

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



**ITEM**  
3.33  
(ID # 3410)

**MEETING DATE:**

Tuesday, March 7, 2017

**FROM :** ECONOMIC DEVELOPMENT AGENCY (EDA):

**SUBJECT:** ECONOMIC DEVELOPMENT AGENCY (EDA): Resolution of Intention to establish proposed maintenance only Community Facilities District to be named Community Facilities District No. 17-2M (BELLA VISTA II) of the County of Riverside to be administered by the Economic Development Agency Community and Cultural Services Division, Supervisorial District 1 [\$65,563 Ongoing Cost]; CFD 17-2M (BELLA VISTA II) – 100%

**RECOMMENDED MOTION:** That the Board of Supervisors adopt the following Resolution:

1. Resolution No. 2017-043 Resolution of the Board of Supervisors of the County of Riverside of Intention to Establish a Community Facilities District (CFD) and To Authorize the Levy of Special Taxes and Setting the Date and Time For A Public Hearing Thereon; and
2. Set a public hearing concerning the establishment of CFD 17-2M (BELLA VISTA II) for 9:00 a.m. on April 11, 2017 and direct the Clerk of the Board to publish notice of the public hearing in accordance with California Government Code Section 53322.

**ACTION: Policy**

Robert Field, Assistant County Executive Officer/EDA 2/16/2017

---

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on or after Tuesday, April 11, 2017, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavagione, Washington and Ashley  
Nays: None  
Absent: None  
Date: March 7, 2017  
xc: EDA, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 65,563	\$ 0	\$ 65,563
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> CFD 17-2M (BELLA VISTA II) (100%)			<b>Budget Adjustment:</b>	No
There are no General Funds used in this project			<b>For Fiscal Year:</b>	17/18

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The State legislature enacted the Mello-Roos Act of 1982 to assist public agencies in financing certain public services and maintenance requirements. On January 27, 2015, the Board of Supervisors revised Board Policy B-12 entitled "Land Secured Financing Districts" to include "Service and Maintenance CFDs" to fund the ongoing maintenance of landscape, storm water Best Management Practices (BMP), street lighting, or other similar improvements and set goals and policies concerning Community Facilities Districts (CFD). Riverside Praed Street 22, LLC is the Developer of Tract 36894 and petitioned that the County of Riverside Economic Development Agency (EDA) to assist them in forming a district for the County of Riverside (County) to cover the costs associated with the maintenance of public improvements within the proposed district and has submitted an application and formation deposit. A special tax is proposed to be levied on each individual parcel located within the boundary of the proposed CFD to fund the costs associated with (i) Maintenance, administration and inspection of the stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not limited to drainage systems, weed control and other abatements, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may include but is not limited to landscaping materials, lighting, electricity, repair/replacement and inspection, and removal of graffiti on monuments.

Approval of proposed Resolution 2017-043 by the Board of Supervisors is the initial step for forming the CFD and declares the intention of the Board of Supervisors, as required by the Mello-Roos Act

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

of 1982, to levy a special tax to fund the service and maintenance functions requested by the Developer. The Resolution also requires the Board of Supervisors to hold a public hearing and submit the formation of the proposed CFD No. 17-2M (BELLA VISTA II) to the landowners at a special election to be conducted by mailed ballot if a majority protest does not occur.

Each new CFD is created for a specific development or developments when similar facilities are requested to be maintained by the County. A special tax is levied according to a Rate and Method of Apportionment (RMA) developed to the specific features within that District, and a special tax is annually placed on the tax roll for each Assessor Parcel Number (APN) noted in the Proposed Boundary Map, both attached herein.

The property owner (Riverside Praed Street 22, LLC) of Tract Map No. 36894 has petitioned the County to include their property into proposed Community Facilities District 17-2M (BELLA VISTA II). The boundaries of CFD No. 17-2M (BELLA VISTA II) will encompass the entire Tract Map No. 36894 which includes 22 single family dwelling units, none of which are currently occupied.

**Reference**

The CFD Rate and Method of Apportionment (RMA) are consistent with the Mello-Roos Act of 1982. In November 1996, California voters passed Proposition 218, Right to Vote on Taxes Act which added Articles XIII C and XIII D to the California Constitution. The County may levy special taxes within this proposed CFD after complying with the requirements of the Mello-Roos Act of 1982 and the provisions of Proposition 218 Right to Vote on Taxes Act. The formation of the proposed CFD adheres to Board Policy B-12 entitled "Land Secured Financing Districts" which was revised on January 27, 2015, to include "Service and Maintenance CFDs" to fund the ongoing maintenance of landscape, storm water, street lighting or other similar improvements and set goals and policies concerning CFDs.

**Impact on Residents and Businesses**

Only the parcels with Assessor Parcel Numbers within the proposed boundaries of the CFD which are represented by the proposed Boundary Map (inclusive of Tract 36894) are impacted by the proposed special tax. By setting up a special tax for the maintenance of certain infrastructure required by the development, the County requires that the development pay for its maintenance impact, rather than the obligation falling upon declining public funding sources. By specifically collecting and using the special tax revenue within the boundary of the proposed CFD, there is a financial mechanism in place to insure the infrastructure is maintained. This CFD does not propose to fund the repayment of any bonds or bond obligations and is solely for the purposes of funding Developer installed and County required infrastructure, particularly landscaping and streetlights. The Developer shall and is obligated to provide disclosure statements to potential buyers which outline the associated tax rate of a new home.

