

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



**ITEM: 3.12  
(ID # 11367)**

**MEETING DATE:**

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

**Tuesday, December 17, 2019**

**SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA):** Adoption of Resolution No. 2019-250, Intention to Establish Proposed Maintenance-Only Community Facilities District to be Named Community Facilities District No. 19-3M (Brisa Pointe) of the County of Riverside to be Administered by the Economic Development Agency, Community and Cultural Services Division, Supervisorial District 3 [\$35,350 Ongoing Cost]; CFD 19-3M (Brisa Pointe) – 100% (Clerk to Set for Public Hearing on January 28, 2020 at 9:30 a.m. or as soon as possible thereafter - and to Advertise and Record Boundary Map)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2019-250, a 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;
2. Set a public hearing concerning the establishment of Community Facilities District 19-3M (Brisa Pointe) for 9:30 a.m. on January 28, 2020, and direct the Clerk of the Board to publish notice of the public hearing in accordance with California Government Code Section 53322; and
3. Direct the Clerk of the Board to sign and record the Boundary Map as required by Section 3111 of the California Streets and Highways Code.

**ACTION:Policy, Clerk to Advertise, Set for Hearing**

Robert F. Fickel, Assistant County Executive Officer/ECD 11/27/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on Tuesday, January 28, 2020 at 9:30 a.m. or as soon as possible thereafter.

**Ayes:** Jeffries, Spiegel, Washington, Perez and Hewitt  
**Nays:** None  
**Absent:** None  
**Date:** December 17, 2019  
**xc:** EDA, COB

Kecia R. Harper  
Clerk of the Board

By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 35,350	\$ 0	\$ 35,350
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> CFD 19-3M (Brisa Pointe) -100%			<b>Budget Adjustment:</b>	No
There are no General Funds used in this project			<b>For Fiscal Year:</b>	2020-2021

**C.E.O. RECOMMENDATION:** [CEO Use]

**BACKGROUND:**

**Summary**

The State legislature enacted the Mello-Roos Community Facilities 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). Forestar (USA) Real Estate Group, Inc. is the Developer of Tract 36687 and petitioned 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. 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 certain administration, inspection, and maintenance of all stormwater facilities and BMPs, which include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures, as approved and accepted by the CFD. Administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing any of the following: operational or structural deficiencies, erosion, trash, silt and sediment build-up. Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials. The special taxes will also finance street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the CFD, and maintenance of landscaped improvements that may include, but not limited to all landscaping material and facilities within the CFD. These improvements may include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing.

Approval of proposed Resolution No. 2019-250 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 Community Facilities Act 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

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hold a public hearing and submit the formation of the proposed CFD 19-3M (Brisa Pointe) 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 (Forestar (USA) Real Estate Group, Inc.) of Tract Map No. 36687 has petitioned the County to include their property into proposed Community Facilities District 19-3M (Brisa Pointe). The boundaries of CFD 19-3M (Brisa Pointe) will encompass the entire Tract Map No. 36687, which includes 69 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 Community Facilities 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 Community Facilities 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 36687) 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 the service and maintenance of Developer-installed and County-required infrastructure, particularly stormwater facilities and BMPs, 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.

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**SUPPLEMENTAL:**

**Additional Fiscal Information**

The proposed budget of \$35,350 for fiscal year 2020-2021 will result in a special tax range of \$305 to \$690 per taxable parcel, pursuant to the Rate and Method of Apportionment. 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 2020.

