

RESOLUTION NO. _____

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIALTO ACTING IN ITS CAPACITY AS THE LEGISLATIVE
BODY OF CITY OF RIALTO COMMUNITY FACILITIES
DISTRICT NO. 2019-2 (FOOTHILL/SPRUCE);
DETERMINING THE NECESSITY TO INCUR BONDED
INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED
\$7,000,000 WITHIN SAID DISTRICT; AND CALLING A
SPECIAL ELECTION ON THE BONDS, SPECIAL TAXES
AND SETTING AN APPROPRIATIONS LIMIT***

WHEREAS, the City Council (the “Council”) of the City of Rialto, California (the “City”), has heretofore adopted its resolution of intention (the “Resolution of Intention”) stating its intention to form Community Facilities District No. 2019-2 (Foothill/Spruce) of the City of Rialto (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the” Act”); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the District and setting forth the rate and method of apportionment and manner of collection of the special taxes to be levied within the District, some of which will be used to pay principal and interest on bonds proposed to be authorized within the District the proceeds of which will be applied to finance (1) the payment of development impact fees associated with said property described in Exhibit “B” to the Resolution of Intention (the “Fees”) that are used for the purchase, construction, modification, expansion, improvement or rehabilitation of public facilities (the “Facilities”), which Facilities have a useful life of five years or longer; and (2) the incidental expenses to be incurred in connection with financing the Fees and Facilities and forming and administering the District (the “Incidental Expenses”) is on file with the City Clerk and incorporated herein by reference; and

WHEREAS, pursuant to the Resolution of Intention, special taxes will also be levied on a perpetual basis to fund the various City services described in Exhibit “C” of the Resolution of Intention (the “Services”), and any incidental expenses in connection therewith; and

WHEREAS, the Council of the City has heretofore adopted its resolution of intention to incur bonded indebtedness (the “Resolution of Intention to Incur Bonded Indebtedness”) stating its intention to incur bonded indebtedness in an amount of not to exceed \$7,000,000 within the proposed District; and

WHEREAS, a copy of the Resolution of Intention to Incur Bonded Indebtedness is on file with the City Clerk; and

WHEREAS, on December 10, 2019, this Council held a noticed hearing as required by law relative to the proposed formation of the District; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the formation of the District were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, and this Council at the conclusion of said hearing was and is fully advised in the premises; and

WHEREAS, this Council adopted its resolution determining the validity of prior proceedings, establishing the District, authorizing the levy of a special taxes for the Fees, Facilities and Services within the boundaries of the District and establishing an appropriations limit (the "Resolution of Formation"); and

WHEREAS, the proposed special taxes to be levied upon property within the District to pay principal and interest on the bonds proposed to be issued within the District and/or on services in the District have not been precluded by protest of the owners of one-half (1/2) or more of the area of land within the District; and

WHEREAS, this Council wishes to present to the qualified electors of the District a combined proposition to: (1) levy Facilities Special Taxes as described in the Resolution of Intention on property within the District (2) levy Services Special Taxes as described in the Resolution of Intention on property within the District; (2) incur bonded indebtedness secured by the levy of the Facilities Special Taxes; and (3) establish an appropriations limit for the District.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rialto, California, acting as the Legislative Body of Community Facilities District No. 2019-2 (Foothill/Spruce) of the City of Rialto, as follows:

Section 1. The City Council hereby declares and deems that the public convenience and necessity require and it is necessary to incur bonded indebtedness in a maximum aggregate principal amount not to exceed \$7,000,000 within the District for the purpose of financing all or a portion of the Fees, Facilities and Incidental Expenses as more particularly described in that certain Report filed with the City Council for the District. The City Council hereby calls an election related to the bonded indebtedness, the Facilities Special Tax, the Services Special Tax and the setting of an appropriations limit.

Section 2. The purpose of the proposed bonded indebtedness is generally described as follows: to finance (1) the payment of certain fees for the purchase, construction, modification, expansion, improvement or rehabilitation of the Facilities, which Facilities have a useful life of five years or longer; and (2) the Incidental Expenses.

Section 3. Except for property within the District that is exempt, wholly or partially, from the levy of the special tax specified in the Rate and Method of Apportionment of Special Tax attached to the Resolution of Formation as Exhibit "A", the whole of the property within the District shall pay for the applicable bonded indebtedness pursuant to the levy of the special tax authorized by the Resolution of Formation.

Section 4. The maximum term of the bonds or any series thereof or any Facilities Special Taxes related to the bonds shall in no event exceed forty (40) years. The Services Special taxes shall be levied perpetually.

Section 5. The bonds or any series thereof shall bear interest at a rate not to exceed the lesser of twelve percent (12%) per annum or the maximum interest rate permitted by law, payable semiannually, with the actual rates and times of payment to be determined at the time of sale thereof.

Section 6. Pursuant to and in compliance with the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the Council hereby establishes the following accountability measures pertaining to any bonded indebtedness incurred by or on behalf of the District:

- A. Such bonded indebtedness shall be incurred for the specific purposes set forth in Section 2 above.
- B. The proceeds of any such bonded indebtedness shall be applied only to the specific purposes identified in Section 2 above.
- C. The document or documents establishing the terms and conditions for the issuance of any such bonded indebtedness shall provide for the creation of an account or accounts into which the proceeds of such bonded indebtedness shall be deposited.
- D. The City Administrator or Finance Director, or his or her designee, acting for and on behalf of the City, shall annually file a report with the City Council as required by Government Code Section 53411.
- E. The City Administrator or Finance Director will provide for such accounting and reporting for the Facilities Special Taxes and the Services Special Taxes as required by law.

