

City of Stockton
Community Facilities District No. 2018-1
(Arch Road/Newcastle Road)
San Joaquin County, California

RATE, METHOD OF APPORTIONMENT, AND
MANNER OF COLLECTION OF SPECIAL TAX

1. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (Act) applicable to the land in the City of Stockton Community Facilities District No. 2018-1 (Arch Road/Newcastle Road) (CFD) of the City of Stockton (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

"Acre" or **"Acreage"** means the land area of a County 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.

"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 actual or reasonably estimated costs related to the administration of the CFD, including, but not limited to, these:

- a. Costs of computing Special Taxes and preparing annual Special Tax collection schedules (whether by the City or any designee thereof or both).
- b. Costs of collecting the Special Taxes (whether by the County, the City, or otherwise).
- c. Costs of remitting the Special Taxes to the Trustee.
- d. Costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Bond Indenture.
- e. Costs to the City, CFD, or any designee thereof of complying with arbitrage rebate requirements.
- f. Costs to the City, CFD, or any designee thereof of complying with City, CFD, or obligated persons disclosure requirements.

- g. Costs associated with preparing Special Tax disclosure statements.
- h. Costs incurred in responding to public inquiries regarding the Special Taxes.
- i. Costs to the City, CFD, or designee thereof related to any appeal of the Special Taxes.
- j. Costs associated with the release of funds from an escrow account, if any.
- k. Costs to the City for the issuance of Bonds authorized by the CFD that are not recovered through the Bond sale proceeds.
- l. Amounts estimated to be advanced or already advanced by the City for any other administrative purposes, including attorney's fees and other costs related to collection of the Special Taxes and commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means the City Manager or his or her designee.

"Annual Costs" means, for any Fiscal Year, the total of these:

- a. Administrative expenses for such Fiscal Year.
- b. Debt Service to be paid from Special Taxes.
- c. The amount needed to replenish the reserve fund for the Bonds to the level required under the Bond Indenture, to the extent not included in a computation of Annual Costs in a previous Fiscal Year.
- d. The amount needed to (1) cure any delinquencies in the payment of principal or interest on Bonds, which have occurred in the prior Fiscal Year and (2) to fund any foreseeable deficiency of the amount to be available for the payment of principal or interest on Bonds, which are expected to occur in such Fiscal Year.
- e. Authorized Facilities funded on a Pay-As-You-Go Basis.
- f. Less any available earnings on the reserve fund, Special Tax funds, or any other available revenues of the CFD or the City that may be used to fund Annual Costs.

"Anticipated Construction Proceeds" means the amount anticipated to be available through the CFD for acquiring or constructing Authorized Facilities, which is equal to \$2.2 million at formation of the CFD. This amount is increased on July 1 of the current Fiscal Year for the prior calendar year by the average increase in the ENR-CCI.

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

"Assessor's Parcel Number" means the Parcel and Parcel Number as assigned by the County Assessor on the equalized tax roll.

"Authorized Facilities" means those facilities to be financed, as identified in the resolution forming the CFD.

"Benefit Share" means the Maximum Annual Special Tax for a Parcel divided by the Maximum Annual CFD Special Tax Revenue.

"Bond Indenture" means the indenture, resolution, fiscal agent agreement, or other financing document pursuant to which any Bonds are issued.

"Bond Share" means the share of Outstanding Bonds assigned to a Parcel as specified in **Section 7** hereof.

"Bond(s)" means any bond(s) issued by the City for the CFD under the Act and any other debt, as defined in the Act, the City incurs to further the CFD's purposes.

"Building Permit" means a permit issued by the City for the construction of a Nonresidential Use structure.

"CFD" means the City of Stockton Community Facilities District No. 2018-1 (Arch Road/Newcastle Road) of the City of Stockton, San Joaquin County, California.

"Chief Financial Officer" means the Chief Financial Officer for the City, or his or her designee.

"City" means the City of Stockton in San Joaquin County, California.

"Council" means the City Council of the City acting for the CFD under the Act.

"County" means the County of San Joaquin, California.

"County Assessor's Parcel" means a lot or Parcel with an assigned Assessor's Parcel Number in the maps used by the County Assessor in preparing the tax roll.

"Debt Service" means the total amount of Bond principal, interest, and the scheduled sinking fund payments of the Bonds in the calendar year that begins in that Fiscal Year.

"Developed Parcel" means, in any Fiscal Year:

- a. For all Nonresidential Use Parcels: All Parcels for which a Building Permit for new construction of a Nonresidential Use structure was issued before May 1 of the preceding Fiscal Year.