**ATTACHMENTS:**

- Resolution No. 2019-250
- Proposed Boundary Map
- Rate and Method of Apportionment (RMA)
- Petition

  
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Gregory F. Priamos, Director County Counsel      12/5/2019

2 RESOLUTION NO. 2019-250

3  
4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE OF  
5 INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE  
6 THE LEVY OF SPECIAL TAXES AND SETTING A DATE AND TIME FOR A PUBLIC HEARING  
7 THEREON

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

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

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

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

- 20 i) Administration, inspection, and maintenance of all stormwater facilities and BMPs  
21 to include: water quality basins, fossil filters, basin forebays, and all other  
22 NPDES/WQMP/BMP related devices and structures as approved and accepted by  
23 the Community Facilities District; administration includes, but is not limited to,  
24 quality control and assurance of inspections and maintenance, general contract  
25 management, scheduling of inspections and maintenance, and general oversight of  
26 all NPDES/WQMP/BMP operations; inspection includes, but is not limited to,  
27 travel time, visual inspection process and procedures for functionality, GPS  
28 location recording, assurance of proper vegetation, functioning irrigation, and

FORM APPROVED COUNTY COUNSEL  
BY: MCT 4 DEC 2019  
MICHAEL C. THOMAS DATE

1 citing operational or structural deficiencies, erosion, trash, silt and sediment build-  
2 up; and maintenance includes, but is not limited to, repair or replacement of any  
3 deficiencies noted during inspection, weed control and abatement, trash removal,  
4 and healthy upkeep of required plant materials;

5 ii) Street lighting maintenance, which includes energy charges, operation,  
6 maintenance, and administration of street lighting located within the designated  
7 boundaries of the Community Facilities District; and

8 iii) Landscaping improvements that may include, but are not limited to, turf, ground  
9 cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other  
10 fencing located within the designated boundaries of the Community Facilities  
11 District.

12 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY** the Board  
13 of Supervisors of the County of Riverside, State of California (the "Board of Supervisors") in regular  
14 session assembled on December 17, 2019 at 9:30 a.m. or soon thereafter, in the meeting room of the  
15 Board of Supervisors, located on the first floor of the County Administrative Center, 4080 Lemon Street,  
16 Riverside, California as follows:

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

26 **Section 2.** The name proposed for the Community Facilities District is "Community Facilities  
27 District 19-3M (Brisa Pointe) of the County of Riverside."  
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1           **Section 3.** The services (the “Services”) proposed to be financed by the Community Facilities  
2 District pursuant to the Act are described in Exhibit A attached hereto and as follows:

- 3           i)       Administration, inspection, and maintenance of all stormwater facilities and BMPs  
4               to include: water quality basins, fossil filters, basin forebays, and all other  
5               NPDES/WQMP/BMP related devices and structures as approved and accepted by  
6               the Community Facilities District; administration includes, but is not limited to,  
7               quality control and assurance of inspections and maintenance, general contract  
8               management, scheduling of inspections and maintenance, and general oversight of  
9               all NPDES/WQMP/BMP operations; inspection includes, but is not limited to,  
10              travel time, visual inspection process and procedures for functionality, GPS  
11              location recording, assurance of proper vegetation, functioning irrigation, and  
12              citing operational or structural deficiencies, erosion, trash, silt and sediment build-  
13              up; and maintenance includes, but is not limited to, repair or replacement of any  
14              deficiencies noted during inspection, weed control and abatement, trash removal,  
15              and healthy upkeep of required plant materials;
- 16           ii)       Street lighting maintenance, which includes energy charges, operation,  
17               maintenance, and administration of street lighting located within the designated  
18               boundaries of the Community Facilities District; and
- 19           iii)       Landscaping improvements that may include, but are not limited to, turf, ground  
20               cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other  
21               fencing located within the designated boundaries of the Community Facilities  
22               District.

23           **Section 4.** Except where funds are otherwise available, a special tax sufficient to pay for all  
24 Services, secured by recordation of a continuing lien against all nonexempt real property in the  
25 Community Facilities District, will be annually levied within the Community Facilities District. The rate  
26 and method of apportionment of the special tax (the “Rate and Method”), in sufficient detail to allow each  
27 landowner within the proposed Community Facilities District to estimate the maximum amount that he or  
28 she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated

1 herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in  
2 such other manner as the Board of Supervisors shall determine, including direct billing of the affected  
3 property owners.

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

6           **Section 5.** The Board of Supervisors hereby sets the matter for public hearing on January 28,  
7 2020, at 9:30 am, or as soon thereafter as the Board of Supervisors will consider the matter, at the meeting  
8 room of the Board of Supervisors, located on the first floor of the County Administrative Center, 4080  
9 Lemon Street, 1<sup>st</sup> Floor, Riverside, California, as the time and place when and where the Board of  
10 Supervisors will conduct a public hearing on the establishment of the Community Facilities District and  
11 the levy of the special tax therein.

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

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

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

27           **Section 8.** Each officer of the County of Riverside who is or will be responsible for providing one  
28 or more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed



1 Community Facilities District and, at or before said public hearing, file a report with the Board of  
2 Supervisors containing a brief description of the Services by type which will in his or her opinion be  
3 required to adequately meet the needs of the Community Facilities District, and his or her estimate of the  
4 cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable  
5 cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said  
6 public hearing.

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

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

16 **ADOPTED, SIGNED AND APPROVED** this 17th day of December, 2019, by the Board of  
17 Supervisors of the County of Riverside.

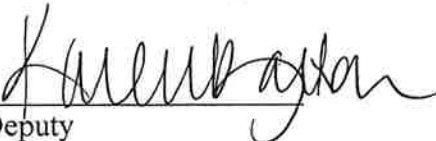
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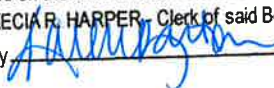
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21 Chairman of the Board of Supervisors  
22 **KEVIN JEFFRIES**

22 ATTEST:

23 Kecia R. Harper  
24 Clerk of the Board of Supervisors

25 By:   
26 Deputy

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

27 **KECIA R. HARPER**, Clerk of said Board  
28 By:  Deputy

27 ROLL CALL:

28 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None

1 EXHIBIT A

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3 SERVICES AND INCIDENTAL EXPENSES

4  
5 **Services**

6 The types of services to be finance by the Community Facilities District are:

- 7 i. Administration, inspection, and maintenance of all stormwater facilities and BMPs  
8 to include: water quality basins, fossil filters, basin forebays, and all other  
9 NPDES/WQMP/BMP related devices and structures as approved and accepted by  
10 the Community Facilities District; administration includes, but is not limited to,  
11 quality control and assurance of inspections and maintenance, general contract  
12 management, scheduling of inspections and maintenance, and general oversight of  
13 all NPDES/WQMP/BMP operations; inspection includes, but is not limited to,  
14 travel time, visual inspection process and procedures for functionality, GPS  
15 location recording, assurance of proper vegetation, functioning irrigation, and  
16 citing operational or structural deficiencies, erosion, trash, silt and sediment build-  
17 up; and maintenance includes, but is not limited to, repair or replacement of any  
18 deficiencies noted during inspection, weed control and abatement, trash removal,  
19 and healthy upkeep of required plant materials;
- 20 ii. Street lighting maintenance, which includes energy charges, operation,  
21 maintenance, and administration of street lighting located within the designated  
22 boundaries of the Community Facilities District; and
- 23 iii. Landscaping improvements that may include, but are not limited to, turf, ground  
24 cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other  
25 fencing within the designated boundaries of the Community Facilities District.

26 **Incidental Expenses**

27 The incidental expenses proposed to be incurred include the following:  
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- i. 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
- ii. 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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(See Attached)

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**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR  
COMMUNITY FACILITIES DISTRICT 19-3M (BRISA POINTE)  
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) 19-3M (Brisa Pointe). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2020-2021, shall be determined by the Riverside County Board of Supervisors, acting in its capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in Sections B., C., and D., below. All of the real property within the CFD, unless exempted by law or by the provisions of Section E. below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

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

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

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

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

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

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

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

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

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

**“Assigned Special Tax”** means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a. below.

**“Backup Special Tax”** means the Special Tax amount set forth in Section C.1.b. below

**“Base Year”** means the Fiscal Year ending June 30, 2020.

**“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 19-3M (Brisa Pointe) 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 Riverside-San Bernardino-Ontario Area, as it stands in March of each year over the base index of 2019. 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 Riverside-San Bernardino-Ontario Area.

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

**“Developed Property”** means all Parcels of Taxable Property, not classified as Approved Property, Undeveloped Property, Public Property and or Property Owner’s Association: (i) that are included in a Final Map that was recorded prior to January 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, and (ii) for which a

Building Permit for new construction has been issued prior to April 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

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

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

**“Final Map”** means a subdivision of property by recordation of a tract map, parcel map or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) or recordation of a condominium plan pursuant to California Civil Code 4200 that creates individual lots for which Building Permits may be issued without further subdivision.

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

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

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

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

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

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

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

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

Maximum Special Tax per Acre is the same for all Parcels of Undeveloped Property, Public Property and Property Owners Association Property.

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

**“Residential Floor Area”** means all of the square footage of living area of a residential structure, not including any carport, walkway, garage, overhang, enclosed patio or similar area on a Parcel. The determination of Residential Floor Area shall be made by reference to the building permits for the Parcel. Once the determination has been made for a Parcel, it shall remain fixed in all future Fiscal Years.

**“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 \$ 47,690 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2020, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the amount in effect in the previous Fiscal Year.



**“Special Tax Services”** means (i) Administration, inspection, and maintenance of all storm water facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the CFD. Administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up. Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials. (ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the CFD. (iii) Landscaping improvements that may include, but are not limited to turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing located within the designated boundaries of the CFD.

**“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 (D/U) 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 2020-2021, 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., D., and E.

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 as Multi-family Residential Property. Parcels of Single Family Property shall further be classified according to the Residential Floor Area of the Parcel.

## **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.c., in each Fiscal Year for each Parcel classified as Developed Property shall be the greater of: (i) the applicable Assigned Special Tax described in Table 1 of Section C.1.a. or (ii) the amount derived by the application of the Backup Special Tax described in Section C.1.b.

The Maximum Special Tax for each Parcel classified as Non-Residential Property shall be the Assigned Special Tax described in Table 1.

a. Assigned Special Tax

The Assigned Special Tax for each Parcel of Developed Property is shown in Table 1.

**TABLE 1**

Land Use Class	Taxable Unit	Residential Floor Area	Assigned Special Tax Per Taxable Unit
1 – Single Family	D/U	Less than 1,577 SF	\$305
2 - Single Family	D/U	1,577 SF to 1,898 SF	\$445
3 - Single Family	D/U	1,899 SF to 2,239 SF	\$590
4 - Single Family	D/U	Over 2,239 SF	\$690
5 – Multifamily Residential Property	Acre	N/A	\$1,912
6 - Non-Residential Property	Acre	N/A	\$1,912

b. Backup Special Tax

When a Final Map is recorded, the Backup Special Tax for the Parcels of Residential Property within such Final Map shall be determined by (i) multiplying the Undeveloped Property Maximum Special Tax rate per Acre by the total Acreage of Taxable Property and (ii) dividing such amount by the number of Parcels (i.e. the number of residential lots) within such Final Map. For any Parcel of Multifamily Residential Property, the number of Parcels to count with respect to that Parcel for the purpose of determining the Backup Special Tax shall be the number of attached residential units within the Parcel of Multifamily Residential Property.

c. Increase of the Assigned Special Tax and Maximum Special Tax

On each July 1, following the Base Year, the Assigned Special Tax and Maximum Special Tax, identified above, shall be increased annually, commencing July 1, 2020, 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.

d. 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.

