

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 1/14/15

Departmental Concurrence

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

829



FROM: Executive Office and Transportation and Land Management

SUBMITTAL DATE:
 January 14, 2015

SUBJECT: Board Policy Manual Update – Revisions to B-12; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:
 1. Approves an amendment to Board Policy B-12 Land Secured Financing Districts

BACKGROUND:

Summary

The Board Policy Manual is a guide for departments on matters that are not otherwise addressed in state codes, county ordinances, and resolutions by the Board of Supervisors. Amendments are submitted as necessary. Policy B-12 is being revised to accommodate necessary updates to land secured financing options.

(Continued on page 2)

Stephanie Persi
 Stephanie Persi
 Senior Management Analyst

Juan C. Perez
 Juan C. Perez
 Director of Transportation and Land Management

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost: | POLICY/CONSENT (per Exec. Office) |
|-----------------|----------------------|-------------------|-------------|---------------|---|
| COST | \$ N/A | \$ | \$ | \$ | Consent <input type="checkbox"/> Policy X |
| NET COUNTY COST | \$ N/A | \$ | \$ | \$ | |

SOURCE OF FUNDS: N/A

Budget Adjustment: No
 For Fiscal Year: 2014-15

C.E.O. RECOMMENDATION:

APPROVE

BY: *Ivan M. Chand*
 Ivan M. Chand 1/20/2015

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione and Ashley
 Nays: None
 Absent: Benoit
 Date: January 27, 2015
 xc: All Dept., COB

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3.3 4/10/07

District: All

Agenda Number:

3-1

BACKGROUND:

Summary (continued)

Proposed revisions to the policy include:

The County will be able to use Service and Maintenance Community Facilities Districts (“Service and Maintenance CFDs”) as authorized by the Mello-Roos Community Facilities Act of 1982 (the “Act”) to fund the on-going maintenance of landscape, storm water, or other similar improvements. Service and Maintenance CFDs will be established to support projects which address a public need and provide a public benefit. The County may require a Services and Maintenance CFD to be formed to fund the cost of maintenance or cost of services required as a condition of development for a new development project. New Service and Maintenance CFDs shall be approved by the Board of Supervisors prior to the formation of each CFD.

The Statewide Community Infrastructure Program (“SCIP”) is being removed from the eligible financing options. It has been determined by staff, with concurrence from County Counsel, that the SCIP program is no longer a viable source of financing for TUMF fees.

A complete policy is attached showing the changes.

The primary purpose of this proposal is to allow the County the ability to form Service and Maintenance CFDs as a tool to provide for perpetual maintenance of certain public improvements required to be constructed by new development, replacing new Landscape and Lighting Maintenance Districts (LMD’s) and/or new Home Owners Associations (HOAs). The County typically requires that development projects install and maintain landscaping along perimeter roads on the public-facing side of block walls, and that they pay their fair share of maintaining existing or new nearby traffic signals, and/or the ongoing energy and maintenance costs of new adjacent street lights. Typically, this maintenance has been done through the formation of a Landscape and Lighting Maintenance District (L&LMD), which is voted on by the property owner(s). An assessment rate is established before they sell units in the tract, so that new homeowners are made aware of the potential costs before they purchase units. The County then uses the funds collected through the assessment to pay for the cost of maintaining these improvements, so that the new development does not create an unfunded maintenance burden on the general public. Similarly, certain projects establish HOAs in order to fund improvements required to comply with Federal and State laws and County ordinances, such as drainage basins to preserve water quality, which are generally built internal to the tract.

Increasing Federal, State and Regional regulations hold the County accountable for the construction and on-going maintenance of drainage facilities required by existing Regional Storm Water Permits (MS4 Permits) that implement the National Pollutant Discharge Elimination System (“NPDES”). As such, TLMA-Transportation requires all new development (primarily tracts and subdivisions) to provide an on-going maintenance program that enforces the mandates of the MS4 permits. To meet this requirement, Service and Maintenance CFDs will be established as the primary funding mechanism (in lieu of HOAs) for the on-going maintenance, inspection, structural integrity, and servicing of storm water treatment devices, public improvements, and facilities such as landscaping and lighting, and street sweeping. Additional facilities may be included as appropriate to offset the maintenance costs and the financial burden on HOAs. This will provide the County with a mechanism to properly maintain such facilities, for which the County may be subject to enforcement actions and fines, rather than relying on HOAs, which may not be able to provide the same level of proper maintenance as the County. Service and Maintenance CFDs would be established through a vote of the property owner, similar to the process followed for LMDs, and would essentially in these cases replace the assessment otherwise levied through an L&LMD and HOA. It is expected there would be a reduced cost to new property owners by having the County consolidate these maintenance functions and bid maintenance services, such as landscaping and

cleaning of storm water facilities, using a greater economy of scale. TLMA-Transportation will be the point of contact for the formation of new Service and Maintenance CFDs for new development as needed. It should be noted that in certain areas where there are established County Service Areas (CSA's) that perform a similar function, Transportation would coordinate with EDA, the CSA administrator, to see which is the optimal maintenance mechanism to use.

The second change to the policy involves the removal of the SCIP. County Counsel has determined that this financing option could potentially put the County at legal risk should an individual decide to challenge the special assessment, since the SCIP, which is administered by the State, will not indemnify the County. In addition, if the SCIP remains, once the special assessment is placed on a property, the County has no say in what will be levied on the property. This may result in other taxing entities losing capacity for financing. The SCIP program has not been utilized in the past by new development due to the rules and regulations, which govern its use, which are challenging to navigate.

Impact on Citizens and Businesses

The Service and Maintenance CFDs ("CFD") amendment to Policy B-12 does not create a tax or special assessment through the approval of Policy B-12. The formation of any proposed CFD is a multi-step process. Formal agenda items are submitted to the Board of Supervisors for approval including: a resolution of intention to establish a CFD, a resolution calling a special election for the CFD, a resolution declaring the results of the special election for the CFD, and a resolution approving the formation and levy of special taxes for the CFD. The CFD formation must adhere to Proposition 218, the Right to Vote on Taxes Act. CFDs have specific boundaries that typically outline a specific tract map or tract maps. Developers will be responsible for the CFD formation deposit and fees. No General fund monies will be used to form a Service and Maintenance CFD.

Developers of new homes are required by existing state law to prepare disclosure statements for potential homebuyers where annual CFD costs would be disclosed to the potential homeowner. CFD assessments are levied annually in perpetuity unless terminated earlier.

Once the Service and Maintenance CFDs are authorized for use, homeowners in newly developed tracts/subdivisions would see the new Service and Maintenance CFD assessments on their property tax bill if this funding mechanism were used.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

| | |
|--|--------------------|
| <u>Policy</u> <u>Number</u> | <u>Page</u> |
| B-12 | 1 of 23 |

Policy:

Set forth herein are the goals and policies of the County of Riverside (the "County") concerning the County's use of community facilities districts ("Community Facilities Districts") established pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act") and special assessment districts ("Assessment Districts") established pursuant to the Municipal Improvement Act of 1913 (the "1913 Act") to finance public facilities.