Section 7. Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of the District a combined proposition ("Proposition A") to: (1) levy the Facilities Special Taxes and Services Special Taxes on property within the District in accordance with the rate and method specified in the Resolution of Intention of the Council; (2) incur bonded indebtedness in the maximum principal aggregate amount of \$7,000,000; and (3) establish an appropriations limit as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District. Said appropriations limit shall equal the amount of as an amount equal to \$7,000,000 for the Facilities Special Tax and \$100,000 (adjusted up by three percent (3%) annually) for the Services Special Tax, as adjusted for changes in the cost of living and changes in population. The form of ballot with the Proposition and voter identification is attached hereto as Exhibit "A."

Section 8. A special election is hereby called for the District on the Proposition set forth in Section 7, hereinabove.

Section 9. The Clerk shall mail or hand deliver the ballots to the landowner on December 10, 2019.

Section 10. The time for notice having been waived by all of the qualified electors, the date of the special election for the District on the combined Proposition A shall be on the 10th day of December 2019. The voter ballot shall be returned to the City Clerk at 150 S. Palm Avenue, Rialto, California 92376 no later than 6:00 o'clock p.m. on December 10, 2019.

Section 11. The Council finds and determines that there were no registered voters residing within the territory of proposed District at the time of the protest hearing and ninety (90) days prior thereto, and that there is only one landowner in the District. The requirements of Section 53326 of the Government Code having been waived by the landowner, the ballots for the special election shall be personally delivered to the landowner within the District.

Section 12. Notice of said election and written argument for or against the measure have been waived by the landowner.

Section 13. The District shall constitute a single election precinct for the purpose of holding said election.

Section 14. The Council hereby directs that the election be conducted by the City Clerk of the City of Rialto, as the elections official.

Section 15. The City Clerk shall certify the adoption of this Resolution.

WHEREFORE, this Resolution is passed, approved and adopted this ____ day of ____, 2019.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM

FRED GALANTE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the ____ day of _____, 2019.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this _____ day of _____, 2019.

BARBARA A. McGEE, City Clerk

MAYOR OF THE CITY OF RIALTO

Attest:

City Clerk

By:_____

EXHIBIT "A"

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2019-2 (FOOTHILL/SPRUCE)
OF THE CITY OF RIALTO

SPECIAL BOND, SPECIAL TAXES AND APPROPRIATIONS LIMIT ELECTION

December 10, 2019

To vote, mark a cross (+) in the voting square after the word "YES" or after the word "NO." All marks otherwise made are forbidden.

This ballot is provided to _____, as sole owner or authorized representative of such sole owner of _____ acres of land (the "Property") within City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce) and represents _____ votes. The Property encompasses the following assessor parcel numbers: _____

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Rialto at 150 South Palm Avenue, Rialto, California 92376.

PROPOSITION A: Shall City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce) incur an indebtedness and be authorized to issue bonds in the maximum aggregate principal amount of \$7,000,000 with interest at a rate or rates established at such time as the bonds are sold in one or more series at fixed or variable interest rates, however not to exceed any applicable statutory rate for such bonds, the proceeds of which will be used to finance (a) the payment of development impact fees used for the purchase, construction, modification, expansion, improvement or rehabilitation of public facilities (the "Facilities"), with a useful life of five years or longer and (2) the incidental expenses to be incurred in connection with financing the Fees and Facilities and forming and administering the District (the "Incidental Expenses"), as provided in the Resolution of the City Council of the City of Rialto establishing the City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce) (the "Resolution"); and shall a Facilities Special Tax be levied to pay the principal of and interest on such indebtedness and bonds and to pay directly the cost of acquisition and construction of Facilities and Incidental Expenses as authorized in the Resolution and shall a Services Special Tax be levied annually on a perpetual basis to fund services described in the Resolution; and shall an appropriations limit be established for Community Facilities District No. 2019-2 (Foothill/Spruce) of the City of Rialto pursuant to Article XIII B of the California Constitutions, said appropriations limit to be equal to \$7,000,000 for the Facilities Special Tax and \$100,000 (adjusted up by 3% annually) for the Services Special Tax, as such amounts are adjusted for changes in the cost of living and changes in population?

YES ☐NO ☐

COMMUNITY FACILITIES DISTRICT NO. 2019-2 (FOOTHILL/SPRUCE)
OF THE CITY OF RIALTO

SPECIAL BOND, SPECIAL TAXES AND APPROPRIATIONS LIMIT ELECTION
December 10, 2019

VOTER IDENTIFICATION CERTIFICATION

The undersigned hereby declares under penalty of perjury as follows:

I have been duly authorized to cast ballots on behalf of the landowner as set forth below:

By execution hereof I also certify that there were no registered voters in the annexation property to the above-referenced District for the 90 day period preceding and including December 10, 2019.

LANDOWNER:

By: _____

Name: _____

Title: _____

NAME OF VOTER: _____

ADDRESS OF VOTER: _____

DATE OF SIGNING: APRIL 12, 2005

PLACE OF SIGNING: AT ADDRESS ABOVE

FAILURE TO COMPLETE THE ABOVE INFORMATION WILL INVALIDATE YOUR BALLOT.

Please Return with Ballot