

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIALTO ACTING IN ITS CAPACITY AS THE LEGISLATIVE
BODY OF THE CITY OF RIALTO COMMUNITY
FACILITIES DISTRICT NO. 2019-2 (FOOTHILL/SPRUCE),
DECLARING THE RESULTS OF A SPECIAL ELECTION
RELATING TO THE LEVY OF SPECIAL TAXES WITHIN
SAID DISTRICT, THE ISSUANCE OF BONDED
INDEBTEDNESS AND THE ESTABLISHMENT OF AN
APPROPRIATIONS LIMIT**

The City Council of the City of Rialto, California (the “City Council”), in its capacity as the legislative body (the “Legislative Body”) of the City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce) (the “District”), does hereby resolve as follows:

WHEREAS, the Legislative Body called and duly held an election in the District pursuant to Resolution No. _____ (the “Resolution Calling Election”) for the purpose of presenting to the qualified electors within the District, a proposition for the levy of a Services Special Tax and Facilities Special Tax (“Proposition A”) in accordance with the rate and method of apportionment of the special taxes set forth in the Resolution No. _____ (the “Resolution of Formation”) and the issuance of bonded indebtedness; and

WHEREAS, the sole landowner of record within the District as of the close of the public hearing held on December 10, 2019 unanimously consented to a waiver of the time limits for setting the election and a waiver of any written analysis, arguments or rebuttals as set forth in California Government Code sections 53326 and 53327. Such waivers are set forth in the written petition executed by the landowner which is on file with the City Clerk as election official (the “Election Official”) concurring therein; and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), the special election was held on December 10, 2019; and

WHEREAS, there has been presented to this Legislative Body a Certificate of the Election Official as to the Results of the Canvass of the Election Returns (the “Certificate of the Election Official”), a copy of which is attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rialto, California, as follows:

Section 1. The above recitals are true and correct.

Section 2. The canvass of the votes cast in the District at the special election held in the District on December 10, 2019, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

Section 3. Proposition A presented to the qualified elector of the District for receipt by the Election Official on December 10, 2019, has received a unanimous vote of the qualified elector voting at said election, and Proposition A has carried. The Legislative Body is hereby authorized to take the necessary steps to levy the special taxes authorized by Proposition A on the Property for services and facilities, and to issue, from time to time as it determines appropriate, bonds for the benefit of the District secured by such Facilities Special Tax.

Section 4. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Services Special Tax and the Facilities Special Tax described in Section 3 above:

- A. Such Services Special Tax and Facilities Special Tax shall be levied for the specific purposes set forth in Section 3 hereof.
- B. The proceeds of the levy of such Services Special Tax and the Facilities Special Tax shall be applied only to the specific purposes set forth in Section 3 hereof and Proposition A referred to therein.
- C. The District shall establish an account or accounts into which the proceeds of such Services Special Tax and Facilities Special Tax shall be deposited.
- D. The City Administrator or Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.
- E. The City Administrator or Finance Director will provide for such accounting and reporting for the Facilities Special Tax and the Services Special Tax as provided by law.

Section 5. The City Clerk is hereby directed to enter the title of this Resolution on the minutes of the Legislative Body and to indicate the official declaration of the result of such special election.

Section 6. This Resolution shall take effect immediately upon its adoption.

Section 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

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

EXHIBIT A-2

CITY OF RIALTO, CALIFORNIA

CITY OF RIALTO COMMUNITY FACILITIES DISTRICT NO. 2019-2

(FOOTHILL/SPRUCE)

SPECIAL TAX REVENUE BONDS, 2006 SERIES A

**CERTIFICATE OF THE ELECTION OFFICIAL
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS**

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

I, BARBARA McGEE, City Clerk in my capacity as Elections Official in the City of Rialto, California, in its capacity as the legislative body of the City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce), DO HEREBY CERTIFY, that pursuant to the provisions of Section 53325.4 of the Government Code and Division 15, commencing with Section 15000 of the Elections Code of the State of California, I did canvass the return of the votes cast at the Special Tax Election on December 10, 2019, held in

CITY OF RIALTO

COMMUNITY FACILITIES DISTRICT NO. 2019-2 (FOOTHILL/SPRUCE)

I FURTHER CERTIFY that the Statement of All Votes Cast, to which this certificate is attached, shows the total number of ballots cast within the Property within the District for the Proposition, and the totals of the respective columns and the totals as shown for the Proposition are full, true and correct.

WITNESS my hand and Official Seal this ____ day of December, 2019.

**CITY OF RIALTO, CALIFORNIA, acting as the
LEGISLATIVE BODY OF THE CITY OF
RIALTO COMMUNITY FACILITIES DISTRICT
NO. 2019-2 (FOOTHILL/SPRUCE)**

By: _____
BARBARA McGEE, City Clerk

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

**STATEMENT OF ALL VOTES CAST
SPECIAL BOND, SPECIAL TAXES AND APPROPRIATION LIMIT ELECTION
December 10, 2019**

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce), Special Election December 10, 2019				

PROPOSITION A SUBMITTED TO VOTE OF VOTERS: 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 Constitution, 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?

Dated: December 10, 2019

City Clerk and Election Officer