

CONSENT TO, AND BALLOT IN FAVOR OF, ANNEXATION OF REAL PROPERTY TO THE COUNTY OF CONTRA COSTA COMMUNITY FACILITIES DISTRICT NO. 2010-1 (COUNTYWIDE STREET LIGHTING)

To: Board of Supervisors of the County of
Contra Costa, in its capacity as the
legislative body for the County of Contra
Costa Community Facilities District No.
2010-1 (Countywide Street Lighting)

The undersigned hereby states and certifies, under penalty of perjury, as follows:

1. The undersigned is the owner (the "Owner"), or the legally authorized representative of the Owner, of fee title to the real property identified by Contra Costa County Assessor's parcel number(s) listed below (the "Property"), and possesses all legal authority necessary to execute this consent to, and ballot in favor of (the "Consent and Ballot"), the annexation of the Property to the County of Contra Costa Community Facilities District No. 2010-1 (Countywide Street Lighting) (the "CFD").

2. The Owner understands that the Board of Supervisors of the County of Contra Costa (the "Board") has conducted proceeding pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Law") to form the CFD to finance various services (the "Services") described in Exhibit A hereto. The Owner also understands that the proceedings for the formation of the CFD authorized the Board to levy an annual special tax (the "Special Tax") on property in the CFD as specified in the Rate and Method of Apportionment of Special Taxes (the "Rate and Method") for the CFD, a copy of which is attached hereto as Exhibit B, and authorized the annexation of property to the CFD, without additional public hearings, upon approval of the owner of the property to be annexed as permitted by Section 53339.7(a) of the Law. The Owner has been advised that a Notice of Special Tax Lien (the "Notice of Special Tax Lien") was recorded against the real property initially included within the boundaries of the CFD in the office of the Contra Costa County Recorder (the "County Recorder") on June 24, 2010 as Document No. 2010-0126106-00

3. The Owner hereby irrevocably consents to, approves, and votes (for purposes of Article XIII A of the California Constitution) in favor of the annexation of the Property to Tax Zone 1 of the CFD, and the annual levy of the Special Tax on the Property pursuant to the Rate and Method to finance the Services. The Owner acknowledges that the Clerk of the Board of Supervisors of the County of Contra Costa (the "County") will record, or cause to be recorded, against the Property in the office of the County Recorder an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code, which will impose a continuing lien on the Property to secure each levy of the Special Tax, and that said lien is coequal with the lien for ad valorem real property taxes levied by the County on the Property.

4. The Owner hereby irrevocably waives any right the Owner may otherwise have to protest or challenge the validity of the proceedings of the Board of Supervisors to form the CFD and to authorize the annexation of any property (including the Property) to the CFD, and any necessity, requirement or right for further public hearings or any election pertaining to the annexation of the Property to the CFD or the levy of the Special Tax on the Property.

5. The Owner hereby agrees to provide written notice of the annexation of the Property to the CFD, and of the authority of the Board to levy the Special Tax on the Property pursuant to the Rate and Method, to any subsequent purchaser of the Property to the extent required by applicable law.

The Property subject to this Consent and Ballot, and to be annexed to the CFD, consist of the following Contra Costa County Assessor's Parcel(s):

409-080-001

409-080-013

409-080-014

409-080-015

409-080-016

409-080-020

409-080-021

The full legal name of the fee title Owner of the Property is:

Contra Costa County

The foregoing Consent and Ballot is hereby executed this _____ day of _____, 201__, in _____, California.

By: _____
(signature)

(type name of person executing
Consent and Ballot)

Its: _____
(insert legal capacity of person
executing Consent and Ballot)

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

[This area for official notaries seal]

EXHIBIT A

COUNTY OF CONTRA COSTA COMMUNITY FACILITIES DISTRICT NO. 2010-1 (COUNTYWIDE STREET LIGHTING)

DESCRIPTION OF SERVICES ELIGIBLE TO BE FUNDED BY THE CFD

Services:

The services to be funded, in whole or in part, by the County of Contra Costa Community Facilities District No. 2010-1 (Countywide Street Lighting) (the "CFD") include all direct and incidental costs related to providing street lighting within the unincorporated area of the County of Contra Costa. The CFD may fund any of the following related to the services described above: obtaining, constructing, furnishing, replacing, operating and maintaining equipment, apparatus or facilities, paying the salaries and benefits of personnel and for payment of other related expenses (including but not limited to employee benefit expenses and an allocation of general overhead expenses) and the provision of establishing reserves for cash flow, repairs, replacements and for the future provision of services. Any services to be funded by the CFD must be in addition to those provided in the territory of the CFD before the date of creation of the CFD, and may not supplant services already available within that territory when the CFD is created. It is expected that the services will be provided by the County, either with its own employees or by contract with third parties, or any combination thereof.

