

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY ) Resolution No. 2020-\_\_\_\_\_  
3 BOARD OF SUPERVISORS AUTHORIZING THE )  
4 LEVY OF SPECIAL TAXES FOR FISCAL YEAR )  
5 2020/2021 WITHIN COMMUNITY FACILITIES )  
6 DISTRICT NO. 2018-01 (RESIDENTIAL SERVICES )

7 **WHEREAS**, the Board of Supervisors (the "Board") of San Benito County ("County"), previously  
8 established Community Facilities District No. 2018-01 (Residential Services) ("CFD 2018-01")  
9 pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as  
10 amended, commencing with Government Code Section 53311 (the "Act"); and

11 **WHEREAS**, the Board, acting as the legislative body of CFD 2018-01, is authorized pursuant to  
12 the Resolution of Formation and Ordinance No. 973, adopted by the Board, to levy a special tax  
13 sufficient to pay certain costs of the Services and Incidental Expenses (as defined in the Resolution  
14 of Formation); and

15 **WHEREAS**, it is now necessary and appropriate that this Board provide for the levy and collection  
16 of the special taxes for Fiscal Year 2020/2021 for the purposes specified in the Resolution of  
17 Formation and Ordinance, by the adoption of a resolution as specified by the Act and the  
18 Ordinance.

19 **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors for the County of San  
20 Benito, that it hereby makes the following findings and determinations:

- 21 1. The above recitals are true and correct.
- 22 2. The special tax is imposed without regard to property valuation and is levied in compliance  
23 with the Act and the Ordinance.
- 24 3. The special tax includes an annual increase equal to the change in the San Francisco-  
25 Oakland-San Jose Area Consumer Price Index ("CPI") per year without a further vote or  
26 balloting process. The change in the CPI in April 2020 was 1.11% therefore, the maximum  
27 authorized special tax rate for Fiscal Year 2020/2021 has been increased from \$1,523.81 to  
28 \$1,540.73 in Tax Zone No. 1 (Brigantino), from \$1,760.39 to \$1,779.94 for Tax Zone No. 2 (Bennet  
Ranch), and from \$792.97 to \$801.78 for Tax Zone No. 3 (The Bluffs), and the contingent special  
tax rate has been increased from \$923.06 to \$933.31 for Tax Zone No. 3 (The Bluffs).
4. In accordance with the Act and the Ordinance, there is hereby levied upon the developed  
residential parcels within the CFD 2018-01 which are not otherwise exempt from taxation  
under the Act or the Ordinance special taxes for the Fiscal Year 2020/2021 at the special tax  
rate set at \$1,540.73 in Tax Zone No. 1 (Brigantino), \$1,779.94 for Tax zone No. 2 (Bennet Ranch),  
and \$801.78 for Tax Zone No. 3 (The Bluffs), and the contingent special tax rate of 933.31 for Tax  
Zone No. 3 (The Bluffs), which special tax rates do not exceed the maximum special tax rate  
set forth in the Ordinance. After adoption of this Resolution, the CFD Levy Administrator,  
may make any necessary modifications to these special taxes to correct any errors,  
omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the  
amount to be charged to any category of parcels; provided, however, that any such

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modifications shall not result in an increase in the special tax applicable to any category of parcels and is made prior to the submission of the tax rolls to the San Benito County Auditor.

5. All of the collections of the special tax shall be used only as provided for in the Act and the Resolution of Formation. The special tax shall be levied only so long as needed to accomplish the purposes described in the Resolution of Formation.

6. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes except as such procedure may be modified by law and by this Board.

7. The CFD Administrator is hereby authorized and directed to transmit a certified copy of this Resolution to the San Benito County Auditor, together with other supporting documentation as may be required to place said special taxes on the secured property tax roll for the Fiscal Year 2020/2021, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

8. The levy of the special tax for fiscal year 2020/2021 does not constitute a project pursuant to the California Environmental Quality Act (CEQA), Guidelines section 15378(b)(4), because it involves government fiscal activities which do not involve the commitment to any project which may result in a potentially significant physical impact on the environment. The special tax only provides a funding mechanism for the purposes described in the Resolution of Formation. The levy of the special tax shall not constitute approval of, or commitment to, any specific project. The action of the Board on today's date is not intended to and shall not be construed to approve, even preliminarily or in concept, any specific project.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 18<sup>th</sup> DAY OF AUGUST, 2020 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):  
Noes: Supervisor(s):  
Absent: Supervisor(s):  
Abstain: Supervisor(s)

By: \_\_\_\_\_  
Jaime De La Cruz, Chair

**ATTEST:**  
Janet Slibsager, Clerk of the Board

**APPROVED AS TO LEGAL FORM:**  
San Benito County Counsel's Office

By: \_\_\_\_\_

By: Shirley L. Murphy  
Shirley L. Murphy, Deputy County Counsel

Date: \_\_\_\_\_

Date: Aug. 14, 2020