

**RESOLUTION NUMBER 6479**

**RESOLUTION OF CONSIDERATION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST) OF THE CITY OF PERRIS AND DECLARING ITS INTENTION TO MAKE CHANGES WITH RESPECT TO IMPROVEMENT AREA NO. 2 OF SAID DISTRICT**

**WHEREAS**, the City Council (the “Council”) of the City of Perris (the “City”) has received a petition (including consent and waiver) (the “Petition”) from PW Land Investments, L.P., a Delaware limited partnership (“Property Owner”) requesting the institution of change proceedings with respect to Improvement Area No. 2 (the “Improvement Area”) of Community Facilities District No. 2022-4 (Park West) of the City of Perris (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

**WHEREAS**, the District was formed and three improvement areas were designated therein consisting of the territory described in Exhibit “A” hereto and incorporated herein by this reference pursuant to Resolution No. 6315, adopted on January 9, 2024 (“Formation Resolution”); and

**WHEREAS**, on January 9, 2024, following a public hearing and special election, the sole landowner of the Improvement Area approved of the levying of a special tax within the Improvement Area at the rate and method of apportionment described in the Formation Resolution; and

**WHEREAS**, the Property Owner, pursuant to the Petition, has requested the following to reflect changes to the rate and method of apportionment of Special Tax, defined herein, of the Improvement Area of the District: (i) changes to revise the square footage categories; and (ii) changes to increase the special tax rates, and (iii) increase the maximum bond authorization to an aggregate principal amount not to exceed \$13,000,000 (collectively, the “Changes”); and

**WHEREAS**, the Council has determined that the Petition complies with the requirements of Government Code Section 53332 and now intends to institute such change proceedings with respect to the District; and

**WHEREAS**, the Council desires to adopt this Resolution of Consideration (this “Resolution”) as provided in Section 53331 of the Act to institute change proceedings with respect to the Improvement Area of the District; and

**WHEREAS**, the Improvement Area of the District shall finance the same facilities described in the Formation Resolution being (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto and the payment of development and other

fees of public agencies, all as described in Exhibit B hereto and incorporated herein by this reference (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; and (2) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the Improvement Area of the District (the “Incidental Expenses”); and

*WHEREAS*, it is the intention of the Council to consider financing the Facilities and the Incidental Expenses through the District and the sale of bonded indebtedness within Improvement Area of the District in an amount not to exceed \$13,000,000 and the levy of a special tax within the Improvement Area of the District to pay for the Facilities and the Incidental Expenses and to pay debt service on the bonded indebtedness incurred by such Improvement Area, provided that the bond sales and special tax levies are approved at an election to be held within the District.

***NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:***

**Section 1.** The above recitals are true and correct.

**Section 2.** The Council hereby determines to institute change proceedings for Improvement Area No. 2 of the Community Facilities District No. 2022-4 (Park West) of the City of Perris. The boundary map of the District has previously been recorded in the Office of the County Recorder of County of Riverside in Book 92 of Maps of Assessment and Community Facilities Districts at Pages 40 to 41 as Instrument No. 2023-0347787 and is shown on Exhibit A hereto.

**Section 3.** The Facilities proposed to be financed by the Improvement Area of the District are public infrastructure facilities and other governmental facilities with an estimated useful life of five years or longer, which the City, or another public agency or district is authorized by law to construct, acquire, own, operate or contribute revenue to. The Council hereby finds and determines that the description of the Facilities herein is sufficiently informative to allow taxpayers within the proposed District to understand what the funds of the Improvement Area of the District may be used to finance. The Incidental Expenses expected to be incurred include the cost of planning and designing the Facilities, the costs of the change proceedings relating to the Improvement Area of the District, issuing bonds and levying and collecting a special tax within the Improvement Area of the District. The Council hereby finds that the proposed Facilities are necessary to meet increased demands placed upon the City, and other public agencies or districts as a result of development occurring within the Improvement Area of the District. Such Facilities need not be physically located within the Improvement Area of the District.

