

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

521



**FROM:** COUNTY EXECUTIVE OFFICE

**SUBMITTAL DATE:**  
January 8, 2008

**SUBJECT:** Community Facilities District No. 07-1 (Newport/I215 Interchange), Resolution No. CFD 2008-01 determining the necessity to incur bonded indebtedness in an amount not to exceed \$60,000,000 and calling for a Special Election.

**RECOMMENDED MOTION:** That the Legislative Body of Community Facilities District No. 07-1 (Newport/I215 Interchange) of the County of Riverside conduct the public hearing and at its conclusion adopt Resolution No. CFD 2008-01 determining the necessity to incur bonded indebtedness of the Community Facilities District to be paid for by two separate Improvement Areas and calling for a Special Election.

**BACKGROUND:** On November 27, 2007, the Board of Supervisors adopted Resolution No. 2007-034 declaring its intent to form Community Facilities District No. 07-1 of the County of Riverside ("CFD 07-1"), and to divide said CFD 07-1 into two improvement areas, and calling a public hearing for January 8, 2008. Also on that date, the Board adopted Resolution No. 2007-491 declaring its intent to incur bonded indebtedness that would not exceed \$60,000,000 in total inside the proposed boundaries of CFD 07-1.

At the conclusion of today's public hearing, provided there is no majority protest of registered voters or landowners within CFD 07-1, staff requests that the Board adopt Resolution No. 2008-034 establishing CFD 07-1, designating two Improvement Areas within CFD 07-1, authorizing the levy of a special tax within each Improvement Area, and establishing an appropriations limit for CFD 07-1.

(continued on page 2)

*[Signature]*  
Jerry Norris, Principal Management Analyst

FORM APPROVED COUNTY COUNSEL  
BY *[Signature]* DATE 1/2/08  
DALE A. GARDNER  
Departmental Concurrence

<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:	2007-08

<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

BY: *[Signature]*  
Dean Deines

**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent

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

**Prev. Agn. Ref.:** 3.1 of 11/27/07 | **District:** 3 | **Agenda Number:**

**8.1**

The adoption of Resolution No. 2008-034 in conjunction with the Legislative Body's adoption of Resolution No. CFD 2008-01, at the conclusion of the public hearing, is consistent with applicable provisions of the Act and establishes CFD 07-1, determines the need for CFD 07-1 to designate two Improvement Areas within its boundaries to incur bonded indebtedness, and stating that the maximum amount of proposed debt to be paid for by CFD 07-1 is \$60,000,000.

The resolutions also call for a special election to be held within each Improvement Area of CFD 07-1 on the propositions of incurring the bonded indebtedness, authorizing the levy of the special tax and establishing an appropriations limit for the District. Provided we receive 100% of the written consent from each qualified elector within the District consenting to holding the elections sooner than 90 days following January 8, 2008, the elections shall be held on any date after January 8, 2008 that is consented to by the Registrar of Voters of the County of Riverside. If 100% of the consents are not received then the elections shall be held on April 15, 2008.

The Boundary Map, which sets forth each portion of CFD 07-1 designated as an Improvement Area, was recorded on December 13, 2007, in Riverside County in Book 72 at Page 56 through 64 of the Book of Maps of Assessment and Community Facilities Districts in the Riverside County Recorder's Office, as Instrument No. 2007-0744454, and is provided as an exhibit to the Rate and Method of Apportionments for each Improvement Area identified as Attachment "B" to Resolution No. 2008-034.

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 CFD 07-1 for one or more of 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 special election are the owners of property within the boundaries of CFD 07-1 with each land owner receiving one vote for each acre of land or portion thereof that it owns.

There are three propositions per Improvement Area that will be voted on by the qualified electors:

- (i) Shall Community Facilities District No. 07-1 (Newport/I-215 Interchange) of the County of Riverside (the "District") incur an indebtedness and issue bonds in the maximum principal amount of \$60,000,000, 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. 2008-034 of the Board of Supervisors of the County of Riverside establishing the District?
- (ii) Shall a special tax with a rate and method of apportionment as provided in Resolution No. 2008-034 of the Board of Supervisors of the County of Riverside be levied within Improvement Area No. \_\_\_ of the District to pay for the Facilities, Incidental Expenses and other purposes described in Resolution No. 2008-034 establishing the District and Improvement Area Nos. 1 and 2 therein, including the payment of the principal of and interest on bonds issued to finance the Facilities and Incidental Expenses?
- (iii) For each year commencing with Fiscal Year 2008-2009, 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 \$10,000,000?

