

**BEFORE THE BOARD OF DIRECTORS**  
**OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**

**In Re:**

**AN ORDINANCE LEVYING SPECIAL TAXES )**  
**WITHIN THREE RIVERS LEVEE IMPROVEMENT )**  
**AUTHORITY COMMUNITY FACILITIES )**  
**DISTRICT NO. 2006-1 (SOUTH COUNTY AREA) )**      **Ordinance No.   2**

**WHEREAS**, on February 27, 2007, this Board of Directors of the Three Rivers Levee Improvement Authority (the "Authority") adopted a resolution entitled "Resolution Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – South County Area Additional Financing" (the "Resolution of Intention"), stating its intention to establish the Three Rivers Levee Improvement Authority Community Facilities District No. 2006-1 (South County Area) pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the "Law"), to finance the costs of certain flood control improvements (the "Facilities");

**WHEREAS**, notice was published as required by the Law of the public hearing called pursuant to the Resolution of Intention relative to the intention of this Board of Directors to form the District and to provide for the costs of the Facilities;

**WHEREAS**, the Resolution of Intention called for a public hearing on the District to be held on April 3, 2007 and on such date this Board of Directors held the public hearing relative to the determination to proceed with the formation of the District; and

**WHEREAS**, at the public hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the levy of special taxes in the District were heard, substantial evidence was presented and considered by this Board of Directors and a full and fair hearing was held;

**WHEREAS**, subsequent to said hearing, this Board of Directors adopted resolutions entitled "Resolution of Formation of Three Rivers Levee Improvement Authority Community Facilities District No. 2006-1 (South County Area), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District, and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), "Resolution Determining the Necessity to Incur Bonded Indebtedness Within Three Rivers Levee Improvement Authority Community Facilities District No. 2006-1 (South County Area) and Submitting Proposition to the Qualified Electors of the District" (the "Resolution of Necessity") and "Resolution Calling Special Election Within Three Rivers Levee Improvement Authority Community Facilities District No. 2006-1 (South County Area)", which resolutions established the District, authorized the levy of a special tax with the District, and called an election within the District on

the proposition of incurring indebtedness, levying a special tax and establishing an appropriations limit for the District, respectively; and

**WHEREAS**, on April 3, 2007 an election was held within the District in which the eligible landowner electors approved said propositions by more than a two-thirds vote.

**NOW, THEREFORE**, the Board of Directors of the Three Rivers Levee Improvement Authority **DOES HEREBY ORDAIN** as follows:

**Section 1.** By the passage of this Ordinance this Board of Directors hereby authorizes and levies special taxes within the District, pursuant to the Law, at the rate and in accordance with the rate and method of apportionment of special taxes for the District approved by the Resolution of Formation (the "Rate and Method") which Resolution of Formation is by this reference incorporated herein. The special taxes are hereby levied commencing in fiscal year 2007-2008 and in each fiscal year thereafter until payment in full of any bonds issued by the Authority for the District (the "Bonds") as contemplated by the Resolution of Formation and the Resolution of Necessity and payment in full all costs of administering the District have been paid.

**Section 2.** The Treasurer of the Authority is hereby authorized and directed each fiscal year to determine the specific special tax rate and amount to be levied for each parcel of real property within the District, in the manner and as provided in the Resolution of Formation.

**Section 3.** Properties or entities of the State, federal or local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and Method. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method.

**Section 4.** All of the collections of the special tax shall be used as provided for in the Law and in the Resolution of Formation including the payment of the Bonds, the replenishment of the reserves for the Bonds, the payment of costs of flood control improvements, the payment of the costs of the Authority and the County of Yuba in administering the District and the costs of collecting and administering the special tax.

**Section 5.** The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District at the times and in the manner set forth in the Rate and Method. The special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the California Government Code shall apply to delinquent special tax payments. The Treasurer of the Authority is hereby authorized and directed to take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year until the Bonds are paid in full and provision has been made for payment of all of the administrative costs of the District.

Notwithstanding the foregoing, the Treasurer of the Authority may collect any of the special taxes on any one or more parcels in the District by means of direct billing by the Authority of the property owners within the District, if, in the judgment of the Treasurer, such means of collection will reduce the administrative burden on the Authority in administering the District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the applicable property owners.

**Section 6.** If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, by a Court of competent jurisdiction, the balance of this Ordinance, and the application of the special tax to the remaining parcels within the District shall not be affected.

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**INTRODUCED** and first read on April 3, 2007, and **PASSED AND ADOPTED** this 17th day of April, 2007, by the Board of Directors of the Three Rivers Levee Improvement Authority, by the following vote:

AYES: Directors Brown, Griego, Logue, Webb

NOES: None

ABSENT: Director Crippen

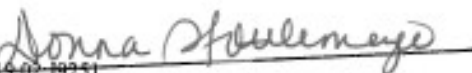
ABSTAIN: None

  
Richard E. Webb  
Chairperson


ATTEST: DONNA STOTTLEMEYER,  
SECRETARY

  
Donna Stottlemeier

The foregoing instrument is a Correct Copy  
of the original on file in this office  
ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors of the  
County of Yuba, State of California

BY   
2014-02-19251  
3/23/07  
Date: April 18, 2007

APPROVED AS TO FORM: COUNSEL TO  
THE AUTHORITY, DANIEL MONTGOMERY

  
Daniel Montgomery