**Section 4.** Except where funds are otherwise available, it is the intention of the Council to levy annually in accordance with procedures contained in the Act a new special tax within the Improvement Area of the District (the “Special Tax”) sufficient to pay for the costs of financing the acquisition and/or construction of the Facilities and Incidental Expenses, including the principal and interest and other periodic costs on bonds or other indebtedness proposed to be issued to finance the Facilities, and Incidental Expenses. The Special Tax will be secured by recordation of a continuing lien against all non-exempt real property in the Improvement Area of the District. In the first year in which such a Special Tax is levied, the levy shall include a sum sufficient to repay to the City all amounts, if any, transferred to the Improvement Area of the

District pursuant to Section 53314 of the Act and interest thereon. The Amended and Restated Rate and Method of Apportionment of Special Tax within the Improvement Area of the District is described in detail in Exhibit C attached hereto and by this reference incorporated herein (the “Amended RMA”). The Special Tax contained in the Amended RMA is based upon the cost of financing the Facilities and Incidental Expenses in the Improvement Area of District, the demand that each parcel will place on the Facilities and the benefit (direct and/or indirect) received by each parcel from the Facilities and other reasonable factors.

Pursuant to the Amended RMA, the Special Tax within the Improvement Area of the District is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act. In the event that a portion of the property within the Improvement Area of the District shall become for any reason exempt, wholly or partially, from the levy of the Special Tax, the Council shall, on behalf of the Improvement Area of the District, increase the levy to the extent necessary upon the remaining property within the Improvement Area of the District which is not delinquent or exempt in order to yield the required payments, subject to the maximum tax. If special taxes of the Improvement Area of the District are levied against any parcel used for private residential purposes, (i) the maximum special tax rate shall not be increased over time except that it may be increased by an amount not to exceed two percent (2%) per year to the extent permitted in the Amended RMA; (ii) such tax shall be levied within the Improvement Area for the period set forth in the applicable Amended RMA; and (iii) under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcels within the Improvement Area of the District by more than ten percent (10%).

The Council finds that the provisions of Section 53313.6 and 53313.7 of the California Government Code (relating to adjustments to ad valorem property taxes) are inapplicable to the Improvement Area of the District.

**Section 5.** It is the intention of the Council, acting as the legislative body for the Improvement Area of the District to cause one or more series of bonds of the District to be issued for the Improvement Area pursuant to the Law to fund the Facilities. If so issued, the bonds shall be in the aggregate principal amount of not to exceed \$13,000,000, shall bear interest payable semi-annually or in such other manner as this Council shall determine, at a rate on to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds and shall mature not to exceed 40 years from the date of issuance thereof.

**Section 6.** The Council reserves to itself the right and authority to allow any interested owner of property in the Improvement Area, subject to the provisions of Section 53344.1 of the California Government Code and such requirements as it may otherwise impose, and any applicable prepayment penalties as prescribed in the indenture or fiscal agent agreement for any bonds of the District for the Improvement Area, to tender to the City in full payment or part payment of any installment of special taxes or the interest or penalties thereon which may be due or delinquent but for which a bill has been received, any bond or other obligation secured thereby, in each case with respect to the Improvement Area, in the manner described in Section 53344.1 of the California Government Code.

**Section 7.** A Public Hearing (the “Hearing”) on the Changes shall be held on October 8, 2024 at 6:30 p.m., or as soon thereafter as practicable, at the Chambers of the Council of the City of Perris, 101 N. D Street, Perris, California 92570. Should the Council determine to

call a special election on the Changes, a special election will be held within the Improvement Area of the District to approve the Changes, authorize the levy of special taxes pursuant to the Amended RMA and authorize the issuance of bonds in an amount not to exceed the revised bonded indebtedness in accordance with the procedures contained in Government Code Sections 53326 and 53338. If held, the proposed voting procedure at the elections will be a landowner vote with each landowner who is the owner of record of land within the Improvement Area of the District at the close of the Hearing, or the authorized representative thereof, having one vote for each acre or portion thereof owned within the Improvement Area of the District. Ballots for the special election may be distributed by mail or by personal service.

**Section 8.** At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the Improvement Area of the District, may appear and be heard. With respect to the Changes, if fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing in the Improvement Area, or the landowners of one-half or more of the area of land in the Improvement Area and not exempt from the Special Tax, file written protests against the Changes, and the protests are not withdrawn to reduce the value of the protests to less than a majority, the Council shall take no further action to approve the Changes in the Improvement Area for a period of one year from the date of decision of the Council, and if the majority protests of the registered voters or landowners are only against the furnishing of a type or types of Facilities within the Improvement Area, those types of Facilities will be eliminated from the proceedings to approve the Changes for such Improvement Area.