"ENR-CCI" means the Engineering News Record—Construction Cost Index for San Francisco in the prior calendar year, as determined on July 1 of the current Fiscal Year.

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

"Full Prepayment" means the complete fulfillment of a Parcel's Special Tax obligation, as determined by following the procedures in **Section 7**.

"Large Lot Parcel" means a Parcel created by a Large Lot Subdivision Map.

"Large Lot Subdivision Map" means a recorded subdivision map creating Parcels by land use. However, the Large Lot Subdivision Map does not delineate Single-Family Parcels. A Final Small Lot Subdivision Map will create individual Single-Family Parcels.

"Maximum Annual Special Tax" means the greatest amount of Special Tax that can be levied against a Parcel in a given Fiscal Year, as shown in **Attachments 1 and 2**.

“Maximum Annual Special Tax Rate” means the rate of Maximum Annual Special Tax charged per Unit or per Acre, as shown in **Attachments 1** and **2**.

“Maximum Annual Special Tax Revenue” means the greatest amount of revenue that can be collected in total from a group of Parcels (such as Developed Parcels) by levying the Maximum Annual Special Tax.

“Maximum Annual CFD Special Tax Revenue” means the sum of the Maximum Annual Special Tax levied on all Taxable Parcels in the CFD in a Fiscal Year.

“Nonresidential Use” means a Taxable Parcel with land uses industrial, light industrial, warehousing, or distribution centers.

“Original Parcel” means a Taxable Parcel identified in **Attachment 1** at formation of the CFD and shown on **Map 1**.

“Outstanding Bonds” means the total principal amount of Bonds that have been issued and not fully repaid or legally defeased.

“Parcel” means any County Assessor’s Parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

“Partial Prepayment” means the partial fulfillment of a Parcel’s Special Tax obligation, as determined by following the procedures in **Section 7**.

“Pay-As-You-Go Basis” means the use of annual and one-time Special Tax revenues to directly fund the acquisition, construction, and improvement of Authorized Facilities on a first in-first out basis.

“Prepayment” means the complete or partial fulfillment of a Parcel’s Special Tax obligation, as determined by following the procedures in **Section 7**.

“Public Parcel” means any Parcel that is or is intended to be publicly owned, as designated in any final map that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets; schools; parks; and public drainageways, landscaping, wetlands, greenbelts, and open space.

“Remaining Facilities Costs” means the amount of Anticipated Construction Proceeds less construction proceeds from previous CFD Bond issuances and costs of Authorized Facilities funded on a Pay-As-You-Go Basis from the levy of the Special Tax.

“Remaining Facilities Cost Share” means the Remaining Facilities Costs multiplied by the Benefit Share.

“Reserve Fund” means any debt service reserve fund established pursuant to the Bonds.

“Reserve Fund Requirement” means the amount required to be held in any Reserve Fund.

“Reserve Fund Share” means the amount on deposit in any Reserve Fund, but in any event not to exceed the Reserve Fund Requirement, multiplied by the Benefit Share for a given Parcel.

“RMA” means the Rate and Method of Apportionment of Special Tax.

"Special Tax(es)" mean(s) any tax levy under the Act in the CFD.

"Subdivision" or **"Subdivided"** means a division of a Parcel into two or more Parcels through the Subdivision Map Act process. A Subdivision also may include the merging of two or more Parcels to create new Parcels.

"Successor Parcel" means a Parcel created by the Subdivision of an Original Parcel or a Successor Parcel.

"Tax Category" means the categories of taxable land uses shown in **Attachments 1 and 2**.

"Tax Collection Schedule" means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

"Taxable Acreage" means that area of a Parcel determined by the Administrator to become a Taxable Parcel or Parcels upon further Subdivision. An example might be that a Large Lot Parcel Map creates a Remainder Parcel that, according to **Attachment 1**, contains both taxable and tax-exempt uses, such as a detention basin.

"Taxable Parcel" means any Parcel that is not a Tax-Exempt Parcel.

"Tax-Exempt Parcel" means a Parcel not subject to the Special Tax. Tax-Exempt Parcels include (a) Public Parcels (b) and Parcels owned by the City, school districts, special districts, or the state or federal government.

"Trustee" means a national banking association organized and existing under the laws of the United States.

"Undeveloped Parcel" means a Taxable Parcel that is not a Developed Parcel.

3. Duration of the Special Tax

The Special Tax will be levied and collected for as long as it is needed to pay Annual Costs; however, in no event shall the Special Tax be levied on any Parcel in the CFD after Fiscal Year 2057-58.