Administrative Expenses:

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

Other:

The incidental expenses that may be financed by the CFD include: (i) all costs associated with the establishment and administration of the CFD, the determination of the amount of and collection of taxes, the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the CFD, (ii) any other expenses incidental to the provision of the services eligible to be funded by the CFD, and (iii) any amounts necessary to maintain and replenish a reserve required by the County for the payment of the costs of the services.

EXHIBIT B

COUNTY OF CONTRA COSTA COMMUNITY FACILITIES DISTRICT NO. 2010-1 (COUNTYWIDE STREET LIGHTING)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the County of Contra Costa Community Facilities District No. 2010-1 (Countywide Street Lighting) [herein "CFD No. 2010-1" or "CFD"] shall be levied and collected according to the tax liability determined by the Board of Supervisors of the County of Contra Costa, acting in its capacity as the legislative body of CFD No. 2010-1, or its designee, through the application of the appropriate Special Taxes, as described below. All of the property in CFD No. 2010-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the direct and indirect expenses incurred by the CFD or the County in connection with the establishment and administration of CFD No. 2010-1 (including, but not limited to, the levy and collection of the Special Taxes) including the fees and expenses of attorneys, any fees of the County or the CFD related to CFD No. 2010-1 or the collection of Special Taxes, an allocable share of the salaries of County or CFD staff directly related thereto and a proportionate amount of the County's and the CFD's general administrative overhead related thereto, any amounts paid by the County or the CFD from their respective general funds with respect to CFD No. 2010-1 or the services authorized to be financed by CFD No. 2010-1, and expenses incurred by the County or the CFD in undertaking action to foreclose on properties for which the payment of Special Taxes is delinquent, any amounts necessary to maintain a reserve required by CFD No. 2010-1 for the payment of services and all other costs and expenses of the County or the CFD in any way related to CFD No. 2010-1.

"Administrator" means the person or firm designated by the Board of Supervisors to administer the Special Taxes according to this RMA.

"Acreage" means the acreage identified on a County Assessor's parcel map for a particular Parcel. If the acreage is not indicated on the County Assessor's parcel map or if it is determined by the Administrator that the acreage on the County Assessor's parcel map is incorrect then the acreage will be determined based upon the County Assessor's database or any source of information available to the Administrator which reasonably depicts the Parcel's acreage.

“Assessor’s Parcel” means a lot or parcel shown on a County Assessor’s parcel map with an assigned Assessor’s Parcel number.

“Authorized Services” means the public services that are authorized to be funded by CFD No. 2010-1, as set forth in the CFD formation documents adopted by the Board of Supervisors.

“Board of Supervisors” means the Board of Supervisors of the County of Contra Costa, acting as the legislative body of CFD No. 2010-1.

“Condominium Property” means, in any Fiscal Year, all Parcels which have or are proposed to have a residential structure constructed on it that consists of residential units that share common walls, including, condominiums, townhomes, co-ops and cluster units and where each unit has an assigned Assessor’s Parcel number, all as determined by the Administrator. Condominium Property includes property converted from Multi-Family Property into Condominium Property, for each Fiscal Year following the Fiscal Year in which the conversion occurred. Condominium Property excludes residential second units established pursuant to Section 82-24 of the Zoning Ordinance Code.

“County” means the County of Contra Costa.

“Development” means a group of Parcels constituting an area to be developed at substantially the same time pursuant to a common plan of development and is included in a single Assessor’s parcel map, tract map, final map or other County recorded map depicting the development area.

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

“Maximum Special Tax” means the maximum Special Tax that can be levied on Taxable Property in any Fiscal Year determined in accordance with Section C below.

“Multi-Family Property” means, in any Fiscal Year, all Parcels which have or are proposed to have a residential structure constructed on it that (i) is located within a mobile home park, or (ii) consists of two or more residential units that share common walls, including duplex, triplex and fourplex units, and apartment units, excluding Condominium Property, all as determined by the Administrator. Multi-Family Property excludes residential second units established pursuant to Section 82-24 of the Zoning Ordinance Code.