**Section 9.** Each City officer who is or will be responsible for the Facilities to be financed by the Improvement Area of the District, is hereby directed to study the proposed Improvement Area of the District and, at or before the time of the above-mentioned Hearing, file a report with the Council, and which is to be made a part of the record of the Hearing, containing a brief description of the Facilities and services by type which will in his or her opinion be required to adequately meet the needs of the Improvement Area of the District and his or her estimate of the cost of providing the Facilities and services, including an estimate of the fair and reasonable cost of all Incidental Expenses, including the cost of planning and designing the Facilities to be financed pursuant to the Act, the cost of environmental evaluations of such Facilities, all costs associated with the changes in the Improvement Area of the District, issuance of bonds, determination of the amount of any special taxes, collection of any special taxes, or costs otherwise incurred in order to carry out the authorized purposes of the City with respect to the Improvement Area of the District, and any other expenses incidental to the construction, completion and inspection of the authorized work to be paid through the proposed financing.

**Section 10.** The City may accept advances of funds or work-in-kind from any sources, including private persons or private entities, and is authorized and directed to use such funds for any authorized purpose, including any cost incurred in changing the Improvement Area of the District. The District, on behalf of the Improvement Area, may enter into an agreement to repay all of such funds as are not expended or committed for any authorized purpose at the time of the election on the levy of the Special Tax, if the proposal to levy such tax should fail, and to repay all of such funds advanced if the levy of the Special Tax shall be approved by the qualified electors of the Improvement Area of the District. The Deposit and Reimbursement Agreement, dated August 19, 2024, by and between the District and the Property Owner and on file with the City Clerk is hereby approved.

**Section 11.** The City Clerk is hereby directed to publish notice (“Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed District. Such Notice shall contain the text or a summary of this Resolution, state the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers for or against the proposed changes in public facilities and services and the levying of additional special taxes or changing of existing special taxes will be heard will be heard, a description of the protest rights of the registered voters and landowners in the proposed District as provided in Sections 53335, 53336 and 53337 of the Act and a description of the proposed voting procedure for the election required by the Act. The notice shall also describe, in summary, the effect of protests made by registered voters or landowners against the proposed changes in facilities or services and the levying of additional taxes or changes in existing taxes. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

**Section 12.** The Clerk may send a copy of the Notice of the Hearing by first-class mail, postage prepaid, to each registered voter and to each landowner within the Improvement Area of the District as shown on the last equalized assessment roll or as otherwise known to the Clerk. Said mailing shall be completed not less than fifteen (15) days prior to the date of the Hearing.

**Section 13.** The voting procedure with respect to the Changes shall be by hand delivered ballot election.

[signatures on following page]

**ADOPTED, SIGNED** and **APPROVED** this 27th day of August, 2024.

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Michael M. Vargas, Mayor

ATTEST:

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Nancy Salazar, City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 6479 was duly adopted by the City Council of the City of Perris at the regular meeting thereof, held on the 27th day of August, 2024, and was adopted by the following vote:

AYES: CORONA, RABB, ROGERS, NAVA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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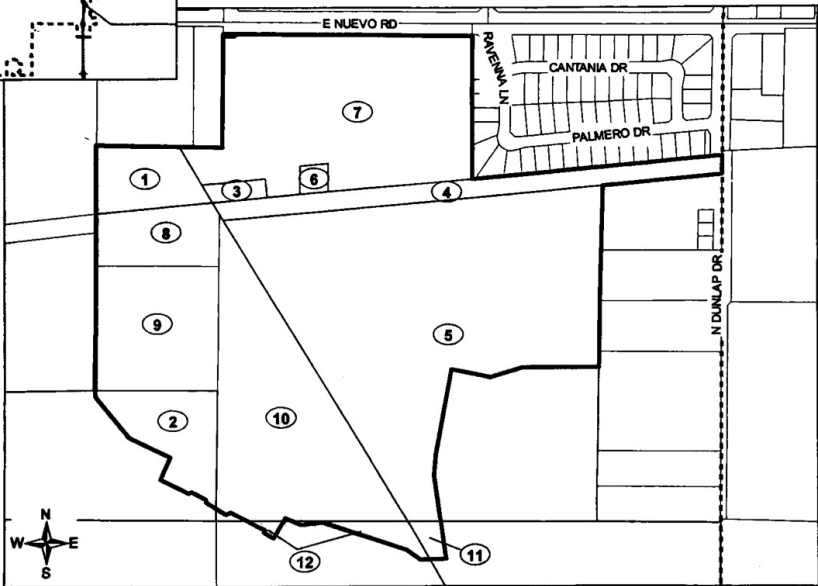
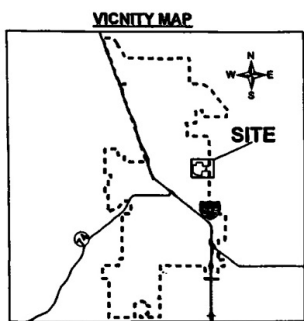
Nancy Salazar, City Clerk

