

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



ITEM: 3.14  
(ID # 18400)

**MEETING DATE:**

Tuesday, March 08, 2022

**FROM :** OFFICE OF ECONOMIC DEVELOPMENT:

**SUBJECT:** OFFICE OF ECONOMIC DEVELOPMENT: Receive and File the Statement of the Election Official, Adoption of Resolution No. 2022-030 Declaring the Results of a Consolidated Special Election, Introduction of Ordinance No. 969, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax within Community Facilities District 21-2M (Sunset Crossing) of the County of Riverside. District 3. [\$0] (Clerk of the Board to Record Notice of Special Tax)

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

1. With regard to the formation of Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside, receive and file the Statement of the Election Official regarding the Canvas of the Election for the Communities Facilities District; and
2. Adopt Resolution No. 2022-030, a Resolution of the Board of Supervisors of the County of Riverside Declaring the Results of Consolidated Special Elections Within Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside; and
3. Introduce, read title, and waive reading of, and adopt on successive weeks proposed Ordinance No. 969, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax within Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside; and
4. Direct the Clerk of the Board to certify and record the Notice of Special Tax with the County Clerk.

**ACTION:Policy**

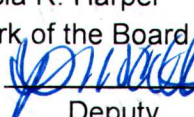
  
Suzanne Holland, Director of Office of Economic Development 2/23/2022

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduce with a waiver of reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: March 8, 2022  
xc: O.E.D., Recorder, 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	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> N/A			<b>Budget Adjustment:</b> N/A	
			<b>For Fiscal Year:</b> 22/23	

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

**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).

Lennar Homes of California, Inc. is the Developer of Tracts 29326, 29327, 29327-1, 29328 and 31820 and petitioned that the County of Riverside Office of Economic Development 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 (i) Administration, inspection, and maintenance of all fossil filters, and 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 fossil filter operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, (ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the CFD, (iii) Traffic signal maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals.

Each new CFD is created for a specific residential 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 tax levy is annually placed on the tax roll for each Assessor Parcel Number (APN) noted in the CFD Boundary Map.

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The property owner (Lennar Homes of California, Inc.) of Tract Map No's. 29326, 29327, 29327-1, 29328 and 31820 has petitioned the County to include their property into proposed Community Facilities District 21-2M (Sunset Crossing).

The boundaries of CFD No. 21-2M (Sunset Crossing) will encompass the entire Tract Map No's. 29326, 29327, 29327-1, 29328 and 31820, which include 209 single family dwelling units, none of which are currently occupied.

On January 25, 2022 (Agenda item 3.37), the County of Riverside Board of Supervisors approved, Resolution No. 2022-028, a Resolution of Intention as the initial step for forming the CFD and declaring 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 Lennar Homes of California, Inc.

The Resolution also directed that the Board of Supervisors hold a public hearing and submit the formation of the proposed CFD 21-2M (Sunset Crossing) to the landowners at a special election to be conducted by mailed ballot if a majority protest does not occur.

On March 1, 2022 (Agenda item 19.1), the County of Riverside Board of Supervisors held a public hearing to receive public comments and conduct a majority protest hearing. At the conclusion of the public hearing, the Board of Supervisors adopted Resolution No. 2022-029, a Resolution of the Board of Supervisors of the County of Riverside of Formation of Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside, Authorizing the Levy of a Special Tax within Said District to Pay for authorized maintenance of fossil filters, street lighting and traffic signal 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. Under the same agenda item, the required CFD report, Certificate of Registrar of Voters stating there are fewer than twelve registered voters, and Concurrence of Election Official in Date of Special Election were all received and filed.

The attached Statement of the Election Official regarding the Canvass of the Election declares the election results which were 64 'YES' votes for Proposition A and Proposition B as described in Section 14 of Resolution No. 2022-029 (adopted on 3/1/2022). Adoption of proposed Resolution No. 2022-030, a Resolution of the Board of Supervisors of the County of Riverside, will declare the results of the Consolidated Special Election within the boundary of Community Facilities District 21-2M (Sunset Crossing). Proposed County Ordinance No. 969 would authorize and levy special taxes within the boundaries of Community Facilities District 21-2M (Sunset Crossing).

**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

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within this 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 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 within the boundaries of the proposed CFD which are represented by the attached Recorded Boundary Map (inclusive of Tract Map No's. 29326, 29327, 29327-1, 29328 and 31820) 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 declining 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 ensure 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, finance authorized maintenance of fossil filters, streetlights, and traffic signals. 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 budget for fiscal year 2022-2023 as reflected in the Rate and Method of Apportionment will result in Special tax of \$293 per taxable Single-Family Property and \$1,872 per acre annually for Multi-Family Residential and Non-Residential property (as defined in the Rate and Method of Apportionment attached as Exhibit A to the Ordinance). The Maximum Special tax amount 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 2021. There are no General Funds used in this project.

**ATTACHMENTS:**

- Recorded CFD Boundary Map (reference only)
- Statement of the Election Official regarding the Canvass of the Election for the CFD
- Resolution No. 2022-030
- Proposed Ordinance No. 969

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Scott Bruekner 3/1/2022

  
Gregory V. Priamos, Director County Counsel 2/24/2022

2  
3 RESOLUTION NO. 2022-030

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
5 DECLARING THE RESULTS OF CONSOLIDATED SPECIAL ELECTIONS WITHIN COMMUNITY  
6 FACILITIES DISTRICT NO. 21-2M (SUNSET CROSSING)  
7 OF THE COUNTY OF RIVERSIDE

8  
9 WHEREAS, on March 1, 2022 the Board of Supervisors (the "Board of Supervisors") of  
10 the County of Riverside adopted Resolution No. 2022-029 forming Community Facilities District No. 21-  
11 2M (Sunset Crossing) of the County of Riverside (the "Community Facilities District") and calling a  
12 special election for submitting to the voters propositions with respect to the levy of an annual special tax  
13 within the Community Facilities District and establishing an appropriations limit for the Community  
14 Facilities District; and

15 WHEREAS, the Board of Supervisors has received a statement from the Director of the  
16 Office of Economic Development, who was appointed to serve as the election official of the election (the  
17 "Election Official") pursuant to Resolution No. 2022-029, with respect to the canvass of the ballots  
18 returned in and the results of the consolidated special elections, certifying that more than two-thirds of the  
19 votes cast upon the propositions submitted to the voters within the Community Facilities District were  
20 cast in favor of the propositions.

21 NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Board of  
22 Supervisors of the County of Riverside, in regular session assembled on March 8, 2022, as follows:

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

24 Section 2. Findings. The Board of Supervisors finds that: (i) there were no persons  
25 registered to vote within the boundaries of the Community Facilities District at the time of the close of the  
26 public or protest hearing on March 1, 2022, and, pursuant to Section 53326 of the California Government  
27 Code ("Section 53326"), the vote in the consolidated special elections for the Community Facilities  
28 District was, therefore, to be by the landowners owning land within the Community Facilities District,