“Other Property” means, in any Fiscal Year, all Taxable Property within the boundaries of CFD No. 2010-1 that is not classified as Single Family Property, Condominium Property, or Multi-Family Property.

“Parcel” has the same meaning as Assessor’s Parcel.

“Public Property” means any property within the boundaries of CFD No. 2010-1 that, for the applicable Fiscal Year, is owned or irrevocably offered for dedication to the federal government, State of California, County, or other local governments or public agencies.

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

“Single Family Property” means, in any Fiscal Year, all Parcels which have or are proposed to have a single family residential structure constructed on it that does not share a common wall with another unit, except for attached residential second units established pursuant to Section 82-24 of the Zoning Ordinance Code, all as determine by the Administrator. A Parcel of Single Family Property with an attached residential second unit established pursuant to Section 82-24 will be taxed as one Parcel of Single Family Property pursuant to this RMA.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement.

“Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay Administrative Expenses for the Fiscal Year, (iii) cure any delinquencies in the payment of Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the current Fiscal Year, and (iv) to create or replenish reserve funds.

“Street” means a public or private roadway, excluding a path or alley, which allows vehicular access to and from a Parcel.

“Street Frontage” means that portion of a Parcel, measured in linear feet, that borders or is located adjacent to a Street. However, if a group of Parcels constituting a Development is annexed into CFD No. 2010-1 and the Parcels included in that Development consists of Parcel(s) that are exempt from the Special Tax pursuant to law or Section E below, and those exempt Parcels border or are located adjacent to a Street, then that portion of the exempt Parcel, measured in linear feet, that borders or is located adjacent to a Street must be prorated to all the Taxable Property within the Development based on each Taxable Property’s Street Frontage or if the Taxable Property within the Development has no Street Frontage then based on each Taxable Property’s Acreage.

“Tax Zone” means one of the mutually exclusive tax zones identified in Attachment 2 of this RMA. Attachment 2 will be updated to include new Tax Zones or new Parcels added to CFD No. 2010-1 as a result of future annexations to the CFD.

“Taxable Property” means all Assessors’ Parcels within the boundaries of CFD No. 2010-1 that are not exempt from the Special Tax pursuant to law or Section E below.

B. DATA COLLECTION FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Developed Property within CFD No. 2010-1 and shall determine within which Tax Zone each Assessor’s Parcel is located. Upon each annexation of property into CFD No. 2010-1, the Administrator shall update Attachment 2 of this RMA to include each new Parcel that is annexed into an existing Tax Zone or, if a new Tax Zone is created, each new Tax Zone and the Assessor’s Parcel(s) included in the Tax Zone. If a new Tax Zone is created, the Administrator shall update Attachment 1 of this RMA to include the Maximum Special Taxes for that Tax

Zone. The Administrator shall also determine: (i) whether each Assessor's Parcel is Agricultural Property, Condominium Property, Single Family Property, Multi-Family Property, or Other Property, (ii) for Parcels of Agricultural Property, Condominium Property and Single Family Property, the number of Units of each Parcel, (iii) for Parcels of Multi-Family Property and Other Property, the amount of Street Frontage and Acreage of each Parcel. For Agricultural Property, Condominium Property and Single Family Property, the number of Units shall be determined by referencing the development plan for the property or other County development records. Finally, the Administrator shall also determine the Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2010-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

The Maximum Special Tax rates for each Tax Zone are shown in Attachment 1 of this RMA. The Maximum Special Tax for a Parcel of Taxable Property shall be determined by the following:

1. Single Family Property or Condominium Property

The Maximum Special Tax for a Parcel of Single Family Property or Condominium Property is the applicable Maximum Special Tax rate for each such Parcel, as shown in Attachment 1 of this RMA for the Tax Zone and the then current Fiscal Year.

2. Multi-Family Property or Other Property

The Maximum Special Tax for a Parcel of Multi-Family Property or Other Property within Tax Zone 1 is the Street Frontage of the Parcel multiplied by the applicable Maximum Special Tax rate for such Parcel, as shown in Attachment 1 of this RMA for the Tax Zone and the then current Fiscal Year. The Maximum Special Tax for a Parcel of Multi-Family Property or Other Property within Tax Zone 2 is the Acreage of the Parcel multiplied by the applicable Maximum Special Tax rate for such Parcel, as shown in Attachment 1 of this RMA for the Tax Zone and the then current Fiscal Year.