When all Authorized Facilities and other Annual Costs incurred by the CFD have been paid, the Special Taxes under each of the Special Tax programs shall cease to be levied. The City shall direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. In addition, the Notice of Cessation of Special Tax shall identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

4. Administrative Tasks

Tasks required of the Administrator are discussed below:

- a. Assignment of the Maximum Annual Special Tax to Original Parcels. **Attachment 1** identifies the Maximum Annual Special Tax for the one Original Parcel at CFD Formation, which is also determined for each proposed Large Lot Parcel (as shown in **Map 1**). At formation, there will

be one Original Parcel (APN 181-100-10). **Attachment 1** shows four parcels, three of which as assigned a Maximum Annual Special Tax. The Maximum Annual Special Tax for the one Original Parcel is shown as the sum of all proposed parcels shown in **Attachment 1**.

- b. Assignment of the Maximum Annual Special Tax to Successor Parcels. As the Original Parcel and Successor Parcels are Subdivided through Subdivisions, lot line adjustments or other Parcel amendments through the Subdivision Map Act process, use the following steps to assign the Maximum Annual Special Tax to new Successor Parcels.
 1. If Original or Successor Parcel are Subdivided creating multiple land use and Tax Categories: If a Large Lot Subdivision Map is recorded showing Parcel configuration the same as shown in **Map 1**, assign the Maximum Annual Special Tax shown in **Attachment 1** to each new Successor Parcel.

If the Parcel configurations differ from those shown in **Map 1**, perform the following procedures to allocate the Maximum Annual Special Tax to Successor Parcels.

 - A. Identify the Maximum Annual Special Tax for the Original Parcel(s) or Successor Parcel(s) that is being Subdivided.
 - B. Determine the Taxable Acreage for each Successor Parcels
 - C. Sum the Acreage for each Successor Parcel.
 - D. Divide the amount determined for each Successor Parcels in **Section 4.b.1.B** by the amount determined in **Section 4.b.1.C** to determine the percentage share of the Maximum Annual Special Tax identified in **Section 4.b.1.A**.
 - E. Multiply the percentage determined for each Successor Parcels by the Maximum Annual Special Tax identified in **Section 4.b.1.A**.
 - F. Assign the Maximum Annual Special Tax calculated in **Section 4.b.1.E** to each respective Successor Parcel.
- c. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel is not needed for public use and is transferred to a private owner it shall become subject to the Special Tax. The Maximum Annual Special Tax is determined by multiplying the Taxable Acreage by the Maximum Annual Special Tax Rate for the assigned Tax Category (as shown in **Attachment 2**).
- d. 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 the Government Code. An exception to this may be made if a Public Parcel, such as a park site, is relocated to a Taxable Parcel, in which case the previously Tax-Exempt Parcel of comparable acreage becomes a Taxable Parcel and the Maximum Annual Special Tax from the previously Taxable Parcel is transferred to the new Taxable Parcel. This trading of a Parcel from a Taxable Parcel to a Public Parcel will be permitted to the extent there is no net loss in Maximum Annual CFD Special Tax Revenue and the transfer is agreed to by the owners of the Parcels involved in the transfer and the Finance Director.

- e. Allowable Transfer of Special Tax. In the event that an Original or Successor Parcel, through a loss of developable land, will have a higher Special Tax per acre of developable land than other Taxable Parcels in the CFD, the revised Maximum Annual Special Tax may be adjusted further by shifting the tax to other Taxable Parcels throughout the CFD and subject to the following provisions:

1. Any decrease in one Taxable Parcel's Maximum Annual Special Tax is offset by an equal increase in the Maximum Annual Special Tax of another Taxable Parcel or Parcels to ensure that there is no net loss in total Maximum Annual Special Taxes;
2. All adjustments are agreed to in writing by the affected property owners and the City; and,
3. None of the transferred Special Taxes will be spread to Tax-Exempt Parcels.

5. Assignment of the Maximum Annual Special Tax

- a. Classification of Parcels. For purposes of the next Fiscal Year tax levy, by June 30 of each Fiscal Year, using the Definitions in **Section 2**, the Parcel records of the Assessor's secured tax roll as of January 1, and other City development approval records, the Administrator shall cause:
1. Each Parcel to be classified as a Taxable Parcel or Tax-Exempt Parcel.
 2. Each Parcel to be classified as a Developed Parcel or an Undeveloped Parcel.
- b. Assignment of the Maximum Annual Special Tax to Taxable Parcels. The Maximum Annual Special Tax will be assigned to each Taxable Parcel each Fiscal Year using the procedures (not all steps may be applicable for each such Parcel) in **Section 4**.

