxes or in such other manner as the Board or its designee shall determine, including direct billing of the affected landowners.

8. The General Manager of Groveland Community Services District, 18966 Ferretti Road, Groveland, California 95321, telephone number (209) 962-7161, is the officer of the CFD who will be responsible for preparing annually a current roll of the levy of the special tax obligations by assessor's parcel number and who will be responsible for estimating future levies of the Special Tax.

9. 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 annexing into the CFD in the future and this lien shall continue in force and effect until the collection of the special tax by the CFD ceases.

10. This Resolution shall take effect upon its adoption.

**WHEREFORE**, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on July 13, 2021, by the following vote:

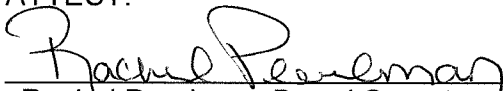
AYES: Directors Swan, Mora, Edwards, Armstrong, Kwiatkowski


NOES:

ABSTAIN:

ABSENT:

ATTEST:

  
\_\_\_\_\_  
Rachel Pearlman, Board Secretary

  
\_\_\_\_\_  
Janice Kwiatkowski, President - Board of Directors

**CERTIFICATE OF SECRETARY**

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and

held on July 13, 2021.

DATED: 7.13.2021

EXHIBIT A  
GROVELAND COMMUNITY SERVICES DISTRICT  
COMMUNITY FACILITIES DISTRICT NO. 2021-1  
(PUBLIC SERVICES)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

Services:

The services to be funded, in whole or in part, by the community facilities district (the "CFD") consist of all services authorized under Section 53313 of the Government Code, including, but not be limited to, fire protection and suppression services, ambulance and paramedic services, and park maintenance and landscaping services (the "Services"). The Services include all direct and incidental costs related to providing for the maintenance of public infrastructure within the area of the CFD and areas adjacent to or in the vicinity of such areas. The CFD may fund any of the following related to the Services: furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/ or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the Services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of Services. It is expected that the Services will be provided by the Groveland Community Services District (the "District"), either with its own employees or by contract with third parties, or any combination thereof.

The Services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD is created.

Administrative Expenses:

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the District in carrying out its duties with respect to the CFD (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of Tuolumne related to the CFD or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to the CFD or the services authorized to be financed by the CFD, and expenses incurred by the District in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the District in any way related to the CFD.

Other:

The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the District of all costs associated with the establishment and administration of the CFD.