**EXHIBIT A**  
**BOUNDARY MAP FOR**  
**IMPROVEMENT AREA NO. 2 OF**  
**COMMUNITY FACILITIES DISTRICT**  
**NO. 2022-4 (PARK WEST)**  
**OF THE CITY OF PERRIS**

[ATTACHED]

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



- Legend**
- Proposed CFD Boundary
  - Map Reference Number
  - City of Perris Boundary

FILED IN THE OFFICE OF THE CITY CLERK THIS 14<sup>th</sup> DAY OF November 2023

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST), CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF, HELD ON THE 14<sup>th</sup> DAY OF November, 2023 BY ITS RESOLUTION NO. 12177

CITY CLERK  
CITY OF PERRIS

FILED THIS 20 DAY OF November, 2023 AT THE HOUR OF 10:11 O'CLOCK A. M. IN BOOK 92 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) 52-21, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. Fee: 3.11 Recording Reference: 2023-0817787

PETER ALDAMA, ASSESSOR-COUNTY CLERK-RECORDER

BY DEPUTY  
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS MAP SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON COUNTY OF RIVERSIDE TRACT MAP NO. 38378, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA ON OCTOBER 20, 2023 AS INSTRUMENT NUMBER 2023-0817787.

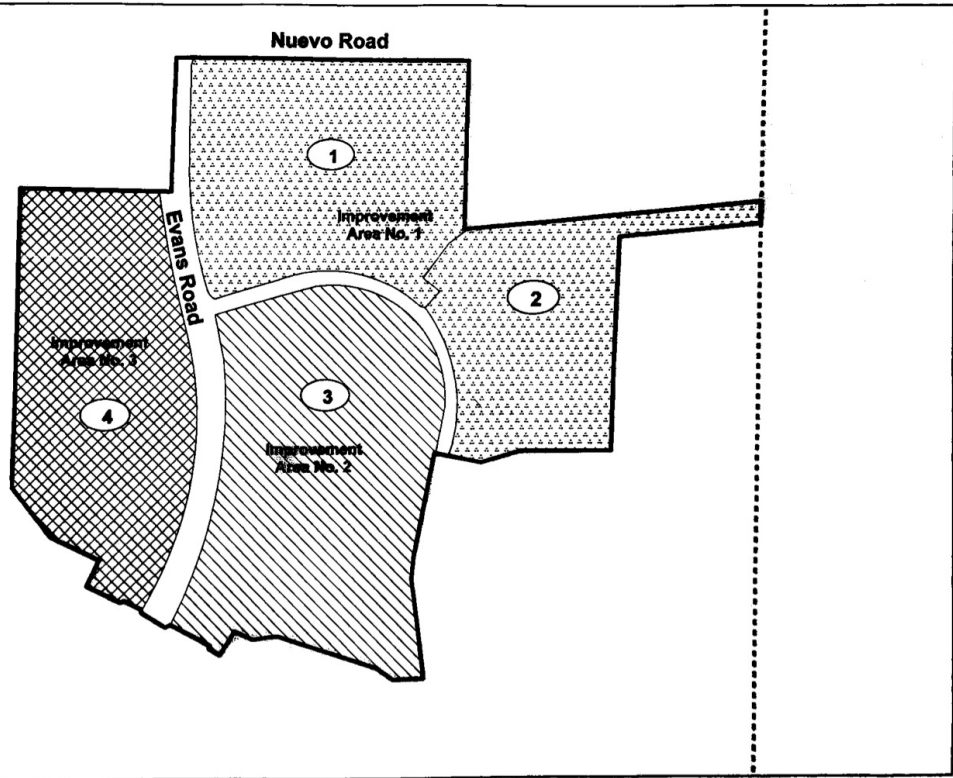
MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	310-180-008
2	Portion of 310-180-011
3	310-180-018
4	310-180-020
5	Portion of 310-180-021
6	310-180-048
7	310-180-055
8	310-180-061
9	310-180-062
10	Portion of 310-180-063
11	Portion of 310-180-010
12	Portion of 310-180-025

\* REPRESENTS THE ASSESSOR PARCEL NUMBER FOR THOSE PARCELS OR PORTIONS THEREOF INCLUDED WITHIN THE BOUNDARY OF COUNTY OF RIVERSIDE TRACT MAP NO. 38378.