**SUPPLEMENTAL:**

**Additional Fiscal Information**


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

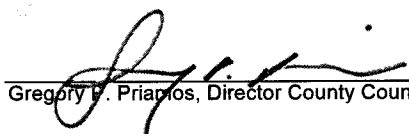
The proposed budget of \$65,563 for fiscal year 2017-18, as reflected in the Rate and Method of Apportionment, will result in a special tax of \$2,981 per taxable parcel. The annual special tax may be increased by the minimum of 2%, or a maximum of 6%, or by the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U), as it stands as of March of each year over the base index for March of 2018.

**ATTACHMENTS:**

- ATTACHMENT A. Proposed Boundary Map
- ATTACHMENT B. Petition
- ATTACHMENT C. Rate and Method of Apportionment (RMA)
- ATTACHMENT D. Resolution No. 2017-043

RF:JWW:SH:AJ:LZ MT 3410

  
Rohini Dasika, Principal Management Analyst 2/27/2017

  
Gregory P. Priamos, Director County Counsel 2/21/2017

2  
3 RESOLUTION NO. 2017-043

4  
5 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE OF  
6 INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE  
7 THE LEVY OF SPECIAL TAXES AND SETTING A DATE AND TIME FOR A PUBLIC HEARING  
8 THEREON

9  
10 **WHEREAS**, a community facilities district may be established under the Mello-Roos  
11 Community Facilities Act of 1982 (the "Act") in order to finance certain public capital facilities and  
12 services;

13 **WHEREAS**, proceedings for the establishment of a community facilities district under the  
14 Act may be instituted following the receipt of a petition by the landowners of at least 10% of the area of  
15 land proposed to be included within the territory of the community facilities district (a "Qualifying  
16 Petition") and the furnishing a deposit by the petitioners pursuant to Section 53318(d) of the Act  
17 ("Deposit");

18 **WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of  
19 Riverside (the "County") constitutes the legislative body of a local agency for purposes of the Act; and

20 **WHEREAS**, the Board of Supervisors has received both a Qualifying Petition and the  
21 Deposit pursuant to the Act and therefore institutes proceedings to establish a community facilities district  
22 (the "Community Facilities District") and to authorize the levy of special taxes therein in order to finance  
23 certain (i) Maintenance, administration and inspection of the stormwater facilities and BMPs including water  
24 quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the  
25 CFD. The maintenance may include, but is not limited to drainage systems, weed control and other abatements,  
26 repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and  
27 procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality,  
28 vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies,

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 2/21/17  
DATE

1 erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items  
2 noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance  
3 and control of inspection and maintenance, general contract administration, including phone calls and procurement  
4 of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and  
5 administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may  
6 include but is not limited to landscaping materials, lighting, electricity, repair/replacement and inspection, and  
7 removal of graffiti on monuments.

8 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
9 **RIVERSIDE**, in regular session assembled on March 7, 2017 does hereby resolve, find, determine and  
10 order as follows:

11 **Section 1.** The Board of Supervisors proposes to establish a community facilities district  
12 under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community  
13 Facilities District are described in the map showing the proposed Community Facilities District (the  
14 "Boundary Map") on file with the Clerk of the Board of Supervisors (the "Clerk"), which boundaries are  
15 hereby preliminarily approved and to which map reference is hereby made for further particulars. The  
16 Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the  
17 Boundary Map with all proper endorsements thereon in the office of the Riverside County Recorder  
18 within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California  
19 Streets and Highways Code.

20 **Section 2.** The name proposed for the Community Facilities District is "Community  
21 Facilities District 17-2M (Bella Vista II) of the County of Riverside."

22 **Section 3.** The services (the "Services") proposed to be financed by the Community  
23 Facilities District pursuant to the Act are described as (i) Maintenance, administration and inspection of the  
24 stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other  
25 NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not limited to  
26 drainage systems, weed control and other abatements, repair/replacement and inspection. Inspection is inclusive of  
27 scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device,  
28 annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working

1 order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies.  
2 Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not  
3 be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general  
4 contract administration, including phone calls and procurement of goods and services (ii) Traffic signals  
5 maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals within the  
6 CFD (iii) Monument maintenance and administration that may include but is not limited to landscaping materials,  
7 lighting, electricity, repair/replacement and inspection, and removal of graffiti on monuments as reflected in  
8 Exhibit A.

9           **Section 4.** Except where funds are otherwise available, a special tax sufficient to pay for  
10 all Services, secured by recordation of a continuing lien against all nonexempt real property in the  
11 Community Facilities District, will be annually levied within the Community Facilities District. The rate  
12 and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each  
13 landowner with the proposed Community Facilities District to estimate the maximum amount that he or  
14 she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated  
15 herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in  
16 such other manner as the Board of Supervisors shall determine, including direct billing of the affected  
17 property owners.

18           The special tax shall be levied annually until terminated by the Board of Supervisors as  
19 specified in the Rate and Method.

20           **Section 5.** The Board of Supervisors hereby fixes April 11, 2017, at 9:00 am, or as soon  
21 thereafter as the Board of Supervisors may reach the matter, at the Board of Supervisors Chambers, 4080  
22 Lemon Street, 1<sup>st</sup> Floor, Riverside California, as the time and place when and where the Board of  
23 Supervisors will conduct a public hearing on the establishment of the Community Facilities District and  
24 the levy of the special tax therein.

25           **Section 6.** The Clerk is hereby directed to publish, or cause to be published, a notice of  
26 said public hearing, as prepared, and approved by County Counsel, one time in *The Press Enterprise*, a  
27 newspaper of general circulation published in the area of the Community Facilities District. The  
28

1 publication of said notice shall be completed at least seven days prior to the date herein fixed for said  
2 hearing. Said notice shall contain the information prescribed by Section 53322 of the Government Code.

3           The Clerk is hereby further directed to give notice of said public hearing, as prepared and  
4 approved by County Counsel, by first-class mail to each registered voter and to each landowner with the  
5 Community Facilities District. Said notice shall be mailed at least 15 days prior to the date of said  
6 hearing and shall contain the same information as is required to be contained in the notice published  
7 pursuant to Section 53322 of the Government Code.

8           **Section 7.** The levy of said proposed special tax shall be subject to the approval of the  
9 qualified electors of the Community Facilities District at a special election. The proposed voting  
10 procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities  
11 District, with each owner having one vote for each acre or portion of an acre such owner owns in the  
12 Community Facilities District.

13           **Section 8.** Each officer of the County who is or will be responsible for providing one or  
14 more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed  
15 Community Facilities District and, at or before said public hearing, file a report with the Board of  
16 Supervisors containing a brief description of the Services by type which will in his or her opinion be  
17 required to adequately meet the needs of the Community Facilities District, and his or her estimate of the  
18 cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable  
19 cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said  
20 public hearing.

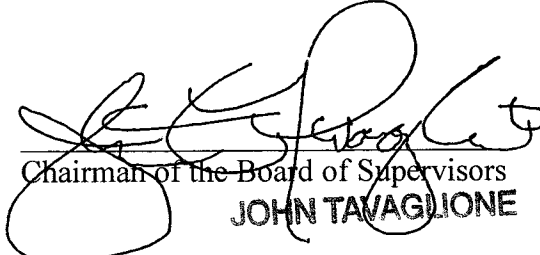
21           **Section 9.** In the opinion of the Board of Supervisors, the public interest will not be served  
22 by allowing the property owners within the proposed Community Facilities District to enter into a  
23 contract in accordance with subdivision (a) of Section 53329.5 of the Government Code and, accordingly,  
24 the Board of Supervisors hereby provides that such property owners may not enter into a contract in  
25 accordance with said subdivision.

26           **Section 10.** The officers of the County are, and each of them is, hereby authorized and  
27 direct to do any and all things, and to execute and deliver any and all documents which said officers may  
28



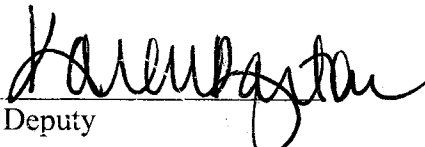
1 deem necessary or advisable in order to accomplish the purposes of this Resolution and not inconsistent  
2 with the provisions hereof.

3 **ADOPTED, SIGNED AND APPROVED** this 7th day of March, 2017, by the  
4 Board of Supervisors of the County of Riverside.

5  
6  
7  
8   
Chairman of the Board of Supervisors  
**JOHN TAVAGLIONE**

9 ATTEST:

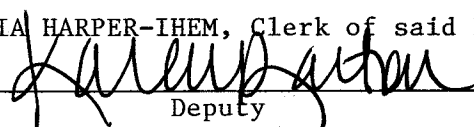
10 Kecia Harper-Ihem  
11 Clerk of the Board of Supervisors

12 By:   
13 Deputy

14  
15 ROLL CALL:

16  
17 Ayes: Jeffries, Tavaglione, Washington and Ashley  
18 Nays: None  
19 Absent: None

20 The foregoing is certified to be a true copy of a resolution duly  
21 adopted by said Board of Supervisors on the date therein set forth.

22 KECIA HARPER-IHEM, Clerk of said Board  
By:   
Deputy

1 EXHIBIT A

2 SERVICES AND INCIDENTAL EXPENSES

3 **Services**

4 The types of services to be financed by the Community Facilities District are (i)  
5 Maintenance, administration and inspection of the stormwater facilities and BMPs including water quality basins,  
6 fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the CFD. The  
7 maintenance may include, but is not limited to drainage systems, weed control and other abatements,  
8 repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and  
9 procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality,  
10 vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies,  
11 erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items  
12 noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance  
13 and control of inspection and maintenance, general contract administration, including phone calls and procurement  
14 of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and  
15 administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may  
16 include but is not limited to landscaping materials, lighting, electricity, repair/replacement and inspection, and  
17 removal of graffiti on monuments within the Community Facilities District.

18 **Incidental Expenses**

19 The incidental expenses proposed to be incurred include the following:

- 20 (a) The cost associated with the creation of the Community Facilities District,  
21 determination of the amount of taxes, collection of taxes, including litigation expenses,  
22 if any, costs for processing payment of taxes, or other administrative costs otherwise  
23 incurred in order to carry out the authorized purposes of the Community Facilities  
24 District; and  
25 (b) Any other expenses incidental to the performance and inspection of the authorized  
26 Services.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT B**

**PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

---

(See Attached)

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR  
COMMUNITY FACILITIES DISTRICT 17-2M (BELLA VISTA II)  
OF THE COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

A Special Tax (all capitalized terms are defined in Section A. Definitions, below) shall be applicable to each Parcel of Taxable Property located within the boundaries of Community Facilities District (CFD) 17-2M (BELLA VISTA II). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2017-2018, shall be determined by the Riverside County Board of Supervisors, acting in its capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in Sections B., C., and D., below. All of the real property within the CFD, unless exempted by law or by the provisions of Section E. below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**“Acre” or “Acreage”** means the land area of a Parcel as indicated on the most recent Assessor’s Parcel Map, or if the land area is not shown on the Assessor’s Parcel Map, the land area shown on the applicable Final Map, condominium plan, or other recorded County map or the land area calculated to the reasonable satisfaction of the Administrator using the boundaries set forth on such map or plan. The square footage of a Parcel is equal to the Acreage of such Parcel multiplied by 43,560.

**“Act”** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California.

**“Administrative Expenses”** means all actual or reasonably estimated costs and expenses of the CFD that are chargeable or allocable to carry out the duties of the Administrator of the CFD as allowed by the Act, which shall include without limitation, all costs and expenses arising out of or resulting from the annual levy and collection of the Special Tax (whether by the County or designee thereof, or both), any litigation or appeal involving the CFD, and other administrative expenses of the County or designee thereof, or both, directly related to the CFD. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD for attorney’s fees and other costs related to commencing and pursuing to completion any foreclosure as a result of delinquent Special Taxes.

**“Administrator”** means an official of the County, or designee thereof, responsible for determining the annual amount of the levy and collection of the Special Taxes.

**“Approved Property”** means all Parcels of Taxable Property: (i) that are included in a Final Map that was recorded prior to the January 1<sup>st</sup> preceding the Fiscal Year in which

the Special Tax is being levied, and (ii) that have not been issued a Building Permit prior to the April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Assessor”** means the Assessor of the County.

**“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating Parcels by Assessor’s Parcel Number.

**“Assessor’s Parcel Number”** means the number assigned to a lot or Parcel for purposes of identification as determined from an Assessor Parcel Map or the applicable assessment roll.

**“Base Year”** means the Fiscal Year ending June 30, 2018.

**“Board”** means Riverside County Board of Supervisors, acting in its capacity as the legislative body of the CFD.

**“Boundary Map”** means a recorded map of the CFD which indicates by a boundary line the extent of the territory identified to be subject to the levy of Special Taxes.

**“Building Permit”** means the first legal document issued by a local agency giving official permission for new construction. For purposes of this definition, Building Permit shall not include any subsequent Building Permits issued or changed after the first issuance.

**“CFD”** means Community Facilities District 17-2M (BELLA VISTA II) of the County of Riverside.

**“Consumer Price Index”** means the cumulative percentage increase in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Los Angeles-Riverside-Orange County Area, as it stands in March of each year over the base index of 2017. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the Administrator that is reasonably comparable to the Consumer Price Index for the Los Angeles-Riverside-Orange County Area.

**“County”** means the County of Riverside, California.

**“Developed Property”** means all Parcels of Taxable Property: (i) that are included in a Final Map that was recorded prior to January 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, and (ii) for which a Building Permit for new construction has been issued prior to April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Dwelling Unit” or “(D/U)”** means a residential unit that is used or intended to be used as a domicile by one or more persons, as determined by the Administrator.

**“Exempt Property”** means any Parcel which is exempt from Special Taxes pursuant to Section E., below.

**“Final Map”** means a subdivision of property by recordation of a tract map, parcel map or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) or recordation of a condominium plan pursuant to California Civil Code 1352 that creates individual lots for which Building Permits may be issued without further subdivision.

**“Fiscal Year”** means the 12 month period starting on July 1 of any calendar year and ending the following June 30.

**“Land Use Class”** means any of the classes listed in Table 1 of Section C. below.

**“Maximum Special Tax”** means for each Parcel in each Fiscal Year, the greatest amount of Special Tax, determined in accordance with Section C., below, which may be levied on such Parcel in each Fiscal Year.

**“Multi-family Residential Property”** means all Parcels of Residential Property that consist of a building or buildings comprised of attached Dwelling Units available for rental by the general public, not for sale to an end user, and under common management.

**“Non-Residential Property”** means all Parcels of Developed Property for which a Building Permit was issued, permitting the construction of one or more non-residential structures.

**“Parcel”** means a lot or parcel within the CFD shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number valid as of July 1<sup>st</sup> for the Fiscal Year for which the Special Tax is being levied.

**“Property Owners Association Property”** means all Parcels which have been conveyed, dedicated to, or irrevocably offered for dedication to a property owner association, including any master or sub-association, prior to April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Proportionately”** means for Parcels of Taxable Property that are (i) Developed Property, that the ratio of the actual Special Tax levy to Maximum Special Tax is the same for all Parcels of Developed Property, (ii) Approved Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is the same for all Parcels of Approved Property, and (iii) Undeveloped Property, Public Property or Property Owners Association Property, that the ratios of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is the same for all Parcels of Undeveloped Property, Public Property and Property Owners Association Property.

**“Public Property”** means all Parcels which, as of April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, are (i) used for rights-of-way or any other purpose and is owned by, dedicated to, or irrevocably offered for dedication to the federal

government, the State, the County, City or any other public agency, provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use; or (ii) encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

**“Residential Property”** means all Parcels of Developed Property for which a Building Permit has been issued permitting the construction of one or more residential Dwelling Units.

**“Single Family Property”** means all Parcels of Residential Property, other than Multi-family Residential Property.

**“Special Tax”** means the special tax to be levied in each Fiscal Year on each Parcel of Taxable Property in accordance with Section D. to fund the Special Tax Requirement.

**“Special Tax Requirement”** means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Special Tax Services for such Fiscal Year as determined by the County; (ii) fund the Special Tax Reserve Fund in an amount equal to the lesser of (a) an amount equal to 20% of the Special Tax Reserve Fund Requirement or (b) the amount needed to fund the Special Tax Reserve Fund up to the Special Tax Reserve Fund Requirement, (iii) pay Administrative Expenses; (iv) pay for anticipated Special Tax delinquencies based on actual delinquencies from the prior Fiscal Year outstanding at the time the annual Special Tax levy is determined; and (v) less a credit for funds available to reduce the annual Special Tax levy as determined by the Administrator.

**“Special Tax Reserve Fund”** means a fund to be used for capital replacement and maintenance costs related to the Special Tax Services.

**“Special Tax Reserve Fund Requirement”** means an amount up to 150% of the anticipated annual cost of Special Tax Services of \$62,933 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2018, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the amount in effect in the previous Fiscal Year.

**“Special Tax Services”** means: (i) Maintenance, administration and inspection of the stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not limited to drainage systems, weed control and other abatements, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration,

including phone calls and procurement of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may include but is not limited to landscaping materials, lighting, electricity, repair/replacement and inspection, and removal of graffiti on monuments.

**“State”** means the State of California.

**“Taxable Property”** means all Parcels within the boundary of the CFD pursuant to the Boundary Map which are not exempt from the Special Tax pursuant to Section E., below.

**“Taxable Unit”** means either a Dwelling Unit or an Acre, as shown in Table 1.

**“Undeveloped Property”** means all Parcels of Taxable Property not classified as Developed Property, Approved Property, Public Property or Property Owners Association Property.

## **B. ASSIGNMENT TO LAND USE CLASS**

Each Fiscal Year, commencing with Fiscal Year 2017-2018, all Parcels of Taxable Property shall be classified as either Developed Property, Approved Property, Undeveloped Property, Public Property or Property Owners Association Property, and subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment as determined pursuant to Sections C. and D.

Parcels of Developed Property shall further be classified as Residential Property or Non-Residential Property. Parcels of Residential Property shall further be classified as Single Family Property or Multi-family Residential Property.

## **C. MAXIMUM SPECIAL TAX RATES**

### **1. Developed Property**

The Maximum Special Tax that may be levied and escalated, as explained further in Section C.1. (a) below, in each Fiscal Year for each Parcel classified as Developed Property shall be determined by reference to Table 1, below.



**TABLE 1**  
**Maximum Special Tax Rates for Developed**  
**Property for Fiscal Year 2017-2018**

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$2,981
2	Multi-family Residential Property	Acre	\$9,557
3	Non-Residential Property	Acre	\$9,557

(a) Increase in the Maximum Special Tax

On each July 1, following the Base Year, the Maximum Special Tax, identified in Table 1, above, shall be increased annually, commencing July 1, 2018, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the Maximum Special Tax in effect in the previous Fiscal Year.

(b) Multiple Land Use Classes

In some instances a Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that may be levied on such Parcel shall be the sum of the Maximum Special Tax that can be levied for each Land Use Class located on that Parcel. For a Parcel that contains more than one Land Use Class, the Acreage of such Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use as determined by reference to the site plan approved for such Parcel. The Administrator's allocation to each Land Use Class shall be final.

**2. Approved Property**

The Maximum Special Tax for each Parcel of Approved Property shall be equal to the product of the applicable Undeveloped Property Maximum Special Tax per Acre times the Acreage of such Parcel; provided, however, for a Parcel of Approved Property that is expected to become Single Family Property as reasonably determined by the Administrator based on the Final Map for such Parcel, the Maximum Special Tax for such Parcel of Approved Property shall be calculated pursuant to Section C.1. as if such Parcel were already designated as Developed Property and classified as Single Family Property.

The Maximum Special Tax for Approved Property shall be increased annually, commencing July 1, 2018, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum

annual increase of two percent (2%) of the corresponding Maximum Special Tax in effect in the previous Fiscal Year.

### **3. Undeveloped Property**

The Maximum Special Tax that may be levied and escalated for each Parcel classified as Undeveloped Property shall be \$9,557 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2018, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the corresponding Maximum Special Tax in effect in the previous Fiscal Year.

### **4. Public Property and/or Property Owners Association Property**

The Maximum Special Tax that may be levied and escalated for each Parcel classified as Public Property and/or Property Owners Association Property shall be \$0.00 per Acre. **There shall be no levy on Public Property and/or Property Owners Association Property.**

## **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2017-2018 and for each following Fiscal Year, the Administrator shall levy the Special Tax on all Taxable Property until the amount of Special Tax equals the Special Tax Requirement in accordance with the following steps:

First: The Special Tax shall be levied Proportionately on each Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax as needed to satisfy the Special Tax Requirement;

Second: If additional moneys are needed to satisfy the Special Tax Requirement after the first step has been completed, the Special Tax shall be levied Proportionately on each Parcel of Approved Property at up to 100% of the Maximum Special Tax for Approved Property.

Third: If additional moneys are needed to satisfy the Special Tax Requirement after the first two steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property at up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

Notwithstanding the above, under no circumstances will the Special Taxes levied in any Fiscal Year against any Parcel of Residential Property for which a Certificate of Occupancy has been issued be increased by more than ten percent (10%) as a result of a delinquency in the payment of the Special Tax applicable to any other Parcel above the amount that would have been levied in that Fiscal Year had there never been any such delinquency or default.

**E. EXEMPTIONS**

The CFD shall not levy Special Taxes on Public Property or Property Owners Association Property within the CFD.

**F. MANNER OF COLLECTION**

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes and shall be subject to the same penalties, the same procedure, sale and lien priority in the case of delinquency; provided, however, that the Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD, and provided further that the CFD may covenant to foreclose and may actually foreclose on Parcels having delinquent Special Taxes as permitted by the Act.

**G. APPEALS**

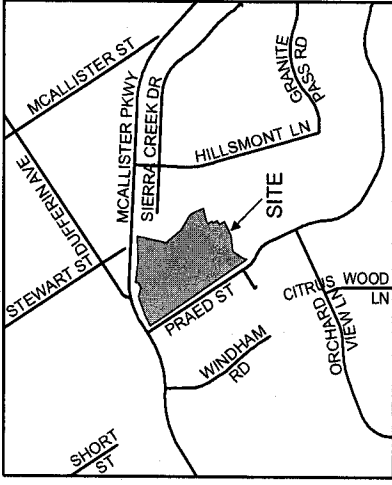
Any taxpayer may file a written appeal of the Special Tax on his/her Parcel(s) with the Administrator, provided that the appellant is current in his/her payments of Special Taxes. During pendency of an appeal, all Special Taxes must be paid on or before the payment due date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The Administrator shall review the appeal, meet with the appellant if the Administrator deems necessary, and advise the appellant of its determination. If the Administrator agrees with the appellant, the Administrator shall grant a credit to eliminate or reduce future Special Taxes on the appellant's Parcel(s). No refunds of previously paid Special Taxes shall be made.

The Administrator shall interpret this Rate and Method of Apportionment and make determinations relative to the annual levy and administration of the Special Tax and any taxpayer who appeals, as herein specified.

**H. TERM OF THE SPECIAL TAX**


The Special Tax shall be levied annually in perpetuity unless terminated earlier by the County.

# PROPOSED BOUNDARY COMMUNITY FACILITIES DISTRICT 17-2M (BELLA VISTA II) COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



VICINITY MAP

### Legend

 PROPOSED BOUNDARY

ASSESSOR PARCEL NUMBERS LOCATED WITHIN THE PROPOSED BOUNDARIES OF CFD 17-2M (BELLA VISTA II) AS OF FISCAL YEAR 2016-2017:

- 136-110-004-6
- 136-110-005-7
- 136-110-008-0
- 136-110-021-1
- 136-110-022-2



FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017,  
AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M IN BOOK \_\_\_\_\_ OF MAPS OF  
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE  
COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.  
FEE: \_\_\_\_\_ DOCUMENT NO: \_\_\_\_\_  
PETER ALDANA, RIVERSIDE COUNTY ASSESSOR/CLERK-RECORDER

BY: \_\_\_\_\_ DEPUTY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY ITS RESOLUTION NO. \_\_\_\_\_

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE

REFERENCE IS HEREBY MADE TO THE ASSESSOR MAPS OF THE COUNTY OF RIVERSIDE, FOR FISCAL YEAR 2016-2017, FOR AN EXACT DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH LOT/PARCEL.

PREPARED BY  
**PSOMAS**  
1500 Iowa Avenue Suite 210 Riverside, CA 92507  
(951) 87-8421 Fax (951) 682-3379

PETITION, WAIVER AND CONSENT

1/26/17

Board of Supervisors of the  
County of Riverside  
4080 Lemon Street  
Riverside, California 92506

Members of the Board:

This Petition, Waiver and Consent ("**Petition**") is (i) a petition submitted pursuant to the Mello-Roos Community Facilities Act of 1982 (Section 53311 and following of the California Government Code) (the "**Act**") to create a community facilities district to fund certain maintenance and services, and (ii) a waiver and consent of certain election formalities and procedures.

1. Petitioners. This Petition is submitted pursuant to the Act to the County of Riverside (the "**County**") by the undersigned owner (the "**Property Owner**") of 100% of the fee simple interest in the following parcels of land identified by Assessor Parcel Numbers (the "**Property**"):

136110004-6	136110005-7	136110008-0	136110021-1	136110022-2
-------------	-------------	-------------	-------------	-------------

The Property is further shown on the map attached hereto as Exhibit B. The Property Owner warrants to the County with respect to the Property that the signatories are authorized to execute this Petition.

2. Request to Institute Proceedings. The Board of Supervisors is hereby requested to do all of the following:

- a. Undertake proceedings under the Act to create a community facilities district to be designated "Community Facilities District No. 17-2M (Bella Vista II) of the County of Riverside" (the "**CFD**"), which CFD shall include only the Property; and
- b. Conduct a landowner-voter election in accordance with the Act to obtain authorization to levy a special tax within the CFD.

3. Boundaries of CFD. The Property Owner hereby asks that the territory within the boundaries of the CFD be as shown on the map attached hereto as Exhibit B.

4. Purpose of CFD. The CFD shall be created for the purpose to fund the costs associated with (i) Maintenance, administration and inspection of the stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not limited to drainage systems, weed control and other abatements, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may include but is not limited to landscaping materials,

lighting, electricity, repair/replacement and inspection, and removal of graffiti on monuments, as shown in Exhibit A attached hereto.

5. Elections. The Property Owner hereby asks that the special election to be held under the Act to authorize the special taxes and to establish an appropriations limit for the CFD be consolidated into a single election and that the election be conducted by the County and its officials, using mailed or hand-delivered ballots, and that such ballots be opened and canvassed and the results certified at the same meeting of the Board of Supervisors as the public hearings on the CFD under the Act or as soon thereafter as possible.

6. Waivers. To expedite the completion of the proceedings for the CFD and to hold the elections on the date described in paragraph 5 above, the Property Owner makes all of the following waivers:

- The Property Owner hereby waives any and all minimum time periods relative to the election pursuant to Government Code Section 53326(a).
- The Property Owner hereby waives the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code Section 53327(b).
- The Property Owner hereby waives the requirement to publish notice of the election under Government Code Section 53352.
- The Property Owner hereby waives the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101 and agrees that either mailed service or personal service of the ballot will be sufficient.
- The Property Owner hereby waives any requirement as to the specific form of the ballot to be used for the election, whether under the Act, the California Elections Code or otherwise.
- The Property Owner hereby waives the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5.

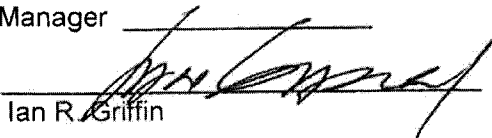
7. Deposits. Compliance with the provisions of subsection (d) of Section 53318 of the Act has been accomplished by a previous deposit of funds by the Property Owner with the County.

By executing this Petition, the Property Owner agrees to all of the above.

The name of the owner of record of such property and the petitioner and its mailing address is:

Riverside Praed Street 22, LLC  
A Delaware limited liability company

By: Griffin Residential III, LLC  
A California limited liability company  
Its: Manager \_\_\_\_\_

By:   
Ian R. Griffin

Mailing Address:

110 N. Lincoln Ave, Ste. 100  
Corona, CA 92882  
Attn: Praed St 22 Project Manager

## EXHIBIT A

### DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

#### Community Facilities District No. 17-2M (Bella Vista II) of the County of Riverside

##### Services

The types of services to be financed by the Community Facilities District are (i) Maintenance, administration and inspection of the stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not limited to drainage systems, weed control and other abatements, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services (ii) Traffic signals maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals within the CFD (iii) Monument maintenance and administration that may include but is not limited to landscaping materials, lighting, electricity, repair/replacement and inspection, and removal of graffiti on monuments within the Community Facilities District.

##### Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) The cost associated with the creation of the Community Facilities District, determination of the amount of taxes, collection of taxes, including litigation expenses, if any, costs for processing payment of taxes, or other administrative costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (b) Any other expenses incidental to the performance and inspection of the authorized Services.

