

**SUBMITTAL TO THE BOARD OF SUPERVISORS,  
COMMUNITY FACILITIES DISTRICT'S LEGISLATIVE BODY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

533



**FROM:** County Executive Office

**SUBMITTAL DATE:**  
December 15, 2003

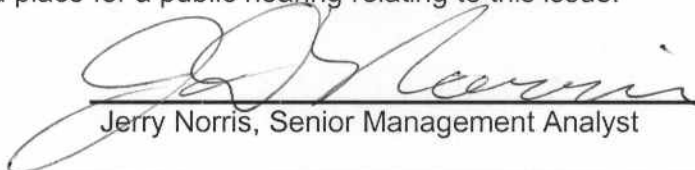
**SUBJECT:** Resolution No. CFD 2003-18 "A Resolution of the Legislative Body of Community Facilities District No. 88-8 ("A" Street - North ) of the County of Riverside Declaring its Intention to Authorize the Legislative Body to reserve to Itself the Right and Authority to Allow the Tender of Bonds in Payment of Special Taxes, and Calling a Public Hearing".

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Resolution No. CFD 2003-18.

**BACKGROUND:** In 1990, the Board of Supervisors, acting *ex officio* as the legislative body (the "Legislative Body") of Community Facilities District 88-8 (the "District"), authorized the sale and issuance of special tax bonds. Since 1996, the District has been in a default status with the bondholders, due to significant special tax delinquencies.

In an effort to encourage additional development, and consistent with the terms of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), it has been determined that there is a benefit to the Legislative Body being given the authority to accept the tender of bonds from the property owners as payment or partial payment of their special taxes, subject to the provisions of Section 53344.1 of the Government Code.

The attached resolution will initiate Change Proceedings of the District to provide the Legislative Body that authority, and to set a date, time, and place for a public hearing relating to this issue.

  
Jerry Norris, Senior Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ n/a	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ n/a	Budget Adjustment:	No
	Annual Net County Cost:	\$ n/a	For Fiscal Year:	2003

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

County Executive Office Signature 

- Dept't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: \_\_\_\_\_ District: 1 Agenda Number: \_\_\_\_\_

8.1

FORM APPROVED  
COUNTY COUNSEL

DEC 16 2003

Departmental Concurrence

BY 

2003 DEC 13 11:11 AM  
COUNTY OF RIVERSIDE

**RESOLUTION NO. CFD 2003-18**

**A RESOLUTION OF THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 88-8 ("A" STREET - NORTH) OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENTION TO AUTHORIZE THE LEGISLATIVE BODY TO RESERVE TO ITSELF THE RIGHT AND AUTHORITY TO ALLOW TENDER OF BONDS IN PAYMENT OF SPECIAL TAXES AND CALLING A PUBLIC HEARING**

**WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside (the "County") has established Community Facilities District No. 88-8 ("A" Street - North) of the County of Riverside (the "Community Facilities District") under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Code"); and

**WHEREAS**, the Board of Supervisors of the County, acting *ex officio* as the legislative body (the "Legislative Body") of the Community Facilities District, by the adoption of Resolution No. 90-087 on May 8, 1990, authorized the sale and issuance of special tax bonds (the "1990 Bonds") in an aggregate principal amount not to exceed \$24,000,000, and the 1990 Bonds were issued on June 6, 1990; and

**WHEREAS**, consistent with the terms of the Act, the Legislative Body has determined that the public convenience and necessity require that the Legislative Body be authorized to reserve to itself, the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of Section 53344.1 of the Government Code and to those conditions as the Legislative Body may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District in full payment or partial payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender (the "Change Proceedings"); and

**WHEREAS**, the Legislative Body has determined to initiate the Change Proceedings; and has determined to set a date, time and place for a public hearing relating thereto;

**NOW, THEREFORE, IT IS HEREBY RESOLVED FOUND, DETERMINED AND ORDERED** by the Legislative Body of Community Facilities District No. 88-8 ("A" Street - North) of the County of Riverside in regular session assembled on December 23, 2003 as follows:

**Section 1.** All of the above recitals are true and correct.

**Section 2.** The proceedings are initiated pursuant to the authorization of the Act to authorize the Change Proceedings.

**Section 3.** The boundaries of the Community Facilities District, comprising all territory within the Community Facilities District are more particularly described and shown on that certain map entitled "Proposed Boundaries of Community Facilities District No. 88-8 of the County of Riverside, State of California ("A" Street-North)" recorded as Instrument Number 278219 on August 16, 1989, in Book 28, Page 23 in the Book of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Riverside, California, a copy of which is attached hereto as Exhibit A and incorporated herein and made a part hereof.

**Section 4.** It is the intention of the Legislative Body to and the Legislative Body hereby proposes to, authorize the Change Proceedings. At the conclusion of the Public Hearing as defined and described in Section 6, below, the Legislative Body shall determine whether to authorize the Change Proceedings and submit the Change Proceedings to the qualified electors within the Community Facilities District.