The Maximum Special Tax for Approved Property shall be increased annually, commencing July 1, 2020, 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 \$1,912 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2020, 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 2020-2021 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 Assigned 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 Developed Property for which the Maximum Special Tax is derived by the application of the Backup Special Tax and shall be increased Proportionately from the Assigned Special Tax up to 100% of the applicable Maximum Special Tax for such Parcel.

Fourth: If additional moneys are needed to satisfy the Special Tax Requirement after the first three 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.

CERTIFICATE OF MAILING

I, the undersigned, say that I am a citizen of the United States and am employed in the County of Riverside, am over the age of 18 years; and that I am readily familiar with this offices' practice of collection and processing correspondence for mailing. My business address is EDA Attn: CFD Administrator, 3403 10<sup>th</sup> St., Ste. 400, Riverside, CA 92501. Under this office's practice, mail would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

On Dec. 30, 2019, I mailed a copy of the following documents:

Notice of Public Hearing to Landowner; Resolution No. 2019-250 and exhibits thereto by delivering a true copy thereof in a sealed, stamped, envelope(s) addressed as follows:

**Forestar (USA) Real Estate Group Inc.**  
**2221 E. Lamar Blvd. Ste. 790**  
**Arlington, TX 76006**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Dec 30, 2019, at Riverside California.

  
\_\_\_\_\_  
Leni Zarate

CFD 19-3M (Brisa Pointe)



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 R. HARPER**  
Clerk of the Board of Supervisors

**KIMBERLY A. RECTOR**  
Assistant Clerk of the Board

December 30, 2019

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

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

**RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2019-250 CFD 19-3M BRISA POINTE**

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday: January 16, 2020.**

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,

*Karen Barton*

Deputy Clerk of the Board to:  
KECIA R. HARPER, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING ON INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 19-3M (BRISA POINTE) OF THE COUNTY OF RIVERSIDE AND TO LEVY SPECIAL TAXES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside (the "Board of Supervisors") has adopted its Resolution No. 2019-250 on December 17, 2019, declaring its intention to form Community Facilities District No. 19-3M (Brisa Pointe) 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 December 24, 2019 as Instrument No. 2019-0533272 in Book 84 of Maps of Assessment and Community Facilities Districts at Page 84.

The Board of Supervisors has fixed January 28, 2020, at 9:30 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 from \$305 to \$690 per taxable unit per year, based on residential floor area, for residential property (other than multi-family residential property) and \$1,912 per acre for multi-family residential property and non-residential property. If the backup special tax as defined in the Rate and Method of Apportionment applies to a residential parcel, then the backup special tax will determine the maximum tax rate for that parcel.

The amount of the maximum special tax 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 (2%) 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. 2019-250 is set forth below:

**RESOLUTION NO. 2019-250**

**A 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 of a deposit by the petitioners pursuant to Section 53318(d) of the Act ("Deposit");

**WHEREAS**, the Board of Supervisors of the County of Riverside 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:

- i) Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;
- ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and
- iii) Landscaping improvements that may include, but are not limited to, turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing located within the designated boundaries of the Community Facilities District.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY** the Board of Supervisors of the County of Riverside, State of California (the "Board of Supervisors") in regular session assembled on December 17, 2019 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors, located on the first floor of the County Administrative Center, 4080 Lemon Street, Riverside, California 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 19-3M (Brisa Pointe) 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 in Exhibit A attached hereto and as follows:

- i) Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational

or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;

- ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and
- iii) Landscaping improvements that may include, but are not limited to, turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing located within the designated boundaries of the Community Facilities District.

**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 sets the matter for public hearing on January 28, 2020, at 9:30 am, or as soon thereafter as the Board of Supervisors will consider the matter, at the meeting room of the Board of Supervisors, located on the first floor of the County Administrative Center, 4080 Lemon Street, 1<sup>st</sup> 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 set for public 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 within the Community Facilities District. Said notice shall be mailed at least 15 days prior to the date set for public 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 of Riverside 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 of Riverside 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. Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;
- ii. Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and
- iii. Landscaping improvements that may include, but are not limited to, turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing within the designated boundaries of the Community Facilities District.

