

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2020-1
(FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied and collected in East Contra Costa Fire Protection District Community Facilities District No. 2020-1 (Fire Protection and Emergency Response Services), ("CFD No. 2020-1") each Fiscal Year, in an amount determined by the application of the procedures described below. All Taxable Property (as defined below) in CFD No. 2020-1, unless exempted by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

I. DEFINITIONS

The terms used herein shall have the following meanings:

"Accessory Dwelling Unit" or "ADU" means a secondary residential unit of limited size, as defined in California Government Code Section 65852.2(j)(1) as that may be amended from time to time, that shares a Parcel with a Unit of Single Family Property.

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map or in the Assessor's Data for each Assessor's Parcel. In the event the Assessor's Parcel Map or Assessor's Data shows no acreage, the Acreage for any Assessor's Parcel shall be determined by the CFD Administrator based upon the applicable final map, parcel map, condominium plan, or other recorded County parcel map. If the preceding maps are not available, the Acreage of an Assessor's Parcel may be determined utilizing GIS. The square footage of an Assessor's Parcel is equal to the Acreage of such parcel multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982 (Government Code 53331 et seq.), as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or reasonably estimated costs directly related to the administration of CFD No. 2020-1, including without limitation: the costs of computing the Annual Special Tax Requirement and the annual Special Tax and of preparing the annual Special Tax collection schedules; the costs of collecting the Special Taxes, including any charges levied by the County Auditor's Office, Tax Collector's Office or Treasurer's Office; the costs of the District or designee in complying with applicable disclosure requirements of the California Government Code (including the Act), including public inquiries regarding the Special Taxes; the costs of the District or designee related to an appeal of the Special Tax; and the costs of commencing and pursuing to completion any foreclosure action arising from delinquent Special Taxes in CFD No. 2020-1.

"Affordable Housing Property" means, in any Fiscal Year, all or a portion of any Assessor's Parcel within the boundaries of CFD No. 2020-1 that is subject to a deed restriction, resale restriction, or regulatory agreement recorded in favor of the applicable permitting land-use authority (i.e. City of Brentwood, City of Oakley or County) that restricts Unit rents or prices chargeable to lower income households.

"Affordable Multi-Family Property" means Multi-Family Property that is also Affordable Housing Property.

“Affordable Single Family Property” means Single Family Property that is also Affordable Housing Property.

“Age Restricted Property” means in any Fiscal Year, all or a portion of any Assessor’s Parcel within the boundaries of CFD No. 2020-1 that is subject to a deed restriction, resale restriction, or regulatory agreement recorded in favor of the applicable permitting land-use authority (i.e. City of Brentwood, City of Oakley or County) that restricts Unit ownership and/or occupancy to adults who have attained a specific age.

“Age Restricted Multi-Family Property” means Multi-Family Property that is also Age Restricted Housing Property.

“Age Restricted Single Family Property” means Single Family Property that is also Age Restricted Housing Property.

“Agricultural Property” means all Assessor’s Parcels devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber, or livestock products.

“Annual Services Costs” means the amounts required to fund services authorized to be funded by CFD No. 2020-1.

“Annual Special Tax Requirement” means that amount with respect to CFD No. 2020-1 determined by the Board of Directors or designee as required in any Fiscal Year to pay: (1) the Administrative Expenses, (2) the Annual Services Costs, (3) any amount required to establish or replenish any reserve or replacement fund established in connection with CFD No. 2020-1, and (4) reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year.

“Assessor’s Data” means Acreage, Units, Building Square Footage, or other information contained in the records of the County Assessor for each Assessor’s Parcel.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

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

“Assessor’s Parcel Number” means, with respect to an Assessor’s Parcel, that number assigned to such Assessment’s Parcel by the County for purposes of identification.

“Board of Directors” means the Board of Directors of the District, acting as the legislative body of CFD No. 2020-1.

“Boundary Map” means that map recorded with the County Recorder’s office on _____ in Book ___ at Page ___ as Document Number _____.

“Building Square Foot(age)” means the structure square footage as shown in the building permit issued, or if there is no applicable building permit, as contained in the County Assessor’s Data or as otherwise

known by the CFD Administrator.

“CFD No. 2020-1” means the East Contra Costa Fire Protection District Community Facilities District No. 2020-1 (Fire Protection and Emergency Response Services), County of Contra Costa, State of California.

“CFD Administrator” means an official of the District, or designee or agent or consultant, responsible for administering the Special Tax in accordance with this Rate and Method of Apportionment.

“Commercial Property” means all Assessor’s Parcels of Developed Property with a commercial use, according to Assessor’s Data or as otherwise known by the CFD Administrator.

“County” means the County of Contra Costa, California.

“Developed Property” means, in any Fiscal Year, all Taxable Property in CFD No. 2020-1 for which a building permit for new construction was issued by the applicable permitting land use authority (i.e. City of Brentwood, City of Oakley or County), or as otherwise known by the CFD Administrator, prior to June 1 of the preceding Fiscal Year.

“District” means the East Contra Costa Fire Protection District, County of Contra Costa.

“Exempt Property” means all property located within the boundaries of CFD No. 2020-1 which is exempt from the Special Tax pursuant to Section V below.

“Fiscal Year” means the period from July 1st of any calendar year through June 30th of the following calendar year.

“Future Annexation Area” means the area designated for future annexation to the District as shown in the District Boundary Map, as may be amended from time to time.

“Industrial Property” means all Assessor’s Parcels of Developed Property with an industrial use, according to Assessor’s Data or as otherwise known by the CFD Administrator.

Property Owners Association Property” means any property within the boundaries of CFD No. 2020-1 which is (a) owned by a property owners association or (b) designated with specific boundaries and acreage on a final subdivision map as property owner association property. As used in this definition, a property owner association includes any master or sub-association.

“Maximum Special Tax” means the maximum Special Tax authorized for levy in any Fiscal Year that may apply to Taxable Property as described in Section III.

“Mixed Use Property” means all Assessor’s Parcels of Developed Property that have more than one property classifications, allowing for both residential and other use types on each such Assessor’s Parcel. For an Assessor’s Parcel of Mixed Use Property, the Special Tax shall be calculated and levied for each use type present on the Assessor’s Parcel.

“Mobile Home Property” means all Assessor’s Parcels of Developed Property with a movable or portable dwelling spaces available to be connected to utilities. As it relates to Mobile Home Property, Units are the number of mobile home spaces on each Assessor’s Parcel.

“Multi-Family Property” means, in any Fiscal Year, all Parcels of Developed Property with two or more Units that share a single Assessor’s Parcel Number, are offered for rent to the general public, and cannot be purchased by individual homebuyers, according to Assessor’s Data or as otherwise known by the CFD Administrator. Multi-Family Property also means, in any Fiscal Year, all Assessor’s Parcels of Developed Property with one Unit with a single Assessor’s Parcel Number that is a condominium pursuant the definition in Civil Code Section 4125 or a townhome.

“Office Property” means all Assessor’s Parcels of Developed Property used as offices, including medical and dental offices and office condominiums, according to Assessor’s Data or as otherwise known to the CFD Administrator.

“Property Owners Association Property” means any property within the boundaries of CFD No. 2020-1 which is (a) owned by a property owners association or (b) designated with specific boundaries and acreage on a final subdivision map as property owner association property. As used in this definition, a property owner association includes any master or sub-association.

“Proportionately” means, in any Fiscal Year, that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels authorized to be levied in that Fiscal Year within each respective Tax Zone.

“Public Property” means any property within the boundaries of CFD No. 2020-1 owned by, irrevocably offered or dedicated to, or for which an easement for purposes of public or private road right-of-way making the property unusable for any other purpose has been granted to the federal government, the State of California, the County, a City, the District, or any local government or other public agency.

“Single Family Property” means, in any Fiscal Year, all Parcels of Developed Property with one permanent dwelling Unit, according to Assessor’s Data or as otherwise known by the CFD Administrator.

“Special Tax” means the amount levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Annual Special Tax Requirement.

“Tax Escalation Factor” means the rate of increase for each Maximum Special Tax rate that will be applied on an annual basis as shown in Section III for Tax Zone No. 1 or as established for any future Tax Zones that may be created.

“Tax Zone” means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this Rate and Method of Apportionment.

“Taxable Property” means all Parcels within the boundary of CFD No. 2020-1 that are not Exempt Property, exempt from the Special Tax pursuant to the Act.

“Undeveloped Property” means all Parcels of Taxable Property that are not Developed Property.

“Unit” means any structure or suite therein designed for or occupied as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit, according to Assessor’s Data or as otherwise known by the CFD Administrator. An Accessory Dwelling Unit shall be considered a separate Unit for purposes of calculating the Special Tax.

“Welfare Exempt Property” means all Parcels within the boundaries of CFD No. 2020-1 that are eligible for a welfare exemption pursuant to Section 53340 (c) under the Government Code under subdivision (g) of Section 214 of the Revenue and Taxation Code.

II. DETERMINATION OF TAXABLE PARCELS

On or about July 1 of each Fiscal Year, the CFD Administrator shall determine the valid Assessor’s Parcel Numbers for all Taxable Property within CFD No. 2020-1. If any Assessor’s Parcel Numbers are no longer valid, the CFD Administrator shall determine the new Assessor’s Parcel Number or Numbers in effect for the then current Fiscal Year. To the extent a Parcel or Parcels of Taxable Property are subdivided, consolidated or otherwise reconfigured, the Maximum Special Tax rates shall be assigned to the new Assessor’s Parcels pursuant to Section III. The CFD Administrator shall also determine: (i) the Tax Zone within which each Parcel is located; (ii) which Parcels are Developed Property; (iii) the land use classification of each Parcel, (iv) the number of Units, Building Square Footage, or Acreage each Parcel contains; and (v) the Annual Special Tax Requirement for the Fiscal Year.

III. ANNUAL SPECIAL TAX - METHOD OF APPORTIONMENT

All Taxable Property shall be subject to a Special Tax defined as follows.

The Special Tax shall be levied each Fiscal Year by the CFD Administrator. The Annual Special Tax Requirement shall be apportioned to each Parcel of Developed Property within CFD No. 2020-1 by the method shown below.

- First. Determine the Annual Special Tax Requirement.

- Second. Levy the Special Tax on each Assessor’s Parcel of Developed Property, Proportionately, up to the Maximum Special Tax described in the table below to satisfy the Annual Special Tax Requirement.

Under no circumstances will the Special Tax levied against any Assessor’s Parcel of Developed Property be increased by more than 10% as a consequence of delinquency or default by the owner of any other Assessor’s Parcel within CFD No. 2020-1.

**TABLE 1
MAXIMUM SPECIAL TAX RATES – TAX ZONE NO. 1
FISCAL YEAR 2021/22***

Property Type	Maximum Special Tax Rate	Per
Single Family Property	\$318.60	Unit
Multi-Family Property	258.12	Unit
Mobile Home Property	444.96	Unit
Commercial Property	352.08	1,000 Feet of Building Square Footage
Office Property	541.72	1,000 Feet of Building Square Footage
Industrial Property	244.08	1,000 Feet of Building Square Footage
Accessory Dwelling Unit	30% of the applicable Maximum Special Tax Rate for the property type of the main Unit on the same Assessor's Parcel	Unit
Undeveloped Property	0.00	Acre

**On each July 1, commencing on July 1, 2022, the Maximum Special Tax Rate for each Tax Zone automatically increases by 5%, the Tax Escalation Factor.*

In some instances, an Assessor's Parcel of Developed Property may be Mixed-Use Property. The Maximum Special Taxes levied on an Assessor's Parcel shall be the sum of the Maximum Special Taxes for all Units and Building Square Feet located on that Assessor's Parcel. For an Assessor's Parcel of Mixed Use Property, the Special Tax shall be calculated and levied for each use type present on the Assessor's Parcel.

All of the Taxable Property within CFD No. 2020-1 at the time of its formation is within Tax Zone No. 1. Additional Tax Zones may be created when property is annexed to CFD No. 2020-1, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone when such Parcels are annexed to CFD No. 2020-1 shall be identified by Assessor's Parcel number in the annexation documents at the time of annexation. A different Maximum Special Tax rate may be identified in Tax Zones added to CFD No. 2020-1 as a result of future annexations.

IV. FORMULA FOR PREPAYMENT OF SPECIAL TAX OBLIGATIONS

The Special Tax may not be prepaid.

V. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except as otherwise provided in Sections 53317.3 and 53317.5 of the California Government Code.

As may be required pursuant to the Act, Welfare Exempt Property may be classified as Exempt Property or may be reimbursed for Special Tax levied and paid. To receive reimbursement, the property owner must provide documentation of the exemption to the CFD Administrator within one calendar year after having paid the Special Taxes for which an exemption has been granted. A refund of the amount of Special

Taxes paid for the Fiscal Year the exemption has been granted will be provided to the property owner of Welfare Exempt Property who was granted the exemption.

VI. INTERPRETATION OF RATE AND METHOD OF APPORTIONMENT

The District reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning the Special Tax. In addition, the interpretation and application of any section of this document shall be at the District's discretion. Interpretations may be made by the District by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Tax.

VII. MANNER AND DURATION OF SPECIAL TAX

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided that the District may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if needed to meet the financial obligations of CFD No. 2020-1, and may collect delinquent Special Taxes through foreclosure or other available methods.

A Special Tax shall continue to be levied and collected within CFD No. 2020-1, as needed to fund the Annual Special Tax Requirement, in perpetuity.

VIII. APPEAL OF SPECIAL TAX LEVY

Any property owner may file a written appeal of the Special Tax with the CFD Administrator claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Taxes that are disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Taxes are in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the Board of Directors whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the Board of Directors requires the Special Taxes to be modified or changed in favor of the property owner, no cash refund shall be made for prior years' Special Taxes, but an adjustment shall be made to credit future Special Taxes.

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

IX. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax does not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which will remain in full force and effect.