

**ORDINANCE NO. 870**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES**  
**DISTRICT NO. 07-2 (CLINTON KEITH) OF THE COUNTY OF RIVERSIDE**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that:

a. Pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act"), commencing with Section 53311 of the California Government Code (the "Government Code"), on May 8, 2007 the Board of Supervisors (the "Board of Supervisors") of the County of Riverside (the "County") adopted Resolution No. 2007-189 (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District"), proposed to be named Community Facilities District No. 07-2 (Clinton Keith) of the County of Riverside (the "District"), and to authorize the levy of special taxes to finance certain public facilities (the "Facilities") and setting June 12, 2007 as the date for a public hearing to be held on the establishment of the Community Facilities District.

b. On May 8, 2007, the Board of Supervisors also adopted Resolution No. 2007-190 (the "Resolution to Incur Bonded Indebtedness"), calling for a public hearing to be held on June 12, 2007 to consider the proposed issuance of debt in an amount not to exceed \$60,000,000 for the District in accordance with Resolution to Incur Bonded Indebtedness.

c. On June 12, 2007 the Board of Supervisors opened, conducted and closed said public hearings. At said public hearings, all persons desiring to be heard on all matters pertaining to the proposed establishment of the Community Facilities District, the furnishing of specified types of public facilities and the proposed debt issuance were heard, written protests, if any, were received and a full and fair hearing was held.

d. Subsequent to said public hearings, the Board of Supervisors adopted Resolution No. 2007-286 (the "Resolution of Formation"), establishing the District, authorizing the levy of a special tax within the District to finance the Facilities and establishing an appropriations limit for the District.

e. Subsequent to said public hearings, the Board of Supervisors also adopted Resolution No. CFD 2007-04, deeming it necessary to incur bonded indebtedness in the maximum amount of \$60,000,000.

f. Subsequent to said public hearings, the Board of Supervisors also adopted Resolution No. CFD 2007-05 (the "Resolution Calling Election"), calling a special election for the District for June 18, 2007 on the proposition to incur bonded indebtedness in a maximum amount of \$60,000,000, to levy a special tax within the District and to establish an appropriations limit for the District.

g. Pursuant to the terms of the Resolution Calling Election and the provisions of the Act, said special election was held on June 18, 2007. Said proposition was approved by more than two-thirds of the votes cast at said special election.

h. Pursuant to the Act, the Board of Supervisors is the *ex officio* legislative body (the "Legislative Body") of the District.

Section 2. PURPOSE. The purpose of this ordinance is to provide for the levy of a special tax within the District.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Sections 53328 and 53340 of the Government Code.

Section 4. LEVY OF SPECIAL TAXES.

a. By the passage of this Ordinance, the Board of Supervisors hereby authorizes and levies special taxes within the District pursuant to Sections 53328 and 53340 of the Government Code, at the rate and in accordance with the method of apportionment (the "Rate and Method") set forth in the Resolution of Formation and attached as Exhibit A hereto and made a part hereof. The special taxes are hereby levied commencing in the fiscal year 2007-08 and in each fiscal year thereafter for the period necessary to satisfy the Special Tax Requirement (as defined in the Rate and Method), but in no event shall it be levied after fiscal year 2044-45 or the period necessary to satisfy the Special Tax Requirement, whichever is sooner.

b. The Board of Supervisors, acting as the Legislative Body of the District, is hereby authorized and directed each fiscal year to determine, or cause to be determined, the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the District, in the manner and as provided in the Rate and Method.

c. All of the collections of the special tax shall be used as provided for in the Act, the Rate and Method and the Resolution of Formation, including, but not limited to, the payment of principal of and interest on the bonds, the payment of the costs of the Facilities, the replenishment of the reserve fund for the bonds, the payment of the costs of administering the District and the costs of collecting and administering the special tax.

d. The special taxes shall be collected from time to time as necessary to meet the financial obligations of the District on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected, or may be collected in such other manner as set forth in the Rate and Method. The special taxes shall have the same lien priority, and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes. In addition, the provisions of Section 53356.1 of the Government Code shall apply to delinquent special tax payments. The Board of Supervisors, acting as the Legislative Body of the District, is hereby authorized and directed to take all actions necessary in order to effect the proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the District in each fiscal year.

e. Notwithstanding the foregoing, the Board of Supervisors, acting as the Legislative Body of the District, may collect, or cause to be collected, one or more installments of the special taxes by means of direct billing by the District of the property owners within the District if, in the judgment of the Legislative body, such means of collection will reduce the burden of administering the District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Section 5. EXEMPTIONS. Properties or entities of the state, federal or other local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and Method. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum tax specified in the Rate and Method.

Section 6. SEVERABILITY. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the District shall not be affected.

Section 7. EFFECTIVE DATE. This Ordinance relating to the levy and collection of special taxes in the District shall take effect immediately upon its passage in accordance with

the provisions of Section 25123(c) of the Government Code. The Chairman of the Board of Supervisors shall sign this Ordinance and the Clerk of the Board of Supervisors shall attest to the Chairman's signature and then cause the same to be published within 15 days after its passage at least once in *The Press-Enterprise*, a newspaper of general circulation published and circulated in the area of the District.

**Adopted:** 870 Item 3.12 of 06/26/2007 (Eff: Immediately)