#### **Incidental Expenses**

The incidental expenses proposed to be incurred include the following:

- i. 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
- ii. Any other expenses incidental to the performance and inspection of the authorized Services.

**(Exhibit B = RATE and METHOD available for viewing at the Clerk of the Board's Office)**

#### **ROLL CALL:**

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on December 17, 2019.

KECIA R. HARPER, Clerk of said Board  
By: Karen Barton, Deputy Clerk of the Board

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 Clerk of the Board 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 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: December 30, 2019

Kecia R. Harper, Clerk of the Board

By: Karen Barton, Deputy Clerk of the Board



CALL (951) 368-9222  
EMAIL legals@pe.com

# THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
1/16/20	0011352794		PE Riverside	4 x 414 Li	2,152.80

Invoice text: Resolution 2019-250 CFD 19-3M

EDA  
12/17/19 3.12

Placed by: Karen Lynn Barton

## Legal Advertising Memo Invoice

**BALANCE DUE**

2,152.80

SALES/CONTACT INFORMATION	ADVERTISER INFORMATION			
	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
Nick Eller 951-368-9229	01/16/2020	5209148	5209148	BOARD OF SUPERVISORS

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
01/16/2020	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
2,152.80	0011352794	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
'PO BOX 1147'  
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP  
dba The Press-Enterprise  
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Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Resolution 2019-250 CFD 19-3M /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**01/16/2020**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: January 16, 2020  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011352794-01

P.O. Number:

## Ad Copy:

**NOTICE OF PUBLIC HEARING ON INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 19-3M (BRISA POINTE) OF THE COUNTY OF RIVERSIDE AND TO LEVY SPECIAL TAXES WITHIN THE DISTRICT**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside (the "Board of Supervisors") has adopted its Resolution No. 2019-250 on December 17, 2019, declaring its intention to form Community Facilities District No. 19-3M (Brisa Pointe) 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 December 24, 2019 as Instrument No. 2019-0533272 in Book 84 of Maps of Assessment and Community Facilities Districts at Page 84.

The Board of Supervisors has fixed January 28, 2020, at 9:30 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 from \$305 to \$690 per taxable unit per year, based on residential floor area, for residential property (other than multi-family residential property) and \$1,912 per acre for multi-family residential property and non-residential property. If the backup special tax as defined in the Rate and Method of Apportionment applies to a residential parcel, then the backup special tax will determine the maximum tax rate for that parcel.

The amount of the maximum special tax 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 (2%) 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. 2019-250 is set forth below:

### RESOLUTION NO. 2019-250

#### **A 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 of a deposit by the petitioners pursuant to Section 53318(d) of the Act ("Deposit");

**WHEREAS**, the Board of Supervisors of the County of Riverside constitutes the legislative body of a local agency for purposes of the Act;

**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:

- i) Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;
- ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and
- iii) Landscaping improvements that may include, but are not limited to, turf, ground cover, shrubs, trees, plants, irriga-

tion and drainage systems, masonry walls or other fencing located within the designated boundaries of the Community Facilities District.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY** the Board of Supervisors of the County of Riverside, State of California (the "Board of Supervisors") in regular session assembled on December 17, 2019 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors, located on the first floor of the County Administrative Center, 4080 Lemon Street, Riverside, California 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 19-3M (Brisa Pointe) 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 in Exhibit A attached hereto and as follows:

- i) Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;
- ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and
- iii) Landscaping improvements that may include, but are not limited to, turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, masonry walls or other fencing located within the designated boundaries of the Community Facilities District.