**WILLDAN**  
Financial Services  
27368 VIA INDUSTRIA, SUITE #200  
TEMECULA, CA 92590  
(951) 587-3500

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



### Legend

- Proposed CFD Boundary
- City of Perris Boundary
- Improvement Areas**
- Improvement Area No. 1
- Improvement Area No. 2
- Improvement Area No. 3
- 8 Lot Number of Tract Map No. 28370

**WILLDAN**  
Financial Services

27388 VIA INDUSTRIA, SUITE 6200  
TEMECULA, CA 92590  
(951) 557-3600

## **EXHIBIT B**

### **TYPES OF FACILITIES TO BE FINANCED BY COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST) OF THE CITY OF PERRIS**

The General Description of the Facilities that may be acquired or constructed is as follows:

- Street facilities, including, but not limited to, major arterials, highways, bridge facilities, regional transportation facilities and streets, intersections, access ramps, roadways, sidewalk, curb, gutters, striping, lighting, traffic signalization, signage, landscaping of public streets and rights-of-way and appurtenant facilities;
- Storm control facilities, including, but not limited to, storm drains, channels, detention, headwalls, riprap pads, water quality basins, retention and/or catch basins and appurtenant facilities;
- Sewer improvements, sanitary sewers, including, but not limited to, lift stations, force mains, pump stations, transmission and main lines, valves, and appurtenant facilities;
- Domestic water facilities, including, but not limited to, reservoirs, pump stations, transmission lines, distribution facilities, main lines, valves, fire hydrants and appurtenant facilities;
- Park, recreational facilities, trails, open space and appurtenant facilities;
- Impact and other City or public agency fees, including but not limited to, Transportation Uniform Mitigation Fees, Development Impact Fees, school fees, water fees, drainage fees, sewer treatment and connection fees, water supply fees, water meter fees, water connection fees, storm drain fees, capital facilities' fees and other city or public agency fees and all capital facilities which are part of these fee programs and capital improvement programs;
- Utility undergrounding and dry utilities;
- Incidental expenses;
- City facilities.

## **OTHER**

The District may also finance any of the following:

1. Bond related expenses, including underwriters' discount, reserve fund, capitalized interest, financial advisor fees and expenses, bond and disclosure counsel, market absorption consultant, special tax consultant fees and expenses, appraiser, dissemination agent fees and all other incidental expenses.
2. Administrative fees of the City and the Bond trustee or fiscal agent related to the District and the Bonds.
3. Reimbursement of costs related to the formation of the District advanced by the City or any related entity, or any landowner or developer within the District, as well as reimbursement of any costs advanced by the City or any related entity, or any landowner or developer within the District, for facilities or other purposes or costs of the District.

This description of the public capital facilities is general in nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans and specifications may show substitutes in lieu of, or modifications to, proposed work. Any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in the city officer's report, containing a brief description of the facilities which will be required to adequately meet the needs of the District.

**EXHIBIT C**

**AMENDED AND RESTATED  
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR  
IMPROVEMENT AREA NO. 2 OF  
COMMUNITY FACILITIES DISTRICT  
NO. 2022-4 (PARK WEST)  
OF THE CITY OF PERRIS**

# AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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## COMMUNITY FACILITIES DISTRICT NO. 2022-4 (PARK WEST) IMPROVEMENT AREA NO. 2

A Special Tax shall be levied on all Taxable Property within the boundaries of Improvement Area No. 2 of Community Facilities District No. 2022-4 (Park West) of the City of Perris (“CFD No. 2022-4 IA2”) and collected each Fiscal Year commencing in Fiscal Year 2025-26, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2022-4 IA2, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

### 1. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“**Acre**” or “**Acreage**” means the land area of an 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. An Acre means 43,560 square feet of land.

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California.

“**Administrative Expenses**” means the following actual or reasonably estimated costs related to the administration of CFD No. 2022-4 IA2 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 2022-4 IA2, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2022-4 IA2, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2022-4 IA2, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2022-4 IA2, or any designee thereof related to an appeal of the Special Tax; and the City’s annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-4 IA2 for any other administrative purposes of CFD No. 2022-4 IA2, including attorney’s fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

“**Annual Special Tax**” means the Special Tax actually levied in any Fiscal Year on any Assessor’s Parcel.

