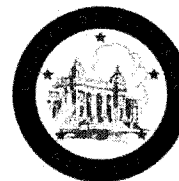


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
9.1
(ID # 5441)

MEETING DATE:

Tuesday, October 3, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA): Public Hearing Regarding the Formation of Community Facilities District No. 17-4M (Promontory) of the County of Riverside, Adopt Resolution of Formation, and Receive and File CFD Documents (CEQA Exempt); Dist 3; [\$104,520 on going cost]; CFD 17-4M (Promontory)-100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. With regard to the formation of Community Facilities District No. 17-4M (Promontory) of the County of Riverside, conduct a public hearing to receive public comments and conduct a majority protest proceeding and after closing the public hearing;
2. Adopt Resolution No. 2017-212 a Resolution of the Board of Supervisors of the County of Riverside of Formation of Community Facilities District No. 17-4M (Promontory) of the County of Riverside, Authorizing the Levy of A Special Tax Within Said District to Pay for Certain Landscaping and Street Lighting Services; Calling a Special Election to Submit to the Respective Qualified Voters the Question of Levying Such Special Tax and Establishing An Appropriations Limit for Said District; and Designating the Election Official For Such Matters.

ACTION: Policy, Clerk to Advertise

Robert Field, Assistant County Executive Officer/EDA 9/25/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: October 3, 2017
xc: EDA

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$104,520	\$ 0	\$104,520
NET COUNTY COST	\$ 0	\$0	\$ 0	\$
SOURCE OF FUNDS: CFD 17-4M (Promontory) (100%) There are no General Funds in this project				Budget Adjustment: No
				For Fiscal Year: 18/19

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). Presido Cornerstone FV, LLC, is the Developer of Tract 36546 and requested that the County of Riverside Economic Development Agency (EDA) 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. Subject to voter approval, a special tax shall be levied on each individual parcel located within the boundary of the proposed CFD to fund the costs associated with services for street lights maintenance including energy charges, operation, maintenance, and administrative costs of streetlights, landscape maintenance, including streetscape which may include, but is not limited to, all landscaping materials such as, ground cover, shrub, trees, plants, irrigation, trash removal, weed control, water costs, and other abatements, electricity, repair/replacement and inspection.

Each new CFD is created for a specific residential development or developments when 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 tax levy is annually placed on the tax roll for each Assessor Parcel Number (APN) noted in the Proposed Boundary Map. The property owner (Presido Cornerstone FV, LLC) of Tract Map No. 36546 has petitioned the County to include their property into proposed Community Facilities District No. 17-4M (Promontory). The boundaries of CFD No. 17-4M (Promontory) will encompass the entire Tract Map No. 36546 which includes 268 single family dwelling units.

On August 29, 2017 the County of Riverside Board of Supervisors approved Resolution 2017-157, a resolution of intention as the initial step for forming the CFD and declares the intention of the Board of Supervisors as required by the Mello-Roos Act of 1982 to levy a special tax to fund the service and maintenance functions requested by Presido Cornerstone FV, LLCs. The Resolution also requires the Board of Supervisors hold a public hearing and submit the formation of the proposed CFD No. 17-4M (Promontory) to the landowners at a special election

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

to be conducted by mailed ballot if a majority protest does not occur.

Approval of proposed Resolution No. 2017-212 a resolution of the Board of Supervisors of the County of Riverside will authorize the County of Riverside to Levy a Special tax within the district boundary to pay for services requested in the proposed CFD No. 17-4M (Promontory) upon voter approval. The resolution also calls for a special election to be held on October 3, 2017, and designating the election official for the proposed election. Only the landowners within the boundary of proposed CFD No. 17-4M (Promontory) will have the right to vote on the proposed special tax. Results will be tallied and if approved, a confirmation motion will be brought back to the Board of Supervisors for approval.

Reference

The CFD Rate and Method of Apportionment (RMA) is 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 taxes on 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, or other similar improvements and set goals and policies concerning Community Facilities Districts (CFD).

Impact on Residents and Businesses

Only the parcels with Assessor Parcel Numbers (APN) within the boundaries of proposed CFD which are represented by the Recorded Boundary Map are impacted by the special tax. By setting up this mechanism 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 public funding sources. By specifically collecting and using the special tax revenue within the boundary of the 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 the maintenance of 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

The proposed budget for fiscal year 2018-19, as reflected in the Rate and Method of Apportionment, will result in a tax of \$390 per a taxable parcel. The annual tax may be adjusted by the minimum of 2% or a maximum of 6% or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U) in effect in the previous Fiscal Year, as it stands as of March of each year over the base index for March of 2018.

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


Contract History and Price Reasonableness

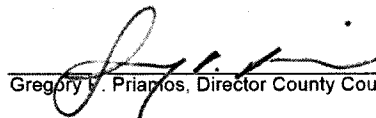
N/A

ATTACHMENTS:

- Resolution No. 2017-212
- Recorded CFD Boundary Map
- CFD Report
- Concurrence of Election Official
- Certificate of Registrar of Voters

RF:SH:AJ:LZ MT 5441


Kereni Baske, Principal Management Analyst 9/25/2017


Gregory V. Priamos, Director County Counsel 9/25/2017

2 **RESOLUTION NO. 2017-212**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE**
5 **COUNTY OF RIVERSIDE OF FORMATION OF COMMUNITY**
6 **FACILITIES DISTRICT NO. 17-4M (PROMONTORY) OF THE**
7 **COUNTY OF RIVERSIDE, AUTHORIZING THE LEVY OF A**
8 **SPECIAL TAX WITHIN SAID DISTRICT TO PAY FOR CERTAIN**
9 **LANDSCAPING AND STREET LIGHTING SERVICES; CALLING**
10 **A SPECIAL ELECTION TO SUBMIT TO THE RESPECTIVE**
11 **QUALIFIED VOTERS THE QUESTION OF LEVYING SUCH**
12 **SPECIAL TAX AND ESTABLISHING AN APPROPRIATIONS**
13 **LIMIT FOR SAID DISTRICT; AND DESIGNATING THE**
14 **ELECTION OFFICIAL FOR SUCH MATTERS**

15 **WHEREAS**, on August 29, 2017, the Board of Supervisors (the "Board of Supervisors")
16 of the County of Riverside (the "County"), pursuant to the Mello-Roos Community Facilities Act of
17 1982 (the "Act"), commencing with Section 53311 of the California Government Code (the
18 "Government Code"), adopted Resolution No. 2017-157 (the "Resolution of Intention"), stating
19 its intention to establish a community facilities district (the "Community Facilities District"),
20 proposed to be named Community Facilities District No. 17-4M (Promontory) of the County of
21 Riverside, and to authorize the levy of special taxes to finance certain authorized services and
22 setting October 3, 2017 as the date for a public hearing to be held on the establishment of the
23 Community Facilities District;

24 **WHEREAS**, pursuant to the Resolution of Intention, notice of such public hearing was
25 published in *The Press-Enterprise* timely and properly mailed by first class mail, postage prepaid
26 to all registered voters and landowners within the Community Facilities District, in accordance
27 with the Act;

28 **WHEREAS**, on this date, the Board of Supervisors conducted and closed said public
hearing to consider establishing the proposed Community Facilities District, the proposed levy of
a special tax within the Community Facilities District and a proposed appropriations limit;

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]*
DALE A. GARDNER
DATE: 9/25/17

OCT 08 2017 9.1

1 **WHEREAS**, any and all persons interested, including all taxpayers, property owners and
2 registered voters within the proposed Community Facilities District were given an opportunity to
3 appear and be heard at said public hearing and a full hearing was held;

4 **WHEREAS**, pursuant to the Resolution of Intention, each officer of the County who is or
5 will be responsible for providing one or more of the proposed types of authorized services was
6 directed to study, or cause to be studied, the proposed Community Facilities District and, at or
7 before said public hearing, file a report with the Board of Supervisors containing a brief
8 description of the authorized services by type which will in his or her opinion be required to
9 adequately meet the needs of the Community Facilities District, and his or her estimate of the
10 cost of providing the services proposed to be financed by the Community Facilities District and
11 the fair and reasonable cost of the incidental expenses proposed to be paid;

12 **WHEREAS**, said report was so filed with the Board of Supervisors and made a part of the
13 record of said public hearing;

14 **WHEREAS**, at said public hearing, evidence was presented to the Board of Supervisors
15 on the matters before it, and the Board of Supervisors at the conclusion of the hearing was fully
16 advised as to all matters relating to the proposed establishment of the Community Facilities
17 District and the furnishing of specified types of services;

18 **WHEREAS**, written protests against the establishment of the Community Facilities
19 District, the furnishing of any specified type or types of authorized services within the Community
20 Facilities District or the levying of any specified special tax were not made or filed at or before
21 the hearing by 50% or more of the registered voters, or six registered voters, whichever is more,
22 residing within the territory proposed to be included in the Community Facilities District, or by the
23 owners of one-half or more of the area of land in the territory proposed to be included in the
24 Community Facilities District and not exempt from the special tax;

25 **WHEREAS**, there has been filed with the Clerk to the Board of Supervisors a certification
26 of the Registrar of Voters of the County that within the ninety-day period preceding the close of
27 said public hearing, fewer than 12 persons were registered to vote within the territory proposed
28 to be included in the Community Facilities District;

1 **WHEREAS**, on the basis of all of the foregoing, the Board of Supervisors has determined
2 at this time to proceed with the establishment of the Community Facilities District as provided by
3 said Resolution No. 2017-157 to submit to the qualified electors of the Community Facilities
4 District propositions to authorize the levy of a special tax pursuant to the Rate and Method of
5 Apportionment of Special Tax described in Exhibit B to Resolution No. 2017-157 and the
6 Community Facilities District Report;

7 **WHEREAS**, the Board of Supervisors has received a Petition, Consent and Waiver of
8 100% of the landowners within the boundaries of the Community Facilities District waiving
9 certain election requirements, time limits and formalities; and

10 **WHEREAS**, the Board of Supervisors has determined that the establishment of the
11 Community Facilities District is not a project for purposes of the California Environmental Quality
12 Act (CEQA) and is exempt from CEQA.

13 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
14 **RIVERSIDE**, in regular session assembled on October 3, 2017, does hereby resolve, find,
15 determine and order as follows:

16 **Section 1.** All of the above recitals are true and correct.

17 **Section 2.** The Board of Supervisors hereby approves and adopts and confirms said
18 Resolution No. 2017-157, notice of which was published and mailed prior to the public hearing
19 as required by law, and, except as otherwise provided herein, reconfirms all of its findings and
20 determinations contained in said Resolution No. 2017-157. The Board of Supervisors hereby
21 approves and adopts the Rate and Method of Apportionment of Special Tax for the Community
22 Facilities District and the manner of collection of the special tax as set forth in Exhibit B to this
23 resolution. To the extent required by Section 53325.1(a) of the Government Code, all of the
24 information contained in Resolution No. 2017-157 is incorporated herein and made a part
25 hereof.

26 **Section 3.** The Community Facilities District is hereby established according to the Act.

27 **Section 4.** The Community Facilities District is hereby named "Community Facilities
28 District No. 17-4M (Promontory) of the County of Riverside."

1 **Section 5.** The services to be provided and funded by the Community Facilities District
2 are described under the caption "Services" on Exhibit A hereto, which is by this reference
3 incorporated herein. The incidental expenses proposed to be incurred are identified under the
4 caption "Incidental Expenses" on Exhibit A hereto.

5 **Section 6.** The proposed special tax to be levied within the Community Facilities District
6 has not been precluded by majority protest pursuant to Section 53324 of the California
7 Government Code; and any and all written protests to the special tax and appropriations limit are
8 hereby overruled.

9 **Section 7.** 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
11 the Community Facilities District, will be annually levied within the Community Facilities District.
12 The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient
13 detail to allow each landowner within the proposed Community Facilities District to estimate the
14 maximum amount that he or she will have to pay, is described in Exhibit B attached hereto,
15 which is by this reference incorporated herein. The special tax will be collected in the same
16 manner as ordinary *ad valorem* property taxes or in such other manner as the Board of
17 Supervisors shall determine, including direct billing of the affected property owners.

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

20 **Section 8.** The name, address and telephone number of the office which will be
21 responsible for preparing annually a current roll of special tax levy obligations by assessor's
22 parcel number and which will be responsible for estimating further special tax levies pursuant to
23 Section 53340.2 of the California Government Code are as follows: EDA Community Facilities
24 District Administrator, 3403 10th Street, Suite 400, Riverside, California 92501, (951) 955-8916.

25 **Section 9.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of
26 the California Streets and Highways Code, a continuing lien to secure each levy of the special
27 tax shall attach to all nonexempt real property in the Community Facilities District and this lien
28 shall continue in force and effect until collection of the tax by the Board of Supervisors ceases.

1 **Section 10.** The boundary map of the Community Facilities District was recorded on
2 September 7, 2017, in Riverside County in Book 81 at Page 30 of the Book of Maps of
3 Assessment and Community Facilities Districts in the Riverside County Recorder's Office, as
4 Instrument No. 2017-0372565. The Board of Supervisors hereby approves and ratifies said map
5 and the boundaries of the Community Facilities District which are incorporated herein and made
6 a part hereof.

7 **Section 11.** The annual appropriations limit, as defined by subdivision (h) of Section 8 of
8 Article XIII B of the California Constitution, of the Community Facilities District is hereby
9 established at \$4,000,000.

