

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

796



**FROM:** COUNTY EXECUTIVE OFFICE

**SUBMITTAL DATE:**  
August 12, 2004

**SUBJECT:** Enrollment of FY 2004-05 Special Tax Levy for Community Facilities District No. 03-1 (Newport Road) of the County of Riverside.

**RECOMMENDED MOTION:** That the Board approve and adopt Resolution No. CFD 2004-18 Authorizing the Levy of a Special Tax in CFD 03-1 (Newport Road) and rescind Resolution No. CFD 2004-14.

**BACKGROUND:** State statute requires the legislative body of a community facilities district to annually adopt, by resolution, the levy of special taxes to be enrolled for each fiscal year. Attached is the Resolution for Community Facilities District No. 03-1 (Newport Road) of the County of Riverside (CFD) for which the Board serves as the Legislative Body. The resolution conforms to the requirements of State statute as well as the Rate and Method of Apportionment for the CFD.

Resolution No. CFD 2004-14 was approved and adopted on July 27, 2004. An increase in the levy above the amount previously approved and authorized, is necessary to meet the financing needs of the District. The adoption of Resolution No. CFD 2004-18 will rescind Resolution No. CFD 2004-14.

**FORM APPROVED  
COUNTY COUNSEL**

**AUG 17 2004**

Departmental Concurrence

BY *[Signature]*

*[Signature]*

Debra Cournoyer, Senior Management Analyst

|                       |                               |      |                         |       |
|-----------------------|-------------------------------|------|-------------------------|-------|
| <b>FINANCIAL DATA</b> | Current F.Y. Total Cost:      | \$ 0 | In Current Year Budget: | N / A |
|                       | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment:      | N / A |
|                       | Annual Net County Cost:       | \$ 0 | For Fiscal Year:        | 2005  |

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

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

**County Executive Office Signature**

*[Signature]*

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

**Prev. Agn. Ref.:** | **District:** 3 | **Agenda Number:** 8.1

**RESOLUTION NO. CFD 2004-18**

**RESOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 03-1 (NEWPORT ROAD) OF THE COUNTY OF RIVERSIDE AUTHORIZING THE LEVY AND ENROLLMENT OF A SPECIAL TAX FOR FISCAL YEAR 2004-2005 AND RESCINDING RESOLUTION NO. 2004-14 OF COMMUNITY FACILITIES DISTRICT NO. 03-1**

**WHEREAS**, the Board of Supervisors of the County of Riverside (respectively, the "Board" and the "County") by the adoption of Resolution No. 2003-173 on April 15, 2003, established Community Facilities District No. 03-1 (Newport Road) of the County of Riverside, California (the "CFD"), pursuant to the Mello-Roos Community Facilities District Act of 1982, as amended, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act"); and

**WHEREAS**, pursuant to the provisions of the Act, proceedings to establish the Rate and Method of Apportionment of Special Tax (respectively, the "Rate and Method" and the "Special Tax") for the CFD were concluded by the Board's adoption of Ordinance No. 827 on August 26, 2003 (the "Ordinance"); and

**WHEREAS**, the Legislative Body of the CFD (the "Legislative Body"), adopted CFD Resolution No. 2004-15 on August 10, 2004 to provide for the sale and issuance of \$20,000,000 in Special Tax Improvement Bonds (the "Series 2004 Bonds"); and

**WHEREAS**, all conditions precedent to the levy of the Special Tax in accordance with the Ordinance have been satisfied;

**NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors of the County of Riverside, California, acting *ex-officio* as the Legislative Body for Community Facilities District No. 03-1 (Newport Road) of the County of Riverside, in regular session assembled on July 27, 2004, as follows:

**Section 1.** Each of the above recitals is true and correct.

**Section 2.** Pursuant to the provisions of Resolution No. 2004-15, and the Ordinance, the Special Tax is to be levied up to an aggregate amount of \$1,777,700 for Fiscal Year 2004-2005 that is to be apportioned among the parcels which comprise the CFD consistent with the

Rate and Method as set forth on a magnetic tape to be provided by Albert A. Webb Associates to the Auditor-Controller of the County of Riverside (the "Auditor-Controller").

**Section 3.** The amount of Special Tax to be levied for fiscal year 2004-2005 does not exceed the amount authorized by the Ordinance and approved by the qualified electors of the CFD.

**Section 4.** The proceeds of the Special Tax levy shall be used to pay, in whole or in part, the costs of the following:

- A. Payment of principal and interest on the outstanding Series 2004 Bonds;
- B. Replenishment of the required bond reserve fund, or other reserve funds, if necessary.
- C. Payment of the administrative expenses of the CFD, as provided in the Act, Resolution No. 2004-173, the Ordinance and the Fiscal Agent Agreement pursuant to which the Series 2004 Bonds were issued.

The proceeds of the Special Tax levy shall be used as set forth above, and shall not be used for any other purpose.

**Section 5.** Resolution No. CFD 2004-14 of Community Facilities District No. 03-1 (Newport Road) of the County of Riverside adopted by the Legislative Body on July 27, 2004 is hereby rescinded.

**Section 6.** The Auditor-Controller is hereby directed to enter the levy of the Special Tax for fiscal year 2004-2005 as apportioned pursuant to the Rate and Method on all taxable parcels within the CFD in accordance with this Resolution in a space marked "CFD 03-1 (Newport Road)" on the equalized secured tax roll for fiscal year 2004-2005.

**Section 7.** The Auditor-Controller shall, at the close of the tax collection period, promptly render to the CFD a detailed report showing the amount of Special Tax, penalties, interest and fees collected, and from which parcels each was collected. Any expenses to be paid to the Auditor-Controller for carrying out the foregoing responsibilities shall be collected in accordance with a contract entered into between the CFD and the Auditor-Controller, pursuant to Section 29304 of the California Government Code.