**“Assessor”** means the Assessor of the County of Riverside.

**“Assessor's Parcel”** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**“Assessor's Parcel Map”** means an official map of the Assessor designating parcels by Assessor's Parcel Number.

**“Assessor's Parcel Number”** means the number assigned to an Assessor's Parcel by the County for purposes of identification.

**“Assigned Special Tax”** means the Special Tax of that name described in Section 3.A below.

**“Backup Special Tax”** means the Special Tax of that name described in Section 3.B below.

**“Bonds”** means any bonds or other Debt of CFD No. 2022-4 IA2, whether in one or more series, secured by the levy of Special Taxes.

**“Boundary Map”** means the map of the boundaries of CFD No. 2022-4 recorded on November 20, 2023 in the Riverside County Recorder's Office in Book 92, Pages 40-41, of Maps of Assessments and Community Facilities Districts (instrument number 2023-0347787).

**“Building Permit”** means a building permit for construction of a Residential Unit within CFD No. 2022-4 IA2 issued by the City.

**“Building Square Footage”** means all of the square footage of usable area within the perimeter of a primary residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by reference to the Building Permit(s) issued for such Assessor's Parcel and/or by reference to appropriate records kept by the City.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

**“CFD No. 2022-4”** means the Community Facilities District No. 2022-4 (Park West) Improvement Area No. 2 of the City of Perris.

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

**“Council”** means the City Council of the City acting as the legislative body of CFD No. 2022-4 under the Act.

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

**“Debt”** means any binding obligation to pay or repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals, or long-term contracts.

**“Debt Service”** means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

**“Developed Property”** means for each Fiscal Year, all Taxable Property, exclusive of Provisional Property and Provisional Welfare Property, for which a Building Permit was issued prior to May 1 of the previous Fiscal Year. An Assessor’s Parcel classified as Developed Property but for which the Building Permit that caused such Assessor’s Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification shall not be less than 1.1 times the annual Debt Service less Administrative Expenses on all Outstanding Bonds. If Bonds have not been issued, an Assessor’s Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

**“Exempt Property”** means for each Fiscal Year, all Assessor’s Parcels designated as being exempt from Special Taxes pursuant to Section 8 below.

**“Final Map”** means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

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

**“Indenture”** means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

**“Land Use Class”** means any of the classes listed in Table 1 under Section 3 below.

**“Lot”** means a parcel created by a Final Map on which a Residential Unit can be constructed.

**“Lower Income Households Welfare Exemption Property”** means, for each Fiscal Year, an Assessor’s Parcel that is entitled to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County Assessor’s roll finalized as of January 1 of the previous Fiscal Year; provided that such Assessor’s Parcel shall not be classified as Lower Income Households Welfare Exemption Property if Debt is outstanding for CFD No. 2022-4 IA2 and the Assessor’s Parcel was assumed to be subject to the Special Tax prior to receiving the exemption, in which case the Assessor’s Parcel shall remain subject to the Special Tax and the Special Tax shall be enforceable against the Assessor’s Parcel.

**“Maximum Special Tax”** means for each Assessor’s Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor’s Parcel of Taxable Property.

**“Non-Residential Property”** means all Assessor’s Parcels of Developed Property for which a building permit has been issued for the purpose of constructing one or more non-residential units or facilities.

**“Outstanding Bonds”** means all Bonds, which are deemed to be outstanding under the Indenture.

**“Prepayment Amount”** means the amount required to prepay the Annual Special Tax obligation in full in or in part for an Assessor’s Parcel as described in Section 6 below.

**“Property Owner Association Property”** means any Assessor’s Parcel within the boundaries of CFD No. 2022-4 IA2 owned in fee by a property owner association, including any master or sub-association.

**“Proportionately” or “Proportionate”** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is equal for all Assessor's Parcels of Undeveloped Property. **“Proportionately”** may similarly be applied to other categories of Taxable Property as listed in Section 4 below.

**“Provisional Property”** means all Assessor’s Parcels of Public Property, Property Owner Association Property or property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**“Provisional Welfare Property”** means all Assessor’s Parcels of Lower Income Households Welfare Exemption Property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**“Public Property”** means any property within the boundaries of CFD No. 2022-4 IA2, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use.

**“Residential Property”** means all Assessor’s Parcels for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

**“Residential Unit”** means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units. This definition does not include Accessory Dwelling Units as defined in the State of California Government Code section 65852.2.