10 **Section 12.** Pursuant to the provisions of the Act, the levy of the special tax and a
11 proposition to establish the appropriations limit specified above shall be subject to the approval
12 of the qualified electors of the Community Facilities District at a special election. The Registrar
13 of Voters has determined and the Board of Supervisors finds that fewer than 12 persons are
14 registered to vote within the territory included in the Community Facilities District. Accordingly,
15 pursuant to Section 53326 of the Government Code, the vote concerning the special tax and
16 appropriations limit shall be by the landowners of the Community Facilities District; and each
17 landowner who is the owner of record as of the close of the public hearing, or the authorized
18 representative thereof, shall have one vote for each acre or portion of an acre that he or she
19 owns within the Community Facilities District. The voting procedure shall be by mailed or hand-
20 delivered ballot. The Board of Supervisors also finds that the requirements of Section 53326 of
21 the Act pertaining to the shortening of time and the requirement for notice have been waived by
22 all of the landowners within the Community Facilities District.

23 **Section 13.** The Board of Supervisors hereby calls and schedules a special election for
24 October 3, 2017, at 9:00 a.m. within and for the Community Facilities District on (i) the
25 proposition with respect to the annual levy of special taxes within the Community Facilities
26 District for the provision of authorized services to the Community Facilities District and (ii) the
27 proposition with respect to establishing an appropriations limit for the Community Facilities
28 District.

1 The propositions to be submitted to the voters of the Community Facilities District at such
2 special election shall be as follows:

3
4 Proposition A: Shall special taxes be levied annually on taxable property within
5 Community Facilities District No. 17-4M (Promontory) of the County of Riverside
6 to fund, pay for, and finance authorized lighting and maintenance services for
7 streets, roads, parks, parkways and open space (as specified and reflected in the
8 Resolution of Intention, the Resolution of Formation, and the Rate and Method of
9 Apportionment of Special Tax) and to pay expenses incidental thereto and
10 incidental to the levy and collection of the special taxes, so long as the special
11 taxes are needed to fund such services, at the special tax rates and pursuant to
12 the method of apportioning the special taxes set forth in Exhibit B to Resolution
13 No. 2017-157 adopted by the Board of Supervisors of said County on August 29,
14 2017?

15
16 Proposition B: Shall an appropriations limit, as defined by subdivision (h) of
17 Section 8 of Article XIII B of the California Constitution, be established for
18 Community Facilities District No. 17-4M (Promontory) of the County of Riverside
19 in the amount of \$4,000,000?

20
21 **Section 14.** Based on its findings that fewer than 12 registered voters reside within the
22 boundaries of the Community Facilities District and that the election will be among landowner
23 voters, the Board of Supervisors hereby appoints the Assistant Director of the Riverside County
24 Economic Development Agency or his designee, or such other officer or employee as the Board
25 shall designate, to serve as the election official (the "Election Official") for the election pursuant
26 to Government Code Section 53326.

27 **Section 15.** The procedures to be followed in conducting the special election on (i) the
28 proposition with respect to the levy of special taxes on taxable property within the Community

1 Facilities District to pay the costs of authorized services, and (ii) the proposition with respect to
2 establishing an appropriations limit for the Community Facilities District in the amount of
3 \$4,000,000 (the "Special Election") shall be as follows:

4 (a) Pursuant to Section 53326 of the California Government Code, ballots for the
5 Special Election shall be distributed to the qualified electors by the Election Official by mail with
6 return postage prepaid or by personal service.

7 (b) Pursuant to applicable sections of the California Elections Code governing the
8 conduct of mail ballot elections of counties, and in particular Division 4 (commencing with
9 Section 4000) of that Code with respect to elections conducted by mail, the Election Official shall
10 mail or deliver to each qualified elector an official ballot and shall also mail or deliver to all such
11 qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in
12 form to the official ballot but identified as a sample ballot, a return identification envelope with
13 prepaid postage thereon addressed to the Election Official for the returning of voted official
14 ballots, and a copy of Resolution No. 2017-157.

15 (c) The official ballot to be mailed or delivered by the Election Official to each
16 landowner-voter shall have printed or typed thereon the name of the landowner-voter and the
17 number of votes to be voted by the landowner-voter and shall have appended to it a certification
18 to be signed by the person voting the official ballot which shall certify that the person signing the
19 certification is the person who voted the official ballot, and if the landowner-voter is other than a
20 natural person, that he or she is an officer of or other person affiliated with the landowner-voter
21 entitled to vote such official ballot, that he or she has been authorized to vote such official ballot
22 on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well
23 as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled
24 based on its land ownership on the propositions set forth in the official ballot as marked thereon
25 in the voting square opposite each such proposition, and further certifying as to the acreage of
26 the landowner-voter's land ownership within the Community Facilities District.

27 (d) The return identification envelope to be mailed or delivered by the Election Official
28 to each landowner-voter shall have printed or typed thereon the following: (i) the name of the

1 landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating
2 that the voter is the landowner or the authorized representative of the landowner entitled to vote
3 the enclosed ballot and is the person whose name appears on the identification envelope, (iv)
4 the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing
5 and place of execution of the declaration, and (vii) a notice that the envelope contains an official
6 ballot and is to be opened only by the Election Official.

7 (e) The information to voter form to be mailed or delivered by the Election Official to
8 the landowner-voters shall inform them that the official ballots shall be returned to the Election
9 Official properly voted as provided thereon and with the certification appended thereto properly
10 completed and signed in the sealed return identification envelope with the certification thereon
11 completed and signed and all other information to be inserted thereon properly inserted by 5:00
12 o'clock p.m. on the date of the Special Election; provided that the election shall be closed before
13 such hour if the Election Official determines that all of the qualified voters have voted.

14 (f) Upon receipt of the return identification envelopes which are returned prior to the
15 voting deadline on the date of the Special Election, the Election Official shall canvass the votes
16 cast in the Special Election, and shall file a statement with the Board of Supervisors as to the
17 results of such canvass and the election on each proposition set forth in the official ballot.

18 (g) The Legislative Body shall declare the results of said special election as soon as
19 practicable following the election, but in any event not later than the next regular meeting
20 following the date of the election, and shall cause to be input upon its minutes a statement of the
21 results of said special election as ascertained by the canvass.

22 **Section 16.** If two-thirds (2/3) of the votes cast within the Community Facilities District
23 upon the question of levying the special tax are in favor of the levy of that tax, as determined by
24 the Board of Supervisors after the canvass of the returns of such election, the Legislative Body
25 may levy such special taxes within the territory of the Community Facilities District in the
26 amounts and for the purposes as specified in this Resolution, the Special Tax Ordinance (to be
27 adopted), and the Rate and Method of Apportionment, except that such special tax may be
28 levied at a rate lower than the amount specified therein.