**Section 5.** The Legislative Body has previously ordered the acquisition, construction and installation in and for the Community Facilities District of certain public facilities as defined in Section 6 of Resolution No. 89-392, adopted on August 1, 1989 (the "Facilities"). No change in public facilities or services is proposed by the Change Proceedings and no alteration to the rate or method of apportionment of special taxes is proposed.

The 1990 Bonds were sold and issued to finance the acquisition and/or construction of the Facilities, constituting public facilities providing service to the property within the Community Facilities District and having an estimated useful life of five years or longer, including planning and design work directly related to the Facilities and all related incidental expenses, as authorized by the Act, as more specifically described in Resolution No. 89-392.

It is the intent of the Legislative Body that as a result of the Change Proceedings, the current authorization of the Community Facilities District to incur bonded indebtedness in the amount of \$24,000,000 will not be increased, the \$5,500,000 annual appropriations limit for the Community Facilities District not be increased, and the Community Facilities District not authorize the issuance of additional bonds other than to authorize the issuance of refunding bonds.

**Section 6.** Notice is given that on the 27th day of January, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter may be heard, at the regular meeting place of the Legislative Body, in the County Administrative Center, 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California, 92501, a public hearing (the "Public Hearing") will be held at which the Legislative Body shall consider the Change Proceedings and all other matters as set forth in this Resolution. At the above-mentioned time and place for the Public Hearing, any persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the Change Proceedings, or on any other matters set forth herein, will be heard and considered.

Any protests may be made orally or in writing, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the Clerk of the Legislative Body on or before the time fixed for the Public Hearing and any written protest may be withdrawn in writing at any time before the conclusion of the Public Hearing.

If written protests against the Change Proceedings are filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within the Community Facilities District or by the owners of one-half (½) or more of the area of land in the territory included in the Community Facilities District, and such protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be undertaken for a period of one year from the date of decision of the Legislative Body on the issues discussed at the Public Hearing.

**Section 7.** If, following the Public Hearing the Legislative Body determines to authorize the Change Proceedings, the Legislative Body shall then submit the Change Proceedings to the qualified electors within the boundaries of the Community Facilities District. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the boundaries of the Community Facilities District for each of the ninety (90) days preceding the close of the Public Hearing, the vote shall be by registered voters within the Community Facilities District with each voter having one (1) vote. Otherwise, the vote shall be a mailed ballot election, consistent with Section 53327.5 of the Code, by the landowners of the Community Facilities District who are the owners of record at the close of the Public Hearing, with each landowner having one (1) vote for each acre or portions of an acre of land owned within the Community Facilities District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

**Section 8.** Notice of the time and place of the Public Hearing shall be given by the Clerk of the Legislative Body in the following manner: A Notice of Public Hearing in the form required by Section 53335 of the Code shall be published in the *Press Enterprise*, a newspaper of general circulation published in the area of the Community Facilities District which such publication shall be made pursuant to Section 6061 of the Government Code, and shall be completed at least seven (7) days prior to the date set for such public hearing; further, a Notice of Public Hearing in the form referenced in Section 53335 of the Code shall be sent by first-class mail, postage prepaid, to each registered voter and to each landowner within the Community Facilities District, as shown on the last equalized assessment roll or other records of the County. Said mailing shall be completed not less than fifteen (15) days prior to the date of the Public Hearing.

**Section 9.** The officers of the Community Facilities District and the County and their authorized representatives, are, and each of them acting alone is, hereby authorized to execute any and all documents and agreements and do and perform any and all acts and things, from time to time, consistent with this Resolution and necessary or appropriate to carry the same into effect and to carry out its purpose.

**Section 10.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** this 23<sup>rd</sup> day of December, 2003.

\_\_\_\_\_  
Chairman, Legislative Body of  
Community Facilities District No. 88-8  
("A" Street - North) of the County of Riverside

**ATTEST:**  
Nancy Romero,  
Clerk of the Legislative Body of Community  
Facilities District No. 88-8 ("A" Street - North)  
of the County of Riverside)

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

**CERTIFICATION**

I, Nancy Romero, Clerk of the Legislative Body of Community Facilities District No. 88-8 ("A" Street - North), of the County of Riverside do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Legislative Body held on the 23<sup>rd</sup> day of December, 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

NANCY ROMERO, Clerk of the Legislative  
Body of Community Facilities District No. 88-8  
("A" Street - North) of the County of Riverside