There are three categories of Community Facilities Districts that will be used by the County to finance various types of public facilities. The categories are (a) Traditional Community Facilities Districts ("Traditional CFDs"), (b) Critical Transportation Corridor Improvement Program Community Facilities Districts ("CTCIP CFDs"), and (c) Community Facilities Districts for participants in the Critical Transportation Corridor Improvement Program ("Participant CFDs"). ~~In addition, the County participates in the Statewide Community Infrastructure Program (SCIP).~~ In addition, the County will use Service and Maintenance Community Facilities Districts ("Service and Maintenance CFDs") to fund one or more types of services authorized by the Act and/or to fund the maintenance of real or tangible property as authorized by the Act.

Following are the County's goals and policies for each of Traditional CFDs, CTCIP CFDs, Participant CFDs, Service and Maintenance CFDs and Assessment Districts and SCIP. The goals and policies for Traditional CFDs, CTCIP CFDs ~~and~~ Participant CFDs, and Service and Maintenance CFDs have been considered and adopted by the County and are intended to meet the requirements of Section 53312.7(a) of the California Government Code (the "Government Code") concerning the County's use of the Act.

The requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Community Facilities Districts and Assessment Districts are set forth in the County's Operations Manual for Land Secured Financing Districts (the "Operations Manual").

I. TRADITIONAL COMMUNITY FACILITIES DISTRICTS

- A. A Traditional CFD is a Community Facilities District, whose entire boundary is not within the boundaries of a CTCIP CFD.

Generally, proceedings for the establishment of a Traditional CFD will be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **2 of 23**

Public facilities to be owned and operated by the County that are financed through Traditional CFDs will, generally, be constructed by or on behalf of the landowners and, upon completion, be acquired by the County with proceeds of the Traditional CFD bonds.

A description of Traditional CFDs and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Traditional CFDs are set forth in the Operations Manual.

B. Priorities for Traditional CFD Financing

The priority that various kinds of public facilities will have for financing through the County's use of the Act by means of Traditional CFDs is as follows:

1. Public facilities to be owned and operated by the County that constitute regional infrastructure required to serve proposed development;
2. Other public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
3. Public facilities to be owned and operated by a public agency other than the County (including school districts).

Traditional CFD financings will not be used to satisfy development fee obligations imposed by the County or another public agency.

C. Credit Quality Requirements for Traditional CFD Bond Issues

1. *Project Viability.* The viability of the development project within a Traditional CFD is a critical component of the credit quality of a Traditional CFD bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, a Traditional CFD will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors of the County (the "Board of Supervisors").
2. *Statutory Requirements.* The County will require that the credit quality of any Traditional CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met; provided, however, that such

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

| | |
|--|--------------------|
| <u>Policy</u> <u>Number</u> | <u>Page</u> |
| B-12 | 3 of 23 |

- requirements shall be modified by replacing the phrase "at least three times" in subdivision (a) of said Section with the phrase "at least four times."
3. *Reserve Fund.* In order to enhance the credit quality of Traditional CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, or (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
 4. *Credit Enhancement.* Where a substantial amount of the property (as determined by the County) within a Traditional CFD is undeveloped, the County will generally require credit enhancement to increase the credit quality of such Traditional CFD bond issue. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual special taxes levied on undeveloped property and will be required to remain in effect so long as a substantial amount of the property within the Traditional CFD remains undeveloped. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
 5. *Capitalized Interest.* Generally, the amount of capitalized interest funded for Traditional CFD bond issues will be limited to the amount necessary to pay debt service on the bonds until the first interest payment date occurring after the levy of the special taxes may be included in the real property tax roll.
 6. *Bond Structure.* The term to maturity of any Traditional CFD bonds shall not exceed the maximum term specified in the Act. Principal amortization of Traditional CFD bonds shall commence no later than the end of the second bond year. Traditional CFD bonds shall be structured such that, once principal amortization thereof has commenced, debt service thereon will be substantially level.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **4 of 23**

D. Disclosure to Prospective Property Purchasers in Traditional CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with Traditional CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

E. Equity of Special Tax Formulas and Maximum Special Taxes for Traditional CFDs

1. *Reasonable Basis of Apportionment.* Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the Traditional CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.
2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual Traditional CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a Traditional CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Rate and Method of Apportionment.* The rate and method of apportionment for Traditional CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all Traditional CFD bonds, and (b) reasonable and necessary annual administrative expenses of the Traditional CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a Traditional CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the Traditional CFD, (c) the accumulation of funds reasonably required for future debt service on Traditional CFD bonds, (d) amounts equal to projected delinquencies in

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **5 of 23**

special tax payments, (e) remarketing, credit enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the Traditional CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be levied in any fiscal year would produce special tax revenues at least equal to (a) 110% of projected annual debt service on all Traditional CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the Traditional CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for Traditional CFD special taxes will be required to include a back-up tax so that changes in development within the Traditional CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The maximum special tax for any parcel within a Traditional CFD shall not escalate. The increase in the special tax levied on any parcel within a Traditional CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.
5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a Traditional CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for Traditional CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for Traditional CFDs are as set forth in the Appraisal Standards for Land Secured Financings published by the California Debt Advisory Commission and dated May 1994 (the "CDIAC Guidelines"), with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **6 of 23**

4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAAC Guidelines and the corresponding definitions, standards or assumptions in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation ("USPAP"), USPAP shall govern.

G. Disclosure for Traditional CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a Traditional CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Traditional CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a Traditional CFD, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Traditional CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

II. CRITICAL TRANSPORTATION CORRIDOR IMPROVEMENT PROGRAM (CTIP) COMMUNITY FACILITIES DISTRICTS

- A. A CTCIP CFD is a Community Facilities District established to finance a major transportation facility in an area that has been designated a critical transportation corridor (a "Critical Transportation Corridor") by the Board of Supervisors.

Proceedings for the establishment of a CTCIP CFD will often be instituted by the Board of Supervisors on its own initiative. Such proceedings may also be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

Major transportation facilities to be owned and operated by the County that are financed through CTCIP CFDs will be constructed by the County.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **7 of 23**

Owners of property included in a CTCIP CFD will receive an appropriate credit against the Transportation Uniform Mitigation Fee (TUMF) and/or, if imposed, the Road and Bridge Benefit District Fee applicable to such property.

A description of the Critical Transportation Corridor Improvement Program and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for CTCIP CFDs are set forth in the Operations Manual.

B. Priorities for CTCIP CFD Financing

Major transportation facilities in Critical Transportation Corridors, which facilities are to be owned or operated by the County, are the only kinds of public facilities that will be financed through the County's use of the Act by means of CTCIP CFDs.

Other public facilities associated with a major transportation facility may be financed by means of a CTCIP CFD if, at the discretion of the County, financing such public facility would provide a public benefit.

C. Credit Quality Requirements for CTCIP CFD Bond Issues

1. *Statutory Requirements.* The County will require that the credit quality of any CTCIP CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met.
2. *Reserve Fund.* In order to enhance the credit quality of CTCIP CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, or (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
3. *Capitalized Interest.* The amount of capitalized interest funded for an issue of CTCIP CFD bonds may not exceed any maximum specified in the Act.
4. *Bond Structure.* The term to maturity of any CTCIP CFD bonds shall not exceed the maximum term specified in the Act. Once principal amortization

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **8 of 23**

on a CTCIP CFD bond issue has commenced, debt service thereon may escalate by no more than 2% per bond year.

D. Disclosure to Prospective Property Purchasers in CTCIP CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with CTCIP CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

E. Equity of Special Tax Formulas and Maximum Special Taxes for CTCIP CFDs

1. *Reasonable Basis of Apportionment.* Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the CTCIP CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.
2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual CTCIP CFD special tax, together with ad valorem property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a CTCIP CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Rate and Method of Apportionment.* The rate and method of apportionment for CTCIP CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all CTCIP CFD bonds, and (b) reasonable and necessary annual administrative expenses of the CTCIP CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a CTCIP CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the CTCIP CFD, (c) the accumulation of funds reasonably required for future debt service on CTCIP CFD bonds, (d) amounts equal to projected delinquencies in special tax payments, (e) remarketing, credit

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **9 of 23**

enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the CTCIP CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be levied in any fiscal year would produce special tax revenues at least equal to (a) 100% of projected annual debt service on all CTCIP CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the CTCIP CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for CTCIP CFD special taxes will be required to include a back-up tax so that changes in development within the CTCIP CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The annual increase, if any, in the maximum special tax for any parcel within a CTCIP CFD may not exceed any maximum specified in the Act. The increase in the special tax levied on any parcel within a CTCIP CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.
5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a CTCIP CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for CTCIP CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for CTCIP CFDs are as set forth in the CDIAAC Guidelines, with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 10 of 23

4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

G. Disclosure for CTCIP CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a CTCIP CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of CTCIP CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a CTCIP CFD, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of CTCIP CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

III. COMMUNITY FACILITIES DISTRICTS FOR PARTICIPANTS IN THE CRITICAL TRANSPORTATION CORRIDOR IMPROVEMENT PROGRAM

- A. A participant CFD is a Community Facilities District whose entire boundary –is within the boundaries of a CTCIP CFD.

Generally, proceedings for the establishment of a participant CFD will be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

Public facilities to be owned and operated by the County that are financed through participant CFDs will, generally, be constructed by or on behalf of the landowners and, upon completion, be acquired by the County with proceeds of the participant CFD bonds.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **11 of 23**

A description of participant CFDs and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for participant CFDs are set forth in the Operations Manual.

B. Priorities for Participant CFD Financing

The priority that various kinds of public facilities will have for financing through the County's use of the Act by means of participant CFDs is as follows:

1. Public facilities to be owned and operated by the County that constitute regional infrastructure required to serve proposed development;
2. Other public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
3. Public facilities to be owned and operated by a public agency other than the County (including school districts), including such public facilities financed *in lieu* of the payment of development fees imposed by such public agency.
4. Development fee obligation imposed by public agencies other than the County.

C. Credit Quality Requirements for Participant CFD Bond Issues

1. *Project Viability.* The viability of the development project within a participant CFD is a critical component of the credit quality of a participant CFD bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, a participant CFD will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors.
2. *Statutory Requirements.* The County will require that the credit quality of any participant CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met.
3. *Reserve Fund.* In order to enhance the credit quality of participant CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **12 of 23**

bonds of such issue, (b) maximum annual debt service on the bonds of such issue, and (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.

4. **Credit Enhancement.** The County may require credit enhancement to increase the credit quality of a participant CFD bond issue, particularly where the value-to-lien ratio of a significant portion of the parcels in such participant CFD is less than three-to-one. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual special taxes levied on such parcels and will be required to remain in effect until such parcels are developed or the value thereof has otherwise been sufficiently increased. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
5. **Capitalized Interest.** The amount of capitalized interest funded for an issue of participant CFD bonds may not exceed any maximum specified in the Act.
6. **Bond Structure.** The term to maturity of any participant CFD bonds shall not exceed the maximum term specified in the Act. Once principal amortization on a participant CFD bond issue has commenced, debt service thereon may escalate by no more than 2% per bond year.

D. Disclosure to Prospective Property Purchasers in Participant CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with participant CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

E. Equity of Special Tax Formulas and Maximum Special Taxes for participant CFDs

1. **Reasonable Basis of Apportionment.** Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the participant CFD. Exemptions from the

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **13 of 23**

special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.

2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual participant CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a participant CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Rate and Method of Apportionment.* The rate and method of apportionment for participant CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all participant CFD bonds, and (b) reasonable and necessary annual administrative expenses of the participant CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a participant CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the participant CFD, (c) the accumulation of funds reasonably required for future debt service on participant CFD bonds, (d) amounts equal to projected delinquencies in special tax payments, (e) remarketing, credit enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the participant CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be levied in any fiscal year would produce special tax revenues at least equal to (a) 110% of projected annual debt service on all participant CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the participant CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for participant CFD special taxes will be required to include a back-up tax so that changes in development within the participant CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The annual increase, if any, in the maximum special tax for any parcel within a participant CFD may not exceed any maximum specified in the Act. The increase in the special tax levied on any parcel

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **14 of 23**

within a participant CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.

5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a participant CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for Participant CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for participant CFDs are as set forth in the CDIAAC Guidelines, with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and
4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

G. Disclosure for Participant CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a participant CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of participant CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a participant CFD, and each subsequent owner of property therein, that has not reached its planned

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **15 of 23**

development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of participant CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

IV. SERVICE AND MAINTENANCE COMMUNITY FACILITIES DISTRICTS

A. A Service and Maintenance CFD is a community facilities district that is established to fund one or more types of services authorized by the Act and/or to fund the maintenance of any real or tangible property as authorized by the Act.

Generally, proceedings for the establishment of a Service and Maintenance CFD will be instituted by a petition of landowners as provided in Section 53318 of the Act. However, proceedings may be initiated by the legislative body on its own initiative.

Service and Maintenance CFDs will be established to support projects which address a public need and provide a public benefit. Service and Maintenance CFDs will fund all or a portion of the costs of service and/or cost of maintenance as authorized by the Act. The County may require a Services and Maintenance CFD to be formed to fund the cost of maintenance or cost of services required as a condition of development for a development project.

Services and maintenance activities are eligible for funding by means of Service and Maintenance CFDs to the extent that there are benefits to proposed development projects and the public or to the extent that impacts of a proposed development project can be mitigated; and provided that the funding of such services and maintenance activities are authorized by the Act. In addition, Service and Maintenance CFDs may be employed by the County to fund services and maintenance activities that promote the general welfare, provide public benefits, and/or fill a public need. However, consistent with Section 53313 of the Act, services may only be funded to the extent that they are in addition to those provided in the area or district before the Service and Maintenance CFD was created.

B. Priorities for Service and Maintenance CFD Funding

The financing priority for various types of maintenance and services funded through the County's use of Service and Maintenance CFDs is as follows:

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **16 of 23**

1. Maintenance activities related to facilities owned by or to be owned by the County and/or the provision of services within the unincorporated area of the County that address a public need and promote the general welfare of the County and benefit the public.

2. Maintenance activities related to facilities owned or to be owned by the County that provide benefits to a proposed development project or mitigate impacts of a proposed development project.

3. Maintenance activities related to facilities owned or to be owned by a public agency other than the County that provide benefits to a proposed development project or mitigate impacts of a proposed development project.

C. Disclosure to Prospective Property Purchasers in Service and Maintenance CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with Service and Maintenance CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

D. Equity of Special Tax Formulas and Maximum Special Taxes for Service and Maintenance CFDs

1. Reasonable Basis of Apportionment. Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the Service and Maintenance CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.

2. Total Tax Burden. The total tax burden (that is, the anticipated maximum annual Service and Maintenance CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **17 of 23**

Service and Maintenance CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto as established at the time of approval of the Service and Maintenance CFD.

3. Rate and Method of Apportionment. The rate and method of apportionment for Service and Maintenance CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) all or a portion of the cost of maintenance or services provided by the CFD, and (b) reasonable and necessary annual administrative expenses of the Service and Maintenance CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund amounts equal to projected delinquencies in special tax payments, to accumulate a reasonable maintenance reserve fund, and provide for any other costs or payments permitted by law.

Generally, the rate and method of apportionment for Service and Maintenance CFD special taxes will be required to include a back-up tax so that changes in development within the Service and Maintenance CFD would not result in the inability to levy sufficient special taxes.

4. Increases in Special Tax. The increase in the special tax levied on any parcel within a Service and Maintenance CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.

E. Costs of Establishing Service and Maintenance CFDs

To the extent that a Service and Maintenance CFD is proposed to be established by a petition of landowners, said landowners are expected to advance the costs of formation of the Service and Maintenance CFD, including the costs of County's consultants. The advanced costs will include the costs of evaluation of the proposal and formation of the Service and Maintenance CFD.

IV.V. ASSESSMENT DISTRICTS

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **18 of 23**

- A. An Assessment District is a special assessment district established pursuant to the 1913 Act. Generally, Assessment District bonds will be issued pursuant to the Improvement Bond Act of 1915 (the "1915 Act").

Generally, proceedings for the establishment of an Assessment District will be instituted by a petition of landowners.

Public facilities to be owned and operated by the County that are financed through Assessment Districts will, generally, be constructed by or on behalf of the landowners and, upon completion, be acquired by the County with proceeds of the Assessment District bonds.

A description of Assessment Districts and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Assessment Districts are set forth in the Operations Manual.

B. Priorities for Assessment District Financing

The priority that various kinds of public facilities will have for financing by means of Assessment Districts is as follows:

1. Public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
2. Public facilities to be owned and operated by a public agency other than the County.

Assessment District financings will not be used to satisfy development fee obligations imposed by the County or another public agency.

C. Credit Quality Requirements for Assessment District Bond Issues

1. *Project Viability.* The viability of the development project within an Assessment District is a critical component of the credit quality of an Assessment District bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, an Assessment District will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **19 of 23**

2. *Value-to-Lien Requirements.* The County will require that the credit quality of any Assessment District bond issue be such that the requirements of Section 53345.8 of the Government Code will be met (said Section to be read as if references therein to the bonds to be sold are references to such Assessment District bonds and as if references therein to policies adopted pursuant to the Act are references to the policies set forth herein for Assessment Districts); provided, however, that such requirements shall be modified by replacing the phrase "at least three times" in subdivision (a) of said Section with the phrase "at least four times."
3. *Reserve Fund.* In order to enhance the credit quality of Assessment District bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, and (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
4. *Credit Enhancement.* Where a substantial amount of the property (as determined by the County) within an Assessment District is undeveloped, the County will generally require credit enhancement to increase the credit quality of such Assessment District bond issue. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual assessment installments levied on undeveloped property and will be required to remain in effect so long as a substantial amount of the property within the Assessment District remains undeveloped. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
5. *Capitalized Interest.* Generally, the amount of capitalized interest funded for Assessment District bond issues will be limited to the amount necessary to pay debt service on the bonds until first interest payment date occurring after the assessment installments may be included in the real property tax roll.
6. *Bond Structure.* The term to maturity of any Assessment District bonds shall not exceed the maximum term specified in the 1915 Act. Assessment District

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

**Policy
Number
B-12**

**Page
20 of 23**

bonds shall be structured such that, once principal amortization thereof has commenced, debt service thereon will be substantially level.

D. Disclosure to Prospective Property Purchasers in Assessment Districts

In order to ensure that prospective property purchasers are fully informed about their assessment obligations, in connection with Assessment Districts, the County will require that the requirements of disclosure to prospective property purchasers contained in Section 53754 of the Government Code be met.

E. Equity of Assessments and Maximum Assessments for Assessment Districts

1. *Direct and Special Benefit.* The apportionment of the assessments among the parcels included within an Assessment District shall be based upon the direct and special benefit each parcel receives from the public facilities to be financed.
2. *Total Tax Burden.* The total tax burden (that is, the annual Assessment District assessment installments, together with *ad valorem* property taxes, any other special assessments levied on the property, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in an Assessment District shall not exceed 2% (two percent) of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Administrative Expenses.* The assessments levied in an Assessment District shall include an amount for administrative expenses relating to the Assessment District, including expenses necessary for the enrollment and collection of the annual assessment installments and Assessment District bond administration.
4. *Assessment Installments.* The annual assessment installments for assessments levied on a parcel in an Assessment District shall be substantially equal, except that a variation for administrative expenses shall be allowed.

F. Appraisals for Assessment District Bond Issues

Except as provided below, the definitions, standards, and assumptions to be used in appraisals required in connection with Assessment District bond issues are as set forth in the CDIAAC Guidelines, with the following modifications:

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **21 of 23**

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available; and
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

G. Disclosure for Assessment District Bond Issues

1. *Initial Disclosure.* Each owner of property within an Assessment District that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Assessment District bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within an Assessment District, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Assessment District bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

~~V. STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)~~

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

**Policy
Number
B-12**

**Page
22 of 23**

- ~~A. The County shall allow participation in SCIP for those landowners whose entire property is not included in a CTCIP CFD or any planning area so identified by the County. Landowners will be allowed to finance development fees which, at the discretion of the County, would provide a public benefit.~~
- ~~B. Conformance to County Policy. Only those applications meeting the County's land secured requirements for Assessment Districts contained in this policy will be accepted.~~
- ~~C. Disclosure for SCIP Bond Issues. In order to ensure that prospective property purchasers are fully informed about their assessment obligations the County will require that the requirements of disclosure to prospective property purchasers contained in Section 53754 of the Government Code be met.~~
- ~~D. A description of the County SCIP and the requirements and procedures relating to applications, deposits, approvals and other administrative matters for the County SCIP are set forth in the SCIP Procedural Manual. The County Executive Office, with review and concurrence of the Debt Advisory Committee, shall prepare and maintain the SCIP Procedural Manual, providing for the implementation of Section V of this policy.~~

VI. MINIMUM STANDARDS; WAIVERS AND AMENDMENT

The policies set forth herein reflect the minimum standards under which the County will make use of Community Facilities Districts and Assessment Districts to finance public facilities. The County may, in its discretion, require additional measures and procedures, enhanced security and higher standards in particular cases.

The County may, in its discretion and to the extent permitted by law, waive any of the policies set forth herein in particular cases. Exceptions to such policies will be considered that are consistent with current public financing practices when structuring bond refundings and workouts, when considering unique bond structures (e.g., escrowed bond proceeds or variable rate bonds) or when additional credit enhancements (e.g., bond insurance or credit supports) are present.

The goals and policies set forth herein may be amended at any time and from time to time by the County.

Reference:

Minute Order 3.52 dated 07/27/1993

Minute Order 3.15 dated 11/08/1994

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

| <u>Policy</u> | <u>Page</u> |
|----------------------|------------------------|
| <u>Number</u> | <u>23 of 23</u> |
| B-12 | |

Minute Order 3.2 dated 02/09/1999 (B-12 Eff. Except as Superseded by Policy B-12a 1/11/1998)

Minute Order 3.5 of 11/10/1998 (B-12a)

Minute Order 3.2 of 02/09/1999 (B-12a)

Minute Order 3.27 of 12/09/2003 (B-12 approved replaces B-12a)

Minute Order 3.4 of 11/14/2006

Minute Order 3.3 of 04/10/07

Minute Order X-X of XX/XX/2014

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 1 of 22

Policy:

Set forth herein are the goals and policies of the County of Riverside (the "County") concerning the County's use of community facilities districts ("Community Facilities Districts") established pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act") and special assessment districts ("Assessment Districts") established pursuant to the Municipal Improvement Act of 1913 (the "1913 Act") to finance public facilities.

There are three categories of Community Facilities Districts that will be used by the County to finance various types of public facilities. The categories are (a) Traditional Community Facilities Districts ("Traditional CFDs"), (b) Critical Transportation Corridor Improvement Program Community Facilities Districts ("CTCIP CFDs"), and (c) Community Facilities Districts for participants in the Critical Transportation Corridor Improvement Program ("Participant CFDs"). In addition, the County will use Service and Maintenance Community Facilities Districts ("Service and Maintenance CFDs") to fund one or more types of services authorized by the Act and/or to fund the maintenance of real or tangible property as authorized by the Act.

Following are the County's goals and policies for each of Traditional CFDs, CTCIP CFDs, Participant CFDs, Service and Maintenance CFDs and Assessment Districts. The goals and policies for Traditional CFDs, CTCIP CFDs, Participant CFDs, and Service and Maintenance CFDs have been considered and adopted by the County and are intended to meet the requirements of Section 53312.7(a) of the California Government Code (the "Government Code") concerning the County's use of the Act.

The requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Community Facilities Districts and Assessment Districts are set forth in the County's Operations Manual for Land Secured Financing Districts (the "Operations Manual").

I. TRADITIONAL COMMUNITY FACILITIES DISTRICTS

- A. A Traditional CFD is a Community Facilities District, whose entire boundary is not within the boundaries of a CTCIP CFD.

Generally, proceedings for the establishment of a Traditional CFD will be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

Public facilities to be owned and operated by the County that are financed through Traditional CFDs will, generally, be constructed by or on behalf of the

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **2 of 22**

landowners and, upon completion, be acquired by the County with proceeds of the Traditional CFD bonds.

A description of Traditional CFDs and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Traditional CFDs are set forth in the Operations Manual.

B. Priorities for Traditional CFD Financing

The priority that various kinds of public facilities will have for financing through the County's use of the Act by means of Traditional CFDs is as follows:

1. Public facilities to be owned and operated by the County that constitute regional infrastructure required to serve proposed development;
2. Other public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
3. Public facilities to be owned and operated by a public agency other than the County (including school districts).

Traditional CFD financings will not be used to satisfy development fee obligations imposed by the County or another public agency.

C. Credit Quality Requirements for Traditional CFD Bond Issues

1. *Project Viability.* The viability of the development project within a Traditional CFD is a critical component of the credit quality of a Traditional CFD bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, a Traditional CFD will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors of the County (the "Board of Supervisors").
2. *Statutory Requirements.* The County will require that the credit quality of any Traditional CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met; provided, however, that such requirements shall be modified by replacing the phrase "at least three times" in subdivision (a) of said Section with the phrase "at least four times."

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **3 of 22**

3. *Reserve Fund.* In order to enhance the credit quality of Traditional CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, or (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
 4. *Credit Enhancement.* Where a substantial amount of the property (as determined by the County) within a Traditional CFD is undeveloped, the County will generally require credit enhancement to increase the credit quality of such Traditional CFD bond issue. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual special taxes levied on undeveloped property and will be required to remain in effect so long as a substantial amount of the property within the Traditional CFD remains undeveloped. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
 5. *Capitalized Interest.* Generally, the amount of capitalized interest funded for Traditional CFD bond issues will be limited to the amount necessary to pay debt service on the bonds until the first interest payment date occurring after the levy of the special taxes may be included in the real property tax roll.
 6. *Bond Structure.* The term to maturity of any Traditional CFD bonds shall not exceed the maximum term specified in the Act. Principal amortization of Traditional CFD bonds shall commence no later than the end of the second bond year. Traditional CFD bonds shall be structured such that, once principal amortization thereof has commenced, debt service thereon will be substantially level.
- D. Disclosure to Prospective Property Purchasers in Traditional CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with Traditional CFDs, the County will require that the requirements of disclosure to prospective

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
4 of 22

property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

E. Equity of Special Tax Formulas and Maximum Special Taxes for Traditional CFDs

1. *Reasonable Basis of Apportionment.* Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the Traditional CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.
2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual Traditional CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a Traditional CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Rate and Method of Apportionment.* The rate and method of apportionment for Traditional CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all Traditional CFD bonds, and (b) reasonable and necessary annual administrative expenses of the Traditional CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a Traditional CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the Traditional CFD, (c) the accumulation of funds reasonably required for future debt service on Traditional CFD bonds, (d) amounts equal to projected delinquencies in special tax payments, (e) remarketing, credit enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the Traditional CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be levied in any fiscal year would produce special tax revenues

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **5 of 22**

at least equal to (a) 110% of projected annual debt service on all Traditional CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the Traditional CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for Traditional CFD special taxes will be required to include a back-up tax so that changes in development within the Traditional CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The maximum special tax for any parcel within a Traditional CFD shall not escalate. The increase in the special tax levied on any parcel within a Traditional CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.
5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a Traditional CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for Traditional CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for Traditional CFDs are as set forth in the Appraisal Standards for Land Secured Financings published by the California Debt Advisory Commission and dated May 1994 (the "CDIAC Guidelines"), with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and
4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAC Guidelines and the corresponding

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
6 of 22

definitions, standards or assumptions in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation ("USPAP"), USPAP shall govern.

G. Disclosure for Traditional CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a Traditional CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Traditional CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a Traditional CFD, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Traditional CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

II. CRITICAL TRANSPORTATION CORRIDOR IMPROVEMENT PROGRAM (CTIP) COMMUNITY FACILITIES DISTRICTS

- A. A CTCIP CFD is a Community Facilities District established to finance a major transportation facility in an area that has been designated a critical transportation corridor (a "Critical Transportation Corridor") by the Board of Supervisors.

Proceedings for the establishment of a CTCIP CFD will often be instituted by the Board of Supervisors on its own initiative. Such proceedings may also be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

Major transportation facilities to be owned and operated by the County that are financed through CTCIP CFDs will be constructed by the County.

Owners of property included in a CTCIP CFD will receive an appropriate credit against the Transportation Uniform Mitigation Fee (TUMF) and/or, if imposed, the Road and Bridge Benefit District Fee applicable to such property.

A description of the Critical Transportation Corridor Improvement Program and the requirements and procedures relating to applications, petitions, deposits, approvals

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
7 of 22

and other administrative matters for CTCIP CFDs are set forth in the Operations Manual.

B. Priorities for CTCIP CFD Financing

Major transportation facilities in Critical Transportation Corridors, which facilities are to be owned or operated by the County, are the only kinds of public facilities that will be financed through the County's use of the Act by means of CTCIP CFDs.

Other public facilities associated with a major transportation facility may be financed by means of a CTCIP CFD if, at the discretion of the County, financing such public facility would provide a public benefit.

C. Credit Quality Requirements for CTCIP CFD Bond Issues

1. *Statutory Requirements.* The County will require that the credit quality of any CTCIP CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met.
2. *Reserve Fund.* In order to enhance the credit quality of CTCIP CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, or (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
3. *Capitalized Interest.* The amount of capitalized interest funded for an issue of CTCIP CFD bonds may not exceed any maximum specified in the Act.
4. *Bond Structure.* The term to maturity of any CTCIP CFD bonds shall not exceed the maximum term specified in the Act. Once principal amortization on a CTCIP CFD bond issue has commenced, debt service thereon may escalate by no more than 2% per bond year.

D. Disclosure to Prospective Property Purchasers in CTCIP CFDs

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
8 of 22

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with CTCIP CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

E. Equity of Special Tax Formulas and Maximum Special Taxes for CTCIP CFDs

1. *Reasonable Basis of Apportionment.* Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the CTCIP CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.
2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual CTCIP CFD special tax, together with ad valorem property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a CTCIP CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Rate and Method of Apportionment.* The rate and method of apportionment for CTCIP CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all CTCIP CFD bonds, and (b) reasonable and necessary annual administrative expenses of the CTCIP CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a CTCIP CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the CTCIP CFD, (c) the accumulation of funds reasonably required for future debt service on CTCIP CFD bonds, (d) amounts equal to projected delinquencies in special tax payments, (e) remarketing, credit enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the CTCIP CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **9 of 22**

levied in any fiscal year would produce special tax revenues at least equal to (a) 100% of projected annual debt service on all CTCIP CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the CTCIP CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for CTCIP CFD special taxes will be required to include a back-up tax so that changes in development within the CTCIP CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The annual increase, if any, in the maximum special tax for any parcel within a CTCIP CFD may not exceed any maximum specified in the Act. The increase in the special tax levied on any parcel within a CTCIP CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.
5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a CTCIP CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for CTCIP CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for CTCIP CFDs are as set forth in the CDIAAC Guidelines, with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and
4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **10 of 22**

G. Disclosure for CTCIP CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a CTCIP CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of CTCIP CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a CTCIP CFD, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of CTCIP CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

III. COMMUNITY FACILITIES DISTRICTS FOR PARTICIPANTS IN THE CRITICAL TRANSPORTATION CORRIDOR IMPROVEMENT PROGRAM

- A. A participant CFD is a Community Facilities District whose entire boundary is within the boundaries of a CTCIP CFD.

Generally, proceedings for the establishment of a participant CFD will be instituted by a petition of landowners, as provided in Section 53318 of the Government Code.

Public facilities to be owned and operated by the County that are financed through participant CFDs will, generally, be constructed by or on behalf of the landowners and, upon completion, be acquired by the County with proceeds of the participant CFD bonds.

A description of participant CFDs and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for participant CFDs are set forth in the Operations Manual.

- B. Priorities for Participant CFD Financing

The priority that various kinds of public facilities will have for financing through the County's use of the Act by means of participant CFDs is as follows:

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **11 of 22**

1. Public facilities to be owned and operated by the County that constitute regional infrastructure required to serve proposed development;
2. Other public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
3. Public facilities to be owned and operated by a public agency other than the County (including school districts), including such public facilities financed *in lieu* of the payment of development fees imposed by such public agency.
4. Development fee obligation imposed by public agencies other than the County.

C. Credit Quality Requirements for Participant CFD Bond Issues

1. *Project Viability.* The viability of the development project within a participant CFD is a critical component of the credit quality of a participant CFD bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, a participant CFD will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors.
2. *Statutory Requirements.* The County will require that the credit quality of any participant CFD bond issue be such that the requirements of Section 53345.8 of the Government Code will be met.
3. *Reserve Fund.* In order to enhance the credit quality of participant CFD bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, and (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **12 of 22**

4. **Credit Enhancement.** The County may require credit enhancement to increase the credit quality of a participant CFD bond issue, particularly where the value-to-lien ratio of a significant portion of the parcels in such participant CFD is less than three-to-one. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual special taxes levied on such parcels and will be required to remain in effect until such parcels are developed or the value thereof has otherwise been sufficiently increased. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
 5. **Capitalized Interest.** The amount of capitalized interest funded for an issue of participant CFD bonds may not exceed any maximum specified in the Act.
 6. **Bond Structure.** The term to maturity of any participant CFD bonds shall not exceed the maximum term specified in the Act. Once principal amortization on a participant CFD bond issue has commenced, debt service thereon may escalate by no more than 2% per bond year.
- D. **Disclosure to Prospective Property Purchasers in Participant CFDs**
- In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with participant CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.
- E. **Equity of Special Tax Formulas and Maximum Special Taxes for participant CFDs**
1. **Reasonable Basis of Apportionment.** Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the participant CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **13 of 22**

2. *Total Tax Burden.* The total tax burden (that is, the anticipated maximum annual participant CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a participant CFD shall not exceed 2% of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.

3. *Rate and Method of Apportionment.* The rate and method of apportionment for participant CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) debt service on all participant CFD bonds, and (b) reasonable and necessary annual administrative expenses of the participant CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund (a) any amounts required to establish or replenish any reserve fund established for a participant CFD bond issue, (b) amounts to pay directly the costs of public facilities authorized to be financed by the participant CFD, (c) the accumulation of funds reasonably required for future debt service on participant CFD bonds, (d) amounts equal to projected delinquencies in special tax payments, (e) remarketing, credit enhancement or liquidity fees, and (f) any other costs or payments permitted by law.

In any case, the participant CFD special tax rate and method of apportionment must be structured such that the projected maximum special tax that could be levied in any fiscal year would produce special tax revenues at least equal to (a) 110% of projected annual debt service on all participant CFD bonds for the calendar year commencing in such fiscal year, plus (b) projected administrative expenses of the participant CFD for the calendar year commencing in such fiscal year. Generally, the rate and method of apportionment for participant CFD special taxes will be required to include a back-up tax so that changes in development within the participant CFD would not result in the inability to levy special taxes that would produce special tax revenues in such amounts.

4. *Increases in Special Tax.* The annual increase, if any, in the maximum special tax for any parcel within a participant CFD may not exceed any maximum specified in the Act. The increase in the special tax levied on any parcel within a participant CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **14 of 22**

5. *Prepayment of Special Tax.* Generally, the special tax rate and method of apportionment for a participant CFD will be structured so as to allow the prepayment of special taxes by property owners.

F. Appraisals for Participant CFD Bond Issues

Except as provided below, the definitions, standards and assumptions to be used in appraisals required in connection with the County's use of the Act for participant CFDs are as set forth in the CDIAC Guidelines, with the following modifications:

1. The independent review appraiser is an option, and not a requirement;
2. The comparable sales method may be used whenever there is sufficient data available;
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared; and
4. The special tax lien need not be computed as the present value of the future tax payments if there is a prepayment mechanism or other appropriate measure.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

G. Disclosure for Participant CFD Bond Issues

1. *Initial Disclosure.* Each owner of property within a participant CFD that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of participant CFD bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within a participant CFD, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of participant

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
15 of 22

CFD bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

IV. SERVICE AND MAINTENANCE COMMUNITY FACILITIES DISTRICTS

A. A Service and Maintenance CFD is a community facilities district that is established to fund one or more types of services authorized by the Act and/or to fund the maintenance of any real or tangible property as authorized by the Act.

Generally, proceedings for the establishment of a Service and Maintenance CFD will be instituted by a petition of landowners as provided in Section 53318 of the Act. However, proceedings may be initiated by the legislative body on its own initiative.

Service and Maintenance CFDs will be established to support projects which address a public need and provide a public benefit. Service and Maintenance CFDs will fund all or a portion of the costs of service and/or cost of maintenance as authorized by the Act. The County may require a Services and Maintenance CFD to be formed to fund the cost of maintenance or cost of services required as a condition of development for a development project.

Services and maintenance activities are eligible for funding by means of Service and Maintenance CFDs to the extent that there are benefits to proposed development projects and the public or to the extent that impacts of a proposed development project can be mitigated; and provided that the funding of such services and maintenance activities are authorized by the Act. In addition, Service and Maintenance CFDs may be employed by the County to fund services and maintenance activities that promote the general welfare, provide public benefits, and/or fill a public need. However, consistent with Section 53313 of the Act, services may only be funded to the extent that they are in addition to those provided in the area or district before the Service and Maintenance CFD was created.

B. Priorities for Service and Maintenance CFD Funding

The financing priority for various types of maintenance and services funded through the County's use of Service and Maintenance CFDs is as follows:

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **16 of 22**

1. Maintenance activities related to facilities owned by or to be owned by the County and/or the provision of services within the unincorporated area of the County that address a public need and promote the general welfare of the County and benefit the public.
2. Maintenance activities related to facilities owned or to be owned by the County that provide benefits to a proposed development project or mitigate impacts of a proposed development project.
3. Maintenance activities related to facilities owned or to be owned by a public agency other than the County that provide benefits to a proposed development project or mitigate impacts of a proposed development project.

C. Disclosure to Prospective Property Purchasers in Service and Maintenance CFDs

In order to ensure that prospective property purchasers are fully informed about their taxpaying obligations imposed under the Act, in connection with Service and Maintenance CFDs, the County will require that the requirements of disclosure to prospective property purchasers contained in the Act, including, but not limited to, Sections 53328.3, 53328.5 (including the referenced sections of the California Streets and Highways Code), 53340.2 and 53341.5 of the Government Code, be met.

D. Equity of Special Tax Formulas and Maximum Special Taxes for Service and Maintenance CFDs

1. Reasonable Basis of Apportionment. Special taxes must be allocated and apportioned on a reasonable basis to all categories and classes of property (other than exempt property) within the Service and Maintenance CFD. Exemptions from the special tax may be given to parcels which are publicly-owned, are held by property owners associations, are used for a public purpose such as open space or wetlands, or are affected by public utility easements making impractical their utilization for other than the purposes set forth in the easement.

2. Total Tax Burden. The total tax burden (that is, the anticipated maximum annual Service and Maintenance CFD special tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in a Service and Maintenance CFD shall not exceed 2% of the estimated base sales

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **17 of 22**

price of such parcel upon completion of the public and private improvements relating thereto as established at the time of approval of the Service and Maintenance CFD.

3. Rate and Method of Apportionment. The rate and method of apportionment for Service and Maintenance CFD special taxes must be structured so as to produce special tax revenues sufficient to pay (a) all or a portion of the cost of maintenance or services provided by the CFD, and (b) reasonable and necessary annual administrative expenses of the Service and Maintenance CFD. Additionally, the rate and method of apportionment may be structured so as to produce amounts sufficient to fund amounts equal to projected delinquencies in special tax payments, to accumulate a reasonable maintenance reserve fund, and provide for any other costs or payments permitted by law.

Generally, the rate and method of apportionment for Service and Maintenance CFD special taxes will be required to include a back-up tax so that changes in development within the Service and Maintenance CFD would not result in the inability to levy sufficient special taxes.

4. Increases in Special Tax. The increase in the special tax levied on any parcel within a Service and Maintenance CFD as a consequence of delinquency or default by the owner on any other parcel may not exceed any maximum specified in the Act.

E. Costs of Establishing Service and Maintenance CFDs

To the extent that a Service and Maintenance CFD is proposed to be established by a petition of landowners, said landowners are expected to advance the costs of formation of the Service and Maintenance CFD, including the costs of County's consultants. The advanced costs will include the costs of evaluation of the proposal and formation of the Service and Maintenance CFD.

V. ASSESSMENT DISTRICTS

A. An Assessment District is a special assessment district established pursuant to the 1913 Act. Generally, Assessment District bonds will be issued pursuant to the Improvement Bond Act of 1915 (the "1915 Act").

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **18 of 22**

Generally, proceedings for the establishment of an Assessment District will be instituted by a petition of landowners.

Public facilities to be owned and operated by the County that are financed through Assessment Districts will, generally, be constructed by or on behalf of the landowners and, upon completion, be acquired by the County with proceeds of the Assessment District bonds.

A description of Assessment Districts and the requirements and procedures relating to applications, petitions, deposits, approvals and other administrative matters for Assessment Districts are set forth in the Operations Manual.

B. Priorities for Assessment District Financing

The priority that various kinds of public facilities will have for financing by means of Assessment Districts is as follows:

1. Public facilities to be owned and operated by the County for which there is a clearly demonstrated public benefit; and
2. Public facilities to be owned and operated by a public agency other than the County.