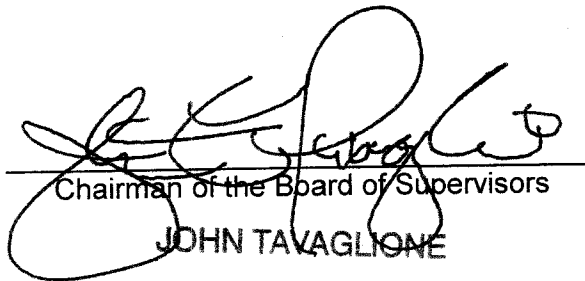
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Section 17. The Board of Supervisors hereby determines and finds that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the California Government Code, such finding shall be final and conclusive.

Section 18. The Board of Supervisors finds and determines that the establishment of the Community Facilities District is not a project for purposes of the California Environmental Quality Act and is exempt from that Act.

Section 19. The officers of the County are, and each of them is, hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which said officers may deem necessary or advisable in order to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

ADOPTED, SIGNED AND APPROVED this 3rd day of October, 2017, by the Board of Supervisors of the County of Riverside.


Chairman of the Board of Supervisors
JOHN TAVAGLIONE

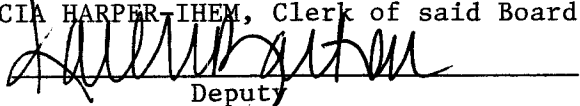
ATTEST:
Kecia Harper-Ihem
Clerk to the Board of Supervisors

By 
Deputy

ROLL CALL:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

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

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
6 water quality basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related
7 devices as approved by the CFD. The maintenance may include, but is not limited to drainage
8 systems, weed control and other abatements, repair/replacement and inspection. Inspection is
9 inclusive of scheduling, travel time, visual inspection process and procedures, GPS location
10 recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as
11 designed, irrigation is complete and in working order, noting any of the following: any
12 deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of
13 repair or replacing any of the items noted as deficient or needing to be corrected to not be
14 deficient. Administration is inclusive of quality assurance and control of inspection and
15 maintenance, general contract administration, including phone calls and procurement of goods
16 and services (ii) Street lighting maintenance including energy charges, operation, maintenance,
17 and administrative costs of street lighting located within the surrounding area of the CFD (iii)
18 Landscaping improvements that may include, but not limited to all landscaping material and
19 facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants,
20 irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the
21 Community Facilities District.

22 **Incidental Expenses**

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

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

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(b) Any other expenses incidental to the performance and inspection of the authorized Services.

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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1 **RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR**
2 **COMMUNITY FACILITIES DISTRICT 17-4M (PROMONTORY)**

3 **OF THE COUNTY OF RIVERSIDE**

4 **STATE OF CALIFORNIA**

5
6
7 A Special Tax (all capitalized terms are defined in Section A. Definitions, below) shall be applicable to
8 each Parcel of Taxable Property located within the boundaries of Community Facilities District (CFD) 17-
9 4M (Promontory). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing
10 in Fiscal Year 2018-2019, shall be determined by the Riverside County Board of Supervisors, acting in its
11 capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in
12 Sections B., C., and D., below. All of the real property within the CFD, unless exempted by law or by the
13 provisions of Section E. below, shall be taxed for the purposes, to the extent, and in the manner herein
14 provided.

15
16 **A. DEFINITIONS**

17
18 The terms hereinafter set forth have the following meanings:

19
20 **“Acre” or “Acreage”** means the land area of a Parcel as indicated on the most recent Assessor’s
21 Parcel Map, or if the land area is not shown on the Assessor’s Parcel Map, the land area shown on the
22 applicable Final Map, condominium plan, or other recorded County map or the land area calculated to
23 the reasonable satisfaction of the Administrator using the boundaries set forth on such map or plan. The
24 square footage of a Parcel is equal to the Acreage of such Parcel multiplied by 43,560.

25
26 **“Act”** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part
27 1 of Division 2 of Title 5 of the Government Code of the State of California.
28

1
2 **“Administrative Expenses”** means all actual or reasonably estimated costs and expenses of the CFD
3 that are chargeable or allocable to carry out the duties of the Administrator of the CFD as allowed by the
4 Act, which shall include without limitation, all costs and expenses arising out of or resulting from the
5 annual levy and collection of the Special Tax (whether by the County or designee thereof, or both), any
6 litigation or appeal involving the CFD, and other administrative expenses of the County or designee
7 thereof, or both, directly related to the CFD. Administrative Expenses shall also include amounts
8 estimated or advanced by the County or CFD for attorney’s fees and other costs related to commencing
9 and pursuing to completion any foreclosure as a result of delinquent Special Taxes.
10

11 **“Administrator”** means an official of the County, or designee thereof, responsible for determining the
12 annual amount of the levy and collection of the Special Taxes.
13

14 **“Approved Property”** means all Parcels of Taxable Property: (i) that are included in a Final Map that
15 was recorded prior to the January 1st preceding the Fiscal Year in which the Special Tax is being levied,
16 and (ii) that have not been issued a Building Permit prior to the April 1st preceding the Fiscal Year in
17 which the Special Tax is being levied.
18

19 **“Assessor”** means the Assessor of the County.
20

21 **“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating Parcels by
22 Assessor’s Parcel Number.
23

24 **“Assessor’s Parcel Number”** means the number assigned to a lot or Parcel for purposes of
25 identification as determined from an Assessor Parcel Map or the applicable assessment roll.
26

27 **“Base Year”** means the Fiscal Year ending June 30, 2019.
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“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 17-4M (Promontory) 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 2018. 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 1st 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 1st preceding the Fiscal Year in which the Special Tax is being levied.

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

3
4 **“ Exempt Property”** means any Parcel which is exempt from Special Taxes pursuant to Section E.,
5 below.

6
7 **“ Final Map”** means a subdivision of property by recordation of a tract map, parcel map or lot line
8 adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) or
9 recordation of a condominium plan pursuant to California Civil Code 1352 that creates individual lots for
10 which Building Permits may be issued without further subdivision.

11
12 **“ Fiscal Year”** means the 12 month period starting on July 1 of any calendar year and ending the
13 following June 30.

14
15 **“ Land Use Class”** means any of the classes listed in Table 1 of Section C. below.

16
17 **“ Maximum Special Tax”** means for each Parcel in each Fiscal Year, the greatest amount of Special
18 Tax, determined in accordance with Section C., below, which may be levied on such Parcel in each
19 Fiscal Year.

20
21 **“ Multi-family Residential Property”** means all Parcels of Residential Property that consist of a
22 building or buildings comprised of attached Dwelling Units available for rental by the general public, not
23 for sale to an end user, and under common management.

