

ORDINANCE NO. 20
AN ORDINANCE OF RIVERSIDE COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AUTHORIZING THE LEVY OF AND LEVYING SPECIAL TAXES WITHIN
IMPROVEMENT AREA NO. 1, IMPROVEMENT AREA NO. 2, AND IMPROVEMENT
AREA NO. 3 OF COMMUNITY FACILITIES DISTRICT NO. F05-1
(HOMELAND/ROMOLAND) OF RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

The Board of Supervisors of Riverside County Flood Control and Water Conservation District ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that:

a. Pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Government Code"), on December 18, 2007, the Board of Supervisors adopted Resolution No. F2007-29, stating its intention to establish Community Facilities District No. F05-1 (Homeland/Romoland) of Riverside Flood Control and Water Conservation District (the "Community Facilities District"), and to authorize the levy of special taxes to finance certain public facilities, and setting January 29, 2008 as the date of a public hearing on the formation of the Community Facilities District.

b. On December 18, 2007 the Board of Supervisors also adopted Resolution No. F2007-30, setting January 29, 2008 as the date of a public hearing on the Community Facilities District incurring bonded indebtedness in an amount not to exceed \$100,000,000 and determining that such hearing would be held concurrently with the public hearing provided for in the Resolution of Intention.

c. By Resolution No. F2008-30, the Board of Supervisors designated Improvement Area No. 1, Improvement Area No. 2, and Improvement Area No. 3 of the Community Facilities District and allocated portions of the bonded indebtedness of the Community Facilities District to the Improvement Areas as follows: (i) Improvement Area No. 1 - \$47,000,000, (ii) Improvement Area No. 2 - \$39,000,000, and Improvement Area No. 3 - \$14,000,000.

d. Pursuant to Section 53350 of the Government Code, the effect of the designation of Improvement Area No. 1, Improvement Area No. 2, and Improvement Area No. 3 is that all proceedings for purposes of a bond election and for the purpose of levying special taxes for payment of bonds were to be conducted separately for each Improvement Area.

e. On January 29, 2008, the Board of Supervisors conducted said concurrent public hearings and afforded all interested persons an opportunity to be heard.

f. On January 29, 2008, at the conclusion of said concurrent public hearings, the Board of Supervisors adopted the following resolutions:

1 (1) Resolution No. F2008-06 (the "Resolution of Formation")
2 establishing the Community Facilities District and the boundaries thereof;

3 (2) Resolution No. F2008-07 determining the necessity for the
4 Community Facilities District to incur bonded indebtedness in an amount not to exceed
5 \$100,000,000, allocating portions of such bonded indebtedness to Improvement Area No. 1 in
6 the amount of \$47,000,000, to Improvement Area No. 2 in the amount of \$39,000,000, and to
7 Improvement Area No. 3 in the amount of \$14,000,000, and calling and scheduling special
8 elections in Improvement Area No. 1, Improvement Area No. 2, and Improvement Area No. 3 on
9 the propositions for incurring such bonded indebtedness on January 29, 2008, and determining
10 that such elections would be consolidated with the elections called and scheduled by Resolution
11 No. F2008-08; and

12 (3) Resolution No. F2008-08 calling an scheduling special elections
13 within and for Improvement Area No. 1, Improvement Area No. 2, and Improvement Area No. 3
14 on January 29, 2008 on the propositions with respect to the levy of special taxes on parcels of
15 taxable property in the Improvement Areas to pay the principal of and interest on bonds of the
16 Community Facilities District that may be issued to finance the public facilities for the
17 Improvement Areas, or to pay or accumulate funds for paying the costs of public facilities, and
18 the proposition with respect to establishing an appropriations limit for the Community Facilities
19 District, and authorizing the Clerk of the Board of Supervisors (the "Clerk") to conduct said
20 consolidated special elections.

21 g. The Board of Supervisors has received statements from the Clerk
22 regarding the results of the consolidated special elections within Improvement Area No. 1,
23 Improvement Area No. 2, and Improvement Area No. 3, advising that all votes cast on the
24 propositions submitted to the voters in each Improvement Area were in favor thereof, and that
25 more than two-thirds of the votes cast were in favor of such propositions.

