

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH
LAKES, STATE OF CALIFORNIA, ESTABLISHING THE FORMATION OF A
COMMUNITY FACILITIES DISTRICT**

**TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2023-1
(MAINTENANCE SERVICES)**

WHEREAS, on February 15, 2023, this Town Council (the "Town Council") of the Town of Mammoth Lakes (the "Town") adopted Resolution No. 23-09 entitled "A Resolution of the Town Council of the Town of Mammoth Lakes, State of California, Declaring its Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to form the Town of Mammoth Lakes, Community Facilities District No. 2023-1 (Maintenance Services) (the "District"), of the Town pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the District and stating the services to be provided, the estimated cost of providing such services, and the rate and method of apportionment of the special tax to be levied within the District to pay for the services, is on file with the Town Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, under the Resolution of Intention, the Director of Public Works was directed to make, or cause to be made, and file with the Town Clerk a report (the "Report") in writing, presenting the services to be provided and an estimate of the reasonable cost of providing the services. The Report was prepared and submitted to the Town Clerk prior to the public hearing described below; and

WHEREAS, the Resolution of Intention called for a public hearing pertaining to the formation of the District and the levy of said special tax to be held on April 5, 2023, at 4:00 p.m., or as soon thereafter as the matter may be heard, at the meeting place of the Town Council; and

WHEREAS, under the Resolution of Intention, the Town Clerk 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 District, and the Town Clerk caused the publication of such notice at least seven (7) days before the date set for said public hearing; and

WHEREAS, on April 5, 2023, this Town Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the District; and

WHEREAS, at the public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, 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 District, the furnishing of specified types of services and the rate and method of apportionment of the special taxes have not been filed with the Town Clerk by fifty percent (50%) or more of the registered voters residing within the

territory of the District or property owners of one-half (1/2) or more of the area of land within the District and not exempt from the proposed special taxes; and

WHEREAS, the special tax proposed to be levied in the District to pay for the proposed services has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Mammoth Lakes, as follows:

1. The Town Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the Town Council's adoption of this Resolution.
2. The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 53324 of the Act.
3. All prior proceedings taken by the Town Council in connection with the establishment of the District 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 Town Council has heretofore adopted Local Goals and Policies for Community Facilities Districts, and the Town Council hereby finds and determines that the District is in conformity with said goals and policies.
4. The community facilities district designated as the "Town of Mammoth Lakes, Community Facilities District No. 2023-1 (Maintenance Services)" of the Town is hereby established pursuant to the Act.
5. The District Report is hereby approved.
6. The boundaries of the District, as set forth in the map entitled "Proposed Boundaries of Town of Mammoth Lakes, Community Facilities District No. 2023-1 (Maintenance Services), Town of Mammoth Lakes, County of Mono, State of California" heretofore recorded in the Mono County Recorder's Office on March 8, 2023, in Book 2 at Page 89 as Document No. 2023000470 of Maps of Assessment and Community Facilities Districts, are hereby approved, are incorporated herein by reference, and shall be the boundaries of the District.
7. The type of public services proposed to be funded by the District 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 District.
8. Except to the extent that funds are otherwise available to the District 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 in the District, will be levied annually within the District 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

Town Council or its designee shall determine, including direct billing of the affected landowners.

9. The Rate and Method of Apportionment of the special tax among the parcels of real property within the District, in sufficient detail to allow each landowner within the District to estimate the maximum amount such owner will have to pay, is shown in Exhibit B attached hereto and hereby incorporated herein.
10. The Finance Director of the Town, 437 Old Mammoth Road, Suite 230, Town of Mammoth Lakes, California, 93546, telephone number (760) 965-3600, is the officer of the Town 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.
11. 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 in the District and this lien shall continue in force and effect until the collection of the special tax by the Town ceases.
12. In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at an amount equal to the proceeds of the special tax collected annually and such appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing such annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act and the California Constitution.
13. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election, the time, place and conditions of which election shall be as specified by a separate resolution of this Town Council.
14. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 5th day of April 2023.

JOHN WENTWORTH, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT A

TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2023-1
(MAINTENANCE SERVICES)

DESCRIPTION OF SERVICES

It is intended that the District will be eligible to fund all or a portion of the direct and incidental costs of plowing and removal of snow, and maintenance of curbs/sidewalks, landscapes and streetlights and related appurtenances, within or adjacent to the District.

The District may fund any of the following related to the maintenance of the services described in the preceding paragraph: obtaining, constructing, reconstructing, furnishing, and operating and maintaining equipment, apparatuses or facilities related to providing the services; equipment, apparatuses, 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, replacements, and for the future provision of services. It is expected that the services will be provided by the Town, either with its own employees or by contract with third parties, or any combination thereof. The District may also fund administrative fees of the Town related to the District.

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

EXHIBIT B

TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2023-1
(MAINTENANCE SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX