

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

920



**FROM:** COUNTY EXECUTIVE OFFICE

**SUBMITTAL DATE:** August 19, 2003

**SUBJECT:** Ordinance No. 827 An Ordinance of the County Of Riverside  
Authorizing The Levy of a Special Tax within Community Facilities  
District No. 03-1(Newport Road) of the County Of Riverside.

**RECOMMENDED MOTION:** That the Board of Supervisors of the County of Riverside, introduce Ordinance No. 827 Authorizing the Levy of a Special Tax within Community Facilities District No. 03-1 (Newport Road), and then adopt at the next board meeting, which in this case will be August 26, 2003, said Ordinance No. 827.

**BACKGROUND:**

On March 11, 2003, the Board of Supervisors of the County of Riverside, California (the "County"), adopted Resolution No. CFD 2003-110 (the "Resolution of Intention") calling for a public hearing to be held on April 15, 2003, to consider the proposed District, the proposed authorization to levy special taxes, the rate and method for apportioning said special taxes, (the "Rate and Method"), within the District to pay for certain public facilities and adopted Resolution No. CFD 2003-111 (the "Resolution to Incur Bonded Indebtedness"), calling for a public hearing to be held on April 15, 2003, to consider the proposed issuance of debt in an amount not to exceed \$20,000,000 in accordance with the Resolution to Incur Bonded Indebtedness.

(Continued on Page 2)

*[Signature]*  
For Debra Cournoyer, Senior Management Analyst

FORM APPROVED  
COUNTY COUNSEL  
AUG 13 2003

**FINANCIAL DATA:**

**CURRENT YEAR COST** \$ 0      **ANNUAL COST** \$ 0  
**NET COUNTY COST** \$ 0      **IN CURRENT YEAR BUDGET:** YES / NO /  
**BUDGET ADJUSTMENT:** YES/ NO/X **FOR FY:** 003/04

Policy   
Policy

**SOURCE OF FUNDS:** Bond Proceeds

**C. E. O. RECOMMENDATION:** APPROVE

Consent  
\* Consent

**County Executive Officer Signature**

*[Signature: Rhonda King]*

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref. 3/11/03 3.4, 4/15/03 9.1 a,b,c

Dist. 3

AGENDA NO.

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

3.4

The Board of Supervisors of the County of Riverside held such noticed public hearings on April 15, 2003, as required by the Act, and subsequent to the hearings, the Legislative Body adopted Resolution No. 2003-174, establishing the District, Resolution No. 2003-174, deeming it necessary to incur bonded indebtedness in the maximum amount of \$20,000,000, and Resolution No. 2003-175 (the "Resolution Calling Election"), calling an election for July 29, 2003, on the proposition to incur bonded indebtedness in a maximum amount of \$20,000,000, to levy a special tax within the District and to establish an appropriations limit for the District (the "Proposition").

Pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special tax election was held on July 29, 2003, and the Proposition was approved by more than two-thirds (2/3) of the votes cast at the election.

By the adoption of this Ordinance, on August 26, 2003, the Board hereby authorizes and levies special taxes within the District pursuant to Sections 53328 and 53340 of the Code, at the rate and in accordance with the Rate and Method. The special taxes are hereby levied commencing in fiscal year 2004-05 and in each fiscal year thereafter for the period necessary to satisfy the special tax requirement as defined in the Rate and Method.

Therefore we ask that the Chairman of the Board of Supervisors be authorized to sign this Ordinance and that the Clerk of the Board of Supervisors attest to the Chairman's signature and then cause the same to be published within fifteen (15) days after its passage on August 26, 2003 at least once in The Press-Enterprise, a newspaper of general circulation published and circulated in the area of the District, and that this Ordinance, relating to the levy and collection of special taxes in Community Facilities District No. 03-1 (Newport Road) of the County of Riverside shall take effect immediately upon its passage in accordance with the provisions of Section 25123(c) of the California government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code

1 COUNTY OF RIVERSIDE

2 ORDINANCE NO. 827

3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AUTHORIZING THE LEVY OF A  
4 SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 03-1 (NEWPORT ROAD)  
5 OF THE COUNTY OF RIVERSIDE

6 WHEREAS, on March 11, 2003, the Board of Supervisors (the "Board of Supervisors") of the  
7 County of Riverside (the "County"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the  
8 "Act"), commencing with Section 53311 of the California Government Code (the "Government Code"),  
9 adopted Resolution No. 2003-110, stating its intention to establish a community facilities district proposed to  
10 be named Community Facilities District No. 03-1 (Newport Road) of the County of Riverside (the "District")  
11 and to authorize the levy of special taxes to finance road facilities and appurtenances and bridge facilities (the  
12 "Facilities") and setting April 15, 2003 as the date for a public hearing to be held on the establishment of the  
13 District;

14 WHEREAS, on March 11, 2003, the Board of Supervisors also adopted Resolution No. 2003-111,  
15 calling for a public hearing to be held on April 15, 2003, to consider the proposed issuance of debt in an  
16 amount not to exceed \$20,000,000 for the District;

17 WHEREAS, the Board of Supervisors held such noticed public hearing on April 15, 2003, as  
18 required by the Act;

19 WHEREAS, subsequent to the hearings, the Board of Supervisors adopted Resolution No. 2003-173  
20 (the "Resolution of Formation"), establishing the District, authorizing the levy of a special tax within the  
21 District to finance the Facilities and establishing an appropriations limit for the District;

22 WHEREAS, subsequent to the hearings, the Board of Supervisors also adopted Resolution  
23 No. 2003-174, deeming it necessary to incur bonded indebtedness in the maximum amount of \$20,000,000;

24 WHEREAS, subsequent to the hearings, the Board of Supervisors adopted Resolution No. 2003-175  
25 (the "Resolution Calling Election"), calling a special election for the District for July 29, 2003 on the  
26 proposition to incur bonded indebtedness in a maximum amount of \$20,000,000, to levy a special tax within  
27 the District and to establish an appropriations limit for the District;

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1           **WHEREAS**, pursuant to the terms of the Resolution Calling Election and the provisions of the Act,  
2 said special election was held on July 29, 2003;

3           **WHEREAS**, said proposition was approved by more than two-thirds of the votes cast at said special  
4 election; and

5           **WHEREAS**, pursuant to the Act, the Board of Supervisors is the *ex officio* legislative body (the  
6 “Legislative Body”) of the District;

7           **NOW, THEREFORE**, The Board of Supervisors of the County of Riverside **ORDAINS** as follows:

8           **Section 1.** The above recitals are all true and correct and the Board of Supervisors so finds and  
9 determines.

10           **Section 2.** By the passage of this Ordinance, the Board of Supervisors hereby authorizes and levies  
11 special taxes within the District pursuant to Sections 53328 and 53340 of the Government Code, at the rate  
12 and in accordance with the method of apportionment (the “Rate and Method”) set forth in the Resolution of  
13 Formation and attached as Exhibit A hereto and made a part hereof. The special taxes are hereby levied  
14 commencing in fiscal year 2004-05 and in each fiscal year thereafter for the period necessary to satisfy the  
15 Special Tax Requirement (as defined in the Rate and Method), but in no event shall it be levied after fiscal  
16 year 2029-30 or the stated maturity of bonds of the District (“Bonds”), whichever is sooner.

17           **Section 3.** The Board of Supervisors, acting as the Legislative Body of the District, is hereby  
18 authorized and directed each fiscal year to determine, or cause to be determined, the specific special tax rate  
19 and amount to be levied for the next ensuing fiscal year for each parcel of real property within the District, in  
20 the manner and as provided in the Rate and Method.

21           **Section 4.** Properties or entities of the state, federal or other local governments shall be exempt from  
22 any levy of the special taxes, to the extent set forth in the Rate and Method. In no event shall the special  
23 taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and  
24 method.

25           **Section 5.** All of the collections of the special tax shall be used as provided for in the Act, the Rate  
26 and Method and the Resolution of Formation, including, but not limited to, the payment of principal of and  
27 interest on the Bonds, the payment of the costs of the Facilities, the replenishment of the reserve fund for the  
28 Bonds, the payment of the costs of administering the District and the costs of collecting and administering the

1 special tax.

2       **Section 6.** The special taxes shall be collected from time to time as necessary to meet the financial  
3 obligations of the District on the secured real property tax roll in the same manner as ordinary *ad valorem*  
4 taxes are collected, or may be collected in such other manner as set forth in the Rate and Method. The  
5 special taxes shall have the same lien priority, and shall be subject to the same penalties and the same  
6 procedure and sale in cases of delinquency as provided for *ad valorem* taxes. In addition, the provisions of  
7 Section 53356.1 of the Government Code shall apply to delinquent special tax payments. The Board of  
8 Supervisors, acting as the Legislative Body of the District, is hereby authorized and directed to take all  
9 actions necessary in order to effect the proper billing and collection of the special tax, so that the special tax  
10 shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial  
11 obligations of the District in each fiscal year. Notwithstanding the foregoing, the Board of Supervisors, acting  
12 as the Legislative Body of the District, may collect, or cause to be collected, one or more installments of the  
13 special taxes by means of direct billing by the District of the property owners within the District if, in the  
14 judgment of the Legislative Body, such means of collection will reduce the burden of administering the  
15 District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become  
16 delinquent if not paid when due as set forth in any such respective billing to the property owners.

17       **Section 7.** If for any reason any portion of this Ordinance is found to be invalid, or if the special tax  
18 is found inapplicable to any particular parcel within the District, by a court of competent jurisdiction, the  
19 balance of this Ordinance and the application of the special tax to the remaining parcels within the District  
20 shall not be affected.

21       **Section 8.** The Chairman of the Board of Supervisors shall sign this Ordinance and the Clerk to the  
22 Board of Supervisors shall attest to the Chairman's signature and then cause the same to be published within  
23 15 days after its passage at least once in *The Press-Enterprise*, a newspaper of general circulation published  
24 and circulated in the area of the District.

25       **Section 9.** This Ordinance relating to levy and collection of special taxes in the District shall take  
26 effect immediately upon its passage in accordance with the provisions of Section 25123(c) of the  
27 Government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340  
28 of the Government Code.

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**ADOPTED, SIGNED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2003, by the Board of Supervisors of the County of Riverside.

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST:  
Nancy Romero  
Clerk to the Board of Supervisors

By: \_\_\_\_\_  
Deputy

