

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

238



FROM: County Executive Office

SUBMITTAL DATE:
April 4, 2006

SUBJECT: Resolution CFD No. 2006-02 Deeming it Necessary to Incur Bonded Indebtedness and Calling for a Special Election.

RECOMMENDED MOTION: That the Legislative Body of Community Facilities District No. 05-8 (Scott Road) of the County of Riverside adopt Resolution No. CFD 2006-02 Deeming it Necessary to Incur Bonded Indebtedness and Calling for a Special Election.

BACKGROUND: On February 28, 2006, the Board of Supervisors adopted Resolution No. 2006-073 (the "Resolution to Incur Bonded Indebtedness") pursuant to the terms of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), calling for a public hearing to be held on April 4, 2006, to consider the proposal of Community Facilities District No. 05-8 (Scott Road) of the County of Riverside (the "CFD") incurring bonded indebtedness in an amount not to exceed \$100,000,000 to finance the construction of certain identified public improvements.
(Continued on Page 2)

Departmental Concurrence

Debra Cournoyer

Debra Cournoyer, Principal 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:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	05/06

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

William J. ...

Policy

Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 2/28/06 3.3

District: 3

Agenda Number:

8 . 1

FORM APPROVED
COUNTY COUNSEL

MAR 27 2006

At the conclusion of today's public hearing provided there is not a majority protest of the registered voters or the land owners within the CFD, staff is requesting that the Board adopt Resolution No. 2006-092 establishing the CFD, approving the special tax, establishing an annual appropriations limit and calling a special election for April 18, 2006. Also, subsequent to the conclusion of the public hearing staff is requesting that the Board acting ex-officio as the Legislative Body of the CFD adopt Resolution No. CFD 2006-02 that determines the need for the CFD to incur bonded indebtedness in an aggregate principal amount not to exceed \$100,000,000 and calls a special election for April 18, 2006.

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 each of the 90 days preceding the date of the public hearing. This determination means that the qualified electors at the special election are the owners of property within the boundaries of the CFD with each land owner receives 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 "Petition (Including Consent and Waiver) Regarding Proceedings Relating to Formation of new Community Facilities District No. 05-8 (Scott Road) of the County of Riverside" which allows for the Legislative Body to set the date of the special election to be April 18, 2006. Resolution No. CFD 2006-02 designates the County Registrar of Voters to be the official that is to conduct the election. The Registrar of Voters has consented to the special election being held on April 18th.

3 **RESOLUTION NO. CFD 2006-02**

4 **RESOLUTION OF THE LEGISLATIVE BODY OF COMMUNITY FACILITIES**
5 **DISTRICT NO. 05-8 (SCOTT ROAD) OF THE COUNTY OF RIVERSIDE**
6 **DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN**
7 **AMOUNT NOT TO EXCEED \$100,000,000 WITHIN SAID COMMUNITY**
8 **FACILITIES DISTRICT NO. 05-8**

9 **WHEREAS**, on February 28, 2006, the Board of Supervisors of the County of Riverside (the
10 “Board of Supervisors”) adopted Resolution No. 2006-072 stating its intention to form Community
11 Facilities District No. 05-8 (Scott Road) of the County of Riverside” (“CFD No. 05-8”) pursuant to the
12 Mello-Roos Community Facilities Act of 1982, as amended, (commencing at Section 53311 of the
13 Government Code of the State of California (respectively, the “Act” and the “Code”); and

14 **WHEREAS**, on February 28, 2006, the Board of Supervisors also adopted Resolution No. 2006-
15 073 stating its intention to incur bonded indebtedness in an amount not to exceed \$100,000,000 within
16 proposed CFD No. 05-8 for the purpose of financing certain facilities as described in Resolution No.
17 2006-072 (the “Facilities”); and

18 **WHEREAS**, notice was published as required by law relative to the intention of the Board of
19 Supervisors to form proposed CFD No. 05-8 and to incur bonded indebtedness in the amount not to
20 exceed \$100,000,000 within the boundaries of the proposed CFD No. 05-8; and

21 **WHEREAS**, on April 4, 2006, the Board of Supervisors concluded a noticed hearing, as required
22 by the Act, relative to the determination to proceed with the formation of CFD No. 05-8 and the adoption
23 of the Rate and Method of Apportionment of the Special Tax (the “Rate and Method” and the “Special
24 Tax,” respectively) to be levied within CFD No. 05-8, the levy of Special Taxes to pay the principal and
25 interest on the proposed indebtedness and to pay other obligations of CFD No. 05-8, all as set forth in the
26 proceedings relating to CFD No. 05-8; and

27 **WHEREAS**, at said hearing all persons desiring to be heard on all matters pertaining to the
28 formation of CFD No. 05-8, the levy of the Special Tax and the issuance of bonds were heard and a full
and fair hearing was held and completed; and

WHEREAS, the Board of Supervisors, subsequent to such hearing, adopted Resolution No. 2006-

1 092 establishing CFD No. 05-8 (the "Resolution of Formation"); and

2 **WHEREAS**, on April 4, 2006, the Board of Supervisors closed the noticed hearing as required
3 by the Act relative to the necessity for authorizing bonded indebtedness in CFD No. 05-8, the purpose
4 for which the bonds are to be issued, the amount of the proposed debt, the maximum term of the bonds
5 and the maximum annual rate of interest to be paid thereon;

6 **NOW, THEREFORE, IT IS HERBY RESOLVED, FOUND, DETERMINED AND**
7 **ORDERED** by the Legislative Body of Community Facilities District No. 05-8 (Scott Road) of the
8 County of Riverside, as follows:

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

10 **Section 2.** It is necessary to incur bonded indebtedness of CFD No. 05-8 in an aggregate principal
11 amount not to exceed \$100,000,000. The Board hereby further determines that the Facilities which are to
12 be financed through CFD No. 05-8 are necessary to meet increased demands on the County as a result of
13 development occurring or to occur, within CFD No. 05-8.

14 **Section 3.** The bonded indebtedness is to be incurred for the purpose of financing the Facilities
15 and incidental expenses, and carrying out the powers and purposes of CFD No. 05-8, including, but not
16 limited to, financing the cost of selling the bonds, establishing and replenishing bond reserve funds for
17 bonds of CFD No. 05-8, and paying remarketing, credit enhancement and liquidity facility fees and other
18 expense of the type authorized by Section 53345.3 of the Code; and

19 **Section 4.** All property within CFD No. 05-8 not otherwise exempt from the levy of the Special
20 Taxes pursuant to the Rate and Method shall pay for the bonded indebtedness through the levy of the
21 Special Tax authorized by the Resolution of Formation.

22 **Section 5.** The maximum term of each series of bonds issued by CFD No. 05-8 shall not exceed
23 thirty-five (35) years from the date of issuance of said series of bonds.

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

1 **Section 7.** Pursuant to Section 53351 of the Code, a special election is hereby called for CFD No.
2 05-8 on the proposition of incurring the bonded indebtedness. The proposition relative to incurring
3 bonded indebtedness in the maximum aggregate principal amount of \$100,000,000 shall be in the form of
4 Proposition A set forth in Attachment "A." Additionally, a special election is called on the proposition of
5 levying the Special Tax as described in the Resolution of Formation within CFD No. 05-8, including
6 properties which annex to CFD No. 05-8, which proposition shall be in the form of Proposition B set forth
7 in Attachment "A," and on the proposition of establishing an appropriations limit for CFD No. 05-8,
8 which proposition shall be in the form of Proposition C set forth in Attachment "A."

9 **Section 8.** A consolidated Community Facilities District Election ("Election") is hereby called
10 and ordered for April 18, 2006, or as soon thereafter as the election can be scheduled with the concurrence
11 of the Registrar of Voters, or her written designee, as the Election Official (the "Election Official") for
12 this Election, to include the proposition on authorization to incur bonded indebtedness in an amount not to
13 exceed \$100,000,000. The unanimous written consent of each qualified elector within the CFD No. 05-8
14 has been obtained and is on file with the County Executive Officer. The polls shall be open for said
15 election between the hours of 9:30 a.m. and 5:00 p.m., or as otherwise established by the Election
16 Official. Pursuant to documents furnished to the Legislative Body, the Legislative Body hereby
17 determines that there are less than twelve (12) registered voters within CFD No. 05-8 and therefore orders
18 that the Election shall be a landowner voter election with each landowner having one (1) vote per acre of
19 land, or portion thereof, which they own and which is within CFD No. 05-8. Pursuant to Section
20 53326(b) of the Code, the Election shall be consolidated with an election on a proposition to levy the
21 Special Taxes within CFD No. 05-8 and to establish an appropriations limit for CFD No. 05-8, as
22 described within the Resolution of Formation. A form of the ballot propositions for the consolidated
23 Election is attached hereto as Attachment "A" and made a part hereof by this reference.

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

26 **Section 10.** Pursuant to the provisions of Section 53327(b) of the Code, the Legislative Body
27 hereby directs that the Registrar of Voters, or her written designee, shall be the Election Official for this
28 Election. The Election Official shall take all actions necessary to conduct the Elections described herein.

1 The Election Official is authorized to conduct the elections following the adoption of the Resolution of
2 Formation and this resolution, and all ballots shall be received by, and the Election Official shall close the
3 election by, 5:00 p.m. on the election day; provided the elections shall be closed at such earlier time as all
4 qualified electors have voted as provided in Section 53326(d) of the Code. Pursuant to Section 53326 of
5 the Code, the ballots for the special elections shall be distributed in person or by mail with return postage
6 prepaid to the landowner of record within CFD No. 05-8 as of the close of April 4, 2006, hearing
7 regarding the formation of CFD No. 05-8.

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

9 **PASSED APPROVED AND ADOPTED** this 4th day of April, 2006.

10
11 By: _____
12 Bob Buster, Chairman of the Legislative Body of
13 Community Facilities District No. 05-8 (Scott Road) of the
County of Riverside

14 **ATTEST:**
15 Nancy Romero, Clerk of the Legislative
16 Body of Community Facilities District
No. 05-8 (Scott Road) of the
County of Riverside

17
18 _____
19 Deputy Clerk

20 FORM APPROVED
21 COUNTY COUNSEL

22 MAR 27 2006

23 BY 

ATTACHMENT A

Ballot Propositions for Community Facilities District No. 05-8 (Scott Road) County of Riverside, State of California

PROPOSITION A: Shall Community Facilities District No. 05-8 (Scott Road) of the County of Riverside (the "District"), be authorized to issue multiple series of bonds having a maximum aggregate principal amount of \$100,000,000 with each bond series having a maximum term not to exceed 35 years and an interest rate not to exceed the maximum rate permitted by law, for the purpose of financing the Facilities and incidental expenses described in Exhibit C to Resolution No. 2006-072 of the County and to fund a reserve fund and the costs of each bond series which is to be secured by special taxes levied on parcels of taxable property within the District, including properties which annex to the District at a future date?

PROPOSITION B: Shall Community Facilities District No. 05-8 (Scott Road) of the County of Riverside (the "District") be authorized to levy a special tax in accordance with the Rate and Method of Apportionment attached as Exhibit D to Resolution No. 2006-072 of the County (the "Resolution") to pay for the acquisition, installation and construction of the Facilities and the incidental expenses set forth in Exhibit C to the Resolution and for the payment of the principal of and interest on the bonds or refunding bonds issued by the District to finance said Facilities?

PROPOSITION C: For each fiscal year, commencing with Fiscal Year 2006-07, 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. 05-8 (Scott Road) of the County of Riverside be the amount of \$16,000,000 per fiscal year?