

**AMENDMENT TO SECTION 3.4 OF THE  
EDUCATION ENHANCEMENT RESERVE JPA  
IN ACCORDANCE WITH NORTH BAYSHORE PRECISE PLAN POLICY 3.4.5.5**

3.4 Property Tax Revenue Calculations and Payments

a. Property Tax Payment (PTP)

Beginning Fiscal Year 2014-15, an annual ~~payment-PTP~~ shall be made by December 31 each year which shall be calculated by adjusting the prior year (e.g., Fiscal year 2013-14) ~~payment-PTP~~ by the same percentage change in property tax revenues compared to the preceding fiscal year (e.g., Fiscal Year 2012-13). The annual ~~payment-PTP~~ shall not drop below the Minimum Payment. If the change in property tax revenues results in a calculation that the annual ~~payment-PTP~~ would be less than the Minimum Payment, and property tax revenues increase the next fiscal year, the next ~~payment-PTP~~ will be calculated as though DISTRICTS' previous ~~payment-PTP~~ had declined by the same percentage as the property tax revenues.

For purposes of illustration, here are two examples (fictitious numbers are used for ease of calculation):

Assuming the Minimum Payment is \$1,000,000 in Fiscal Year 1 and the property tax revenues decrease by 10 percent between Fiscal Year 1 and the prior fiscal year, the annual ~~payment-PTP~~ for Fiscal Year 2 would be calculated to be \$900,000. Since this amount is below the Minimum Payment, the annual ~~payment-PTP~~ for Fiscal Year 2 will be \$1,000,000. Between Fiscal Years 1 and 2, property tax revenues increase 15 percent. Accordingly, the annual ~~payment-PTP~~ for Fiscal Year 3 shall be calculated as  $\$900,000 \times 1.15$  percent = \$1,035,000.

As another example, assuming the Minimum Payment is \$1,000,000 in Fiscal Year 1 and the property tax revenues increase by 10 percent between Fiscal Year 1 and the prior Fiscal Year, the ~~annual payment-PTP~~ for Fiscal Year 2 would be \$1,100,000. Property tax revenues decrease 15 percent in Fiscal Year 2 from Fiscal Year 1. The annual ~~payment-PTP~~ for Fiscal Year 3 shall be calculated as  $\$1,100,000 - (\$1,100,000 \times 15 \text{ percent}) = \$935,000$ . Since \$935,000 is less than the Minimum Payment, the annual ~~payment-PTP~~ shall be \$1,000,000. Property tax revenues increase 10 percent in Fiscal Year 3 from Fiscal Year 2. The annual ~~payment-PTP~~ for Fiscal Year 4 shall be  $\$935,000 \times 1.10$  percent = \$1,028,500.

Beginning in the first year of New Residential Development, as defined in Paragraph b below, the percentage change in property tax revenues will be adjusted as set forth in Paragraph c below to prevent the double-counting of the property tax revenues that are the result of New Residential Development.

b. New Residential Property Tax Payment (NR-PTP)

In addition to the annual PTP, an annual NR-PTP shall be made based on the residential property development in the Shoreline Community that occurs after the December 12, 2017 adoption of the North Bayshore Precise Plan (Policy 3.4.5.5) (hereinafter New Residential Development).

The first NR-PTP will be made by December 31 of the fiscal year following the addition of New Residential Development assessed value (AV) to the Santa Clara County (County) July 1 tax roll (Tax Roll) (e.g., the July 1, 2021 Tax Roll is for Fiscal Year 2021-22, and the payment will be made by December 31, 2022).

In Year 1, the New Residential Development AV shall be calculated by subtracting the Base Residential AV Year 0, as adjusted by the California Consumer Price Index (CCPI) (see Example C), from the total residential Tax Roll AV. Base Residential Tax Roll AV shall mean the residential Tax Roll AV shown on the Tax Roll prior to the addition of new residential AV due to New Residential Development. The New Residential Development AV will then be multiplied by the 1.0 percent tax increment rate to determine the New Residential Property Tax Revenues. New Residential Property Tax Revenues will then be multiplied by the Increment Allocation Factor (IAF) for the largest tax rate area (TRA) in the Shoreline Community, currently TRA 05-004, as established and provided by the County, for each DISTRICT for the applicable fiscal year to determine the NR-PTP.

Each subsequent fiscal year, the Base Residential AV from the prior fiscal year will be multiplied by the annual CCPI, or other inflationary factor utilized by the County to adjust the tax roll, to determine the Base Residential AV to be used to calculate the NR-PTP.

The NR-PTP will be calculated as follows **(all numbers are for illustrative purposes only and are not to be considered a projection):**

Illustrative Example A Year 1 – Calculation of New Residential Property

Tax Revenues

Total Residential Tax Roll AV Year 1	\$138,600,000
Base Residential AV Year 0 (adjusted by CCPI)	(38,600,000)
Residential Development AV Year 1	\$100,000,000
Tax Increment Rate	1.0%
Residential Property Tax Revenues Year 1	\$1,000,000

Illustrative Example B Year 1 – Calculation of NR-PTP

	MVWSD	MVLAUHSD
Increment Allocation Factor	23.76%	15.21%
NR-PTP (by the following December 31)	\$237,600	\$152,100

Illustrative Example A Year 2 – Calculation of New Residential Property Tax Revenues

Total Residential Tax Roll AV Year 2	\$238,600,000
Base Residential AV Year 1 (adjusted by CCPI)	(39,372,000)
Residential Development AV Year 2	\$199,228,000
Tax Increment Rate	1.0%
Residential Property Tax Revenues Year 2	\$1,992,280

Illustrative Example B Year 2 – Calculation of NR-PTP

	MVWSD	MVLAUHSD
Increment Allocation Factor	23.76%	15.21%
NR-PTP (by the following December 31)	\$473,366	\$303,026

Illustrative Example A Year 3 – Calculation of New Residential Property Tax Revenues

Total Residential Tax Roll AV Year 3	\$300,000,000
Base Residential AV Year 2 (adjusted by CCPI)	(40,159,440)
Residential Development AV Year 3	\$259,840,560
Tax Increment Rate	1.0%
Residential Property Tax Revenues Year 3	\$2,598,406

Illustrative Example B Year 3 – Calculation of NR-PTP

	<u>MVWSD</u>	<u>MVLAUHSD</u>
<u>Increment Allocation Factor</u>	<u>23.76%</u>	<u>15.21%</u>
<u>NR-PTP (by following the December 31)</u>	<u>\$617,381</u>	<u>\$395,217</u>

Illustrative Example A Year 4 – Calculation of New Residential Property Tax Revenues

<u>Total Residential Tax Roll AV Year 4</u>	<u>\$400,000,000</u>
<u>Base Residential AV Year 3 (adjusted by CCPI)</u>	<u>(39,757,846)</u>
<u>Residential Development AV Year 4</u>	<u>\$360,242,154</u>
<u>Tax Increment Rate</u>	<u>1.0%</u>
<u>Residential Property Tax Revenues Year 4</u>	<u>\$3,602,422</u>

Illustrative Example B Year 4 – Calculation of NR-PTP

	<u>MVWSD</u>	<u>MVLAUHSD</u>
<u>Increment Allocation Factor</u>	<u>23.76%</u>	<u>15.21%</u>
<u>NR-PTP (by the following December 31)</u>	<u>\$855,935</u>	<u>\$547,928</u>

Illustrative Example A Year 5 – Calculation of New Residential Property Tax Revenues

<u>Total Residential Tax Roll AV Year 5</u>	<u>\$500,000,000</u>
<u>Base Residential AV Year 4 (adjusted by CCPI)</u>	<u>(40,155,424)</u>
<u>Residential Development AV Year 5</u>	<u>\$459,844,576</u>
<u>Tax Increment Rate</u>	<u>1.0%</u>
<u>Residential Property Tax Revenues Year 5</u>	<u>\$4,598,446</u>