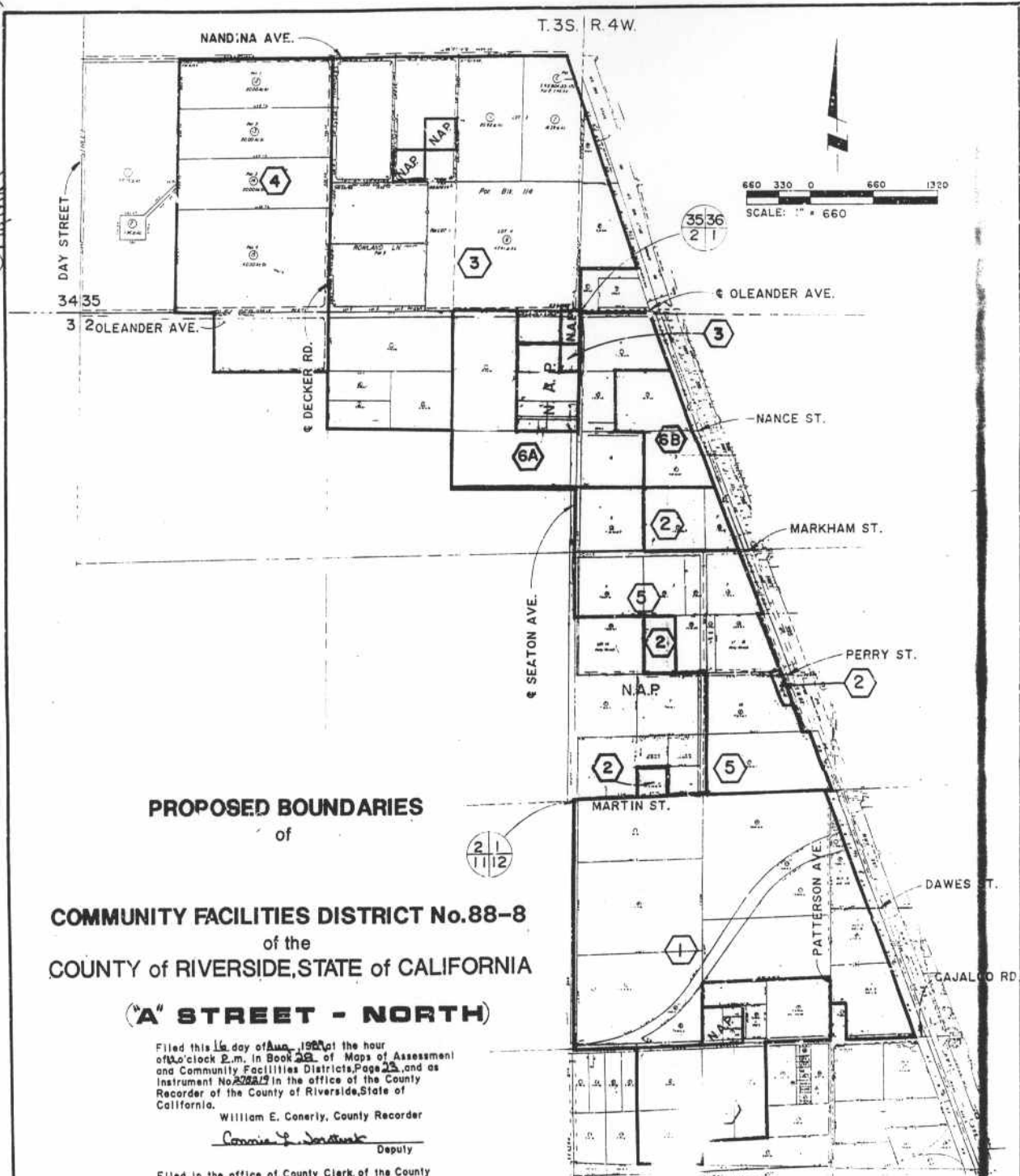
By: \_\_\_\_\_  
Deputy

(SEAL)

**EXHIBIT A**

RECORDED MAP OF COMMUNITY FACILITIES DISTRICT NO. 88-8 ("A" STREET-NORTH) OF THE COUNTY OF RIVERSIDE

Original



**PROPOSED BOUNDARIES**  
of  
**COMMUNITY FACILITIES DISTRICT No. 88-8**  
of the  
**COUNTY of RIVERSIDE, STATE of CALIFORNIA**  
**(A STREET - NORTH)**

Filed this 16 day of Aug, 1981 at the hour of 10 o'clock P.M. in Book 28A of Maps of Assessment and Community Facilities Districts, Page 23, and as Instrument No. 216772 in the office of the County Recorder of the County of Riverside, State of California.

William E. Conerly, County Recorder  
*Conerly*  
Deputy

Filed in the office of County Clerk of the County of Riverside, California, this 16 day of Aug, 1981.

*Conerly*  
County Clerk of the County of Riverside, California

I hereby certify that the within map showing the proposed boundaries of the Community Facilities District No. 88-8 of the County of Riverside, State of California, was approved by the Riverside County Board of Supervisors, at an adjourned regular meeting thereof, held on the 14th day of Aug, 1981, by its Resolution No. 1981-08.

*Margaret Powers*  
Clerk of Board of Supervisors  
County of Riverside, California

**LEGEND**  
 ZONES

THIS MAP AMENDS THE BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 88-8, OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, PREVIOUSLY RECORDED ON JUNE 29, 1989, IN BOOK 27, OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 38, AND AS INSTRUMENT NO. 216770 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.