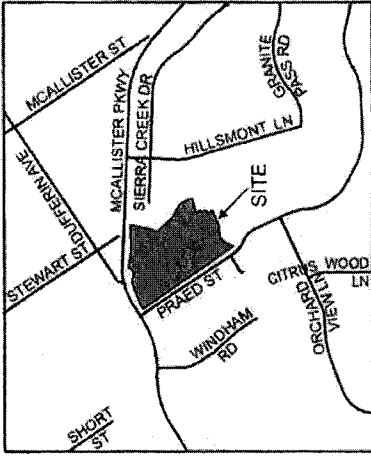
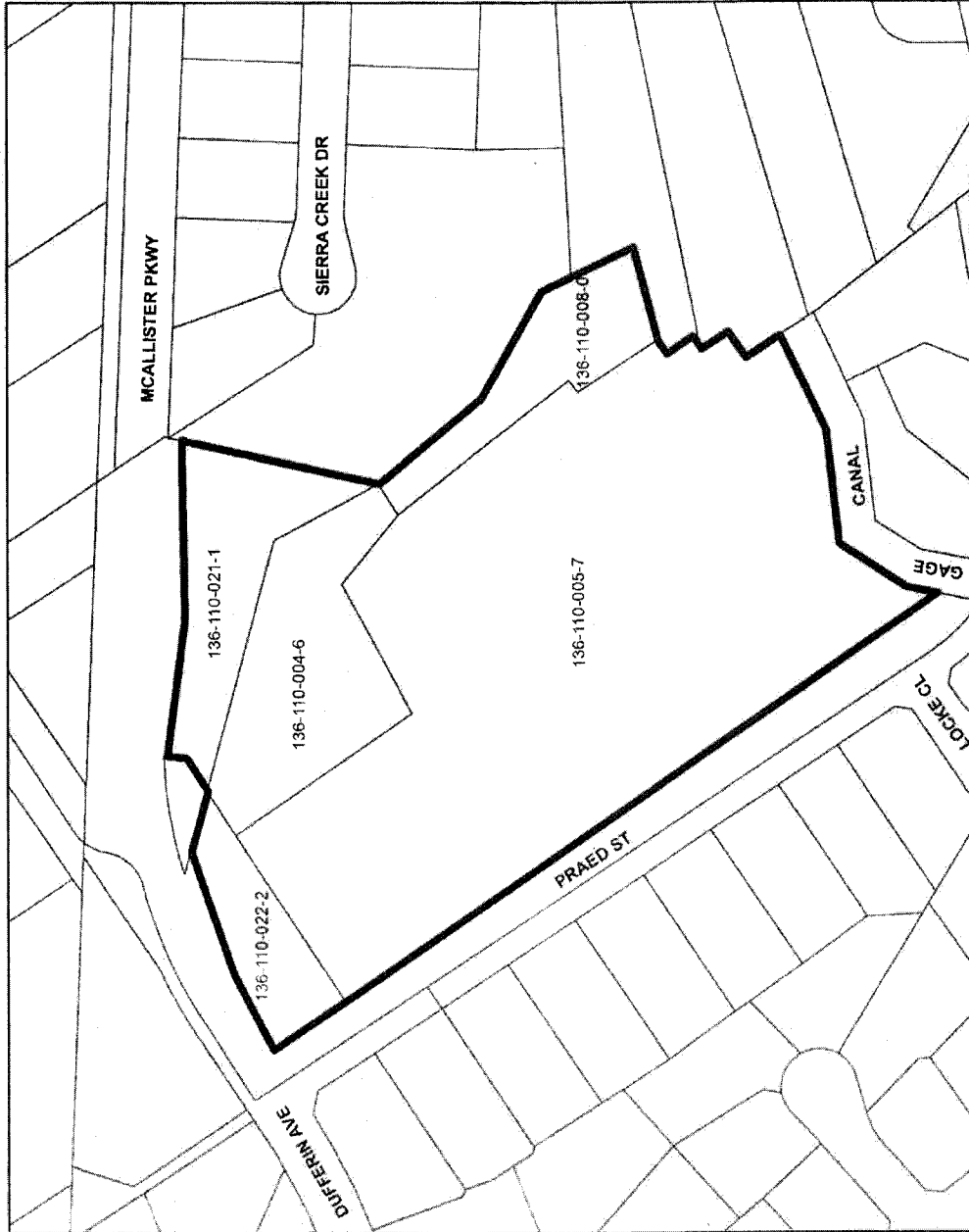
**EXHIBIT B**

**PROPOSED BOUNDARY MAP**

**Community Facilities District No. 17-2M (Bella Vista II)  
of the County of Riverside**




**PROPOSED BOUNDARY**  
**COMMUNITY FACILITIES DISTRICT 17-2M (BELLA VISTA II)**  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



VICINITY MAP

**Legend**

 PROPOSED BOUNDARY

ASSESSOR PARCEL NUMBERS LOCATED WITHIN THE PROPOSED BOUNDARIES OF CFD 17-2M (BELLA VISTA II) AS OF FISCAL YEAR 2016-2017:

- 136-110-004-6
- 136-110-005-7
- 136-110-008-0
- 136-110-021-1
- 136-110-022-2

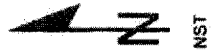
FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE STATE OF CALIFORNIA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

CLERK OF THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE

RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF MAPS OF ASSESSMENT AND TAXATION BY DISTRICTS AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

PETER TELUPAN, RIVERSIDE COUNTY ASSESSOR/CLERK/RECORDER

BY \_\_\_\_\_ DEPUTY



**PSOMAS**  
 1000 Lake Avenue, Suite 210 Riverside, CA 92507  
 (951) 517-9831 Fax: (951) 517-3179