

RESOLUTION NUMBER 3793

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF SPECIAL ELECTIONS RELATING TO THE LEVY OF AMENDED SPECIAL TAXES WITHIN CERTAIN IMPROVEMENT AREAS OF SAID DISTRICT

The City Council of the City of Perris, California (the "City Council"), in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris (the "District"), does hereby resolve as follows:

WHEREAS, the Legislative Body called and duly held elections in Improvement Area Nos. 3 and 4 (the "Improvement Areas") of the District pursuant to Resolution Number 3792, adopted on October 31, 2006 (the "Resolution Calling Election"), for the purpose of presenting to the qualified electors within each of the Improvement Areas of the District, a proposition for the levy of a special tax ("Proposition A") in accordance with the rates and methods set forth in Exhibit "A" to the Resolution Calling Election and the issuance of bonded indebtedness; and

WHEREAS, the landowners of record within each of the Improvement Areas of the District as of the close of the public hearings held on October 31, 2006, 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 Petition (including consent and waiver) 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 October 31, 2006; 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 Perris, 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 elections held in each of the Improvement Areas of the District on October 31, 2006, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

Section 3. Proposition A presented to the qualified electors of each of the Improvement Areas of the District for receipt by the Election Official on October 31, 2006, has received a unanimous vote of the qualified electors voting at said election, and Proposition A has carried with respect to each Improvement Area. The Legislative Body is hereby authorized to take the necessary steps to levy the special tax authorized by Proposition A on the Property, and to issue, from time to time as it determines appropriate, bonds for the benefit of each of the Improvement Areas of the District secured by the special tax within each Improvement Area.

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 Improvement Areas of the District of the Special Tax within each Improvement Area described in Section 3 above:

- A. Such Special Tax within each Improvement Area shall be levied for the specific purposes set forth in Section 3 hereof and the Proposition A referred to therein.
- B. The proceeds of the levy of such Special Tax within each Improvement Area 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 Special Tax shall be deposited.
- D. The City Manager 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.

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.

ADOPTED, SIGNED and **APPROVED** this 31st day of October, 2006.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3793 was duly and regularly adopted by the City Council of the City of Perris, acting as the legislative body of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris, at a regular meeting thereof held the 31st day of October, 2006, and that it was so adopted by the following called vote:

AYES: Motte, Rogers, Yarbrough, Landers, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Judy L. Haughney

EXHIBIT "A"
(RESOLUTION NUMBER 3793)

CITY OF PERRIS, CALIFORNIA

**COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS)
OF THE CITY OF PERRIS**

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

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, in my capacity as Elections Official in the City of Perris, California, in its capacity as the legislative body of the Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris, 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 Elections on October 31, 2006, held in

**IMPROVEMENT AREA NOS. 3 AND 4 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS)
OF THE CITY OF PERRIS**

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

WITNESS my hand and Official Seal this 31st day of October, 2006.

CITY OF PERRIS, ACTING AS THE
LEGISLATIVE BODY OF THE
COMMUNITY FACILITIES DISTRICT
NO. 2005-1 (PERRIS VALLEY VISTAS)
OF THE CITY OF PERRIS

By: _____
City Clerk, Judy L. Haughney

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PERRIS VALLEY VISTAS) OF THE CITY OF PERRIS**

**STATEMENT OF ALL VOTES CAST
SPECIAL TAX ELECTION
OCTOBER 31, 2006**

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
Improvement Area No. 3 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris, Special Election October 31, 2006	40 (Lennar Homes of California)	40	40	0

PROPOSITION A: Shall Improvement Area No. 3 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris incur an indebtedness and be authorized to issue bonds in the maximum aggregate principal amount of \$9,500,000 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 the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto and the payment of development, impact and other fees of public agencies, all as described therein (collectively, 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 Facilities and forming and administering the District (the "Incidental Expenses"), as such Facilities and Incidental Expenses are described in Resolution of Consideration of the City Council of the City of Perris, adopted on August 29, 2006 (the "Resolution"); and shall a 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 calling this election adopted on October 31, 2006; and shall an appropriations limit be established for Improvement Area No. 3 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population?

YES

NO

Dated: October 31, 2006

City Clerk and Election Officer

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PERRIS VALLEY VISTAS) OF THE CITY OF PERRIS**

**STATEMENT OF ALL VOTES CAST
SPECIAL TAX ELECTION
OCTOBER 31, 2006**

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
Improvement Area No. 4 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris, Special Election October 31, 2006	24	24	24	0

PROPOSITION A: Shall Improvement Area No. 4 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris incur an indebtedness and be authorized to issue bonds in the maximum aggregate principal amount of \$4,500,000 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 the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto and the payment of development, impact and other fees of public agencies, all as described therein (collectively, 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 Facilities and forming and administering the District (the "Incidental Expenses"), as such Facilities and Incidental Expenses are described in Resolution of Consideration of the City Council of the City of Perris, adopted on August 29, 2006 (the "Resolution"); and shall a 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 calling this election adopted on October 31, 2006; and shall an appropriations limit be established for Improvement Area No. 4 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population?

YES

NO

Dated: October 31, 2006

City Clerk and Election Officer