Assessment District financings will not be used to satisfy development fee obligations imposed by the County or another public agency.

C. Credit Quality Requirements for Assessment District Bond Issues

1. *Project Viability.* The viability of the development project within an Assessment District is a critical component of the credit quality of an Assessment District bond issue. Accordingly, the viability of each such development project will be reviewed and evaluated by the County. Under most circumstances, the viability of a development project is enhanced as the project moves further through the development process. Therefore, generally, an Assessment District will be established only if tract or parcel maps for the development project to be undertaken therein have been approved by the Board of Supervisors.
2. *Value-to-Lien Requirements.* The County will require that the credit quality of any Assessment District bond issue be such that the requirements of Section 53345.8 of the Government Code will be met (said Section to be read as if references therein to the bonds to be sold are references to such Assessment

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **19 of 22**

District bonds and as if references therein to polices adopted pursuant to the Act are references to the policies set forth herein for Assessment Districts); provided, however, that such requirements shall be modified by replacing the phrase "at least three times" in subdivision (a) of said Section with the phrase "at least four times."

3. *Reserve Fund.* In order to enhance the credit quality of Assessment District bond issues, the County will require that each such bond issue be secured by a reserve fund. Generally, each such reserve fund will be required to be funded (with cash or an acceptable reserve surety or other credit facility) in an amount no less than the least of (a) 10% of the initial principal amount of the bonds of such issue, (b) maximum annual debt service on the bonds of such issue, and (c) 125% of the average annual debt service on the bonds of such issue. Any reserve surety or other credit facility funding such a reserve fund will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
4. *Credit Enhancement.* Where a substantial amount of the property (as determined by the County) within an Assessment District is undeveloped, the County will generally require credit enhancement to increase the credit quality of such Assessment District bond issue. Such credit enhancement will usually be the form of an irrevocable letter of credit, will be required to be in an amount not less than two times the amount of annual assessment installments levied on undeveloped property and will be required to remain in effect so long as a substantial amount of the property within the Assessment District remains undeveloped. Such letter of credit will generally be required to be issued or guaranteed by an entity, the long term unsecured obligations of which are rated at least "A" by Moody's Investors Service or Standard & Poor's Ratings Service.
5. *Capitalized Interest.* Generally, the amount of capitalized interest funded for Assessment District bond issues will be limited to the amount necessary to pay debt service on the bonds until first interest payment date occurring after the assessment installments may be included in the real property tax roll.
6. *Bond Structure.* The term to maturity of any Assessment District bonds shall not exceed the maximum term specified in the 1915 Act. Assessment District bonds shall be structured such that, once principal amortization thereof has commenced, debt service thereon will be substantially level.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
LAND SECURED FINANCING DISTRICTS

Policy
Number **Page**
B-12 **20 of 22**

D. Disclosure to Prospective Property Purchasers in Assessment Districts

In order to ensure that prospective property purchasers are fully informed about their assessment obligations, in connection with Assessment Districts, the County will require that the requirements of disclosure to prospective property purchasers contained in Section 53754 of the Government Code be met.

E. Equity of Assessments and Maximum Assessments for Assessment Districts

1. *Direct and Special Benefit.* The apportionment of the assessments among the parcels included within an Assessment District shall be based upon the direct and special benefit each parcel receives from the public facilities to be financed.
2. *Total Tax Burden.* The total tax burden (that is, the annual Assessment District assessment installments, together with *ad valorem* property taxes, any other special assessments levied on the property, special taxes for any overlapping community facilities district, and any other taxes, fees and charges payable from and secured by the property) on any residential owner-occupied parcel in an Assessment District shall not exceed 2% (two percent) of the estimated base sales price of such parcel upon completion of the public and private improvements relating thereto.
3. *Administrative Expenses.* The assessments levied in an Assessment District shall include an amount for administrative expenses relating to the Assessment District, including expenses necessary for the enrollment and collection of the annual assessment installments and Assessment District bond administration.
4. *Assessment Installments.* The annual assessment installments for assessments levied on a parcel in an Assessment District shall be substantially equal, except that a variation for administrative expenses shall be allowed.

F. Appraisals for Assessment District Bond Issues

Except as provided below, the definitions, standards, and assumptions to be used in appraisals required in connection with Assessment District bond issues are as set forth in the CDIAC Guidelines, with the following modifications:

1. The independent review appraiser is an option, and not a requirement;

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

LAND SECURED FINANCING DISTRICTS

Policy
Number
B-12

Page
21 of 22

2. The comparable sales method may be used whenever there is sufficient data available; and
3. The appraiser should assume the presence of the public infrastructure to be financed with the bonds in connection with which the appraisal is being prepared.

Notwithstanding the foregoing, if there is a conflict between the definitions, standards or assumptions in the CDIAC Guidelines and the corresponding definitions, standards or assumptions in USPAP, USPAP shall govern.

G. Disclosure for Assessment District Bond Issues

1. *Initial Disclosure.* Each owner of property within an Assessment District that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Assessment District bonds will be required to provide for inclusion in the official statement or other offering materials distributed in connection with the offering and sale of such bonds such information as may be required for the County to comply with, satisfy any requirements of, or avoid any liability under, any applicable federal or state securities laws.
2. *Continuing Disclosure.* Each owner of property within an Assessment District, and each subsequent owner of property therein, that has not reached its planned development stage and that will be responsible for a substantial portion (as determined by the County) of annual debt service on an issue of Assessment District bonds will be required to provide such information, on an ongoing basis, as may be required for the underwriter of such bonds to satisfy the requirements imposed on it pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

VI. MINIMUM STANDARDS; WAIVERS AND AMENDMENT

The policies set forth herein reflect the minimum standards under which the County will make use of Community Facilities Districts and Assessment Districts to finance public facilities. The County may, in its discretion, require additional measures and procedures, enhanced security and higher standards in particular cases.

The County may, in its discretion and to the extent permitted by law, waive any of the policies set forth herein in particular cases. Exceptions to such policies will be considered that are consistent with current public financing practices when structuring bond refundings and workouts, when considering unique bond structures (e.g.,

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject:
LAND SECURED FINANCING DISTRICTS

| | |
|---------------------------------|--------------------|
| <u>Policy Number</u> | <u>Page</u> |
| B-12 | 22 of 22 |

escrowed bond proceeds or variable rate bonds) or when additional credit enhancements (e.g., bond insurance or credit supports) are present.

The goals and policies set forth herein may be amended at any time and from time to time by the County.

Reference:

Minute Order 3.52 dated 07/27/1993

Minute Order 3.15 dated 11/08/1994

Minute Order 3.2 dated 02/09/1999 (B-12 Eff. Except as Superseded by Policy B-12a 1/11/1998)

Minute Order 3.5 of 11/10/1998 (B-12a)

Minute Order 3.2 of 02/09/1999 (B-12a)

Minute Order 3.27 of 12/09/2003 (B-12 approved replaces B-12a)

Minute Order 3.4 of 11/14/2006

Minute Order 3.3 of 04/10/07

Minute Order X-X of XX/XX/2014