MAR 08 2022 3.14

BY:  AARON C. GETTIS  
DATE 2-24-22

1 with each landowner having one vote for each acre or portion of an acre of land that he or she owned  
2 within the Community Facilities District which would have been subject to the special tax if levied at the  
3 time of the consolidated special elections; (ii) pursuant to Section 53326 and Resolution No. 2022-029,  
4 the Election Official caused the ballots for the consolidated special elections for the Community Facilities  
5 District to be delivered to the owners of the property within the Community Facilities District (the  
6 “Property Owners”); (iii) the Property Owners waived the time limits for holding the consolidated special  
7 elections and the election dates specified in Section 53326, and consented to the calling and holding of the  
8 consolidated special elections on March 1, 2022; (iv) the consolidated special elections have been  
9 properly conducted in accordance with all statutory requirements and the provisions of Resolution No.  
10 2022-029; (v) pursuant to Section 53326, based on the acreage of their land ownership within the  
11 Community Facilities District, the Property Owners, as the owners of all of the property within such  
12 Community Facilities District, were entitled to 64 votes in the consolidated special elections; (vi) the  
13 ballots for the consolidated special elections were returned by the Property Owners to the Election  
14 Official prior to 5:00 p.m. on March 1, 2022; (vii) the ballots returned to the Election Official by the  
15 Property Owners voted all votes to which they were entitled in favor of all propositions set forth therein;  
16 (viii) more than two-thirds of the votes cast in the consolidated special elections on each proposition were  
17 cast in favor thereof, and pursuant to Section 53328 of the California Government Code, all such  
18 propositions carried; (ix) the Board of Supervisors, as the legislative body of the Community Facilities  
19 District, is therefore authorized to annually levy special taxes on taxable property in the Community  
20 Facilities District, in amounts sufficient to fund, pay for, and finance authorized maintenance of fossil  
21 filters, streetlight services and traffic signal services (as specified and reflected in the Resolution of  
22 Intention, the Resolution of Formation, and the Rate and Method of Apportionment of Special Tax) and to  
23 pay expenses incidental thereto and incidental to the levy and collection of the special taxes, so long as  
24 the special taxes are needed to fund such services, at the special tax rates and pursuant to the method of  
25 apportioning the special taxes set forth in Exhibit B to Resolution No. 2022-028; and (x) an  
26 appropriations limit for the Community Facilities District has been established in the amount of  
27 \$4,000,000.

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Section 3. Declaration of Results. All votes voted in the consolidated special elections on (i) the proposition with respect to the annual levy of special taxes on taxable property within the Community Facilities District, consistent with the Rate and Method of Apportionment, in amounts sufficient to fund, pay for, and finance authorized maintenance of fossil filters, streetlight services and traffic signal services and to pay expenses incidental thereto and expenses incidental to the levy and collection of the special taxes, so long as the special taxes are needed to fund such services and (ii) the proposition with respect to establishing an appropriations limit for the Community Facilities District in the amount of \$4,000,000 were voted in favor thereof; and both such propositions carried.

Section 4. Effect of Elections. The effect of the results of the consolidated special elections, as specified in Section 3 hereof, is that the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized to annually levy special taxes on taxable property within the Community Facilities District in amounts sufficient to fund, pay for, and finance authorized maintenance of fossil filters, streetlight services and traffic signal services and to pay expenses incidental thereto and expenses incidental to the levy and collection of the special taxes, so long as the special taxes are needed to fund such services in accordance with the Rate and Method of Apportionment set forth in Exhibit B to Resolution No. 2022-029 adopted by the Board of Supervisors on March 1, 2022; and that an appropriations limit of \$4,000,000 has been established for the Community Facilities District.

Section 5. Notice of Special Tax Lien. The Clerk is authorized and directed to record a notice of special tax lien as provided in Section 53328.3 of the California Government Code and Section 3114.5 of the California Streets and Highways Code.

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ADOPTED this 8th day of March, 2022.

\_\_\_\_\_  
Chair of the Board of Supervisors

ATTEST:

Kecia R. Harper

Clerk of the Board of Supervisors

By: \_\_\_\_\_

Deputy

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 the date therein set forth.

Kecia R. Harper, Clerk of said Board

By: \_\_\_\_\_

Deputy

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Clerk of the Board of Supervisors  
Riverside County  
Office of Economic Development  
Attn: Leni Zarate  
3403 10<sup>th</sup> Street, Ste. 400  
Riverside, CA 92501

**2022-0130883**

03/17/2022 02:40 PM Fee: \$ 0.00

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



460

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**NOTICE OF SPECIAL TAX LIEN**

**COUNTY OF RIVERSIDE COMMUNITY FACILITIES DISTRICT NO. 21-2M  
(Sunset Crossing)**

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. 21-2M (Sunset Crossing) (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.

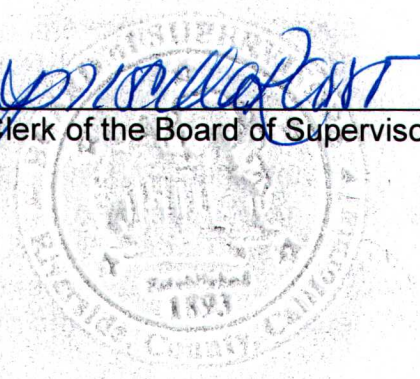
The names of the owners and the assessor's tax parcel numbers of the real property included within the District are as set forth in Exhibit C attached hereto and by this reference made a part hereof.

Reference is made to the boundary map of the District recorded on January 27, 2022 in Book 88 of Maps of Assessment and Community Facilities Districts at Page 22 in the office of the County Recorder for the County of Riverside, State of California, as Document # 2022-0044484 which map is the final boundary map of the District.

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 Office of Economic Development, 3403 10<sup>th</sup> Street, Suite 400, Riverside, CA 92501, phone 951-955-3212.

Dated: March 8, 2022

By:   
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. 21-2M (Sunset Crossing) (the "CFD"):

- (i) Maintenance, administration, and inspection of the stormwater facilities and BMPs including water quality basins, fossil filters, 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, which includes energy charges, operation, maintenance, and administration of street lighting located within the surrounding area of the Community Facilities District; and
- (iii) Traffic signal maintenance including energy charges, operation, maintenance, and within the designated boundaries of the Community Facilities District.

#### Incidental Expenses

- (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 OF APPORTIONMENT OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT 21-2M (Sunset Crossing) 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) 21-2M (Sunset Crossing). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2022-2023, shall be determined by the Riverside County Board of Supervisors, acting in its capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in Sections B., C., and D., below. All of the real property within the CFD, unless exempted by law or by the provisions of Section E., below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

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

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

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

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

**“Base Year”** means the Fiscal Year ending June 30, 2022.

**“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 21-2M (Sunset Crossing) 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 as of 2021. 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: (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 Owner’s Association Property”** means all Parcels which have been conveyed, dedicated to, or irrevocably offered for dedication to a property owner’s 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 Owner’s 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 Owner's Association Property.

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

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

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

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

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

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

**"Special Tax Reserve Fund Requirement"** means an amount up to 150% of the anticipated annual cost of Special Tax Services of \$91,852.00 for the Base Year. The Special Tax Reserve Fund Requirement shall be increased annually, commencing July 1, 2022, 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 fossil filters, and 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 fossil filter operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection, (ii) Street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the CFD, (iii) Traffic signal maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals.

“**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 Owner’s Association Property.

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

Each Fiscal Year, commencing with Fiscal Year 2022-2023, all Parcels of Taxable Property shall be classified as either Developed Property, Approved Property, Undeveloped Property, Public Property or Property Owner’s 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 2021-2022**

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$293
2	Multi-family Residential Property	Acre	\$1,872
3	Non-Residential Property	Acre	\$1,872

(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, 2022, 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, 2022, 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**

For Fiscal Year 2021-2022, the Maximum Special Tax that may be levied and escalated for each Parcel classified as Undeveloped Property shall be \$1,872 per Acre.

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2022, 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 Owner's Association Property**

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

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

Commencing with Fiscal Year 2022-2023 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 Owner's 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**

<b>Owner:</b> Lennar Homes of California, Inc.	
<b>Assessor Parcel Numbers</b>	
457340018-6	457340033-9
457340028-5	457350034-1
457340031-7	457350008-8
457340032-8	457350012-1

## Maxwell, Sue

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**From:** cob@rivco.org  
**Sent:** Friday, March 4, 2022 9:41 AM  
**To:** COB; elizabeth.rivera1987@gmail.com  
**Subject:** Board comments web submission

**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: Elizabeth  
Last Name: Rivera  
Address (Street, City and Zip): 2333 12th St  
Phone: 9512616269  
Email: elizabeth.rivera1987@gmail.com  
Agenda Date: 03/08/2022  
Agenda Item # or Public Comment: 3.12  
State your position below: Support

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220301 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**