**“Special Tax”** means any special tax levied within CFD No. 2022-4 IA2 pursuant to the Act and this Amended and Restated Rate and Method of Apportionment of Special Tax.

**“Special Tax Obligation”** means the total obligation of an Assessor’s Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD No. 2022-4 IA2.

**“Special Tax Requirement”** means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds, including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Fees and Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) accumulate funds to pay directly for acquisition or construction of facilities provided that the inclusion of such amount does not result in a levy beyond Step 1 of Section 4; and (vi) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (vii)

a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Indenture.

“State” means the State of California.

“Taxable Property” means all of the Assessor's Parcels within the boundaries of CFD No. 2022-4 IA2, which are not exempt from the levy of the Special Tax pursuant to law or Section 8 below.

“Trustee” means the trustee or fiscal agent under the Indenture.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Provisional Property.

**2. LAND USE CLASSIFICATION**

Each Fiscal Year, beginning with Fiscal Year 2025-26, each Assessor’s Parcel within CFD No. 2022-4 IA2 shall be classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property, Undeveloped Property, Provisional Welfare Property, or Provisional Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Amended and Restated Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property and Provisional Welfare Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

**3. SPECIAL TAX RATES**

**A. Assigned Special Tax for Developed Property and Provisional Welfare Property**

The Assigned Special Tax applicable to an Assessor's Parcel classified as Developed Property or Provisional Welfare Property commencing in Fiscal Year 2024-25 shall be determined pursuant to Table 1 below.

**Table 1  
Assigned Special Tax  
Fiscal Year 2024-25**

<b>Land Use Class</b>	<b>Land Use Type</b>	<b>Building Square Footage</b>	<b>Assigned Special Tax</b>
1	Residential Property	> 2,700	\$3,554 per Residential Unit
2	Residential Property	2,501 – 2,700	\$3,379 per Residential Unit
3	Residential Property	2,301 – 2,500	\$3,237 per Residential Unit
4	Residential Property	2,101 – 2,300	\$3,112 per Residential Unit
5	Residential Property	1,901 – 2,100	\$3,037 per Residential Unit
6	Residential Property	1,701 – 1,900	\$2,828 per Residential Unit
7	Residential Property	1,501 – 1,700	\$2,715 per Residential Unit
8	Residential Property	≤ 1,500	\$2,602 per Residential Unit
9	Non-Residential Property	N/A	\$26,465 per Acre

Each July 1, commencing July 1, 2025, the Assigned Special Tax for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**B. Backup Special Tax for Developed Property and Provisional Welfare Property**

The Backup Special Tax for Developed Property and Provisional Welfare Property commencing in Fiscal Year 2024-25 shall be \$26,465 per Acre. Each July 1, commencing July 1, 2025, the Backup Special Tax for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

For the purpose of calculating the Backup Special Tax, the land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.

**C. Maximum Special Tax for Developed Property and Provisional Welfare Property**

The Maximum Special Tax for Developed Property and Provisional Welfare Property shall be the greater of the Assigned Special Tax for Developed Property and Provisional Welfare Property or the Backup Special Tax for Developed Property and Provisional Welfare Property.

**D. Maximum Special Tax for Provisional Property and Undeveloped Property**

The Maximum Special Tax for Provisional Property and Undeveloped Property commencing in Fiscal Year 2024-25 shall be \$26,465 per Acre. Each July 1, commencing July 1, 2025, the Maximum Special Tax for Provisional Property and Undeveloped Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**4. METHOD OF APPORTIONMENT**

For each Fiscal Year, commencing Fiscal Year 2024-25, the CFD Administrator shall levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property in an amount up to 100% of the applicable Assigned Special Tax as necessary to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax amount determined in Step 1

shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property;

Step 4: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Welfare Property up to 100% of the Maximum Special Tax for Provisional Welfare Property;

Step 5: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Property up to 100% of the Maximum Special Tax for Provisional Property;

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD No. 2022-4 IA2 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

## **5. COLLECTION OF SPECIAL TAXES**

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

## **6. PREPAYMENT OF SPECIAL TAX OBLIGATION**

### **A. Prepayment in Full**

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 6:

**"CFD Public Facilities Costs"** means \$8,600,000 or such lower number as (i) shall be determined by the CFD Administrator as sufficient to acquire or construct the facilities to be financed under the Act and financing program for CFD No. 2022-4 IA2, or (ii) shall be determined by the Council concurrently with a covenant that it will not issue any more Bonds (except refunding bonds).