6. Calculating Annual Special Taxes

The Administrator will compute the Annual Costs and determine the annual Special Tax levy for each Taxable Parcel based on the assignment of the Special Tax in **Sections 4** and **5**. The Administrator then will determine the tax levy for each Taxable Parcel using the following process:

- a. Compute the Annual Costs using the definition of Annual Costs in **Section 2**.
- b. For all Taxable Parcels, calculate the Special Tax levy for each using the following steps:
 - Step 6.b.1. The Special Tax shall be levied proportionately on all Parcels of Developed Property up to the amount of Annual Cost or up to 100 percent of the Maximum Special Tax for each Developed Parcel, whichever is less.
 - Step 6.b.2. If additional revenue is needed after *Step 6.b.1.*, the Special Tax shall be levied on each Undeveloped Parcel until the revenue from the Special Tax levy in this step, when added to the levy amounts determined in *Step 6.b.1.*, equals the

Annual Costs, or up to 100 percent of the Maximum Annual Special Tax for all Undeveloped Parcels.

- c. Levy on each Taxable Parcel the amount calculated above.
- d. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the County Auditor for such inclusion.

The Administrator will make every effort to calculate the Special Tax correctly for each Parcel. It will be the burden of the taxpayer to correct any errors in determining which Parcels are subject to the tax and their Special Tax assignments.

7. Prepayment of the Special Tax Obligation

A property owner may permanently or partially satisfy the Maximum Annual Special Tax for a Taxable Parcel by a Full or Partial Prepayment, as permitted under Government Code Section 53344. Prepayments must be made by May 1 to have the Prepayment reflected in the following Fiscal Year's Special Tax levy. Prepayment is permitted only under the following conditions:

- The City determines that Prepayment of the Special Tax does not jeopardize its ability to make timely payments of Debt Service on Outstanding Bonds.
- The landowner prepaying the Special Tax on a Parcel has paid any delinquent Special Tax and penalties on that Parcel before Prepayment.
- Amounts in the reserve fund are equal to or greater than the reserve fund requirement.
- The City determines that the Prepayment will not jeopardize its ability to make timely payments of Debt Service and maintain a 110-percent Maximum Special Tax coverage of Debt Service, plus Administrative Expenses in all years where there will be Outstanding Bonds.

When permitted, the Administrator shall calculate Full Prepayments using the following steps:

- a. The Full Prepayment amount before any issuance of CFD Bonds shall be calculated using the following procedures:

Step 7.a.1. Determine the Maximum Annual Special Tax for the Developed Parcel for which the Special Tax is to be prepaid using the provisions of **Sections 4 and 5**.

Step 7.a.2. Divide the amount from *Step 7.a.1.* by the Maximum CFD Annual Special Tax Revenue to determine the Benefit Share for the Full Prepayment Parcel.

Step 7.a.3. Multiply the Remaining Facilities Costs, as increased by ENR-CCI from the Base Year, by the Benefit Share to determine the Full Prepayment amount.

Step 7.a.4. Add to the amount determined in *Step 7.a.3.* any costs to the City, including the costs of any City consultants, associated with the preparation of the Full Prepayment calculation.

- b. The Full Prepayment amount after all issuances of CFD Bonds shall be calculated using the following procedures:
- Step 7.b.1. Determine the Maximum Annual Special Tax for the Parcel for which the Special Tax is to be prepaid using the provisions of **Sections 4 and 5**.
 - Step 7.b.2. Divide the amount from *Step 7.b.1.* by the Maximum CFD Annual Special Tax Revenue to determine the Benefit Share for the Parcel.
 - Step 7.b.3. Multiply the Benefit Share by the total amount of Outstanding Bonds to determine the Bond Share for the Full Prepayment Parcel.
 - Step 7.b.4. Multiply the Benefit Share by the Remaining Facilities Costs, as increased by ENR-CCI from the Base Year, to determine the Remaining Facilities Cost Share for the Full Prepayment Parcel.
 - Step 7.b.5. Sum the Bond Share and Remaining Facilities Cost Share from *Steps 7.b.3. and 7.b.4.*
 - Step 7.b.6. Determine the total amount of Bonds to be called by rounding the amount summed in *Step 7.b.5.* down to the nearest \$5,000.
 - Step 7.b.7. Multiply the amount calculated in *Step 7.b.6.* by the call premium for the next available call date.
 - Step 7.b.8. Determine the Reserve Fund Share for the Full Prepayment Parcel by multiplying the Reserve Fund Requirement by the Benefit Share.
 - Step 7.b.9. Reduce the amount calculated in *Step 7.b.5.* by the amount of the Reserve Fund Share in *Step 7.b.8.*, provided the amount in the Reserve Fund equals the Reserve Fund Requirement after reduction.
 - Step 7.b.10. Determine the Full Prepayment amount by adding to the amount calculated in *Step 7.b.9.* any fees, call premiums, and interest to the next Bond call date not covered by Special Taxes already levied and collected for the prepaying Parcel, and expenses incurred by the CFD in connection with the Full Prepayment calculation or the application of the proceeds of the Full Prepayment to the call of Outstanding Bonds.
 - Step 7.b.11. If the Special Taxes already have been levied but not collected, the Parcel shall not become a Full Prepayment Parcel until the owner of the Parcel has paid the Special Taxes included on the current property tax bill in addition to the Full Prepayment amount.
- c. Partial Prepayments are allowed only for Parcels owned by a property owner before the issuance of the initial Building Permit. A Partial Prepayment can occur only once per Assessor's Parcel. The City may allow a Partial Prepayment if it is determined that the Partial Prepayment will not jeopardize its ability to make timely payments of Debt Service and maintain a 110-percent Maximum Special Tax coverage of Debt Service, plus Administrative Expenses in all years where there will be Outstanding Bonds. Partial Prepayments can occur only after the Final Bond Sale. Partial Prepayments will be calculated as described below:

The amount of any Partial Prepayment must be either 25 percent or 50 percent of the Full Prepayment amount determined in *Step 7.b.10*. A Partial Prepayment may be made in an amount equal to 25 percent or 50 percent of the Full Prepayment desired by the party making a Partial Prepayment, except that the full amount of Administrative fees and expenses determined in **Section 6.b.10** shall be included in the Partial Prepayment. The Maximum Annual Special Tax that can be levied on a Parcel after a Partial Prepayment is made is equal to the Maximum Annual Special Tax that could have been levied before the Prepayment, reduced by the percentage of the Full Prepayment that the Partial Prepayment represents, all as determined by or at the direction of the Finance Director. For example, if the Partial Prepayment is equal to 25 percent, the Maximum Annual Special Tax applied to the Parcel would be 75 percent of the Maximum Annual Special Tax.

8. Interpretation, Application, and Appeal of Special Tax Formula and Procedures

Any taxpayer who feels 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 then will promptly review the appeal and, if necessary, will meet with the applicant. If the Finance Director verifies that the tax should be modified or changed, the Special Tax levy will be corrected and, if applicable in any case, a credit or refund will be granted.

Interpretations may be made by the City, without Resolution or Ordinance of the 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.

Without Council approval, the Finance Director may make minor, non-substantive administrative and technical changes to the provisions of this RMA that do not materially affect the rate, method of apportionment, or manner of collection of the Special Tax for purposes of administrative efficiency or convenience or to comply with new applicable federal, state, or local law.

The City, upon request of an owner of land in the CFD that is not a Developed Parcel, also may amend this RMA in any manner acceptable to the City, without Resolution or Ordinance of the Council, upon the affirmative vote of such owner and without the vote of owners of any other land in the CFD, provided such amendment only affects such owner's land and does not reduce the total Maximum Annual Special Tax Revenue for the CFD.

9. 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 Administrator 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 the City's financial obligations.

EXHIBIT 1

Rate, Method of Apportionment, and Manner of Collection of Special Tax April 16, 2018

Attachment 1			
CFD No. 2018-1 (Arch Road/Newcastle Road)			
Original Parcels and Maximum Annual Special Taxes - Base Year			
		Maximum	
Original		Annual Special	Maximum Annual
Parcels	Acres	Tax Rate per Acre	Special Tax
		[1]	
Large Lot 1	27.0	\$4,235	\$114,258.08
Large Lot 2	21.9	\$4,235	\$92,914.10
Large Lot 3	6.4	\$4,235	\$27,145.82
Large Lot 4	4.2	\$0	\$0.00
Totals	59.5		\$234,318.00
			"att1"
[1] The Maximum Annual Special Tax Rate and Maximum Annual Special Tax will not increase annually.			

EXHIBIT 1

Rate, Method of Apportionment, and Manner of Collection of Special Tax April 16, 2018

Attachment 2	
CFD No. 2018-1 (Arch Road/Newcastle Road)	
Maximum Annual Special Tax Rate by Tax Category -	
Base Year	
	Maximum
Tax	Annual Special
Category	Tax Rate per Acre
Developed Parcel	\$4,235
Undeveloped Parcel	\$4,235
	"att2"
[1] The Maximum Annual Special Tax Rate and Maximum Annual Special Tax will not increase annually.	

Map