2  
3 **RESOLUTION NO. CFD 2008-01**

4 **RESOLUTION OF THE LEGISLATIVE BODY OF**  
5 **COMMUNITY FACILITIES DISTRICT NO. 07-1 (NEWPORT/I-215 INTERCHANGE)**  
6 **OF THE COUNTY OF RIVERSIDE DETERMINING THE NECESSITY**  
7 **TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED**  
8 **\$60,000,000 WITHIN COMMUNITY FACILITIES DISTRICT NO. 07-1**  
9 **AND CALLING AN ELECTION THEREIN**

10 WHEREAS, on November 27, 2007, the Board of Supervisors of the County of Riverside (the  
11 "Board of Supervisors") adopted Resolution No. 2007-490 stating its intention to form Community  
12 Facilities District No. 07-1 (Newport/I-215 Interchange) of the County of Riverside ("Community  
13 Facilities District No. 07-1" or the "District") pursuant to the Mello-Roos Community Facilities Act of  
14 1982, as amended (the "Act") and to establish Improvement Area Nos. 1 and 2 (each an "Improvement  
15 Area" and collectively the "Improvement Areas") within Community Facilities District No. 07-1; and

16 WHEREAS, on November 27, 2007, the Board of Supervisors also adopted Resolution No.  
17 2007-491 stating its intention to incur bonded indebtedness in the amount of up to \$60,000,000 within  
18 proposed Community Facilities District No. 07-1 to finance (1) the purchase, construction, modification,  
19 expansion, improvement or rehabilitation of public facilities identified in Attachment "B" to Resolution  
20 No. 2007-490 and incorporated herein by this reference (the "Facilities"), and (2) the incidental  
21 expenses to be incurred in financing the Facilities and forming and administering the District, as  
22 identified in Attachment "B" to Resolution No. 2007-490 (the "Incidental Expenses"); and

23 WHEREAS, notice was published as required by law relative to the intention of the Board of  
24 Supervisors to form proposed Community Facilities District No. 07-1 and to incur bonded indebtedness  
25 in the amount of up to \$60,000,000 within the boundaries of the proposed Community Facilities District  
26 No. 07-1; and

27 WHEREAS, on January 8, 2008, this Board of Supervisors conducted noticed public hearings to  
28 determine whether it should proceed with the formation of Community Facilities District No. 07-1, issue  
bonds to pay for the Facilities and Incidental Expenses and authorize the rate and method of

1 apportionment of a special tax to be levied within each of the proposed Improvement Areas of  
2 Community Facilities District No. 07-1 for the purposes described in Resolution No. 2007-490; and

3 WHEREAS, at said hearings all persons desiring to be heard on all matters pertaining to the  
4 formation of Community Facilities District No. 07-1, the levy of a special tax and the issuance of bonds  
5 to pay for the cost of the proposed Facilities and Incidental Expenses were heard and full and fair  
6 hearings were held; and

7 WHEREAS, the Board of Supervisors subsequent to such hearings adopted Resolution No.  
8 2008-034 establishing Community Facilities District No. 07-1 and establishing Improvement Area Nos.  
9 1 and 2 therein (the "Resolution of Formation"); and

10 WHEREAS, the Board of Supervisors acting as the Legislative Body of Community Facilities  
11 District No. 07-1 (the "Legislative Body") desires to make the necessary findings to incur bonded  
12 indebtedness within the District, to declare the purpose for said debt, and to authorize the submittal of  
13 certain propositions to the voters of the District, being the landowners within the Improvement Areas in  
14 the District, all as authorized and required by law.

15 **NOW, THEREFORE, THE LEGISLATIVE BODY OF COMMUNITY FACILITIES**  
16 **DISTRICT NO. 07-1 (NEWPORT/I-215 INTERCHANGE) OF THE COUNTY OF RIVERSIDE**  
17 **HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

18 SECTION 1. The above recitals are true and correct.

19 SECTION 2. It is necessary to incur bonded indebtedness in a maximum aggregate principal  
20 amount not to exceed \$60,000,000 within Community Facilities District No. 07-1.

21 SECTION 3. The indebtedness is to be incurred for the purpose of financing the costs of  
22 purchasing, constructing, modifying, expanding, improving, or rehabilitating the Facilities, as described  
23 in the Resolution of Formation, financing the Incidental Expenses, and carrying out the powers and  
24 purposes of Community Facilities District No. 07-1, including, but not limited to, financing the costs of  
25 selling the bonds, establishing and replenishing bond reserve funds and paying remarketing, credit  
26 enhancement and liquidity facility fees and other expenses of the type authorized by Section 53345.3 of  
27 the Act.

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1 SECTION 4. The whole of the property within Community Facilities District No. 07-1, other  
2 than property exempted from the special tax pursuant to the provisions of the rate and method of  
3 apportionment for each Improvement Area attached to Resolution No. 2008-034 as Attachment "B,"  
4 shall pay for the bonded indebtedness pursuant to the levy of the special tax authorized by the  
5 Resolution of Formation.

6 SECTION 5. The maximum term that the bonds to be issued shall run before maturity shall be  
7 to the earlier of Fiscal Year 2049-2050 or the date which is 40 years from their date of issuance.

8 SECTION 6. The bonds shall bear interest at the rate or rates not to exceed the maximum  
9 interest rate permitted by law, payable annually or semiannually, or in part annually and in part  
10 semiannually, except the first interest payment may be for a period of less than six months, with the  
11 actual rate or rates and times of payment to be determined at the time or times of sale thereof.