24
25 **“ Non-Residential Property”** means all Parcels of Developed Property for which a Building Permit was
26 issued, permitting the construction of one or more non-residential structures.
27
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1 **“Parcel”** means a lot or parcel within the CFD shown on an Assessor’s Parcel Map with an assigned
2 Assessor’s Parcel Number valid as of July 1st for the Fiscal Year for which the Special Tax is being
3 levied.

4
5 **“Property Owners Association Property”** means all Parcels which have been conveyed, dedicated
6 to, or irrevocably offered for dedication to a property owner association, including any master or sub-
7 association, prior to April 1st preceding the Fiscal Year in which the Special Tax is being levied.

8
9 **“Proportionately”** means for Parcels of Taxable Property that are (i) Developed Property, that the ratio
10 of the actual Special Tax levy to Maximum Special Tax is the same for all Parcels of Developed Property,
11 (ii) Approved Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is the
12 same for all Parcels of Approved Property, and (iii) Undeveloped Property, Public Property or Property
13 Owners Association Property, that the ratios of the actual Special Tax levy per Acre to the Maximum
14 Special Tax per Acre is the same for all Parcels of Undeveloped Property, Public Property and Property
15 Owners Association Property.

16
17 **“Public Property”** means all Parcels which, as of April 1st preceding the Fiscal Year in which the
18 Special Tax is being levied, are (i) used for rights-of-way or any other purpose and is owned by,
19 dedicated to, or irrevocably offered for dedication to the federal government, the State, the County, City
20 or any other public agency, provided, however, that any property leased by a public agency to a private
21 entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to
22 its use; or (ii) encumbered by an unmanned utility easement making impractical its utilization for other
23 than the purpose set forth in the easement.

24
25 **“Residential Property”** means all Parcels of Developed Property for which a Building Permit has been
26 issued permitting the construction of one or more residential Dwelling Units.
27
28

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

3
4 **“Special Tax”** means the special tax to be levied in each Fiscal Year on each Parcel of Taxable
5 Property in accordance with Section D. to fund the Special Tax Requirement.

6
7 **“Special Tax Requirement”** means for each Fiscal Year, that amount required to: (i) pay the
8 estimated cost of Special Tax Services for such Fiscal Year as determined by the County; (ii) fund the
9 Special Tax Reserve Fund in an amount equal to the lesser of (a) an amount equal to 20% of the Special
10 Tax Reserve Fund Requirement or (b) the amount needed to fund the Special Tax Reserve Fund up to
11 the Special Tax Reserve Fund Requirement, (iii) pay Administrative Expenses; (iv) pay for anticipated
12 Special Tax delinquencies based on actual delinquencies from the prior Fiscal Year outstanding at the
13 time the annual Special Tax levy is determined; and (v) less a credit for funds available to reduce the
14 annual Special Tax levy as determined by the Administrator.

15
16 **“Special Tax Reserve Fund”** means a fund to be used for capital replacement and maintenance costs
17 related to the Special Tax Services.

18
19 **“Special Tax Reserve Fund Requirement”** means an amount up to 150% of the anticipated annual
20 cost of Special Tax Services of \$137,724 for the Base Year. The Special Tax Reserve Fund
21 Requirement shall be increased annually, commencing July 1, 2019, based on the percentage increase
22 in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual
23 increase of two percent (2%) of the amount in effect in the previous Fiscal Year.

24
25 **“Special Tax Services”** means: certain (i) Maintenance, administration and inspection of the
26 stormwater facilities and BMPs including water quality basins, fossil filters, basin forebays, and any other
27 NPDES/WQMP/BMP related devices as approved by the CFD. The maintenance may include, but is not
28

1 limited to drainage systems, weed control and other abatements, repair/replacement and inspection.
2 Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location
3 recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as
4 designed, irrigation is complete and in working order, noting any of the following: any deficiencies,
5 erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of
6 the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of
7 quality assurance and control of inspection and maintenance, general contract administration, including
8 phone calls and procurement of goods and services (ii) Street lighting maintenance including energy
9 charges, operation, maintenance, and administrative costs of street lighting located within the
10 surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all
11 landscaping material and facilities within the CFD. These improvements include turf, ground cover,
12 shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing
13 within the CFD was conditioned to maintain.

14
15 **“State”** means the State of California.

16
17 **“Taxable Property”** means all Parcels within the boundary of the CFD pursuant to the Boundary Map
18 which are not exempt from the Special Tax pursuant to Section E., below.

19
20 **“Taxable Unit”** means either a Dwelling Unit or an Acre, as shown in Table 1.

21
22 **“Undeveloped Property”** means all Parcels of Taxable Property not classified as Developed Property,
23 Approved Property, Public Property or Property Owners Association Property.

24
25
26
27 **B. ASSIGNMENT TO LAND USE CLASS**

1 Each Fiscal Year, commencing with Fiscal Year 2018-2019, all Parcels of Taxable Property shall be
2 classified as either Developed Property, Approved Property, Undeveloped Property, Public Property or
3 Property Owners Association Property, and subject to the levy of Special Taxes in accordance with this
4 Rate and Method of Apportionment as determined pursuant to Sections C. and D.

5
6 Parcels of Developed Property shall further be classified as Residential Property or Non-Residential
7 Property. Parcels of Residential Property shall further be classified as Single Family Property or Multi-
8 family Residential Property.

9
10 **C. MAXIMUM SPECIAL TAX RATES**

11
12 **1. Developed Property**

13
14 The Maximum Special Tax that may be levied and escalated, as explained further in Section C.1.
15 (a) below, in each Fiscal Year for each Parcel classified as Developed Property shall be
16 determined by reference to Table 1, below.

17
18 **TABLE 1**
19 **Maximum Special Tax Rates for Developed**
20 **Property for Fiscal Year 2018-2019**

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Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$390
2	Multi-family Residential Property	Acre	\$4,410
3	Non-Residential Property	Acre	\$4,410

1
2 (a) Increase in the Maximum Special Tax
3

4 On each July 1, following the Base Year, the Maximum Special Tax, identified in Table 1, above,
5 shall be increased annually, commencing July 1, 2019, based on the percentage increase in the
6 Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum
7 annual increase of two percent (2%) of the Maximum Special Tax in effect in the previous Fiscal
8 Year.

9
10 (b) Multiple Land Use Classes
11

12 In some instances a Parcel of Developed Property may contain more than one Land Use Class.
13 The Maximum Special Tax that may be levied on such Parcel shall be the sum of the Maximum
14 Special Tax that can be levied for each Land Use Class located on that Parcel. For a Parcel that
15 contains more than one Land Use Class, the Acreage of such Parcel shall be allocated to each
16 type of property based on the amount of Acreage designated for each land use as determined by
17 reference to the site plan approved for such Parcel. The Administrator's allocation to each Land
18 Use Class shall be final.
19

20 **2. Approved Property**
21

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

1
2 The Maximum Special Tax for Approved Property shall be increased annually, commencing July
3 1, 2019, based on the percentage increase in the Consumer Price Index with a maximum annual
4 increase of six percent (6%) and a minimum annual increase of two percent (2%) of the
5 corresponding Maximum Special Tax in effect in the previous Fiscal Year.

