

**SUBMITTAL TO THE LEGISLATIVE BODY OF COMMUNITY FACILITIES
DISTRICT NO. 03-1 (Newport Road) OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE: August 8, 2003

SUBJECT: Community Facilities District No. 03-1 (Newport Road)
Resolution No. CFD 2003-17 Declaring the Results of the Special Election and
Directing the Recording of a Notice of Special Tax Lien.

RECOMMENDED MOTION: That the Board, acting *ex officio* as the legislative body of Community Facilities District No. 03-1 (Newport Road) of the County of Riverside, adopt Resolution No. CFD 2003-17 declaring the results of a special election and directing the Recording of a Notice of Special Tax Lien

BACKGROUND:

On April 15, 2003, the Board of Supervisors called an election within Community Facilities District No. 03-1(Newport Road) of the County of Riverside (the "District") 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 as stated in the Certificate of the Registrar of Voters for the County which has been filed with the Clerk of the Board and a copy of which is attached as Exhibit A to Resolution No. CFD 2003-17.

(Continued on Page 2)

FORM APPROVED
COUNTY COUNSEL

AUG 13 2003

[Signature]
For Debra Cournoyer, Sr. Management Analyst

FINANCIAL DATA:

CURRENT YEAR COST \$ 0
NET COUNTY COST \$ 0

ANNUAL COST \$ 0
IN CURRENT YEAR BUDGET: YES / NO /
BUDGET ADJUSTMENT: YES/ NO/ **FOR FY:** 03/04

SOURCE OF FUNDS: Bond Proceeds

C. E. O. RECOMMENDATION: APPROVE

County Executive Officer Signature

[Signature]

Prev. Agn. ref. April 15, 2002 9.1a,b,c

Dist. 3

AGENDA NO.

8 · 1

Department Recommendation:
Per Executive Office:

Consent
 Policy
 Policy
 Consent

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

The Legislative Body's adoption of Resolution No. CFD 2003-17 finds and declares that the Proposition presented to the qualified electors of Community Facilities District No. 03-1 on July 29, 2003, was approved by more than two-thirds (2/3) of the votes cast at said election, and the Proposition has carried in accordance with Section 53338(b) of the Code. The Legislative Body also determines that the Proposition is lawfully authorized, and directs the Clerk of the Board of Supervisors, acting *ex officio* as Clerk of the Legislative Body, to record in the Office of the County Recorder within fifteen (15) days of the date hereof a Notice of Special Tax Lien with respect to Community Facilities District No. 03-1 in the form required by California Streets and Highways Code Section 3114.5.

RESOLUTION NO. CFD 2003-17

**A RESOLUTION OF THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO. 03-1
(NEWPORT ROAD) OF THE COUNTY OF RIVERSIDE
DECLARING THE RESULTS OF A SPECIAL ELECTION
AND DIRECTING THE RECORDING OF A NOTICE OF
SPECIAL TAX LIEN**

WHEREAS, on April 15, 2003, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside (the "County"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), commencing with Section 53311 of the California Government Code (the "Government Code"), adopted Resolution No. 2003-175 (the "Resolution Calling Election"), calling a special election for Community Facilities District No. 03-1 (Newport Road) of the County of Riverside (the "District") 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;

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

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

WHEREAS, there has been presented to the Legislative Body the certificate of the Registrar of Voters of the County (the "Certification of Returns"), a copy of which is attached hereto as Exhibit A, which states the results of the canvass of the election returns for the special election that was held on July 29, 2003; and

WHEREAS, the Registrar of Voters of the County has certified in the Certification of Returns that 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 was approved by more than two-thirds of the votes cast at said special election;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ACTING EX OFFICIO AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 03-1 (NEWPORT ROAD) OF THE COUNTY OF RIVERSIDE, in regular session assembled on August 19, 2003, does hereby resolve, find, determine and order as follows:

Section 1. The Legislative Body has received, reviewed and hereby accepts the Certification of Returns.

Section 2. The Legislative Body hereby finds and declares that the ballot proposition submitted to the qualified electors of the District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53355, Section 53328(a) and Section 53325.7 of the Government Code.

Section 3. The Clerk to the Board of Supervisors, acting *ex officio* as the Clerk to the Legislative Body, is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County a notice of special tax lien with respect to the District in the form required by California Streets and Highways Code Section 3114.5, said recording to occur no later than fifteen days following adoption by the Legislative Body of this Resolution.

Section 4. The officers of the County, acting *ex officio* on behalf of the District, are, and each of them is, hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which said officers may deem necessary or advisable in order to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

ADOPTED, SIGNED AND APPROVED this __ day of _____, 2003, by the Board of Supervisors of the County of Riverside, acting *ex officio* as the Legislative Body of Community Facilities District No. 03-1 (Newport Road) of the County of Riverside.

Chairman of the Board of Supervisors, *ex officio* the Chairman of the Legislative Body

ATTEST:
Nancy Romero
Clerk to the Board of Supervisors,
ex officio the Clerk to the Legislative Body

By: _____
Deputy

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss.

I, Nancy Romero, Clerk to the Board of Supervisors of the County of Riverside, California, acting *ex officio* as the Clerk to the Legislative Body for Community Facilities Districts for the County of Riverside, do hereby certify that the foregoing Resolution No. CFD 2003-___ was duly adopted by the Board of Supervisors of said County, acting *ex officio* as the Legislative Body of Community Facilities Districts for the County of Riverside, at a meeting of said Board held on the ___ day of _____, 2003, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____, Deputy
Clerk to the Board of Supervisors of the
County of Riverside, *ex officio* the Clerk to
the Legislative Body

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss.

I, Nancy Romero, Clerk to the Board of Supervisors of the County of Riverside, California, acting *ex officio* as the Clerk to the Legislative Body for Community Facilities Districts for the County of Riverside, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. CFD 2003-_____ of the Board of Supervisors of said County, acting *ex officio* as the legislative body of Community Facilities District No. 03-1 (Newport Road) of the County of Riverside, and that the same has not been amended or repealed.

Dated: _____

_____, Deputy
Clerk to the Board of Supervisors of the
County of Riverside, *ex officio* the Clerk to
the Legislative Body

CERTIFICATION OF RETURNS



MISCHELLE TOWNSEND
Registrar of Voters

2724 Gateway Drive
Riverside, CA 92507-0918
(909) 486-7200
FAX (909) 486-7272

REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS

State of California)
) ss.
County of Riverside)

I, MISHELLE TOWNSEND, Registrar of Voters of said County, do hereby certify that, I did canvass the returns of the vote cast on July 29, 2003, by mailed ballot to the designated landowners within the Community Facilities District 03-1 (Newport Road) of the County of Riverside. Ballots were returned to me on or prior to July 29, 2003, and the election was then closed, as permitted by Government Code Section 53326(d).

I further certify that the following shows the full text of the measure submitted to the voters at said election and the true totals of all votes cast for and against said measure.

Proposition No. A:


Shall Community Facilities District No. 03-1 (Newport Road) of the County of Riverside be authorized to incur bonded indebtedness in a maximum amount of \$20,000,000 and levy a special tax in accordance with the Rate and Method of Apportionment attached as an exhibit to Resolution No. 2003-173 in order to finance a portion of certain public facilities and shall an annual appropriations limit of \$3,000,000 be established, as specified in Resolution Nos. 2003-173 and 2003-174 adopted by the Board of Supervisors of Riverside County on April 15, 2003?

Total number of ballots received: 23

Value of votes cast: 2571 YES 0 NO

Dated this 30th day of July 2003.




MISCHELLE TOWNSEND
Registrar of Voters