D. METHOD OF LEVY AND MANNER OF COLLECTION OF THE SPECIAL TAXES

The Special Taxes shall be levied and collected according to the methodology outlined below:

The Special Tax shall be levied proportionately on each Taxable Parcel up to 100% of the Maximum Special Tax for that Taxable Parcel until the aggregate amount levied for all Taxable Parcels is equal to the Special Tax Requirement.

The Special Tax for CFD No. 2010-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the County may bill the Special Tax directly, and/or collect the Special Tax at a different time or in a different manner.

E. LIMITATIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Public Property or property owned by a homeowner's or property owner's association; except in accordance with Section 53340.1(a) of the Act, if a public agency owning Public Property, including property held in trust for any beneficiary, grants a leasehold or other possessory interest in the Public Property to a non-governmental entity, the Special Tax shall be levied on the leasehold or possessory interest based upon its classification as Condominium Property, Multi-Family Property, Single Family Property or Other Property under this RMA.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The County reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the County's discretion. Interpretations may be made by the County by resolution of the Board of Supervisors for purposes of clarifying any vagueness or ambiguity in this RMA.

G. APPEAL OF SPECIAL TAX LEVY

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the property owner disagrees with the Administrator's decision relative to the appeal, the owner may then file a written appeal with the Board of Supervisors whose subsequent decision shall be binding. If the decision of the Administrator (if the appeal is not filed with the Board of Supervisors) or the Board of Supervisors (if the appeal is filed with the Board of Supervisors) requires the Special Tax to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Tax levies, but an adjustment shall be made to the next Special Tax levy. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any legal action by such owner.

Attachment 1

County of Contra Costa
Community Facilities District No. 2010-1
(Countywide Street Lighting)

Maximum Special Taxes for Tax Zone 1¹
(Taxable Parcels with Street Lights located Near or Adjacent to the Taxable Parcels)
For Single Family Property, Condominium, Multi-Family Property and Other Property

Type of Property	Maximum Special Taxes for FY 2017-18 ²
Single Family Property	\$74.02 per Parcel
Condominium Property	\$44.40 per Parcel
Multi-Family Property	\$1.46 per linear foot of Street Frontage
Other Property	\$2.02 per linear foot of Street Frontage

Maximum Special Taxes for Tax Zone 2¹
(Taxable Parcels with No Street Lights located Near or Adjacent to the Taxable Parcels)
For Single Family Property, Condominium, Multi-Family Property and Other Property

Type of Property	Maximum Special Taxes for FY 2017-18 ²
Single Family Property	\$18.50 per Parcel
Condominium Property	\$11.08 per Parcel
Multi-Family Property	\$72.92 per Acre
Other Property	\$102.54 per Acre

¹ Tax Zones that are added to CFD No. 2010-1 as a result of future annexations will have their Maximum Special Taxes determined during the annexation process, consistent with the requirements of Section 53339.3(d) of the Act. This Attachment 1 shall be updated to reflect any new Tax Zone.

² Beginning in January 2011, and each January thereafter, the Maximum Special Taxes shown in this Attachment 1 shall be adjusted by applying the greater of (i) the increase, if any, in the Local Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area for All Urban Consumers that had occurred since January of the prior year, or (ii) the increase, if any, in the Engineering News Record's Common Labor Index that had occurred since January of the prior year. Each annual adjustment of the Maximum Special Taxes shall become effective on the following July 1.

Attachment 2

County of Contra Costa
Community Facilities District No. 2010-1
(Countywide Street Lighting)

Identification of Tax Zones

Tax Zone	Assessor's Parcels Included in Tax Zone ¹
1	380-260-001-9
2	169-032-008-8

¹ The property identified by the Assessor's Parcel numbers listed above shall remain part of the identified Tax Zone regardless of changes in the configuration of the Assessor's Parcels or changes to APNs in future Fiscal Years. Parcels annexed into CFD No. 2010-1 shall be assumed to be in Tax Zone No. 1, unless this Attachment 2 is otherwise updated to reflect annexed Parcels that are added to CFD No. 2010-1 and are to be included in another Tax Zone.