**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 sets the matter for public hearing on January 28, 2020, at 9:30 am, or as soon thereafter as the Board of Supervisors will consider the matter, at the meeting room of the Board of Supervisors, located on the first floor of the County Administrative Center, 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 set for public 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 within the Community Facilities District. Said notice shall be mailed at least 15 days prior to the date set for public 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 of Riverside 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 of Riverside 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) Administration, inspection, and maintenance of all stormwater facilities and BMPs to include: water quality basins, fossil filters, basin forebays, and all other NPDES/WQMP/BMP related devices and structures as approved and accepted by the Community Facilities District; administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all NPDES/WQMP/BMP operations; inspection includes, but is not limited to, travel time, visual inspection process and procedures for functionality, GPS location recording, assurance of proper vegetation, functioning irrigation, and citing operational or structural deficiencies, erosion, trash, silt and sediment build-up; and maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, weed control and abatement, trash removal, and healthy upkeep of required plant materials;
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#### Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- i) 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
- ii) Any other expenses incidental to the performance and inspection of the authorized Services.

(Exhibit B = RATE and METHOD  
available for viewing at the Clerk of the Board's Office)

#### ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt

Nays: None

Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on December 17, 2019.

KECIA R. HARPER, Clerk of said Board

By: Karen Barton, Deputy Clerk of the Board

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 Clerk of the Board 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 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: December 30, 2019 Kecia R. Harper, Clerk of the Board  
By: Karen Barton, Deputy Clerk of the Board







# Transmittal

COUNTY OF RIVERSIDE  
ECONOMIC DEVELOPMENT AGENCY  
3403 10<sup>th</sup> Street, Suite 400  
Riverside, CA 92501  
(951) 955-8916

Date: 12/12/2019  
To: Board of Supervisors-Clerk of the Board  
From: Leni Zarate (951) 955-3212  
Re: CFD 19-3M (Brisa Pointe)

Quantity	Dated	Description	Pages	APPROVED BOARD DATE	MINUTE TRAQ #
1		Proposed Boundary Map for the above referenced CFD	1	12/17/19	11367

Remarks:

Requesting Clerk of the Board signature, **Expedited**. Map must be recorded at the Recorders Office within 15 days of BOS meeting, 12/17/2019.

At time of recording at Assessor/Recorder's office, need to request a copy of recorded Mylar map. Billing Code: ECDEV. Once ready please call Mari Montes (951-955-6993) for pick up from Assessor/Recorder's office.

Please contact me should you have any questions.  
Thank you.

Submitted by: Leni Zarate  
Phone: (951) 955-3212  
Email: lzarate@rivcoeda.org

12/17/19 3.12



# Transmittal

COUNTY OF RIVERSIDE  
 ECONOMIC DEVELOPMENT AGENCY  
 3403 10<sup>th</sup> Street, Suite 400  
 Riverside, CA 92501  
 (951) 955-8916