Illustrative Example B Year 5 – Calculation of NR-PTP

	<u>MVWSD</u>	<u>MVLAUHSD</u>
<u>Increment Allocation Factor</u>	<u>23.76%</u>	<u>15.21%</u>
<u>NR-PTP (by the following December 31)</u>	<u>\$1,092,591</u>	<u>\$699,424</u>

Illustrative Example C – Calculation of Base Residential AV (Following Year 1)

<u>Base Residential Tax Roll AV Year 0</u>	<u>\$38,600,000</u>
<u>Base Residential AV Year 1 (assume 2.0% CCPI)</u>	<u>\$39,372,000</u>
<u>Base Residential AV Year 2 (assume 2.0% CCPI)</u>	<u>\$40,159,440</u>
<u>Base Residential AV Year 3 (assume negative 1.0% CCPI)</u>	<u>\$39,757,846</u>
<u>Base Residential AV Year 4 (assume 1.0% CCPI)</u>	<u>\$40,155,424</u>

c. Adjustment to the Percentage Change in Property Tax Revenues for the Calculation of the PTP

Beginning in the first year a NR-PTP is made, and every year thereafter, the property tax revenues calculated in Paragraph a above shall be reduced by the New Residential Property Tax Revenues calculated in Paragraph b above in order to prevent a double-counting of the property tax revenues that is the result of New Residential Development. The PTP shall be calculated annually by multiplying the prior fiscal year PTP by the adjusted percentage growth in property tax revenues as shown below, and subject to the provisions in Paragraph a.

An example of the calculations to adjust the percentage change in property tax revenues and calculate the total payments under this Section 3.4 is as follows (numbers are used for illustrative purposes only and are not to be considered a projection):

Illustrative Example D Year 1 – Calculation of Adjusted % Change in Property Tax Revenues

<u>Property Tax Revenues Received Year 0</u>	<u>\$45,000,000</u>
<u>Property Tax Revenues Received Year 1</u>	<u>\$50,000,000</u>
<u>Less New Residential Property Tax Revenues Year 1</u>	<u>(\$1,000,000)</u>
<u>Net Property Tax Revenues Year 1</u>	<u>\$49,000,000</u>
<u>Adjusted Percentage Change from Year 0 to Year 1</u>	<u>8.9%</u>

Illustrative Example E Year 1 – Calculation of Total Payments under Section 3.4

	<u>MVWSD</u>	<u>MVLAUHSD</u>
<u>PTP Year 0</u>	<u>\$4,000,000</u>	<u>\$2,600,000</u>
<u>Adjusted Percentage Change (see Ex D Year 1)</u>	<u>8.9%</u>	<u>8.9%</u>
<u>PTP Year 1</u>	<u>\$4,356,000</u>	<u>\$2,831,400</u>
<u>NR-PTP Year 1 (see Example B)</u>	<u>237,600</u>	<u>152,100</u>
<u>Total Payments under Section 3.4 Year 1</u>	<u>\$4,593,600</u>	<u>\$2,983,500</u>

Illustrative Example D Year 2 – Calculation of Adjusted % Change in Property Tax Revenues

<u>Property Tax Revenues Received Year 1</u>	<u>\$50,000,000</u>
<u>Property Tax Revenue Received Year 2</u>	<u>\$55,000,000</u>
<u>Less New Residential Property Tax Revenues Year 2</u>	<u>(\$1,992,280)</u>
<u>Net Property Tax Revenues Year 2</u>	<u>\$53,007,720</u>
<u>Adjusted Percentage Change from Year 1 to Year 2</u>	<u>6.0%</u>

Illustrative Example E Year 2 – Calculation of Total Payments under Section 3.4

	<b>MVWSD</b>	<b>MVLAUHSD</b>
<u>PTP Year 1</u>	<u>\$4,356,000</u>	<u>\$2,831,400</u>
<u>Adjusted Percentage Change (see Ex D Year 2)</u>	<u>6.0%</u>	<u>6.0%</u>
<u>PTP Year 2</u>	<u>\$4,617,360</u>	<u>\$3,001,284</u>
<u>NR-PTP Year 2 (see Example B)</u>	<u>473,366</u>	<u>303,026</u>
<u>Total Payments under Section 3.4 Year 2</u>	<u>\$5,090,726</u>	<u>\$3,304,310</u>

