

1 owners and registered voters within CFD No. 04-1, were given an opportunity to appear and be heard, and
2 the testimony of all interested persons or taxpayers for or against the establishment of CFD No. 04-1, the
3 boundaries of CFD No. 04-1, the levy of the special tax, the payment or defeasance of a portion of the
4 CFD No. 88-8 Bonds, the necessity to incur bonded indebtedness, the proposed appropriations limit, or
5 any other matters set forth in said Resolution, were heard and considered and the Board of Supervisors at
6 the conclusion of said hearing was fully advised in the premises, and was authorized to proceed; and

7 **WHEREAS**, following such public hearing, on November 29, 2005, the Board of
8 Supervisors duly adopted Resolution No. 2005-491 establishing CFD No. 04-1 and the Rate and Method
9 of Apportionment of Special Tax as set forth in Exhibit B to Resolution No. 2005-464 and on the same
10 date the Board of Supervisors, acting ex officio as the legislative body of CFD No. 04-1 (the "Legislative
11 Body") adopted Resolution No. CFD 2005-25 determining the necessity to incur bonded indebtedness
12 (including incidental expenses as authorized by the Act) in an aggregate principal amount not to exceed
13 \$11,500,000; and

14 **WHEREAS**, CFD No. 04-1 on the 13th of December, 2005, duly and legally held and
15 conducted a special election, and the three propositions submitted to the qualified electors were a
16 approved by more than two-thirds of the votes cast; and

17 **WHEREAS**, such bonded indebtedness and interest thereon will be payable from a special
18 tax levied and collected in accordance with and subject to the maximum rates applicable thereto; and

19 **WHEREAS**, the Board of Supervisors is fully advised in the premises;

20 **NOW, THEREFORE**, the Board of Supervisors of the County of Riverside **ORDAINS**,
21 as follows:

22 **Section 1.** The Board of Supervisors finds and determines that the above recitals are true
23 and correct.

24 **Section 2.** The Board of Supervisors authorizes the Legislative Body to levy a special tax
25 pursuant to the rate and method of apportionment of special tax (the "Rate and Method") approved by
26 Resolution No. 2005-491, adopted on November 29, 2005 and by the qualified electors of CFD No. 04-1
27 which is attached hereto as Exhibit A.

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1 **Section 3.** The Legislative Body is hereby further authorized each fiscal year by resolution
2 to determine the specific special tax rate and amount to be levied for said fiscal year, except that the
3 special tax rate to be levied shall not exceed that set forth in the Rate and Method, but the special tax may
4 be levied at a lower rate.

5 **Section 4.** Properties or entities of the state, federal, or other local governments shall be
6 exempt from the above-referenced and approved special tax, except as provided by the proceedings
7 relating to CFD No. 04-1, and except as provided by Sections 53317.3, 53317.5, and 53340.1 of the Code.
8 No other properties or entities are exempt from the special tax unless the properties or entities are
9 expressly exempted by the proceedings relating to CFD No. 04-1, or a resolution of consideration to levy
10 a new special tax or special taxes or to alter the rate or method of apportionment or an existing special tax
11 as provided in Section 53334 of the Code.

12 **Section 5.** All of the collections of the special tax shall be used as provided for in the Act
13 and the proceedings conducted for CFD No. 04-1. The special tax shall be levied only so long as needed
14 for its purpose as described in Resolution No. 2005-491.

15 **Section 6.** The above authorized special tax shall be collected in the same manner as
16 ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same
17 procedure, sale and lien priority in case of delinquency as is provided for *ad valorem* taxes (which such
18 procedures include the exercise of all rights and remedies permitted by law to make corrections,
19 including, but not limited to, the issuance of amended or supplemental tax bills); provided, however the
20 special tax may be collected at a different time or in a different manner if necessary for CFD No. 04-1 to
21 meet its financial obligations and if so collected, a delinquent penalty of 10% of the special tax will
22 attach at 5:00 p.m. on the date the special tax becomes delinquent and interest at 1.5% per month of the
23 special tax will attach on the July 1 after the delinquency date and the first of each month thereafter until
24 redeemed, and provided further that the Legislative Body may modify the manner of collection, the
25 penalties, and the procedure, sale and lien priority in case of delinquency from time to time.

26 **Section 7.** As a cumulative remedy, if any amount levied pursuant hereto as a special tax
27 for payment of bond interest or principal, together with any penalties and other charges accruing under
28 this Ordinance are not paid when due, the Legislative Body may, not later than four years after the due

1 date of the last installment of principal, order that the same be collected by an action brought in the
2 superior court to foreclose any lien therefor.

3 **Section 8.** The Chairman of the Board of Supervisors shall sign and the Clerk shall attest
4 to the Chairman's signature and then cause the same to be published within fifteen (15) days after it is
5 passed at least once in The Press Enterprise, a newspaper of general circulation published and circulated
6 in the area of CFD No. 04-1

7 **Section 9.** This Ordinance relating to the levy of the special tax pursuant to the Rate and
8 Method within CFD No. 04-1 shall take effect immediately upon its final passage in accordance with
9 provisions of Section 25123(c) of the Code, and specific authorization for adoption is pursuant to the
10 provisions of Section 53340 of the Code.

11 ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2006.

12
13 By: _____

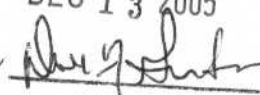
14 Chairman of the Board of Supervisors

15 ATTEST:
16 Nancy Romero, Clerk of the Board
17 of Supervisors

18 By: _____
19 Deputy Clerk

20
21
22
23 FORM APPROVED
24 COUNTY COUNSEL

25 DEC 13 2005

26 BY 
27
28

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

128



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE:
December 20, 2005

SUBJECT: Ordinance No. 851 An Ordinance of the County of Riverside Authorizing the Levy of a Special Tax within Community Facilities District No. 04-1 (Majestic Freeway Business Center) of the County of Riverside.

RECOMMENDED MOTION: That the Board of Supervisors of the County of Riverside, introduce Ordinance No. 851 Authorizing the Levy of a Special Tax within Community Facilities District No. 04-1 (Majestic Freeway Business Center), and subsequently adopt said Ordinance at the next board meeting, which in this case will be January 10, 2006.

BACKGROUND: On November 29, 2005, the Board of Supervisors held a public hearing to consider the establishment of Community Facilities District No. 2004-1 of the County of Riverside ("CFD 04-1"), and calling for a special election for December 13, 2005. At the close of the public hearing, the Board adopted Resolution No. 2005-491 authorizing the formation of CFD 04-1 and setting the election. The Board functioning *ex officio* as the Legislative Body of the CFD also adopted Resolution No. CFD 2005-25, determining the necessity to incur bonded indebtedness in the maximum principal amount of \$11,500,000. Both resolutions called for an election on three propositions: (i) should the CFD be able to incur bonded indebtedness in a maximum amount of \$11,500,000, (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 \$2,000,000.

(continued on page 2)


Jerry Norris, Senior Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2005

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 

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
 Nays: None
 Absent: None
 Date: December 20, 2005
 xc: E.O., COB
 NR

Nancy Romero
 Clerk of the Board
 By: 
 Deputy

COUNTY COUNSEL
 DEC 13 2005
 By: 

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

Departmental Concurrence

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?