

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

719



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE:
November 29, 2005

SUBJECT: Community Facilities District No. 2004-1 (Majestic Freeway Business Center), Resolution No. CFD 2005-25 determining the necessity to incur bonded indebtedness in an amount not to exceed \$11,500,000, and calling for a Special Election.

RECOMMENDED MOTION: That the Legislative Body of Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside conduct the public hearing and at its conclusion adopt Resolution No. CFD 2005-25 determining the necessity to incur bonded indebtedness in an amount not to exceed \$11,500,000, and calling for a Special Election.

BACKGROUND: On October 25, 2005, the Board of Supervisors adopted Resolution No. 2005-464 declaring its intent to form Community Facilities District No. 2004-1 of the County of Riverside ("CFD 04-1"), and calling a public hearing for November 29, 2005. The Board also adopted Resolution No. 2005-465 declaring its intent to incur bonded indebtedness in an amount not to exceed \$11,500,000 within the proposed boundaries of CFD 04-1 to pay, repay, or defease its portion of the outstanding bonds of Community Facilities District No. 88-8 of the County of Riverside ("CFD 88-8").

(continued on page 2)

Departmental Concurrence


Jerry Norris, Senior Management Analyst

FINANCIAL DATA	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:	2006

SOURCE OF FUNDS: N / A	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 

- Consent
 - Policy
 - Consent
 - Policy
- Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | **District: 1** | **Agenda Number:**

8 . 1

FORM APPROVED
COUNTY COUNSEL

NOV 21 2005

BY 

The Board of Supervisors of the County of Riverside conducted the public hearing on November 29, 2005, pursuant to the Act, and after closing the public hearing adopted Resolution No. 2005-491, establishing the District and calling an election for December 13, 2005.

The adoption of Resolution No. CFD 2005-25 at the conclusion of the public hearing, in conjunction with the Board's adoption of Resolution No. 2005-491, is consistent with applicable provisions of the Act and determines the need for the CFD to incur bonded indebtedness in an aggregate principal amount not to exceed \$11,500,000 and calls a special election for December 13, 2005 to consider the proposition of whether the CFD should incur bonded indebtedness in an aggregate principal amount not to exceed \$11,500,000.

The Registrar of Voters for the County of Riverside has filed with the Clerk of the Board of Supervisors a certificate that states that there have been fewer than 12 registered voters residing on the property within the boundaries of the CFD for the 90 days preceding the date of the public hearing. By the terms of the Act, this determination means that the qualified electors at the election are the owners of property within the boundaries of the CFD with each land owner receiving one vote for each acre of land or portion thereof that it owns.

Each of the property owners have filed with the Clerk of the Board of Supervisors a "Waiver of Certain Election Procedures with Respect to the Landowner Election for Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside" which allows for the Board, pursuant to the Act, to set the date of the election to be December 13, 2005. Resolution No. 2005-491 designates the Registrar of Voters, or his/her designee, to be the official that is to conduct the election.

The Registrar of Voters has consented to conducting the special mailed ballot election on December 13, 2005.

2
3 **RESOLUTION NO. CFD 2005-25**

4 **RESOLUTION OF THE LEGISLATIVE BODY OF COMMUNITY FACILITIES**
5 **DISTRICT NO. 04-1 (MAJESTIC FREEWAY BUSINESS CENTER) OF THE**
6 **COUNTY OF RIVERSIDE DETERMINING THE NECESSITY TO INCUR**
7 **BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$11,500,000**
8 **WITHIN SAID COMMUNITY FACILITIES DISTRICT NO. 04-1**

9 **WHEREAS**, on October 25, 2005, the Board of Supervisors of the County of Riverside (the
10 “Board of Supervisors”) adopted Resolution No. 2005-464 stating its intention to form Community
11 Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside”
12 (“Community Facilities District No. 04-1”) pursuant to the Mello-Roos Community Facilities Act of
13 1982, as amended, (commencing at Section 53311 of the Government Code of the State of California
14 (respectively, the “Act” and the “Code”); and

15 **WHEREAS**, on October 25, 2005, the Board of Supervisors also adopted Resolution No. 2005-
16 465 stating its intention to incur bonded indebtedness in an amount not to exceed \$11,500,000 within
17 proposed Community Facilities District No. 04-1 to pay its portion of the amounts necessary to pay, repay
18 or defease outstanding bonds of Community Facilities District No. 88-8 of the County of Riverside (“A”
19 Street – North) (“CFD No. 88-8”); and