12 SECTION 7. The bonds may bear a variable or fixed interest rate, provided that such variable  
13 rate or fixed rate shall not exceed the maximum rate permitted by the Act, or any other applicable  
14 provision of law limiting the maximum interest rate on the bonds.

15 SECTION 8. Pursuant to Section 53351 of the Act, a special election is hereby called within  
16 each Improvement Area of Community Facilities District No. 07-1 on the proposition of incurring the  
17 bonded indebtedness. The proposition relative to incurring bonded indebtedness in the maximum  
18 aggregate principal amount of \$60,000,000 shall be in the form of Proposition A set forth in Attachment  
19 "A." Additionally, a special election is called within each Improvement Area of Community Facilities  
20 District No. 07-1 on the proposition of levying a special tax within such Improvement Area of the  
21 District as described in the Resolution of Formation, which proposition shall be in the form of  
22 Proposition B set forth in Attachment "A," and on the proposition of establishing an appropriations limit  
23 for the District, which proposition shall be in the form of Proposition C set forth in Attachment "A."

24 SECTION 9. The date of the special election within each Improvement Area of Community  
25 Facilities District No. 07-1 on the propositions of incurring the bonded indebtedness, authorizing the  
26 levy of the special tax and setting an appropriations limit shall be any date after January 8, 2008 as is  
27 consented to by the Registrar of Voters of the County of Riverside following the receipt of the written  
28 consent of each qualified elector within the District consenting to holding the election sooner than 90

1 days following January 8, 2008. If the consents are not received and the elections have not been  
2 conducted on or prior to April 8, 2008, then the elections shall be held on April 15, 2008. The polls  
3 shall be open for the elections between the hours of 9:30 a.m. and 5:00 p.m. The elections shall be  
4 conducted by the Registrar of Voters. Except as otherwise provided by the Act, the elections shall be  
5 conducted in accordance with the provisions of law regulating elections of the County of Riverside  
6 insofar as such provisions are determined by the Registrar of Voters to be applicable. The Registrar of  
7 Voters is authorized to conduct the elections and the Registrar of Voters shall close the elections by 5:00  
8 p.m. on the election day; provided the elections shall be closed at such earlier time as all qualified  
9 electors have voted as provided in Section 53326(d) of the Act. Pursuant to Section 53326 of the Act,  
10 the ballots for the elections shall be distributed in person or by mail with return postage prepaid to the  
11 qualified electors within each Improvement Area of Community Facilities District No. 07-1. The  
12 Registrar of Voters has determined that there were fewer than 12 registered voters within the boundaries  
13 of each Improvement Area as of the close of the January 8, 2008 public hearings. Accordingly, the vote  
14 within each Improvement Area shall be a landowner vote and each landowner, or the authorized  
15 representative thereof, shall have one vote for each acre or portion thereof that he or she owns within  
16 such Improvement Area, as provided in Section 53326 of the Act.

17 SECTION 10. This Resolution shall be effective upon its adoption.

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20 \_\_\_\_\_  
Roy Wilson, Chairman  
Legislative Body of Community Facilities District No. 07-1  
(Newport/I-215 Interchange) of the County of Riverside

21  
22 ATTEST:  
23 Nancy Romero, Clerk of the Legislative  
24 Body of Community Facilities District  
of Riverside  
No. 07-1 (Newport/I-215 Interchange) of the County

25  
26 \_\_\_\_\_  
Deputy

27  
28  
FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 12/20/07  
DALE A. GARDNER DATE

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

4 I, Nancy Romero, Clerk to the Legislative Body of Community Facilities District No. 07-1  
5 (Newport/I-215 Interchange) of the County of Riverside, California, hereby certify that the above and  
6 foregoing Resolution was duly and regularly adopted by said Legislative Body at a regular meeting  
7 thereof held on the 8<sup>th</sup> day of January, 2008 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 \_\_\_\_ day of January, 2008.

13 \_\_\_\_\_  
14 Clerk to the Legislative Body of Community Facilities  
15 District No. 07-1 (Newport/I-215 Interchange) of the  
16 County of Riverside  
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**ATTACHMENT A**

**SAMPLE**

**BALLOT PROPOSITIONS**

**COMMUNITY FACILITIES DISTRICT NO. 07-1  
(NEWPORT/I-215 INTERCHANGE) OF THE COUNTY OF RIVERSIDE**

**SPECIAL TAX AND SPECIAL BOND ELECTION**

**January 8, 2008**

This ballot represents \_\_\_\_\_ votes.

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the Registrar of Voters of the County of Riverside or her designee and obtain another.

PROPOSITION A: Shall Community Facilities District No. 07-1 (Newport/I-215 Interchange) of the County of Riverside (the "District") incur an indebtedness and issue bonds in the maximum principal amount of \$60,000,000, 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. 2008-034 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. 2008-034 of the Board of Supervisors of the County of Riverside be levied within Improvement Area No. \_\_ of the District to pay for the Facilities, Incidental Expenses and other purposes described in Resolution No. 2008-034 establishing the District and Improvement Area Nos. 1 and 2 therein, 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 2008-2009, 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 \$10,000,000?

YES \_\_\_\_\_

NO \_\_\_\_\_