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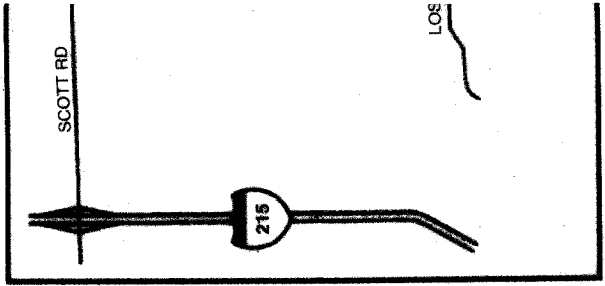
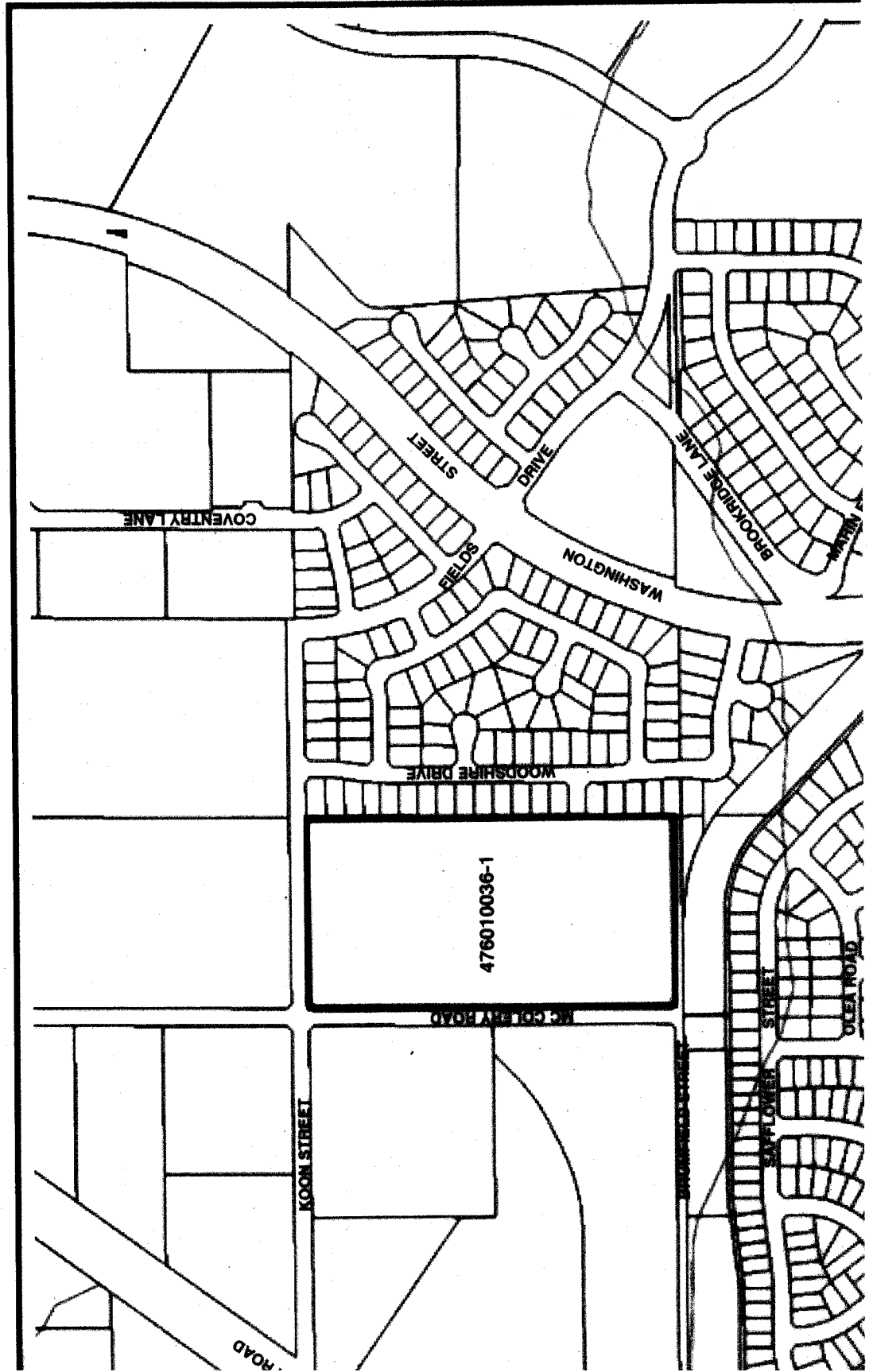
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Please contact me should you have any questions.  
 Thank you.

Submitted by: Leni Zarate  
 Phone: (951) 955-3212  
 Email: lzarate@rivcoeda.org

12/17/19 3.12  
 2019-12-145306

**PROPOSED BOUNDARY**  
**COMMUNITY FACILITIES DISTRICT 19-3M (BRISA POINTE)**  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
SEC. 28, T. 6S., R. 2W S.B.M.



ASSESS