20 **WHEREAS**, notice was published as required by law relative to the intention of the Board of
21 Supervisors to form proposed Community Facilities District No. 04-1 and to incur bonded indebtedness in
22 the amount not to exceed \$11,500,000 within the boundaries of the proposed Community Facilities
23 District No. 04-1; and

24 **WHEREAS**, on November 29, 2005, the Board of Supervisors concluded a noticed hearing, as
25 required by the Act, relative to the determination to proceed with the formation of Community Facilities
26 District No. 04-1 and the adoption of the rate and method of apportionment of the special taxes to be
27 levied within Community Facilities District No. 04-1, the levy of special taxes to pay the principal and
28 interest on the proposed indebtedness and to pay other obligations of Community Facilities District No.
04-1, all as set forth in the proceedings relating to Community Facilities District No. 04-1; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the
CFD No. 04-1 – Reso of Necessity to Incur 1

1 formation of Community Facilities District No. 04-1, the levy of a special tax and the issuance of bonds
2 were heard and a full and fair hearing was held and completed; and

3 **WHEREAS**, the Board of Supervisors, subsequent to such hearing, adopted Resolution No. 2005-
4 491 establishing Community Facilities District No. 04-1 (the "Resolution of Formation"); and

5 **WHEREAS**, on November 29, 2005, the Board of Supervisors concluded a noticed hearing as
6 required by the Act relative to the necessity for authorizing bonded indebtedness in Community
7 Facilities District No. 04-1, the purpose for which the bonds are to be issued, the amount of the
8 proposed debt, the maximum term of the bonds and the maximum annual rate of interest to be paid
9 thereon;

10 **NOW, THEREFORE, IT IS HERBY RESOLVED, FOUND, DETERMINED AND**
11 **ORDERED** by the Legislative Body of Community Facilities District No. 04-1 (Majestic Freeway
12 Business Center) of the County of Riverside, as follows:

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

14 **Section 2.** It is necessary to incur bonded indebtedness of Community Facilities District No. 04-1
15 in an aggregate principal amount of not to exceed \$11,500,000.

16 **Section 3.** The bonded indebtedness is to be incurred for the purpose of financing a portion of
17 the amounts necessary to pay, repay or defease outstanding bonds of CFD No. 88-8, financing
18 incidental expenses, and carrying out the powers and purposes of Community Facilities District No. 04-
19 1, including, but not limited to, financing the cost of selling the bonds, establishing and replenishing
20 bond reserve funds for bonds of Community Facilities District No. 04-1 or CFD No. 88-8, and paying
21 remarketing, credit enhancement and liquidity facility fees and other expenses of the type authorized by
22 Section 53345.3 of the Code; and

23 **Section 4.** All property within Community Facilities District No. 04-1 not otherwise exempt from
24 the levy of the special taxes pursuant to the Rate and Method of Apportionment of Special Taxes provided
25 by the Resolution of Formation shall pay for the bonded indebtedness pursuant to the levy of the special
26 tax authorized by the Resolution of Formation.

27 **Section 5.** The maximum term of bonds issued by Community Facilities District No. 04-1 shall
28 not exceed thirty-two (32) years from the date of issuance of said bonds.

1 **Section 6.** The bonds shall bear interest at a rate or rates established at such times as the bonds are
2 sold in one or more series at fixed or variable interest rates, not to exceed any applicable statutory rate for
3 such bonds, payable semiannually or as otherwise specified in the proceedings providing for the issuance
4 of the bonds, the actual rate or rates and times of payment to be determined at the time or times of sale
5 thereof.

6 **Section 7.** Pursuant to Section 53351 of the Code, a special election is hereby called for
7 Community Facilities District No. 04-1 on the proposition of incurring the bonded indebtedness. The
8 proposition relative to incurring bonded indebtedness in the maximum aggregate principal amount of
9 \$11,500,000 shall be in the form of Proposition A set forth in Attachment "A." Additionally, a special
10 election is called on the proposition of levying a special tax within Community Facilities District No. 04-1
11 as described in the Resolution of Formation, which proposition shall be in the form of Proposition B set
12 forth in Attachment "A," and on the proposition of establishing an appropriations limit for Community
13 Facilities District No. 04-1, which proposition shall be in the form of Proposition C set forth in
14 Attachment "A."