6
7 **3. Undeveloped Property**

8 The Maximum Special Tax that may be levied and escalated for each Parcel classified as
9 Undeveloped Property shall be \$4,410 per Acre.

10
11 The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing
12 July 1, 2019, based on the percentage increase in the Consumer Price Index with a maximum
13 annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the
14 corresponding Maximum Special Tax in effect in the previous Fiscal Year.

15
16
17 **4. Public Property and/or Property Owners Association Property**

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

21
22 **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

23
24 Commencing with Fiscal Year 2018-2019 and for each following Fiscal Year, the Administrator
25 shall levy the Special Tax on all Taxable Property until the amount of Special Tax equals the
26 Special Tax Requirement in accordance with the following steps:
27
28

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

4
5 Second: If additional moneys are needed to satisfy the Special Tax Requirement after the first
6 step has been completed, the Special Tax shall be levied Proportionately on each Parcel of
7 Approved Property at up to 100% of the Maximum Special Tax for Approved Property.

8
9 Third: If additional moneys are needed to satisfy the Special Tax Requirement after the first two
10 steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of
11 Undeveloped Property at up to 100% of the applicable Maximum Special Tax for Undeveloped
12 Property.

13
14 Notwithstanding the above, under no circumstances will the Special Taxes levied in any Fiscal Year
15 against any Parcel of Residential Property for which a Certificate of Occupancy has been issued be
16 increased by more than ten percent (10%) as a result of a delinquency in the payment of the Special Tax
17 applicable to any other Parcel above the amount that would have been levied in that Fiscal Year had
18 there never been any such delinquency or default.

19
20
21 **E. EXEMPTIONS**

22
23 The CFD shall not levy Special Taxes on Public Property or Property Owners Association Property within
24 the CFD.

25
26 **F. MANNER OF COLLECTION**

27
28

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

7
8 **G. APPEALS**

9
10 Any taxpayer may file a written appeal of the Special Tax on his/her Parcel(s) with the Administrator,
11 provided that the appellant is current in his/her payments of Special Taxes. During pendency of an
12 appeal, all Special Taxes must be paid on or before the payment due date established when the levy
13 was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error.
14 The Administrator shall review the appeal, meet with the appellant if the Administrator deems necessary,
15 and advise the appellant of its determination. If the Administrator agrees with the appellant, the
16 Administrator shall grant a credit to eliminate or reduce future Special Taxes on the appellant's Parcel(s).
17 No refunds of previously paid Special Taxes shall be made.

18
19 The Administrator shall interpret this Rate and Method of Apportionment and make determinations
20 relative to the annual levy and administration of the Special Tax and any taxpayer who appeals, as
21 herein specified.

22
23 **H. TERM OF THE SPECIAL TAX**

24
25 The Special Tax shall be levied annually in perpetuity unless terminated earlier by the County.
26
27
28

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Clerk of the Board of Supervisors
Riverside County
EDA – Attn: Leni Zarate
3403 10th Street, Ste. 400
Riverside, CA 92501

2017-0411500

10/04/2017 11:12 AM Fee: \$ 58.00

Page 1 of 12

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



NOTICE OF SPECIAL TAX LIEN

110

**COUNTY OF RIVERSIDE COMMUNITY FACILITIES DISTRICT NO. 17-4M
(PROMONTORY)**

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Act"), the undersigned Clerk of the Board of Supervisors, County of Riverside, State of California, hereby gives notice (the "Notice") of the foregoing and that a lien to secure payment of a special tax is hereby imposed by the Board of Supervisors of the County of Riverside, State of California. The special tax secured by this lien is authorized to be levied for the purpose of providing the services, including incidental expenses, described in Exhibit A attached hereto and incorporated by this reference herein.

The special tax is authorized to be levied within the County of Riverside Community Facilities District No. 17-4M (Promontory) (the "District"), which has now been officially formed and the lien of special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with the Section 53330.5 of the Act.

The rate, method of apportionment, and manner of collection of the authorized special tax are as set forth in the rate and method of apportionment of the special tax (the "Rate and Method") attached hereto as Exhibit B and by this reference incorporated herein. The Rate and Method does not provide for prepayment of the special tax obligation.

Notice is further given that upon the recording of this Notice in the office of the County Recorder of the County of Riverside, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the District, in accordance with Section 3115.5 of the California Streets and Highways Code.

The names of the owners and the assessor's tax parcel numbers of the real property included within the District are as set forth in Exhibit C attached hereto and by this reference made a part hereof.

Reference is made to the boundary map of the District recorded in Book 81 of Maps of Assessment and Community Facilities Districts at Page 30 in the office of the County Recorder for the County of Riverside, State of California, as Document # 2017-0372565 which map is the final boundary map of the District.

OCT 03 2017 9.1

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Maintenance CFD Administrator at the County of Riverside Economic Development Agency, 3403 10th Street, Suite 400, Riverside, CA 92501, phone 951-955-3212.

Dated: October 3, 2017

By: Katherine, Deputy
Clerk of the Board of Supervisors

EXHIBIT A

DESCRIPTION OF SERVICES

The services (the "Services") described below are proposed to be financed by County of Riverside Community Facilities District No. 17-4M (Promontory) (the "CFD").

- 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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the Community Facilities District.
- 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
- All other services necessary or useful for, or in connection with, the authorized Services listed above, including building a reserve fund for replacement.

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT 17-4M (PROMONTORY) 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) 17-4M (Promontory). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2018-2019, 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 1st 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 1st 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, 2019.

“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 17-4M (Promontory) 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 2018. 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 1st 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 1st 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 1st 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 1st 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 1st 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 \$137,724 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2019, 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: certain (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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the CFD was conditioned to maintain.

“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 2018-2019, 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 2018-2019

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$390
2	Multi-family Residential Property	Acre	\$4,410
3	Non-Residential Property	Acre	\$4,410

(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, 2019, 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, 2019, 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 \$4,410 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2019, 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 2018-2019 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.