26 h. On February 26, 2008, the Board of Supervisors adopted Resolution No.
27 F2008-11 declaring the results of the consolidated special elections within Improvement Area
28 No. 1, Improvement Area No. 2, and Improvement Area No 3 and that all votes voted in the
consolidated special elections on the propositions with respect to the Community Facilities
District incurring bonded indebtedness, and the annual levy of special taxes on taxable property
within the Improvement Areas to pay the principal of and interest on such bonds, or to pay or
accumulate funds for paying the costs of public facilities, were voted in favor thereof, and all
such propositions carried.

i. By Resolution No. F2008-11, the Board of Supervisors further determined
that the effect of the results of the consolidated special elections is that the Board of Supervisors,
as the legislative body of the Community Facilities District, is authorized (i) to have the
Community Facilities District incur bonded indebtedness for each of the Improvement Areas,
and (ii) to annually levy special taxes on taxable property in the Improvement Areas in an
amount sufficient to pay the principal of and interest on such bonds, or to pay or accumulate
funds for paying the costs of the public facilities, at the special tax rates and pursuant to the
methodologies for determining and apportioning such special taxes which are set forth (a) in
Exhibit "A" (the "Improvement Area No. 1 Rate and Method of Apportionment of Special

1 Tax”), (b) in Exhibit “B” (the “Improvement Area No. 2 Rate and Method of Apportionment of
2 Special Tax”), and (c) in Exhibit “C” (the “Improvement Area No. 3 Rate and Method of
3 Apportionment of Special Tax”) to the Resolution of Formation.

4 Section 2. PURPOSE. The purpose of this ordinance is to provide for the levy of
5 special taxes within Improvement Area No. 1, Improvement Area No. 2, and Improvement Area
6 No. 3 of the Community Facilities District.

7 Section 3. AUTHORITY. This ordinance is adopted pursuant to Sections 53328 and
8 53340 of the Government Code.

9 Section 4. LEVY OF SPECIAL TAXES.

10 a. By adoption of this ordinance, the Board of Supervisors, acting as the
11 legislative body of the Community Facilities District, authorizes the levy of and levies special
12 taxes pursuant to Sections 53328 and 53340 of the Government Code within Improvement Area
13 No. 1 at the rates and for the purposes specified in and in accordance with the Improvement Area
14 No. 1 Rate and Method of Apportionment of Special Tax, a copy of which is attached hereto as
15 Exhibit “A.” The special taxes are hereby levied in Improvement Area No. 1 commencing in the
16 fiscal year in which the Board of Supervisors determines that the levy of the Special Tax shall
17 commence, and for each following fiscal year for the period necessary to satisfy the Special Tax
18 Requirement (as defined in the Improvement Area No. 1 Rate and Method of Apportionment of
19 Special Tax) for each such fiscal year, but in no event shall the special taxes be levied after fiscal
20 year 2045-46. All of the revenues from the collection of the special taxes shall be used as
21 provided in the Resolution of Formation and the Improvement Area No. 1 Rate and Method of
22 Apportionment of Special Tax, including, but not limited to, the payment of principal of and
23 interest on the bonds of the Community Facilities District, or to pay or accumulate funds for
24 paying the costs of public facilities, the replenishment of the reserve fund for the bonds, the
25 payment of costs of administering the Community Facilities District, and the costs of collecting
26 and administering the special taxes.

27 b. By adoption of this ordinance, the Board of Supervisors, acting as the
28 legislative body of the Community Facilities District, authorizes the levy of and levies special
29 taxes pursuant to Sections 53328 and 53340 of the Government Code within Improvement Area
30 No. 2 at the rates and for the purposes specified in and in accordance with the Improvement Area
31 No. 2 Rate and Method of Apportionment of Special Tax, a copy of which is attached hereto as
32 Exhibit “B.” The special taxes are hereby levied in Improvement Area No. 2 commencing in the
33 fiscal year in which the Board of Supervisors determines that the levy of the Special Tax shall
34 commence, and for each following fiscal year for the period necessary to satisfy the Special Tax
35 Requirement (as defined in the Improvement Area No. 2 Rate and Method of Apportionment of
36 Special Tax) for each such fiscal year, but in no event shall the special taxes be levied after fiscal
37 year 2045-46. All of the revenues from the collection of the special taxes shall be used as
38 provided in the Resolution of Formation and the Improvement Area No. 2 Rate and Method of
39 Apportionment of Special Tax, including, but not limited to, the payment of principal of and
40 interest on the bonds of the Community Facilities District, or to pay or accumulate funds for
41 paying the costs of public facilities, the replenishment of the reserve fund for the bonds, the

1 payment of costs of administering the Community Facilities District, and the costs of collecting
2 and administering the special taxes.

3 c. By adoption of this ordinance, the Board of Supervisors, acting as the
4 legislative body of the Community Facilities District, authorizes the levy of and levies special
5 taxes pursuant to Sections 53328 and 53340 of the Government Code within Improvement Area
6 No. 3 at the rates and for the purposes specified in and in accordance with the Improvement Area
7 No. 3 Rate and Method of Apportionment of Special Tax, a copy of which is attached hereto as
8 Exhibit "C." The special taxes are hereby levied in Improvement Area No. 3 commencing in the
9 fiscal year in which the Board of Supervisors determines that the levy of the Special Tax shall
10 commence, and for each following fiscal year for the period necessary to satisfy the Special Tax
11 Requirement (as defined in the Improvement Area No. 3 Rate and Method of Apportionment of
12 Special Tax) for each such fiscal year, but in no event shall the special taxes be levied after fiscal
13 year 2045-46. All of the revenues from the collection of the special taxes shall be used as
14 provided in the Resolution of Formation and the Improvement Area No. 3 Rate and Method of
15 Apportionment of Special Tax, including, but not limited to, the payment of principal of and
16 interest on the bonds of the Community Facilities District, or to pay or accumulate funds for
17 paying the costs of public facilities, the replenishment of the reserve fund for the bonds, the
18 payment of costs of administering the Community Facilities District, and the costs of collecting
19 and administering the special taxes.

20 d. The special taxes, when levied, shall be collected in the same manner as
21 ordinary *ad valorem* taxes are collected and shall be subject to the same penalties and the same
22 procedure, sale and lien priority in case of delinquency as is provided for *ad valorem* taxes, as
23 such collection procedure may be modified, from time to time, by law or by ordinance or
24 resolution of the Board of Supervisors. The provisions of Section 53356.1 of the Government
25 Code shall apply to delinquent special taxes. The Board of Supervisors, acting as the legislative
26 body of the Community Facilities District, is hereby authorized and directed to take all actions
27 necessary to effect the proper levy, billing and collection of the special taxes so that the special
28 taxes shall be levied and collected in sufficient amounts and at the times necessary to satisfy the
financial obligations of the Community Facilities District in each fiscal year.

e. Notwithstanding the preceding provisions of this section, the Board of
Supervisors, acting as the legislative body of the District, may collect, or cause to be collected,
one or more installments of the special taxes by means of direct billing by the Community
Facilities District to the property owners within Improvement Area No. 1, Improvement Area
No. 2, or Improvement Area No 3 if, in the judgment of the Board of Supervisors, as such
legislative body, such direct billing will facilitate the administration of the Community Facilities
District or will for other reasons be appropriate. In the event of such direct billing of the special
taxes, the special taxes shall become delinquent if not paid when due as specified in such direct
billing.

Section 5. EXEMPTIONS. Properties of entities of the state, federal and local
governments shall be exempt from the levy of the special taxes only to the extent provided for in
the Improvement Area No. 1 Rate and Method of Apportionment of Special Tax, the
Improvement Area No. 2 Rate and Method of Apportionment of Special Tax, and the
Improvement Area No. 3 Rate and Method of Apportionment of Special Tax, and otherwise shall

1 be subject to the levy of the special taxes consistent with the provisions Section 53317.3 of the
2 Government Code in effect as of the effective date of this ordinance.

3 Section 6. SEVERABILITY. If for any reason any portion of this ordinance is found
4 to be invalid, or if any special tax is found by a court of competent jurisdiction to be inapplicable
5 to any particular parcel within Improvement Are No. 1, Improvement Area No. 2, or
6 Improvement Area No. 3, the remaining provisions of this ordinance and the application of the
7 special taxes to all other parcels in such Improvement Area shall not be affected.

8 Section 7. EFFECTIVE DATE. This ordinance relating to the levy and collection of
9 special taxes in Improvement Area No. 1, Improvement Area No. 2, and Improvement Area No.
10 3 shall take effect immediately upon its passage in accordance with the provisions of Section
11 25123(c) of the Government Code. The Chairman or the Vice Chairman of the Board of
12 Supervisors shall sign this ordinance and the Clerk of the Board of Supervisors shall attest to the
13 Chairman's or the Vice Chairman's signature, and cause a copy of this ordinance to be published
14 within 15 days after its adoption at least once in *The Press-Enterprise*, a newspaper of general
15 circulation published and circulated in the area of the Community Facilities District.

16 **Adopted:** Item ____ of ___/___/08 (Eff. Immediately)

17 _____
18 Vice Chairman of the Board of Supervisors

19 **ATTEST:**

20 Nancy Romero,
21 Clerk of the Board of Supervisors

22 By: _____
23 Deputy

24 FORM APPROVED COUNTY COUNSEL
25 BY: Dale A. Gardner 2/20/08
26 DALE A. GARDNER DATE

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
February 26, 2008

SUBJECT: Resolution No. F2008-11 Declaring Results of the Election and Introduce Ordinance No. 20 Authorizing the Levy of a Special Tax Regarding the Community Facilities District No. F05-1 (Homeland/Romoland) of Riverside County Flood Control and Water Conservation District (District)

RECOMMENDED MOTION: Adopt Resolution No. F2008-11 Declaring Results of the Election for Community Facilities District No. F05-1 (Homeland/Romoland) of Riverside County Flood Control and Water Conservation District (CFD) and Introduce Ordinance No. 20 Authorizing the Levy of a Special Tax within the CFD

BACKGROUND:

On January 29, 2008 the Board adopted (i) Resolution No. F2008-06 establishing CFD and its boundaries, (ii) Resolution No. F2008-07 determining the necessity for CFD to incur bonded indebtedness in an aggregate principal amount not to exceed \$100,000,000 for providing public facilities within and for Improvement Areas No. 1, 2 and 3 of the CFD, and calling special elections for the improvement areas on propositions for incurring such bonded indebtedness, (iii) Resolution No. F2008-08 calling special elections and submitting to the voters of Improvement Areas 1, 2 and 3 of the CFD propositions with respect to the annual levy of special taxes within such improvement areas and establishing an appropriation limit for the CFD.

(continued on page 2)

IMG:seb

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	F.Y. 2007-2008 District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	2007/08

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

BY:
Alex Gann

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended and the above ordinance is approved as introduced with waiver of the reading.

Ayes: Buster, Tavaglione and Stone
Nays: None
Absent: Wilson
Date: February 26, 2008
xc: Flood, CFD, COB, Recorder
(Supervisor Ashley submitted a letter of potential conflict of interest)

Nancy Romero
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: | **District:** 3rd & 5th | **Agenda Number:**

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER
DATE: 2/26/08

Departmental Concurrence

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

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

SUBJECT: Resolution No. F2008-11 Declaring Results of the Election and Introduce Ordinance No. 20 Authorizing the Levy of a Special Tax Regarding the Community Facilities District No. F05-1 (Homeland/Romoland) of Riverside County Flood Control and Water Conservation District (District)

SUBMITTAL DATE: February 26, 2008

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BACKGROUND:

The CFD proceedings and the adopted resolutions, consistent with waivers received from property owners of all taxable property in the CFD boundaries allowed a special election to be called and conducted on January 29, 2008. The Clerk of the Board received ballots from all electors and consistent with Section 53326(d) of the Government Code, declared the special election closed. The three propositions were approved by more than two thirds (2/3) of the votes casted at the election and Resolution No. F2008-11 is a declaration of the results of the election.

Attached also is a copy introducing Ordinance No. 20 which will be adopted at a subsequent Board meeting authorizing the levy of special tax regarding the CFD.

County Counsel has reviewed and approved the documents as to form.