15 **Section 8.** A consolidated Community Facilities District Election ("Election") is hereby called
16 and ordered for December 13, 2005, or as soon thereafter as the election can be scheduled with the
17 concurrence of the Registrar of Voters, or her written designee, as the Election Official (the "Election
18 Official") for this Election, to include the proposition on authorization to incur bonded indebtedness in an
19 amount not to exceed \$11,500,000. The unanimous written consent of each qualified elector within the
20 Community Facilities District No. 04-1 has been obtained and is on file with the County Executive
21 Officer. The polls shall be open for said election between the hours of 9:30 a.m. and 5:00 p.m., or as
22 other wise established by the Election Official. Pursuant to documents furnished to the Legislative Body,
23 the Legislative Body hereby determines that there are less than twelve (12) registered voters within
24 Community Facilities District No. 04-1 and therefore orders that the Election shall be a landowner voter
25 election with each landowner having one (1) vote per acre of land, or portion thereof, which they own and
26 which is within Community Facilities District No. 04-1. Pursuant to Section 53326(b) of the Code, the
27 Election shall be consolidated with an election on a proposition to levy the special taxes within
28 Community Facilities District No. 04-1 and to establish an appropriations limit for Community Facilities

1 District No. 04-1, as described within the Resolution of Formation. A form of the ballot for the
2 consolidated Election is attached hereto as Attachment "A" and made a part hereof by this reference.

3 **Section 9.** A tax rate statement shall be furnished to the qualified electors pursuant to Elections
4 Codes Sections 9400-9404, unless waived by the electors.

5 **Section 10.** Pursuant to the provisions of Section 53327(b) of the Code, the Legislative Body
6 hereby directs that the Registrar of Voters, or her written designee, shall be the Election Official for this
7 Election. The Election Official shall take all actions necessary to conduct the Elections described herein.
8 The Election Official is authorized to conduct the elections following the adoption of the Resolution of
9 Formation and this resolution, and all ballots shall be received by, and the Election Official shall close the
10 election by, 5:00 p.m. on the election day; provided the elections shall be closed at such earlier time as all
11 qualified electors have voted as provided in Section 53326(d) of the Code. Pursuant to Section 53326 of
12 the Code, the ballots for the special elections shall be distributed in person or by mail with return postage
13 prepaid to the landowner of record within Community Facilities District No. 04-1 as of the close of
14 November 29, 2005, hearing regarding the formation of Community Facilities District No. 04-1. Each
15 landowner shall have one vote for each acre or portion thereof that he or she own within Community
16 Facilities District No. 04-1, as provided in Section 53326 of the Code.

17 **Section 11.** This Resolution shall take effect immediately upon its adoption.

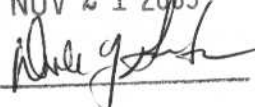
18 **PASSED APPROVED AND ADOPTED** this 29th day of November, 2005.

19
20 By: _____
21 Marion Ashley, Chairman of the Legislative Body of
22 Community Facilities District No. 04-1 of the County of
Riverside

23 **ATTEST:**
24 Nancy Romero, Clerk of the Legislative
25 Body of Community Facilities District No. 04-1
(Majestic Freeway Business Center) of the
County of Riverside

26
27 _____
28 Deputy Clerk

FORM APPROVED
COUNTY COUNSEL

NOV 21 2005
BY 

ATTACHMENT "A"

BALLOT PROPOSITIONS

PROPOSITION A: Shall Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside, State of California, be authorized to incur bonded indebtedness in a maximum amount of \$11,500,000 for a maximum term of not more than 32 years and with interest at a rate or rates not to exceed the maximum interest rate permitted by law, for the purpose of paying amounts to pay, repay or defease a portion of the outstanding bonds of Community Facilities District No. 88-8 of the County of Riverside ("A" Street – North) which are secured by special taxes that are levied on parcels of taxable property in Community Facilities District No. 04-1, and all costs associated with the establishment of Community Facilities District No. 04-1 and the issuance of the bonds?

PROPOSITION B: Shall Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside, State of California, be authorized to levy a special tax in accordance with the Rate and Method of Apportionment attached as Exhibit B to Resolution No. 2005-464 and which is incorporated herein, for the purpose specified therein, including the payment of principal of and interest on the bonded indebtedness of Community Facilities District No. 04-1 and the costs of collecting any special taxes and costs otherwise incurred in order to carry out the authorized purposes of Community Facilities District No. 04-1?

PROPOSITION C: For each year commencing Fiscal Year 2005-06, shall the appropriations limit as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution for Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside be the amount of \$2,000,000 per fiscal year?