EXHIBIT C

**NAMES OF THE OWNERS AND ASSESSOR'S PARCEL NUMBERS
OF THE REAL PROPERTY WITHIN DISTRICT**

Owner	Assessor's Parcel Numbers
Presidio Cornerstone FV, LLC	957320005-7 957320006-8

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



ITEM
3.42
(ID # 4938)

MEETING DATE:

Tuesday, August 29, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA): Adoption of Resolution of Intention to establish proposed maintenance only Community Facilities District to be named Community Facilities District No. 17-4M (Promontory) of the County of Riverside to be administered by the Economic Development Agency Community and Cultural Services Division, Supervisorial District 3 [\$104,520 Ongoing Cost]; CFD 17-4M (Promontory) – 100% (Set for Public Hearing October 3, 2017 @ 9:00 a.m. or as soon as possible thereafter - Clerk to Advrtise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2017-157 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 17-4M (Promontory) for 9:00 a.m. on October 3, 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, Clerk to Advrtise

Robert Field, Assistant County Executive Officer/EDA 8/8/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, October 3, 2017, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Washington, Perez and Ashley
Nays: None
Absent: Tavaglione
Date: August 29, 2017
xc: EDA, COB

Kecia Harper-Ihem
Clerk of the Board

Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 104,520	\$ 0	\$ 104,520
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: CFD 17-4M (Promontory) (100%)			Budget Adjustment:	No
There are no General Funds used in this project			For Fiscal Year:	18/19

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). Presidio Cornerstone FV, LLC is the Developer of Tract 36546 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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the CFD.

Approval of proposed Resolution 2017-157 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. 17-4M (Promontory) 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 (Presidio Cornerstone FV, LLC) of Tract Map No. 36546 has petitioned the County to include their property into proposed Community Facilities District 17-4M (Promontory). The boundaries of CFD No. 17-4M (Promontory) will encompass the entire Tract Map No. 36546 which includes 268 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 36546) 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


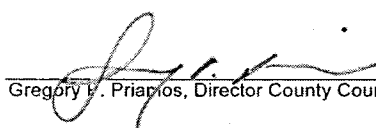
**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

The proposed budget of \$104,520 for fiscal year 2018-19, as reflected in the Rate and Method of Apportionment, will result in a special tax of \$390 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 2019.

ATTACHMENTS:

- Proposed Boundary Map
- Petition
- Rate and Method of Apportionment (RMA)
- Resolution No. 2017-157

RF:JWW:SH:LZ MT4938

	
Rakini Dasika, Principal Management Analyst	Gregory E. Priarios, Director County Counsel
8/21/2017	8/8/2017

2
3 RESOLUTION NO. 2017-157

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 THE LEVY
7 OF SPECIAL TAXES AND SETTING A DATE AND TIME FOR A PUBLIC HEARING THEREON

8
9 **WHEREAS**, a community facilities district may be established under the Mello-Roos
10 Community Facilities Act of 1982 (the "Act") in order to finance certain public capital facilities and
11 services;

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

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

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

FORM APPROVED COUNTY COUNSEL
BY: *Dale A. Gardner* 8/8/17
DALE A. GARDNER DATE

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

7 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
8 **RIVERSIDE**, in regular session assembled on August 29, 2017 does hereby resolve, find, determine and
9 order as follows:

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

19 **Section 2.** The name proposed for the Community Facilities District is "Community
20 Facilities District 17-4M (Promontory) of the County of Riverside."

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

1 deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or
2 replacing any of the items noted as deficient or needing to be corrected to not be deficient.
3 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
6 signals within the CFD (iii) Monument maintenance and administration that may include but is not limited
7 to landscaping materials, lighting, electricity, repair/replacement and inspection, and removal of graffiti on
8 monuments as reflected in 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 within 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 October 3, 2017, at 9:00 am, or as
21 soon thereafter as the Board of Supervisors may reach the matter, at the Board of Supervisors
22 Chambers, 4080 Lemon Street, 1st Floor, Riverside California, as the time and place when and where the
23 Board of Supervisors will conduct a public hearing on the establishment of the Community Facilities
24 District and 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.

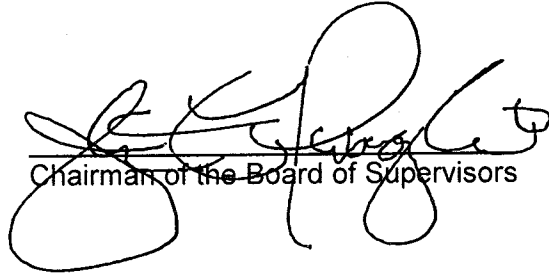
13 **Section 8.** Each officer of the County who is or will be responsible for providing one or
14 more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed
15 Community Facilities District and, at or before said public hearing, file a report with the Board 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
20 said public hearing.

21 **Section 9.** In the opinion of the Board of Supervisors, the public interest will not be
22 served 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,
24 accordingly, the Board of Supervisors hereby provides that such property owners may not enter into a
25 contract in accordance with said subdivision.

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

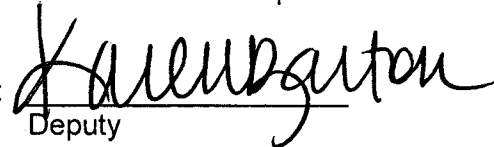
1 may deem necessary or advisable in order to accomplish the purposes of this Resolution and not
2 inconsistent with the provisions hereof.

3 **ADOPTED, SIGNED AND APPROVED** this 29th day of August, 2017, by the Board
4 of Supervisors of the County of Riverside.

5
6
7 
8 Chairman of the Board of Supervisors

9 ATTEST:

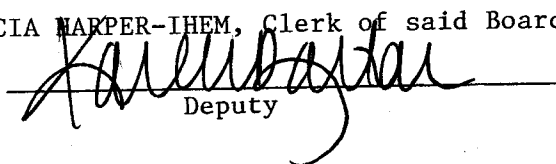
10 Kecia Harper-Ihem
11 Clerk of the Board of Supervisors

12 By: 
13 Deputy

14
15 ROLL CALL:

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

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

21 KECIA HARPER-IHEM, Clerk of said Board
22 By: 
23 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
6 basins, fossil filters, basin forebays, and any other NPDES/WQMP/BMP related devices as approved by
7 the CFD. The maintenance may include, but is not limited to drainage systems, weed control and other
8 abatements, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual
9 inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual
10 inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any
11 of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is
12 inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be
13 deficient. Administration is inclusive of quality assurance and control of inspection and maintenance,
14 general contract administration, including phone calls and procurement of goods and services (ii) Street
15 lighting maintenance including energy charges, operation, maintenance, and administrative costs of
16 street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may
17 include, but not limited to all landscaping material and facilities within the CFD. These improvements
18 include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting
19 masonry walls or other fencing within the Community Facilities District.

20 **Incidental Expenses**

21
22 The incidental expenses proposed to be incurred include the following:

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

EXHIBIT B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

(See Attached)

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**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR
COMMUNITY FACILITIES DISTRICT 17-4M (PROMONTORY)
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) 17-4M (Promontory). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2018-2019, 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 1st 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 1st 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, 2019.

“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 17-4M (Promontory) 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 2018. 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 1st 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 1st 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 1st 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 1st 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 1st 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 \$137,724 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2019, 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: certain (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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the CFD was conditioned to maintain.