**"Construction Fund"** means the fund (regardless of its name) established pursuant to the Indenture to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay fees authorized to be funded by CFD No. 2022-4.

**"Future Facilities Costs"** means the CFD Public Facilities Costs minus (i) costs previously paid from the Construction Fund to acquire or construct the facilities, (ii) monies currently on deposit in the Construction Fund, and (iii) monies currently on deposit

in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

**“Outstanding Bonds”** means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

**“Previously Issued Bonds”** means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Taxable Property for which a Building Permit has been issued or is anticipated to be issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment or the delinquent special taxes are paid off concurrently with the prepayment to the satisfaction of the CFD Administrator. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the CFD No. 2022-4 IA2 Bonds to be redeemed with the proceeds of such prepaid Special Taxes, unless a shorter period is acceptable to the Trustee and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor’s Parcel or group of Assessor’s Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount  
plus Redemption Premium  
plus Future Facilities Prepayment Amount  
plus Defeasance Amount  
plus Prepayment Administrative Fees and Expenses  
less Reserve Fund Credit  
less Capitalized Interest Credit  
Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

**Step No.:**

1. Confirm that no Special Tax delinquencies apply to such Assessor’s Parcel.
2. For Assessor’s Parcels of Developed Property, determine the Maximum Special Tax. For Assessor’s Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor’s Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor’s Parcel.

3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD No. 2022-4 IA2 assuming all Building Permits have been issued (build-out) within CFD No. 2022-4 IA2, excluding any Assessor's Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid for all applicable parcels and round that amount up to the nearest \$5,000 increment (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the "Redemption Premium").
6. Compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Prepayment Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Indenture, may be as early as the next interest payment date, but the redemption date may be any date determined by the CFD Administrator as convenient and appropriate and permitted by the Indenture and does not have to be the next interest payment date.
9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.
10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the "Defeasance Amount").
11. Calculate the administrative fees and expenses of CFD No. 2022-4 IA2, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 2022-4 IA2, and the costs of recording any notices to evidence the prepayment and the redemption (the "Prepayment Administrative Fees").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement.

13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the “Capitalized Interest Credit”).

14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the “Prepayment Amount”).

15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2022-4.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of CFD No. 2022-4 IA2 Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to redeem CFD No. 2022-4 IA2 Bonds to be used with the next prepayment of CFD No. 2022-4 IA2 Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

## **B. Partial Prepayment**

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a building permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 6.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (PE-A) \times F+A$$

These terms have the following meaning:

PP = the partial prepayment  
PE = the Prepayment Amount calculated according to Section 6.A  
F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation  
A = the Prepayment Administrative Fees and Expenses from Section 6.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 6.A., and (ii) indicate in the records of CFD No. 2022-4 IA2 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (1.00 - F) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

## **7. TERM OF SPECIAL TAX**

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement for a period not to exceed fifty (50) Fiscal Years commencing with Fiscal Year 2025-26, provided however that the Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on CFD No. 2022-4 IA2 bonds have been paid.

## **8. EXEMPTIONS**

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property, (ii) Assessor's Parcels of Property Owner Association Property, or (iii) Assessor's Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Lower Income Households Welfare Exemption Property, and (vi) Assessor's Parcels of Developed Property classified as Non-Residential Property as determined reasonably by the CFD Administrator, provided that no such classification would reduce the sum of all Taxable Property in CFD No. 2022-4 IA2 to less than 21.89 Acres. Assessor's Parcels of Lower Income Households Welfare Exemption Property which cannot be classified as Exempt Property because such

classification would reduce the sum of all Taxable Property in CFD No. 2022-4 IA2 to less than 21.89 Acres shall be classified as Provisional Welfare Property and will continue to be subject to the CFD No. 2022-4 IA2 Special Taxes accordingly. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-4 IA2 to less than 21.89 Acres shall be classified as Provisional Property and will continue to be subject to the CFD No. 2022-4 IA2 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 8 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

## **9. APPEALS**

Any landowner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

- (i) Amend the Special Tax levy on the landowner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,
- (ii) Require the CFD to reimburse the landowner for the amount of the overpayment to the extent of available CFD funds, or
- (iii) Grant a credit against, eliminate or reduce the future Special Taxes on the landowner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the landowner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

## **10. INTERPRETATIONS**

The City Council or designee thereof shall interpret this Amended and Restated Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any landowner appeals. The decision of the City Council or designee shall be final.