

3 **RESOLUTION NO. CFD 2012-05**

4 **RESOLUTION OF COMMUNITY FACILITIES DISTRICT NO. 89-4 OF THE COUNTY OF**
5 **RIVERSIDE AUTHORIZING**
6 **THE LEVY AND ENROLLMENT OF A SPECIAL TAX**
7 **FOR FISCAL YEAR 2012-2013**

8 **WHEREAS**, the Board of Supervisors of the County of Riverside (respectively, the "Board" and
9 the "County") by the adoption of Resolution No. 91-219 on April 30, 1991, established Community
10 Facilities District No. 89-4 of the County of Riverside, California (the "CFD"), as modified by the change
11 proceedings approved by the Board, acting *ex-officio* as the Legislative Body of the CFD (the "Legislative
12 Body"), by adoption of Resolution No. CFD 2005-03 on March 22, 2005, pursuant to the Mello-Roos
13 Community Facilities District Act of 1982, as amended, Chapter 2.5 (commencing with Section 53311) of
14 Part 1 of Division 2 of Title 5 of the California Government Code (the "Act"); and

15 **WHEREAS**, pursuant to the provisions of the Act, proceedings to amend the Rate and Method of
16 Apportionment of Special Tax (respectively, the "Rate and Method" and the "Special Tax") for the CFD
17 were concluded by the Board's adoption of Ordinance No. 709.1 on March 29, 2005, that amended
18 Ordinance No. 709, adopted June 11, 1991 (collectively, the "Ordinance"); and

19 **WHEREAS**, the Legislative Body adopted Resolution No. 91-636 on December 3, 1991 that was
20 amended by Resolution No. 92-053, adopted on January 21, 1992 to provide for the sale and issuance of
21 \$4,825,000 in Special Tax Improvement Bonds (the "Series 1992 Bonds"); and

22 **WHEREAS**, the Legislative Body by the adoption of Resolution No. CFD 2005-05 on May 17,
23 2005 authorized the sale and issuance of \$4,280,000 in Special Tax Refunding Bonds (the "Series 2005
24 Refunding Bonds") to refund the Series 1992 Bonds; and

25 **WHEREAS**, all conditions precedent to the levy of the Special Tax in accordance with the
26 Ordinance have been satisfied;

27 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by
28 the Board of Supervisors of the County of Riverside, California, acting *ex-officio* as the Legislative Body
for Community Facilities District No. 89-4 of the County of Riverside, in regular session assembled on

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 6/28/12
DATE: DALE A. GARDNER

July 17, 2011, as follows:

Section 1. Each of the above recitals is true and correct.

Section 2. Pursuant to the provisions of Resolution No. CFD 2005-05 and the Ordinance, the Special Tax is to be levied up to an aggregate amount of \$400,000 for Fiscal Year 2012-2013 that is to be apportioned among the parcels which comprise the CFD consistent with the Rate and Method as set forth on a magnetic tape to be provided by Albert A. Webb Associates to the Auditor-Controller of the County of Riverside (the "Auditor-Controller").

Section 3. The amount of Special Tax to be levied for fiscal year 2012-2013 does not exceed the amount authorized by the Ordinance and approved by the qualified electors of the CFD.

Section 4. The proceeds of the Special Tax levy shall be used to pay, in whole or in part, the costs of the following:

- A. Payment of principal and interest on the outstanding Series 2005 Refunding Bonds;
- B. Replenishment of the required bond reserve fund, or other reserve funds, if necessary.
- C. Payment of the administrative expenses of the CFD, as provided in the Act, Resolution Nos. 91-219, CFD 2005-03 and CFD 2005-05, the Ordinance and the Fiscal Agent Agreement pursuant to which the Series 2005 Refunding Bonds were issued.

The proceeds of the Special Tax levy shall be used as set forth above, and shall not be used for any other purpose.

Section 5. The Auditor-Controller is hereby directed to enter the levy of the Special Tax for fiscal year 2012-2013 as apportioned pursuant to the Rate and Method on all taxable parcels within the CFD in accordance with this Resolution in a space marked "CFD 89-4" on the equalized secured tax roll for fiscal year 2012-2013.

Section 6. The Auditor-Controller shall, at the close of the tax collection period, promptly render to the CFD a detailed report showing the amount of Special Tax, penalties, interest and fees collected, and from which parcels each was collected. Any expenses to be paid to the Auditor-Controller for carrying out the foregoing responsibilities shall be collected in accordance with a contract entered into between the CFD and the Auditor-Controller, pursuant to Section 29304 of the California Government Code.

1 PASSED and ADOPTED by the Board of Supervisors, acting *ex-officio* as the Legislative Body of the
2 CFD on July 17, 2011.

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6 JOHN TAVAGLIONE, CHAIRMAN
Board of Supervisors, acting *ex officio* as the
7 Legislative Body of the CFD

8 ATTEST:

9 KECIA HARPER-IHEM, Clerk to the Legislative
10 Body of the CFD

11 Deputy

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