

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

435 C



FROM: County Executive Office

SUBMITTAL DATE:
December 14, 2004

SUBJECT: Resolution CFD No. 2004-24 Certifying the Results of the Election.

RECOMMENDED MOTION: That the Legislative Body of Community Facilities District No. 04-2 (Lake Hills Crest) of the County of Riverside adopt Resolution No. CFD 2004-24 Certifying Election Results.

BACKGROUND: The Board of Supervisors of the County of Riverside by Resolution No. 2004-491 and the Legislative Body of Community Facilities District No. 04-2 (Lake Hills Crest) of the County of Riverside (the "CFD") called an election for December 14, 2004 to be conducted by the County Executive Officer, or his designee (the "Election Official"), to consider three propositions: (i) should the CFD be able to incur bonded indebtedness in a maximum amount of \$32,500,000, (ii) should the CFD be able to levy a special tax within its boundaries consistent with the terms of the Rate and Method, and (iii) should the CFD establish an annual appropriations limit equal to \$3,250,000. Completed ballots have been received by the Election Official from all persons owning property within the CFD and, pursuant to Section 53326(d) of the Government Code, the Election Official has declared the election closed and has submitted to the Clerk of the Board of the Legislative Body a certification stating the results of the election. Said certificate states that all three propositions passed by 2/3's or more of the votes cast.

Debra Cournoyer
Debra Cournoyer, Senior Management Analyst

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	04/05

SOURCE OF FUNDS: Bond Proceeds	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 *[Signature]*

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

Prev. Agn. Ref.: 9/14/04 3.3 | **District:** 1 | **Agenda Number:**

8.3

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3 **RESOLUTION NO. CFD 2004-24**

4 **RESOLUTION OF THE LEGISLATIVE BODY OF**
5 **COMMUNITY FACILITIES DISTRICT NO. 04-2 (LAKE HILLS CREST)**
6 **OF THE COUNTY OF RIVERSIDE CERTIFYING ELECTION RESULTS**

7 WHEREAS, the Board of Supervisors and the Board of Supervisors acting as the legislative
8 body (the "Legislative Body") called and duly held an election on December 14, 2004 within the
9 boundaries of Community Facilities District No. 04-2 (Lake Hills Crest) of the County of Riverside
10 ("Community Facilities District No. 04-2" or the "District") pursuant to Resolution Nos. 2004-491 and
11 CFD 2004-23 for the purpose of presenting to the qualified electors within the District Propositions A, B
12 and C, attached hereto as Exhibit A; and

13 WHEREAS, there has been presented to the Legislative Body a certificate of the designee of the
14 County Executive Officer canvassing the results of the election, a copy of which is attached hereto as
15 Exhibit B;

16 NOW, THEREFORE, THE LEGISLATIVE BODY OF COMMUNITY FACILITIES
17 DISTRICT NO. 04-2 (LAKE HILLS CREST) OF THE COUNTY OF RIVERSIDE HEREBY FINDS,
18 DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

19 SECTION 1. Each of the above recitals is true and correct and is adopted by the Legislative
20 Body.

21 SECTION 2. Propositions A, B and C presented to the qualified electors of the District on
22 December 14, 2004 were approved by more than two-thirds of the votes cast at said election and
23 Propositions A, B and C each has carried. The Legislative Body is hereby authorized to levy on the land
24 within the District the special tax described in Proposition B for the purposes described therein and to
25 take the necessary steps to levy the special tax authorized by Proposition B and to issue bonds in an
26 amount not to exceed \$32,500,000 specified in Proposition A.

27 SECTION 3. The Clerk of the Legislative Body is hereby directed to record in the Office of the
28 County Recorder within fifteen days of the date hereof a notice of special tax lien with respect to the

1 District which Bond Counsel to the District shall prepare in the form required by Streets and Highways
2 Code Section 3114.5.

3 SECTION 4. This Resolution shall be effective upon its adoption.
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6 _____
7 Roy A. Wilson, Chairman
8 Legislative Body of Community Facilities District No. 04-2
9 (Lake Hills Crest) of the County of Riverside

10 ATTEST:
11 Nancy Romero, Clerk to the Legislative
12 Body of Community Facilities District
13 No. 04-2 (Lake Hills Crest) of the County
14 of Riverside

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16 Deputy
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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF RIVERSIDE)

4 I, Nancy Romero, Clerk to the California legislative body of Community Facilities District No.
5 04-2 (Lake Hills Crest) of the County of Riverside, hereby certify that the above and foregoing
6 Resolution was duly and regularly adopted by said Board at a regular meeting thereof held on the 14th
7 day of December, 2004 and passed by the following vote of said Legislative Body.

8 Ayes:

9 Noes:

10 Abstain:

11 Absent:

12 IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of December,
13 2004.

14 _____
15 Clerk to the Legislative Body of Community Facilities
16 District No. 04-2 (Lake Hills Crest) of the County of
17 Riverside
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EXHIBIT A

SAMPLE

**COMMUNITY FACILITIES DISTRICT NO. 04-2
(LAKE HILLS CREST) OF THE COUNTY OF RIVERSIDE**

SPECIAL TAX AND SPECIAL BOND ELECTION

December 14, 2004

PROPOSITION A: Shall Community Facilities District No. 04-2 (Lake Hills Crest) of the County of Riverside (the "District") incur an indebtedness and issue bonds in the maximum principal amount of \$32,500,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law, to finance the Facilities and the Incidental Expenses described in Resolution No. 2004-491 of the Board of Supervisors of the County of Riverside establishing the District?

YES _____

NO _____

PROPOSITION B: Shall a special tax with a rate and method of apportionment as provided in Resolution No. 04-427 of the Board of Supervisors of the County of Riverside be levied within the District to pay for the Facilities, Incidental Expenses and other purposes described in Resolution No. 2004-491 establishing the District, including the payment of the principal of and interest on bonds issued to finance the Facilities and Incidental Expenses?

YES _____

NO _____

PROPOSITION C: For each year commencing with Fiscal Year 2005-2006, shall the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District be an amount equal to \$3,250,000?

YES _____

NO _____

EXHIBIT B

**CERTIFICATE OF DESIGNEE OF COUNTY EXECUTIVE OFFICER
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS**

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, Dean Deines, designee of the County Executive Officer of the County of Riverside, do hereby certify that I have examined the returns of the Special Tax and Special Bond Election for Community Facilities District No. 04-2 (Lake Hills Crest) of the County of Riverside. The election was held in the Office of the County Executive Office at 4080 Lemon Street, Riverside, California 92501-3651, on December 14, 2004. I personally issued a ballot to the authorized representative of each qualified elector. _____ () ballots were returned.

I further certify that the results of said election and the number of votes cast for and against each measure are as follows:

Proposition A YES: _____

 NO: _____

Proposition B YES: _____

 NO: _____

Proposition C YES: _____

 NO: _____

TOTAL NUMBER OF VOTES CAST: _____

Dated this 14th day of December, 2004.

DEAN DEINES
Deputy County Executive Officer
County of Riverside