Illustrative Example D Year 3 – Calculation of Adjusted % Change in Property Tax Revenues

<u>Property Tax Revenues Received Year 2</u>	<u>\$55,000,000</u>
<u>Property Tax Revenue Received Year 3</u>	<u>\$54,000,000</u>
<u>Less New Residential Property Tax Revenues Year 3</u>	<u>(\$2,598,406)</u>
<u>Net Property Tax Revenues Year 3</u>	<u>\$51,401,594</u>
<u>Adjusted Percentage Change from Year 2 to Year 3</u>	<u>(6.5%)</u>

Illustrative Example E Year 3 – Calculation of Total Payments under Section 3.4

	<b>MVWSD</b>	<b>MVLAUHSD</b>
<u>PTP Year 2</u>	<u>\$4,617,360</u>	<u>\$3,001,284</u>
<u>Adjusted Percentage Change (see Ex D Year 3)</u>	<u>(6.5%)</u>	<u>(6.5%)</u>
<u>PTP Year 3</u>	<u>\$4,317,232</u>	<u>\$2,806,201</u>
<u>NR-PTP Year 4 (see Example B)</u>	<u>617,381</u>	<u>395,217</u>
<u>Total Payments under Section 3.4 Year 3</u>	<u>\$4,934,613</u>	<u>\$3,201,418</u>

Illustrative Example D Year 4 – Calculation of Adjusted % Change in Property Tax Revenues

<u>Property Tax Revenues Received Year 3</u>	<u>\$54,000,000</u>
<u>Property Tax Revenue Received Year 4</u>	<u>\$58,000,000</u>
<u>Less New Residential Property Tax Revenues Year 4</u>	<u>(\$3,602,422)</u>
<u>Net Property Tax Revenues Year 4</u>	<u>\$54,397,578</u>
<u>Adjusted Percentage Change from Year 3 to Year 4</u>	<u>0.7%</u>

Illustrative Example E Year 4 – Calculation of Total Payments under Section 3.4

	<b>MVWSD</b>	<b>MVLAUHSD</b>
<u>PTP Year 3</u>	<u>\$4,317,232</u>	<u>\$2,806,201</u>
<u>Adjusted Percentage Change (see Ex D Year 4)</u>	<u>0.7%</u>	<u>0.7%</u>
<u>PTP Year 4</u>	<u>\$4,347,453</u>	<u>\$2,825,844</u>
<u>NR-PTP Year 4 (see Example B)</u>	<u>855,935</u>	<u>547,928</u>
<u>Total Payments under Section 3.4 Year 4</u>	<u>\$5,203,388</u>	<u>\$3,373,772</u>

Illustrative Example D Year 5 – Calculation of Adjusted % Change in Property Tax Revenues

<u>Property Tax Revenues Received Year 4</u>	<u>\$58,000,000</u>
<u>Property Tax Revenue Received Year 5</u>	<u>\$64,000,000</u>
<u>Less New Residential Property Tax Revenues Year 5</u>	<u>(\$4,598,446)</u>
<u>Net Property Tax Revenues Year 5</u>	<u>\$59,401,554</u>
<u>Adjusted Percentage Change from Year 4 to Year 5</u>	<u>2.4%</u>

Illustrative Example E Year 5 – Calculation of Total Payments under Section 3.4

	<b>MVWSD</b>	<b>MVLAUHSD</b>
<u>PTP Year 4</u>	<u>\$4,347,453</u>	<u>\$2,825,844</u>
<u>Adjusted Percentage Change (see Ex D Year 5)</u>	<u>2.4%</u>	<u>2.4%</u>
<u>PTP Year 5</u>	<u>\$4,451,792</u>	<u>\$2,893,664</u>
<u>NR-PTP Year 5 (see Example B)</u>	<u>1,092,591</u>	<u>699,424</u>
<u>Total Payments under Section 3.4 Year 5</u>	<u>\$5,544,383</u>	<u>\$3,593,088</u>