

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 OF THE CITY OF LAKE ELSINORE (SAFETY SERVICES), ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2015-1 OF THE CITY OF LAKE ELSINORE (SAFETY SERVICES), AND CALLING ELECTIONS THEREIN

Whereas, on March 8, 2016, the City Council (the "City Council") of the City of Lake Elsinore adopted Resolution No. 2016-022, declaring its intention to establish Community Facilities District No. 2015-1 of the City of Lake Elsinore (Safety Services) ("Community Facilities District No. 2015-1" or the "District") pursuant to 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 (the "Act"); and,

Whereas, after a duly noticed public hearing, the City Council adopted Resolution No. 2016-035 (the "Resolution of Formation") establishing Community Facilities District No. 2015-1 and calling a special election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of the special tax, as set forth in Attachment "A" attached to the Resolution No. 2016-022 (the "Original Rate and Method"), and (ii) the establishment of an appropriations limit for Community Facilities District No. 2015-1; and,

Whereas, pursuant to a petition signed by JLJ, L.P., a California limited partnership (the "Owner"), on December 8, 2020, the City Council adopted Resolution No. 2020-100 (the "Resolution of Intention"), stating its intention to annex the territory described in Attachment "A" to the Resolution of Intention (the "Annexation Territory") to the District; and,

Whereas, a notice of a public hearing to be held on January 12, 2021 was published and mailed to all landowners of the land proposed to be included within the Annexation Territory as required by law relative to the intention of the City Council to annex the Annexation Territory to the District and to levy a special tax in accordance with the Rate and Method (as defined below); and,

Whereas, on January 12, 2021, this City Council held a noticed public hearing as required by law relative to the proposed annexation of the Annexation Territory, the levy of special taxes therein in accordance with the attached as Attachment "B" to the Resolution of Intention (the "Rate and Method"), which Rate and Method is identical to the Original Rate and Method in all respects except that Appendix A thereto has been updated in accordance with the terms of the Original Rate and Method to reflect prior annexations to the District and the annexation described herein; and,

Whereas, at the January 12, 2021 public hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of the Annexation Territory to the District and the levy of the special taxes within the Annexation Territory in accordance with the Rate and Method were heard and a full and fair hearing was held; and,

Whereas, the Annexation Territory is currently located within City of Lake Elsinore Community Facilities District No. 2003-1 (Law Enforcement, Fire and Paramedic Services) ("CFD No. 2003-

1”) and the Owner and the District desire to cancel the special tax lien of CFD No. 2003-1 on the Annexation Territory upon its annexation to the District; and,

Whereas, at the public hearing, evidence was presented to the City Council on the matters before it, and the proposed annexation of the Annexation Territory to the District and the levy of special taxes within the Annexation Territory in accordance with the Rate and Method was not precluded by a majority protest of the type described in Section 53339.6 of the Act, and this City Council at the conclusion of the hearing is fully advised as to all matters relating to the annexation of the Annexation Territory and the levy of the special taxes in accordance with the Rate and Method; and,

Whereas, the City Council has determined that there have been fewer than twelve registered voters residing in the Annexation Territory for the period of 90 days prior to January 12, 2021 and that the qualified electors in Annexation Territory are the landowners therein; and,

Whereas, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the annexation of the Annexation Territory to the District and to call an election within the Annexation Territory to authorize the levy of special taxes pursuant to the Rate and Method.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, ACTING HAS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 (SAFETY SERVICES) OF THE CITY OF LAKE ELSINORE, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Each of the above recitals is true and correct.

Section 2. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the District and the proposed annexation of the Annexation Territory to the District were valid and in conformity with the requirements of law, including the Act.

Section 3. The map showing the original boundaries of the District designated as “Map of Proposed Boundaries of Community Facilities District No. 2015-1 of the City of Lake Elsinore (Safety Services),” which map is on file in the office of the City Clerk and was recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the City of County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder’s office of the County of Riverside in Book No. 79 Page Nos. 45-46, on March 14, 2016 as Instrument No. 2016-00978338.

The map showing the Annexation Territory proposed to be annexed to the District and be made subject to taxation are as shown which map is on file in the office of the City Clerk and was recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the City of County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder’s office of the County of Riverside in Book No. 86 Page No. 17, on December 23, 2020 as Instrument No. 2020-0655510.

Section 4. The City Council hereby adopts the Rate and Method attached as Attachment “A” to the Resolution of Intention as the applicable rate and method for the Annexation Territory. Except where funds are otherwise available, it is the intention of the City Council, subject to the approval of the eligible voters within the Annexation Territory, to levy the proposed special taxes at the rates within the Annexation Territory set forth in the Rate and Method on all non-exempt

property within the Annexation Territory sufficient to pay for (i) the Services (as defined in the Rate and Method), (ii) fund an operating reserve for the costs of Services as determined by the City, and (v) Administrative Expenses (as defined in the Rate and Method). The District expects to incur, and in certain cases has already incurred, Administrative Expenses in connection with the annexation of the Annexation Territory to the District. The rate and method of apportionment of the special tax applicable to the Annexation Territory is described in detail in Attachment "A" to the Resolution of Intention which is incorporated herein by this reference, and the City Council hereby finds that Attachment "A" to the Resolution of Intention contains sufficient detail to allow each landowner within the Annexation Territory to estimate the maximum amount that may be levied against each parcel. The special tax is apportioned to each parcel on the foregoing bases pursuant to Section 53325.3 of the Act and such special tax is not on or based upon the ownership of real property.

Section 5. The City's Assistant City Manager will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act. The special tax may be levied for such period as the Services are needed, as further described in Attachment "B" to the Resolution of Intention.

Section 6. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the Annexation Territory and this lien shall continue in force and effect until the levy of the special tax by the District ceases in accordance with the Rate and Method.

Section 7. Consistent with Section 53325.6 of the Act, the City Council finds and determines that the land within the Annexation Territory, if any, devoted primarily to agricultural, timber or livestock uses and being used for the commercial production of agricultural, timber or livestock products is contiguous to other land within the Annexation Territory and will be benefited by the Services proposed to be provided within Community Facilities District No. 2015-1 and the Annexation Territory.

Section 8. It is hereby further determined that there is no ad valorem property tax currently being levied on property within the Annexation Territory for the exclusive purpose of paying for the same services as are proposed to be provided by Community Facilities District No. 2015-1.

Section 9. Written protests against the annexation of the Annexation Territory to the District and the levy of the special tax therein have not been filed by one-half or more of the registered voters within the boundaries of the Annexation Territory or by the property owners of one-half or more of the area of land within the boundaries of the Annexation Territory or the District. The City Council hereby finds that the proposed special tax for the Annexation Territory has not been precluded by a majority protest pursuant to Section 53324 of the Act.

Section 10. An election is hereby called for the Annexation Territory on the propositions of annexation to the District and the levying the special tax on the property within such Annexation Territory, pursuant to Section 53339.7 of the Act. The propositions to be placed on the ballot for the Annexation Territory are attached hereto as Attachments "A." Following certification of a landowner vote in favor of the annexation of the Annexation Territory to the District and the levy of the special tax therein, the District shall record a notice of cancellation of special tax lien with respect to CFD No. 2003-1 for the Annexation Territory.

Section 11. The date of the foregoing election for the proposed Annexation Territory shall be January 12, 2021, or such later date as is consented to by the City Clerk and the landowners within the Annexation Territory. The City Clerk shall conduct the elections. Except as otherwise provided by the Act, the elections shall be conducted by personally delivered or mailed ballot and, except as otherwise provided by the Act, the elections shall be conducted in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable.

Section 12. It is hereby found that there are not more than twelve registered voters within the territory of the Annexation Territory, and, pursuant to Section 53339.7 of the Act, each landowner who is the owner of record on the date hereof, or the authorized representative thereof, shall have one vote for each acre or portion thereof that he or she owns within the Annexation Territory.

Section 13. This Resolution shall be effective upon its adoption.

Passed and Adopted on this 12th day of January, 2021.

Robert E. Magee, Mayor

Attest:

Candace Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candace Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2021-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of January 12, 2021 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candace Alvarez, MMC
City Clerk

ATTACHMENT “A”

SAMPLE

BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2015-1
OF CITY OF LAKE ELSINORE (SAFETY SERVICES)

ANNEXATION AND SPECIAL TAX ELECTION

January 12, 2021

This ballot represents ____ votes.

To vote, write or stamp a cross (“+” or “X”) in the voting square after the word “YES” or after the word “NO”. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the City Clerk of City of Lake Elsinore and obtain another.

PROPOSITION A: Shall the territory described in Attachment “A” of Resolution No. 2020-100 of the City Council of the City of Lake Elsinore be annexed to Community Facilities District No. 2015-1 of the City of Lake Elsinore (Safety Services)?

YES_____

NO_____

PROPOSITION B: Shall a special tax with a rate and method of apportionment as provided in Attachment “B” to Resolution No. 2020-100 of the City Council of the City of Lake Elsinore be levied to pay for the Services and other purposes described in Resolution No. 2016-035?

YES_____

NO_____

ATTACHMENT A