“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 2018-2019, 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 2018-2019

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$390
2	Multi-family Residential Property	Acre	\$4,410
3	Non-Residential Property	Acre	\$4,410

(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, 2019, 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, 2019, 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 \$4,410 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2019, 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 2018-2019 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.



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 20, 2017

THE PRESS ENTEPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

TEL: (951) 368-9229
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: RESOLUTION NO. 2017-157 CFD 17-4M
PROMONTORY

To Whom It May Concern:

Attached is a copy for publication in your newspaper for ONE (1) TIME on **Sunday:**
September 24, 2017.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to:
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Legals <legals@pe.com>
Sent: Wednesday, September 20, 2017 9:01 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Res. 2017-157 CFD 17-4M Promontory

Received for publication on 9/24. Proof with cost to follow.

Nick Eller

Legal Advertising Phone: **951-368-9222** / Fax: **951-368-9018** / E-mail: legals@pe.com
Deadline is **10:30 AM**, three (3) business days prior to the date you would like to publish.
****Additional days required for larger ad sizes****
****Employees of The Press-Enterprise are not able to give legal advice of any kind****

The Press-Enterprise PE.com / La Prensa

On Wed, Sep 20, 2017 at 8:49 AM, Gil, Cecilia <CCGIL@rivco.org> wrote:

Good morning! Notice of Public Hearing is attached for publication on Sunday, Sept. 24. Please confirm.
THANK YOU!

Cecilia Gil

Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Fax (951) 955-1071

Mail Stop# 1010

ccgil@rivco.org

<http://rivcocob.org/>

NOTICE OF PUBLIC HEARING ON INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 17-4M (PROMONTORY) OF THE COUNTY OF RIVERSIDE AND TO LEVY SPECIAL TAXES WITHIN THE DISTRICT

NOTICE IS HERBY GIVEN that the Board of Supervisors of the County of Riverside (the "Board of Supervisors") has adopted its Resolution No. 2017-157 on August 29, 2017, declaring its intention to form Community Facilities District No. 17-4M (Promontory) of the County of Riverside (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended and to levy special taxes within the District. The District is proposed to have the boundaries depicted on the map on file with the Clerk of the Board of Supervisors and recorded with the County Recorder on September 7, 2017 as Instrument No. 2017-0372565 in the Book 81 of Maps of Assessment and Community Facilities Districts at Page 301.

The Board of Supervisors has fixed **October 3, 2017, at 9:00 a.m., or as soon thereafter** as the Board of Supervisors may reach the matter, at the Board of Supervisors Chambers, 4080 Lemon Street, 1st Floor, Riverside, California, as the time and place when and where the Board of Supervisors will conduct a public hearing on the establishment of the Community Facilities District and the levy of the special tax therein.

At the hearing the testimony of all interested persons or taxpayers for or against the establishment of the district, the extent of the district, or the furnishing of specified types of public facilities or services will be heard. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the district, or the owners of one-half or more of the area of the land in the territory proposed to be included in the district and not exempt from the special tax, file written protests against the establishment of the district, and protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the specified community facilities district or to authorize the specified special tax shall be taken for a period of one year from the date of the decision of the legislative body.

If the majority protests of the registered voters or of the landowners are only against the furnishing of a specified type or types of facilities or services within the district, or against levying a specified special tax, those types of facilities or services or the specified special tax shall be eliminated from the resolution of formation.

Subject to two-thirds voter approval, the District proposes to levy a special tax on all non-exempt parcels of real property at a maximum tax rate of \$390 per taxable unit per year for residential property (other than multi-family residential property) and \$4,410 per acre for multi-family residential property and non-residential property. This amount will be increased based upon the percentage change in the Consumer Price Index, with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent of the maximum special tax in effect in the previous year. Reference may be made to the Rate and Method of Apportionment on file with Clerk of the Board for further details.

Resolution No. 2017-157 is set forth below:

RESOLUTION NO. 2017-157

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

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

WHEREAS, proceedings for the establishment of a community facilities district under the Act may be instituted following the receipt of a petition by the landowners of at least 10% of the area of land

proposed to be included within the territory of the community facilities district (a "Qualifying Petition") and the furnishing a deposit by the petitioners pursuant to Section 53318(d) of the Act ("Deposit");

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

WHEREAS, the Board of Supervisors has received both a Qualifying Petition and the Deposit pursuant to the Act and therefore institutes proceedings to establish a community facilities district (the "Community Facilities District") and to authorize the levy of special taxes therein in order to finance certain (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.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, in regular session assembled on August 29, 2017 does hereby resolve, find, determine and order as follows:

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

Section 2. The name proposed for the Community Facilities District is "Community Facilities District 17-4M (Promontory) of the County of Riverside."

Section 3. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described as (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 reflected in Exhibit A.

Section 4. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within

the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the Board of Supervisors shall determine, including direct billing of the affected property owners.

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

Section 5. The Board of Supervisors hereby fixes **October 3, 2017, at 9:00 am, or as soon thereafter** as the Board of Supervisors may reach the matter, at the Board of Supervisors Chambers, 4080 Lemon Street, 1st Floor, Riverside California, as the time and place when and where the Board of Supervisors will conduct a public hearing on the establishment of the Community Facilities District and the levy of the special tax therein.

Section 6. The Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing, as prepared, and approved by County Counsel, one time in *The Press Enterprise*, a newspaper of general circulation published in the area of the Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Government Code.

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

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

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

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

Section 10. The officers of the County are, and each of them is, hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which said officers may deem necessary or advisable in order to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

EXHIBIT A SERVICES AND INCIDENTAL EXPENSES

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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing 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 RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX COMMUNITY FACILITIES DISTRICT 17-4M (PROMONTORY) 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) 17-4M (Promontory). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2018-2019, 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 1st 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 1st 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, 2019.

"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 17-4M (Promontory) 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 2018. 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 1st 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 1st 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 1st 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 1st 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 1st 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 \$137,724 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2019, 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: certain (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) Street lighting maintenance including energy charges, operation, maintenance, and administrative costs of street lighting located within the surrounding area of the CFD (iii) Landscaping improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting masonry walls or other fencing within the CFD was conditioned to maintain.

“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 2018-2019, 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 2018-2019

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$390
2	Multi-family Residential Property	Acre	\$4,410
3	Non-Residential Property	Acre	\$4,410

(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, 2019, 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, 2019, 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 \$4,410 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2019, 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 2018-2019 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.

ROLL CALL:

Ayes: Jeffries, Washington, Perez and Ashley
Nays: None
Absent: Tavaglione

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on August 29, 2017.

KECIA HARPER-IHEM, Clerk of said Board

By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public hearing or may appear and be heard in support of or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to the hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: September 20, 2017

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant