

*For further information on an agenda item, please contact  
the City at 101 North "D" Street, or call (951) 943-6100*

**AGENDA  
JOINT MEETING OF THE CITY COUNCIL, SUCCESSOR AGENCY  
TO THE REDEVELOPMENT AGENCY, PUBLIC FINANCE AUTHORITY,  
PUBLIC UTILITY AUTHORITY, HOUSING AUTHORITY, PERRIS JOINT POWERS  
AUTHORITY AND PERRIS COMMUNITY ECONOMIC DEVELOPMENT  
CORPORATION OF THE CITY OF PERRIS**

**THIS MEETING IS ALSO BEING CONDUCTED AS A REMOTE MEETING IN  
ACCORDANCE WITH AB 361 AND RESOLUTION NUMBER 5929**

**Tuesday, March 8, 2022  
6:30 P.M.  
City Council Chambers  
(Corner of San Jacinto and Perris Boulevard)  
101 North "D" Street  
Perris, California**

***CLOSED SESSION: 5:45 P.M.***

***ROLL CALL:***

Rogers, Nava, Corona, Rabb, Vargas

A. Conference with Legal Counsel - Potential Litigation - Government  
Code Section 54956.9 (d)(4) – 1 case

B. Conference with Legal Counsel - Potential Litigation - Government  
Code Section 54956.9 (d)(2) – 1 case

**1. *CALL TO ORDER:* 6:30 P.M.**

**2. *ROLL CALL:***

Rogers, Nava, Corona, Rabb, Vargas

**3. INVOCATION:**

Fr. Eliseo Napiere  
St. James the Less Roman Catholic Church  
22190 Dunlap Dr, Perris, CA 92571

**4. PLEDGE OF ALLEGIANCE:**

Councilmember Rogers will lead the Pledge of Allegiance.

**5. REPORT ON CLOSED SESSION ITEMS:**

**6. PRESENTATIONS/ANNOUNCEMENTS: NO PRESENTATIONS**

*At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community, and it may accept awards on behalf of the City.*

**7. YOUTH ADVISORY COMMITTEE COMMUNICATIONS:**

**8. PUBLIC COMMENT/CITIZEN PARTICIPATION:**

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. **Public comment is limited to three (3) minutes.***

**9. APPROVAL OF MINUTES:**

A. Consideration to approve the Minutes of the Regular Meeting held on February 22, 2022, of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and the Perris Joint Powers Authority.

**10. CONSENT CALENDAR:**

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. **Public comment is limited to three (3) minutes.***

A. Consideration to adopt the Second Reading of Proposed Ordinance Number 1415 which changes the Method of Electing City Council Members, other than the Mayor, from At-Large to By-District, Adopts By-District Maps and Identifying the Number for Each District, and Establishes Related Procedure.

The Second Reading of Proposed Ordinance Number 1415 is entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS,  
CALIFORNIA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,

ADDING CHAPTER 2.06 TO THE PERRIS MUNICIPAL CODE, WHICH CHANGES THE ELECTION METHOD FOR MEMBERS OF THE CITY COUNCIL OTHER THAN THE MAYOR FROM AT-LARGE TO BY DISTRICT, ADOPTS A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT, AND ESTABLISHES RELATED PROCEDURES

- B. Consideration to adopt Proposed Resolution Numbers (next in order) regarding Initiation of Annual Proceedings for City's Maintenance Districts (FY 2022/2023).

The Proposed Resolution Numbers (next in order) are entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT

- C. Consideration to approve a Road Closure of southbound lanes at 138 N. Perris Blvd for Southern California Edison to conduct maintenance, for a single night in March 2022.
- D. Consideration to adopt Proposed Resolution Number (next in order) to continue Tele/Video-Conference Meetings during COVID-19 State of Emergency pursuant to the Provisions of AB 361.

The Proposed Resolution Number (next in order) is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MAKING FINDINGS THAT PURSUANT TO ASSEMBLY BILL 361 THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF PERRIS FOR THE PERIOD BEGINNING MARCH 8, 2022 AND ENDING APRIL 7, 2022 PURSUANT TO BROWN ACT PROVISIONS.

**11. PUBLIC HEARINGS:**

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to three (3) minutes.***

- A. Consideration to Consideration to adopt Proposed Resolution Numbers (next in order) regarding Annexation of DPR 18-00011 to the City's Maintenance Districts. DPR 18-00011 is located at the southeast corner of Perry Street and Barrett Avenue. APN(s). 302-060-011, 302-060-026 and 302-060-030. (Owner: Duke Realty Limited Partnership)

The Proposed Resolution Numbers (next in order) are entitled:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH THE ANNEXATION OF DPR 18-00011 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021/2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH THE ANNEXATION OF DPR 18-00011 TO BENEFIT ZONE 161, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021/2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH THE ANNEXATION OF DPR 18-00011 TO BENEFIT ZONE 123, CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF

THE ENGINEER’S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021/2022

Introduced by: City Engineer Stuart McKibbin

PUBLIC COMMENT

- B. Consideration to adopt Proposed Resolution Numbers (next in order) and the First Reading of Proposed Ordinance Number (next in order) for the formation of the proposed City of Perris Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “CFD”). The CFD is located south of Lemon Avenue and east of Evans Road (Zone #1) and north of Nuevo Road and west of Evans Road (Zone #2).

The Proposed Resolution Numbers (next in order) are entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING THE RECORDING OF A NOTICE OF CESSATION OF THE SPECIAL TAX LIEN WITH RESPECT TO IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS) OF THE CITY OF PERRIS AND CERTAIN RELATED MATTERS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SUCH COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, ESTABLISHING AN APPROPRIATIONS LIMIT, AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID DISTRICT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$17,500,000 OF SAID DISTRICT; AND CALLING A SPECIAL ELECTION WITHIN THE DISTRICT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO THE LEVY OF SPECIAL TAXES THEREIN, THE ISSUANCE OF BONDED INDEBTEDNESS AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AND AUTHORIZING EXECUTION OF AN ACQUISITION AND FUNDING AGREEMENT AND A JOINT COMMUNITY FACILITIES AGREEMENT IN CONNECTION WITH THE FORMATION OF COMMUNITY FACILITIES DISTRICT 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS; AND MAKING FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH.

The First Reading of Proposed Ordinance Number (next in order) is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT

Introduced by: Deputy City Manager Ernie Reyna

PUBLIC COMMENT

**12. BUSINESS ITEMS:** (not requiring a “Public Hearing”):

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. Public Comment is limited to three (3) minutes.*

A. Mid-County Parkway (MCP) Project Update.

Introduced by: City Manager Clara Miramontes

PUBLIC COMMENT

B. Introduction of Healthy Options at Check-out Campaign for a Healthy Perris by Public Health Advocates.

Introduced by: Director of Community Services Sabrina Chavez

PUBLIC COMMENT

C. Consideration to approve the City of Perris General Plan Housing Element, 2021 Annual Progress Report.

Introduced by: Economic Development and Housing Manager Michele Ogawa

PUBLIC COMMENT

D. Police Department Annual Update

Introduced by: Police Captain Matthew Sims

PUBLIC COMMENT

**13. COUNCIL COMMUNICATIONS:**

*(Committee Reports, Agenda Items, Meeting Requests and Review etc.)*

*This is an opportunity for the Mayor and City Councilmembers to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.*

**14. CITY MANAGER'S REPORT:**

**15. ADJOURNMENT:**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall at (951) 943-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**COVID-19 REMOTE PUBLIC COMMENT/CITIZEN PARTICIPATION**

*With the intent of adhering to the new community guidelines from the Center for Disease Control, the City of Perris will allow for remote public comment and participation at upcoming City Council meetings via Zoom. Public Comment is limited to three (3) minutes.*

**ZOOM MEETING INFORMATION**

When: March 8, 2022, 06:30 PM Pacific Time (US and Canada)

Topic: City Council Meeting

In order to provide Public Comment via Zoom, participants will be required to register at the following link:

[https://us06web.zoom.us/webinar/register/WN\\_Mn44w9JmTbChBEaOTpOE1g](https://us06web.zoom.us/webinar/register/WN_Mn44w9JmTbChBEaOTpOE1g)

After registering, you will receive a confirmation email containing information about joining the meeting.

During the council meeting, if you wish to speak, via Zoom, for public comment on any item, please select the raise hand icon next to your name. The moderator will grant you access to speak. Public Comment is limited to (3) three minutes.

**THE CITY COUNCIL MEETING IS ALSO AVAILABLE FOR VIEWING AT THE FOLLOWING:**

City's Website:

<https://www.cityofperris.org/government/city-council/council-meetings>

YouTube:

<https://www.youtube.com/channel/UC24S1shebxkJFv3BnxdkPpg>

Facebook:

<https://www.facebook.com/PerrisToday/>

For cable subscribers only within Perris:

Spectrum: Channel 3

Frontier: Channel 16





9.A.

# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Approval of Minutes

**REQUESTED ACTION:** Approve the Minutes of the Regular Joint City Council Meeting held on February 22, 2022.

**CONTACT:** Nancy Salazar, City Clerk *NS*

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**BACKGROUND/DISCUSSION:** None

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**BUDGET (or FISCAL) IMPACT:** None

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Prepared by: Judy L. Haughney, CMC, Assistant City Clerk *JLH*

**REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_

Attachments: 1. Minutes-February 22, 2022

Consent:  
Public Hearing:  
Business Item:  
Presentation:  
Other: Approval of Minutes

# ATTACHMENT 1

Resolution Number (next in order)

# ***CITY OF PERRIS***

## **MINUTES:**

**Date of Meeting:** February 22, 2022

**06:30 PM**

**Place of Meeting:** City Council Chambers

**THIS MEETING WAS ALSO CONDUCTED AS A REMOTE MEETING IN ACCORDANCE WITH AB 361 AND RESOLUTION NUMBER 5929**

**CLOSED SESSION**

**ROLL CALL**

**Present: Rabb, Rogers (via Zoom), Nava, Corona, Vargas**

**Staff Member's Present: City Manager Miramontes, Deputy City Manager Reyna and City Attorney Dunn.**

**A. Conference with Legal Counsel - Potential Litigation - Government Code Section 54956.9 (d)(4) – 1 case**

**1. CALL TO ORDER: 6:30 P.M.**

**Mayor Vargas called the Regular City Council meeting to order at 6:32 p.m.**

**2. ROLL CALL:**

**Present: Rabb, Rogers (via Zoom), Nava, Corona, Vargas**

**Staff Members Present: City Manager Miramontes, Deputy City Manager Reyna, City Attorney Dunn, City Engineer McKibbin, Police Captain Sims, Fire Chief Barnett, Chief Information Officer Cervantes, Director of Community Services Chavez, Director of Development Services Phung, Director of Administrative Services Amozgar, Director of Public Works Hill, Assistant City Clerk Haughney and City Clerk Salazar.**

**3. INVOCATION:**

**Pastor Angelo Martinez**

**Vida Christian Church**

**251 North Perris Blvd. Perris, CA 92570**

**4. PLEDGE OF ALLEGIANCE:**

**Councilmember Rabb led the Pledge of Allegiance.**

**5. REPORT ON CLOSED SESSION ITEMS:**

**City Attorney Dunn reported that the City Council met in Closed Session to discuss the items listed on the agenda. He noted that no reportable action was taken.**

6. PRESENTATIONS/ANNOUNCEMENTS:

- A. City of Perris Employee of the Quarter Recognition for Fourth Quarter of 2021.

7. YOUTH ADVISORY COMMITTEE COMMUNICATIONS:

**Jasmine Lomeli, Vice-President of the Youth Advisory Committee gave the report.**

8. PUBLIC COMMENT/CITIZEN PARTICIPATION:

**The following person spoke at Public Comment:  
Natalie Solares**

9. APPROVAL OF MINUTES:

- A. Approved the Minutes of the Regular Meeting held on February 8, 2022, of the City Council, Successor Agency to the Redevelopment Agency, Public Finance Authority, Public Utility Authority, Housing Authority, Perris Community Economic Development Corporation and the Perris Joint Powers Authority.

The Mayor called for a motion.

M/S/C: Moved by David Starr Rabb, seconded by Marisela Nava to Approve the Minutes, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

10. CONSENT CALENDAR:

**The Mayor called for Public Comment. There was no Public Comment.**

- A. Adopted Resolution Number 5930 amending the Community Services Facility Usage and Fees Policy Amendment and rescinded Resolution Number 4916.

Resolution Number 5930 is entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING THE CITY OF PERRIS COMMUNITY SERVICES FACILITIES USAGE POLICY AND RESCINDING RESOLUTION 4916**

- B. Adopted Resolution Number 5931 amending the Use or Sale of Alcoholic Beverages Policies in City Facilities and rescinded Resolution Number 5179.

Resolution Number 5931 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING THE POLICY OF THE CITY OF PERRIS TO ALLOW THE USE OR SALE OF ALCOHOLIC BEVERAGES ON SPECIFIC CIVIC CENTER FACILITIES AND RESCINDING RESOLUTION NUMBER 5179

- C. Awarded a contract to Hirsch & Associates for the professional design services for the Morgan Park Phase 2.1 Parking Lot Expansion and Morgan Street Improvements Project.
- D. Approved Amendment No. 1 of the Contract Services Agreement with Dudek, Inc. for Environmental Services for the Perris Valley MDP Line E Stage 5 & 6 Project (CIP # D016)

The Mayor called for a motion.

M/S/C: Moved by Marisela Nava, seconded by David Starr Rabb to Approve the Consent Calendar, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

11. PUBLIC HEARINGS:

- A. Adopted Resolution Numbers 5932 and 5933 regarding Annexation of DPR 18-00011 into CFD 2001-3 (North Perris Public Safety District)- Annexation No. 46. DPR 18-00011 is located at the southeast corner of Perry Street and Barrett Avenue. APN: 302-060-011, 302-060-026, and 302-060-030 (Owner: Duke Realty Limited Partnership).

Resolution Number 5932 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 46 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 46

Resolution Number 5933 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF

**A SPECIAL ELECTION RELATING TO ANNEXATION NO. 46 AND ORDERING THE ANNEXATION OF SUCH TERRITORY, THE LEVYING OF A SPECIAL TAX WITHIN THE AREA OF ANNEXATION NO. 46 AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN**

**Daniel Louie, Willdan Financial, gave the presentation on this item.**

**The Mayor opened the Public Hearing at 6:52 p.m. There was no Public Comment.**

**The Mayor closed the Public Hearing at 6:52 p.m.**

The Mayor called for a motion.

M/S/C: Moved by Marisela Nava, seconded by David Starr Rabb to Approve Resolution Number 5932, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

**The Mayor asked the City Clerk to open the Ballot.**

**City Clerk Salazar opened the Ballot and reported that it was marked YES.**

The Mayor called for a motion.

M/S/C: Moved by David Starr Rabb, seconded by Malcolm Corona to Approve Resolution Number 5933, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

- B. **Adopted Resolution Numbers 5934 and 5935 regarding Annexation of DPR 18-00011 to CFD 2018-02 (Public Services District) -Annexation No. 08. DPR 18-00011 is located at the southeast corner of Perry Street and Barrett Avenue. APN: 302-060-11, 302-060-026, and 302-060-030. (Owner: Duke Realty Limited Partnership).**

**Resolution Number 5934 is entitled:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2018-02 (PUBLIC SERVICES DISTRICT) OF THE CITY OF PERRIS, CALLING A SPECIAL ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS WITHIN PROPOSED ANNEXATION NO. 8 THE QUESTION OF ANNEXING SUCH TERRITORY AND LEVYING OF A SPECIAL TAX WITHIN THE AREA OF PROPOSED ANNEXATION NO. 8**

Resolution Number 5935 is entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2018-02 (PUBLIC SERVICES DISTRICT) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO ANNEXATION NO. 8 AND ORDERING THE ANNEXATION OF SUCH TERRITORY, THE LEVYING OF A SPECIAL TAX WITHIN THE AREA OF ANNEXATION NO. 8 AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

**Daniel Louie, Willdan Financial, gave the presentation on this item.**

**The Mayor opened the Public Hearing at 6:56 p.m. There was no Public Comment.**

**The Mayor closed the Public Hearing at 6:56 p.m.**

The Mayor called for a motion.

M/S/C: Moved by Malcolm Corona, seconded by David Starr Rabb to Approve Resolution Number 5934, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

**The Mayor asked the City Clerk to open the Ballot.**

**City Clerk Salazar opened the Ballot and reported that it was marked YES.**

The Mayor called for a motion.

M/S/C: Moved by Marisela Nava, seconded by David Starr Rabb to Approve Resolution Number 5935, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

- C. Introduced the First Reading of Ordinance Number 1415 which changes the Method of Electing City Council Members, other than the Mayor, from At-Large to By-District, Adopts By-District Maps and Identifying the Number for Each District, and Establishes Related Procedure.

The First Reading of Ordinance Number 1415 is entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADDING CHAPTER 2.06 TO THE PERRIS MUNICIPAL CODE, WHICH CHANGES THE ELECTION METHOD FOR MEMBERS OF THE CITY COUNCIL OTHER THAN THE

**MAYOR FROM AT-LARGE TO BY DISTRICT, ADOPTS A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT, AND ESTABLISHES RELATED PROCEDURES**

**City Attorney Eric Dunn gave the presentation on this item.**

**The Mayor opened the Public Hearing at 7:00 p.m.**

**The following person spoke:**

**Nanette Plascencia**

**The Mayor closed the Public Hearing at 7:03 p.m.**

**The Mayor called for a motion.**

**M/S/C: Moved by Marisela Nava, seconded by Malcolm Corona to Approve the First Reading of Ordinance Number 1415, as presented.**

**AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**12. BUSINESS ITEMS:**

**A. Approved the purchase of a ShotSpotter Policing Technology.**

**This item was introduced by Deputy City Manager Ernie Reyna, and turned over to Police Captain Matthew Sims for the presentation.**

**The following Councilmember's spoke:**

**Corona**

**Vargas**

**Rogers**

**Rabb**

**Nava**

**The Mayor called for Public Comment.**

**The following person spoke:**

**Nanette Plascencia**

**The following Councilmember's spoke:**

**Corona**

**Vargas**

**The Mayor called for a motion.**



M/S/C: Moved by David Starr Rabb, seconded by Marisela Nava to Approve the purchase of the ShotSpotter Policing Technology.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

- B. Approved the Fiscal Year 2021-2022 Mid-Year Budget and American Rescue Plan Act (ARPA) of 2021 Amendments.

**This item was presented by Deputy City Manager Ernie Reyna.**

**The following Councilmember's spoke:**

**Corona**

**Rogers**

**Vargas**

**Nava**

**The Mayor called for Public Comment.**

**The following person spoke:**

**Nanette Plascencia**

The Mayor called for a motion.

M/S/C: Moved by Marisela Nava, seconded by David Starr Rabb to Approve the Fiscal Year 2021-2022 Mid-Year Budget and American Rescue Plan Act (ARPA) of 2021 Amendments, as presented.

AYES: David Starr Rabb, Rita Rogers, Marisela Nava, Malcolm Corona, Michael Vargas

NOES:

ABSENT:

ABSTAIN:

13. COUNCIL COMMUNICATIONS:

**The following Councilmember's spoke:**

**Nava**

**Rogers**

**Rabb**

**Corona**

**Vargas**

14. CITY MANAGER'S REPORT:

15. ADJOURNMENT:

**There being no further business Mayor Vargas adjourned the Regular City Council meeting at 8:20 p.m.**

**Respectfully Submitted,**

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**Nancy Salazar, City Clerk**



# CITY OF PERRIS

## CITY COUNCIL AGENDA SUBMITTAL

- MEETING DATE:** March 8, 2022
- SUBJECT:** Ordinance No. 1415 Changing the Method of Electing City Council Members Other than the Mayor from At-Large to By District, Adopting By District Maps and Identifying the Number for Each District, and Establishing Related Procedures
- REQUESTED ACTION:** That the City Council adopt (second reading) Ordinance No. 1415:
- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADDING CHAPTER 2.06 TO THE PERRIS MUNICIPAL CODE, WHICH CHANGES THE ELECTION METHOD FOR MEMBERS OF THE CITY COUNCIL OTHER THAN THE MAYOR FROM AT-LARGE TO BY DISTRICT, ADOPTS A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT, AND ESTABLISHES RELATED PROCEDURES
- CONTACT:** Eric L. Dunn, City Attorney
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### BACKGROUND/DISCUSSION:

At the September 28, 2021, meeting, the City Council directed staff to initiate the process to switch the election method for City Council members (other than the Mayor) from “at-large” to “by district.” The City Council subsequently held a series of 4 public hearings where it accepted public testimony on the switch to by district elections, and considered the switch to by district elections, a total of 4 draft district maps, and other related matters.

After the 4th public hearing, the City Council provided direction to draft an ordinance switching the election method of City Council members (other than the Mayor) to by district elections utilizing the 4th draft district map. Accordingly, Ordinance No. 1415 was drafted and, after a public hearing on February 22, 2022, the City Council introduced Ordinance No. 1415. The item before the City Council is the adoption (second reading) of Ordinance No. 1415. If adopted, Ordinance No. 1415 would provide as follows:

1. Adds a Chapter 2.06, entitled “City Council Elections By District.”

2. Would not apply to the election of the Mayor. The Mayor will continue to be elected at-large pursuant to Chapter 2.03 of the Perris Municipal Code.
3. Adopts Draft Map 4 as the "City Council District Map," which generally can be amended only after a federal decennial census.
4. Members of the City Council other than the Mayor will be elected by district. This means that the City will be divided into 4 districts pursuant to Draft Map 4 with 1 councilmember representing each district. Councilmembers must reside and be registered to vote in their respective district. Any candidate for city council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to Elections Code Section 10227. The term of office remains unchanged at 4 years.
5. Districts 1 and 3 will be up for election in November of 2022 and, thereafter, every 4 years. Districts 2 and 4 will be up for election in November of 2024 and, thereafter, every 4 years.
6. Current serving councilmembers will continue to occupy their at-large council seat until their term ends. After the applicable elections identified above, a person will occupy a "district" council seat.

Draft Map 4 must be adopted and submitted to the San Bernardino County Registrar of Voters by April 17, 2022, so that by district-based elections will occur beginning with the election in November of 2022.

The City Council is requested to adopt (second reading) Ordinance No. 1415, which changes the method of electing City Council members other than the Mayor from at-large to by district, adopting by district maps and identifying the number for each district, and establishing related procedures.

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**BUDGET (or FISCAL) IMPACT:** Upon adoption of the ordinance and filing the required information with the Registrar, the process will be complete.

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Prepared by: Robert Khuu, Assistant City Attorney

**REVIEWED BY:**

City Attorney   X  

Assistant City Manager \_\_\_\_\_

Deputy City Manager \_\_\_\_\_

**Attachments:**

1. Ordinance No. 1415

Consent: X  
Public Hearing:  
Business Item:  
Presentation:  
Other:

# ATTACHMENT 1

Ordinance Number 1415

**ORDINANCE NO. 1415**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADDING CHAPTER 2.06 TO THE PERRIS MUNICIPAL CODE, WHICH CHANGES THE ELECTION METHOD FOR MEMBERS OF THE CITY COUNCIL OTHER THAN THE MAYOR FROM AT-LARGE TO BY DISTRICT, ADOPTS A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT, AND ESTABLISHES RELATED PROCEDURES**

**WHEREAS**, the City of Perris (“City”) currently elects the members of the City Council, including the mayor, using an at-large election system; and

**WHEREAS**, pursuant to Government Code Section 34886, the City Council has the authority to adopt an ordinance changing the system of elections in the City from an at-large elections system to a by district elections system with a mayor elected at-large; and

**WHEREAS**, the City Council now desires to adopt an ordinance changing the system of elections for members of the City Council other than the mayor in the City from an at-large elections system to a by district elections system with a mayor continued to be elected at-large; and

**WHEREAS**, the change in method for electing members of the City Council is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025, *et seq.*); and

**WHEREAS**, the City held district elections community engagement meetings on August 24, 2021, and September 7, 2021, wherein presentations were made to the public regarding district-based elections and to provide an opportunity for members of the public to ask questions and receive answers; and

**WHEREAS**, the City established a district election page on the City’s website; and

**WHEREAS**, pursuant to the requirements of Elections Code Section 10010, the City Council held duly-noticed public hearings on November 9, 2021, and November 30, 2021, in order to receive all testimony regarding the potential composition of City Council districts; and

**WHEREAS**, although the City established a tool for members of the public to draw district maps, no drafters of such district maps ultimately requested that the City Council consider such district maps from the public; and

**WHEREAS**, pursuant to the requirements of Elections Code Section 10010, the City Council held a duly-noticed public hearing regarding 3 proposed city-drafted district maps (numbered District Maps 1 through 3) on January 11, 2022; and

**WHEREAS**, after the January 11, 2022, public hearing, the City Council directed the City’s demographics consultant to modify Draft Map 3, which resulted in the creation of Draft Map 4; and

**WHEREAS**, pursuant to the requirements of Elections Code Section 10010, the City Council held a public hearing regarding all 4 proposed city-drafted district maps on February 8, 2022; and

**WHEREAS**, the 4 aforementioned city-drafted district maps are consistent with applicable law, including without limitation the requirements of Elections Code Section 21601; and

**WHEREAS**, after the public hearing on February 8, 2022, the City Council selected District Map 4 of the proposed district maps to establish the City Council electoral districts in the City, which is attached hereto as Exhibit “A,” and directed staff to prepare the necessary documentation to switch the election system for members of the city council other than the mayor from at-large to by district and to, further, adopt District Map 4 such that by district elections will occur beginning with election of members of the City Council for Districts 1 and 3 (as identified in District Map 4) at the November 2022 election; and

**WHEREAS**, on February 22, 2022, the City Council held a duly noticed public hearing after which the City Council voted to introduce this Ordinance for a first reading; and

**WHEREAS**, the City Council now desires to adopt this Ordinance to establish by district elections in four single-member districts with an mayor elected at-large in the City, and to adopt the map describing the boundaries and identifying number of the four City Council districts in the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2.** New Chapter 2.06. Chapter 2.06, entitled, “City Council Elections By district,” is hereby added to the Perris Municipal Code to read in its entirety as follows:

**“CHAPTER 2.06 CITY COUNCIL ELECTIONS BY DISTRICT**

- 2.06.010 Declaration of Purpose
- 2.06.020 Applicability
- 2.06.030 By district Elections for City Councilmembers
- 2.06.030 City Council Districts Adoption and Amendment
- 2.06.040 Commencement of By district Elections

**2.06.010 Declaration of Purpose**

The city council of the city hereby declares the purpose of this chapter is to further



the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025, *et seq.*), as amended.

#### **2.06.020 Applicability**

- (a) This chapter shall apply to the election of members of the city council, but shall not apply to the election of the mayor. The mayor shall instead be elected pursuant to Chapter 2.03 of the Perris Municipal Code.
- (b) For the purposes of this chapter, references to “member of the city council” or “city councilmember” shall not include the mayor.

#### **2.06.030 By district Elections for City Councilmembers**

- (a) Pursuant to Government Code Section 34886, all members of the city council shall be elected by district in four single-member districts.
- (b) All members of the city council shall be elected in the city council districts established in Section 2.06.040 and as such districts are subsequently amended as provided therein. All city council elections shall take place “by district” as that term is defined in Government Code Section 34871, meaning one member of the city council shall be elected from each district by the voters of that district alone. Each member of the city council shall serve a four-year term.
- (c) Pursuant to Government Code Section 34882, the city councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to Elections Code Section 10227.

#### **2.06.040 City Council Districts Adoption and Amendment**

- (a) All members of the city council shall be elected on a by district basis from the City Council districts shown and numbered on the City Council District Map in Exhibit “A” of Ordinance No. 1415 and on file in the City Clerk’s Office, which is hereby adopted and incorporated herein by this reference.
- (b) The City Council districts described in subsection (a) shall be amended after each federal decennial census pursuant to Elections Code Section 21600 *et seq.* and, further, may otherwise be amended as permitted by applicable law. Further, except as otherwise required by applicable law, the City Council may make such amendments by adoption of a resolution.

#### **2.06.050 Implementation of By District Elections**

- (a) The by district system of elections shall be implemented, beginning at the general municipal election held in November 2022, as follows:

1. Members of the city council shall be elected in Districts 1 and 3 beginning at the general municipal election in November 2022, and every four years thereafter; and

2. Members of the city council shall be elected in Districts 2 and 4 beginning at the general municipal election in November 2024, and every four years thereafter.

(b) Notwithstanding any other provision of this chapter, all members of the City Council in office at the time this chapter takes effect shall continue in office until the expiration of the at-large term to which they were elected.”

**Section 3. Severability.** If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon adoption pursuant to Government Code Section 36937(a) as an ordinance relating to an election.

**Section 5. Certification.** The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

\_\_\_\_\_  
MAYOR, MICHAEL M. VARGAS

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

**Exhibit A-District Map**

EXHIBIT "A"

**DISTRICT MAP**

**[Attached behind this page]**



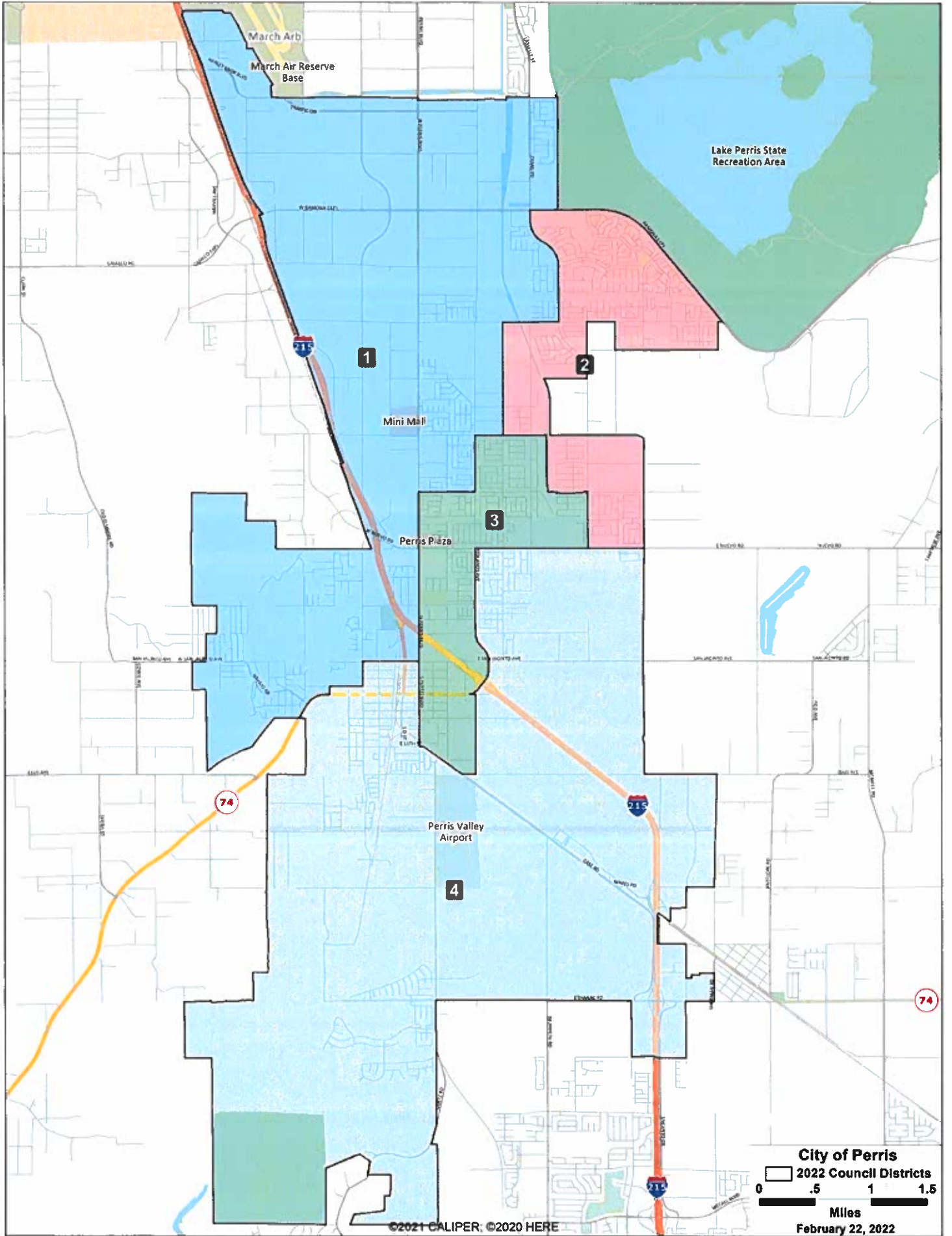
# BEAR

DEMOGRAPHICS & RESEARCH

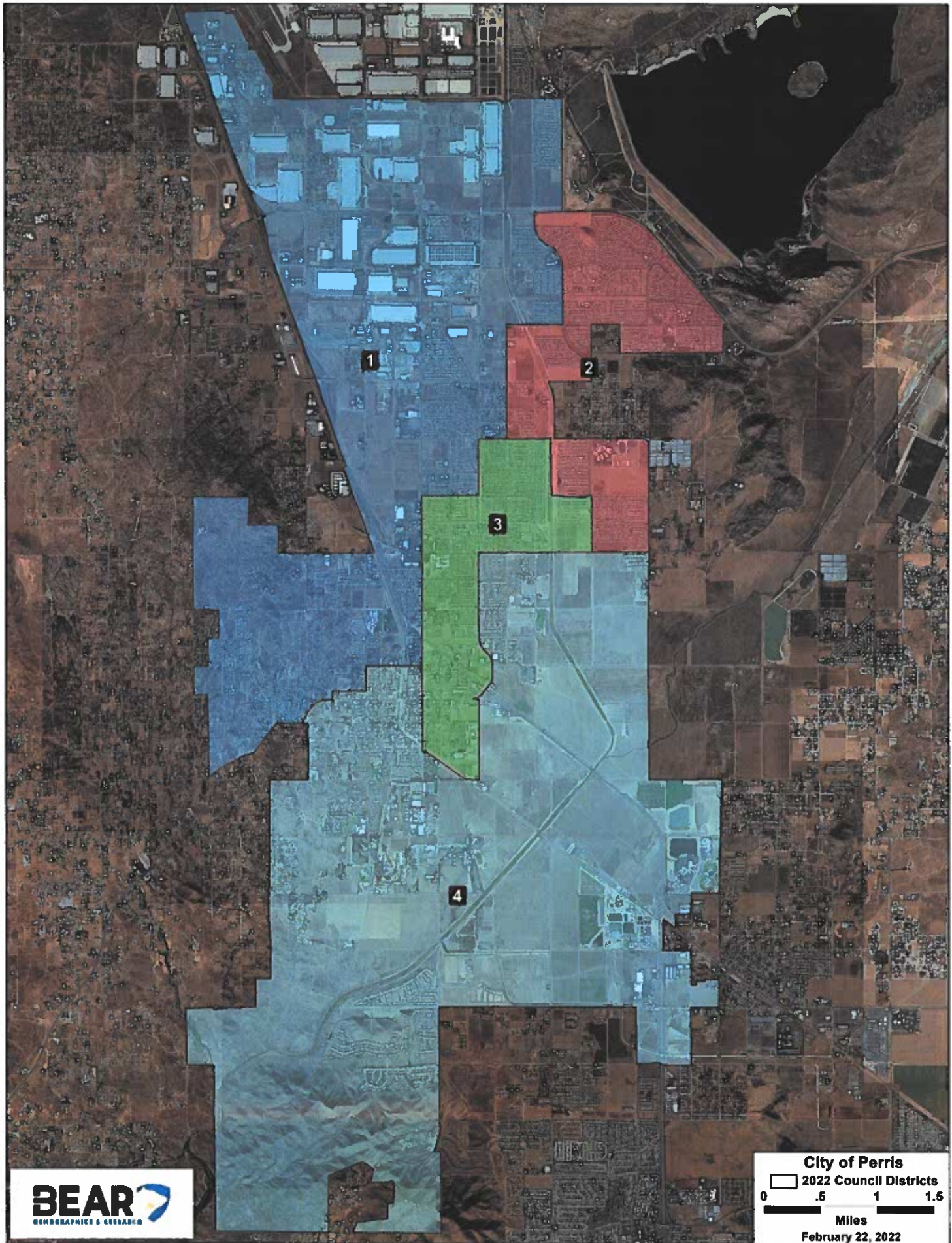
City of Perris

## 2022 City Council Boundaries Final Map

February 22, 2022

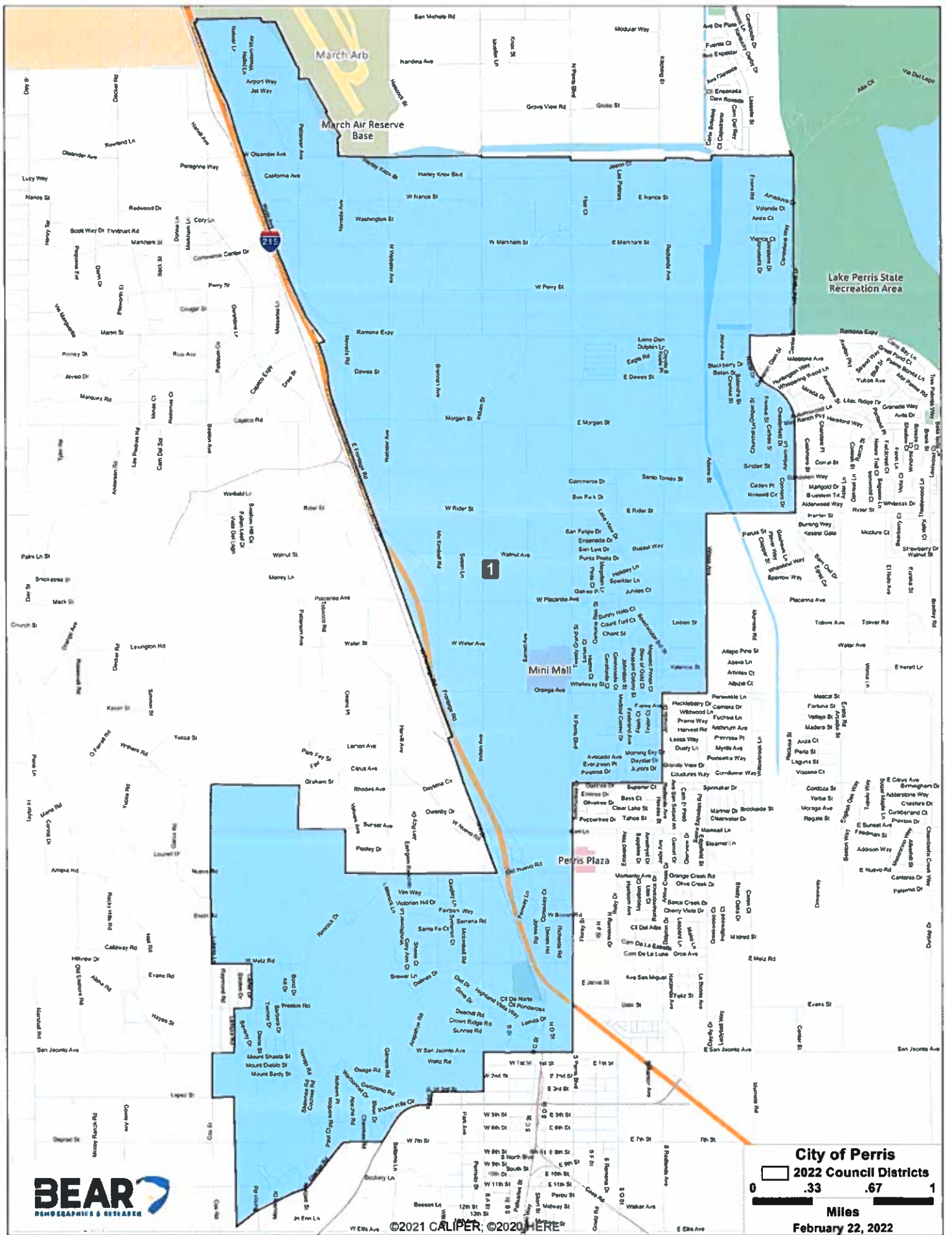


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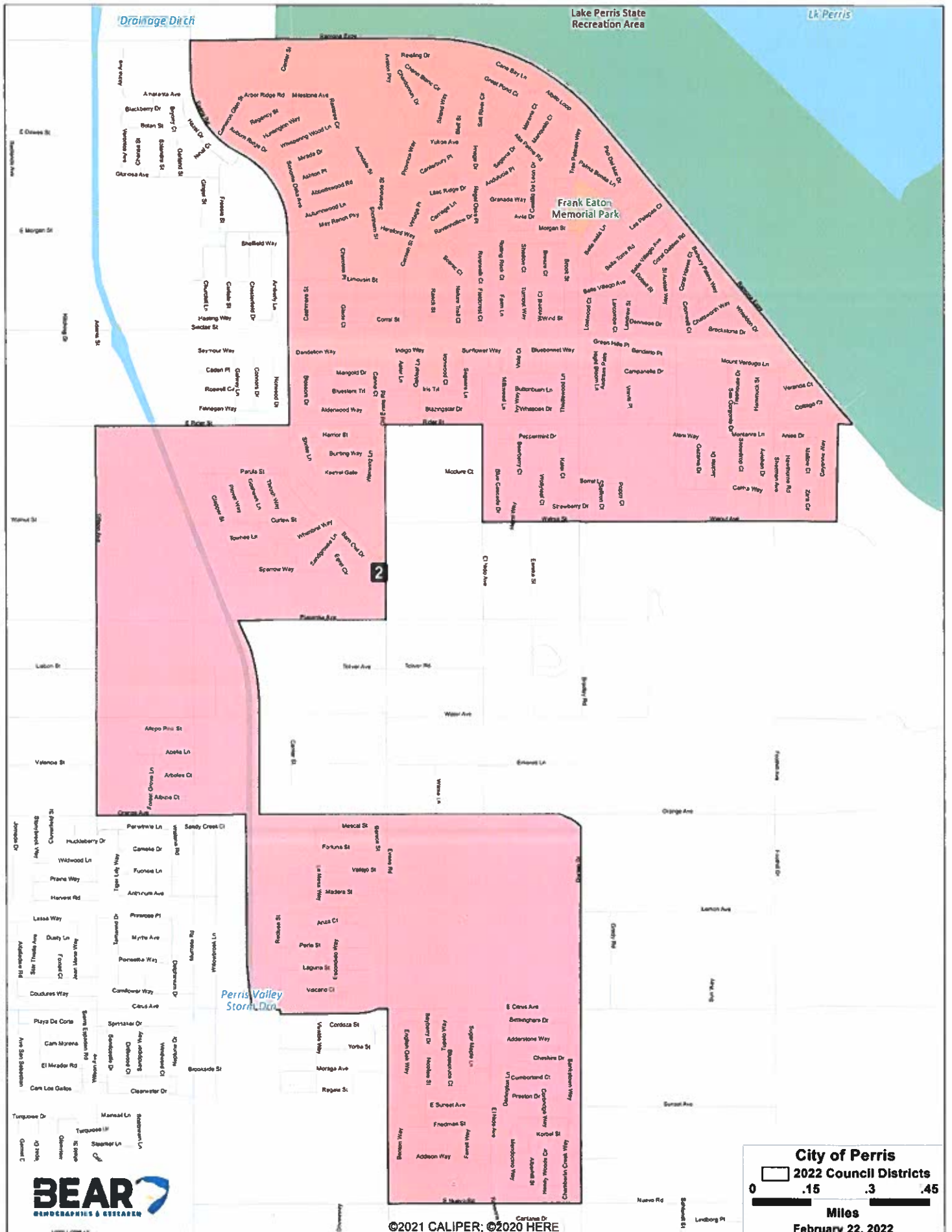


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DEMOGRAPHICS & RESEARCH

**City of Perris**  
2022 Council Districts  
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February 22, 2022

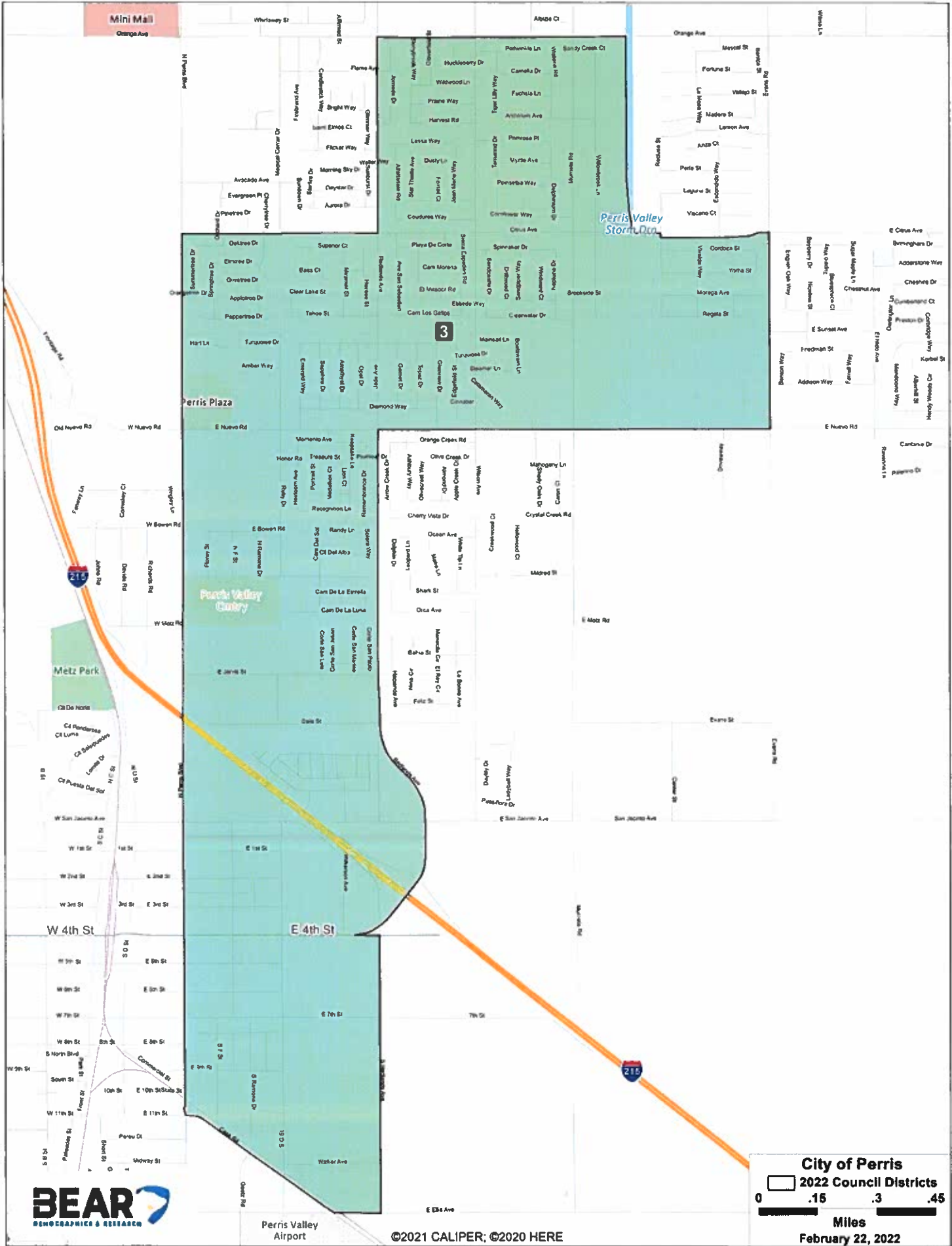


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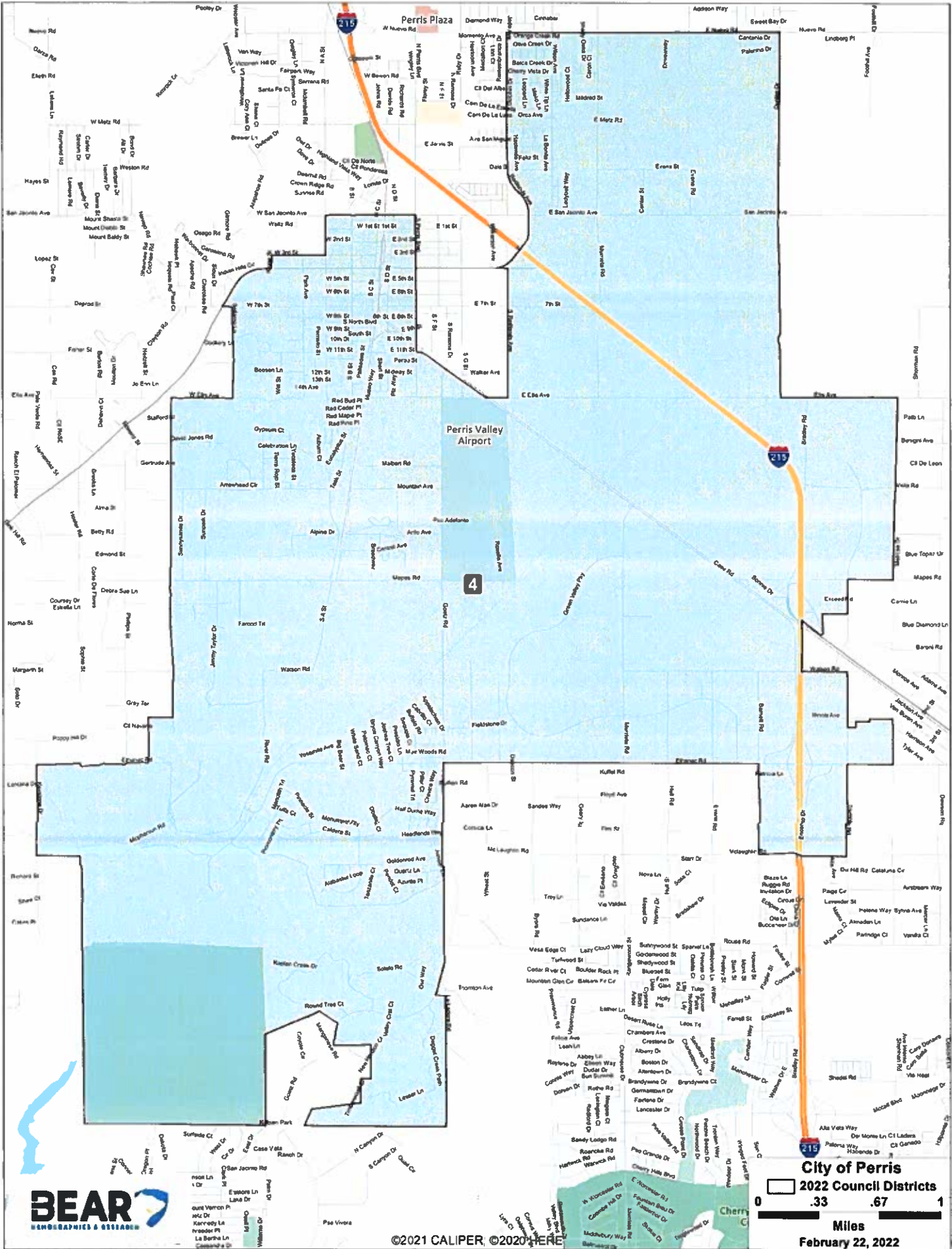




Perris Valley Airport

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**City of Perris**  
 2022 Council Districts  
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 Miles  
 February 22, 2022



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**City of Perris**  
 2022 Council Districts

0 .33 .67 1  
 Miles

February 22, 2022

## City of Perris 2022 Council Districts Demographic Profile

Council District	1	2	3	4	Total
<b>Total Population (Pop) 2020 Adjusted</b>	<b>20,595</b>	<b>20,673</b>	<b>18,948</b>	<b>18,876</b>	<b>79,092</b>
Deviation	822	900	(825)	(897)	
% Deviation	4.2%	4.6%	-4.2%	-4.5%	9.1%
Latino	77.2%	69.4%	78.4%	77.6%	75.6%
White	9.5%	8.2%	6.3%	8.2%	8.1%
Black	7.8%	14.1%	10.6%	9.2%	10.4%
American Indian	0.5%	0.3%	0.5%	0.5%	0.5%
Asian	3.5%	5.6%	2.7%	3.0%	3.7%
Hawaiian, Pacific Islander	0.3%	0.3%	0.3%	0.4%	0.3%
Other Race	0.7%	1.1%	0.6%	0.6%	0.7%
Multi Minority Race	0.6%	1.0%	0.6%	0.6%	0.6%
<b>Voting Age Population (VAP) 2020 Adjusted</b>	<b>14,550</b>	<b>14,019</b>	<b>13,046</b>	<b>12,909</b>	<b>54,524</b>
Latino	74.6%	67.9%	76.5%	75.6%	73.6%
White	11.2%	9.2%	7.2%	9.3%	9.3%
Black	8.1%	14.4%	11.1%	9.5%	10.8%
American Indian	0.5%	0.3%	0.5%	0.7%	0.5%
Asian	4.0%	6.2%	3.2%	3.5%	4.3%
Hawaiian, Pacific Islander	0.3%	0.3%	0.3%	0.5%	0.4%
Other Race	0.6%	0.9%	0.6%	0.6%	0.7%
Multi Minority Race	0.5%	0.9%	0.6%	0.4%	0.6%
<b>Citizen Voting Age Population (CVAP) 2019</b>	<b>11,096</b>	<b>11,035</b>	<b>9,134</b>	<b>10,158</b>	<b>41,423</b>
Latino	72.5%	58.7%	69.7%	73.9%	68.5%
White	12.8%	15.1%	7.7%	14.9%	12.8%
Black	9.6%	18.8%	17.5%	8.3%	13.5%
Asian	5.0%	6.5%	4.8%	2.2%	4.7%
All Other	0.2%	0.9%	0.1%	0.7%	0.5%

2020 Census State Adjusted Redistricting Data

2019 ACS CVAP Tabulation

## City of Perris 2022 Council Districts Demographic Profile

Council District	1	2	3	4	Total
<b>Total Households (By Household Income)</b>	<b>4,553</b>	<b>4,454</b>	<b>4,011</b>	<b>3,987</b>	<b>17,006</b>
Less than \$35,000	26.2%	18.3%	28.7%	22.1%	23.7%
\$35,000 to \$75,000	36.8%	35.6%	32.8%	37.3%	35.7%
\$75,000 to \$150,000	28.2%	35.2%	35.0%	30.3%	32.1%
\$150,000 or more	8.8%	10.9%	3.6%	10.3%	8.5%
<b>Population 25 years and over (By Education Level)</b>	<b>11,656</b>	<b>11,076</b>	<b>9,823</b>	<b>10,122</b>	<b>42,677</b>
No High School Diploma	36.3%	25.6%	36.3%	35.6%	33.3%
Diploma, No College Degree	50.0%	51.8%	52.5%	52.7%	51.7%
Any College Degree	13.7%	22.5%	11.2%	11.7%	14.9%
<b>Occupied Housing Units</b>	<b>4,553</b>	<b>4,454</b>	<b>4,011</b>	<b>3,987</b>	<b>17,006</b>
Owner occupied	66.1%	72.4%	56.3%	57.9%	63.5%
Renter occupied	33.9%	27.6%	43.7%	42.1%	36.5%
<b>Population 5 years and over (By Language Spoken at Home)</b>	<b>19,100</b>	<b>18,159</b>	<b>15,990</b>	<b>17,003</b>	<b>70,252</b>
English only	31.0%	43.9%	29.5%	41.3%	36.5%
Spanish	66.1%	50.0%	68.1%	57.0%	60.2%
Asian and Pacific Island languages	2.4%	4.3%	1.7%	1.1%	2.4%
Other Indo-European languages	0.5%	1.9%	0.6%	0.5%	0.9%
<b>Population With Poverty Status Determined (by Poverty Status and Age)</b>	<b>20,359</b>	<b>19,739</b>	<b>17,315</b>	<b>18,406</b>	<b>75,819</b>
Income Below Poverty Level Past 12 Months	16.5%	15.9%	18.5%	15.9%	16.7%
Income At or Above Poverty Level Past 12 Months	83.5%	84.1%	81.5%	84.1%	83.4%

2019 ACS Reformatted Tables - Block Group Tabulation

2019 ACS Reformatted Tables - Tract Tabulation



# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Initiation of Annual Proceedings for City's Maintenance Districts  
(FY 2022/2023)

**REQUESTED ACTION:**

1. Adoption of Resolution Ordering Preparation of the Engineer's Report, Maintenance District No. 84-1 (Streetlights and Traffic Signals)
2. Adoption of Resolution Ordering Preparation of the Engineer's Report, Landscape Maintenance District No. 1
3. Adoption of Resolution Ordering Preparation of the Engineer's Report, Flood Control Maintenance District No. 1

**CONTACT:** Stuart McKibbin, Contract City Engineer

**BACKGROUND/DISCUSSION:**

In order to provide continued funding for the City's maintenance districts, annual procedures are required of the City Council. By adopting these resolutions, that order the preparation of the annual Engineer's Reports, the procedures for FY 2022/2023 will be initiated. The next action is scheduled for June 14, 2022 when the Engineer's Reports will be presented to the City Council for preliminary approval.

The districts include residential tracts and commercial developments throughout the City.

**BUDGET (or FISCAL) IMPACT:**

For FY 2021/2022, approximately 34,157 assessments were levied totaling \$5,872,004.36.

Prepared by: Daniel Louie, Willdan Financial Services

**REVIEWED BY:**

City Attorney \_\_\_\_\_  
 Assistant City Manager \_\_\_\_\_  
 Deputy City Manager \_\_\_\_\_

**Attachments:**

1. Resolution Ordering Preparation of the Engineer's Report, Maintenance District No. 84-1
2. FY 2021/2022 Diagram of Maintenance District No. 84-1
3. Resolution Ordering Preparation of the Engineer's Report, Landscape MD No. 1
4. FY 2021/2022 Diagram of Landscape Maintenance District No. 1
5. Resolution Ordering Preparation of the Engineer's Report, Flood Control MD No. 1
6. FY 2021/2022 Diagram of Flood Control MD No. 1

Consent:

Public Hearing:

Business Item:

Presentation:

Other:

## **Attachment No. 1**

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT**

**WHEREAS**, the City Council of the City of Perris, California ("this City Council"), has previously determined that the public interest, convenience and necessity, requires the installation, construction and maintenance of public lighting and appurtenant facilities as set forth in Section 22525 of the Streets and Highways Code, State of California, within the incorporated boundaries of the City of Perris, California; and

**WHEREAS**, this City Council hereby finds and determines that the public interest, convenience and necessity require the continued levy of assessments within the City of Perris, Maintenance District Number 84-1 for the purpose of installing, constructing, operating and maintaining public street lighting including traffic signals and appurtenant facilities authorized by Section 22525 of the Streets and Highways Code, State of California.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** That this City Council hereby initiates proceedings to levy and collect annual special benefit assessments within that area designated City of Perris, Maintenance District Number 84-1 (the "District") for the maintenance, servicing and operation of public street lighting, all pursuant to the Landscaping and Lighting Act of 1972 (Division 15 of the California Streets and Highways Code).

**Section 2.** That the maintenance proposed to be performed consists of the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of public lighting, traffic signals and landscaping, including:

- (a) Repair, removal or replacement of all or any part of the improvements thereon.
- (b) Required electrical operations, repair and replacement.
- (c) Street light installation, servicing and maintenance.
- (d) Traffic signal installation, servicing and maintenance.



**Section 3.** That the proposed maintenance district encompasses all that certain territory of the City of Perris included within the exterior boundary line shown upon that certain map entitled "Diagram of the City of Perris Maintenance District Number 84-1", indicating by said boundary line the extent of the territory included within the proposed district and which map is on file in the Office of the City Clerk. Reference is hereby made to said map for further, full and more particular description of said lighting maintenance district, and the said map so on file shall govern for all details as to the extent of said district.

**Section 4.** That the proceedings for the annual levy of the special benefit assessment are to be conducted under and in accordance with provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

**Section 5.** That Stuart McKibbin, the Contract City Engineer for the City of Perris, is hereby appointed the "Engineer of Work" and all provisions of Division 15 applicable to the Engineer shall apply to said "Engineer of Work" and Willdan Financial Services, is hereby appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of said Division 15 of the Streets and Highways Code.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March, 2022, by the following called vote:

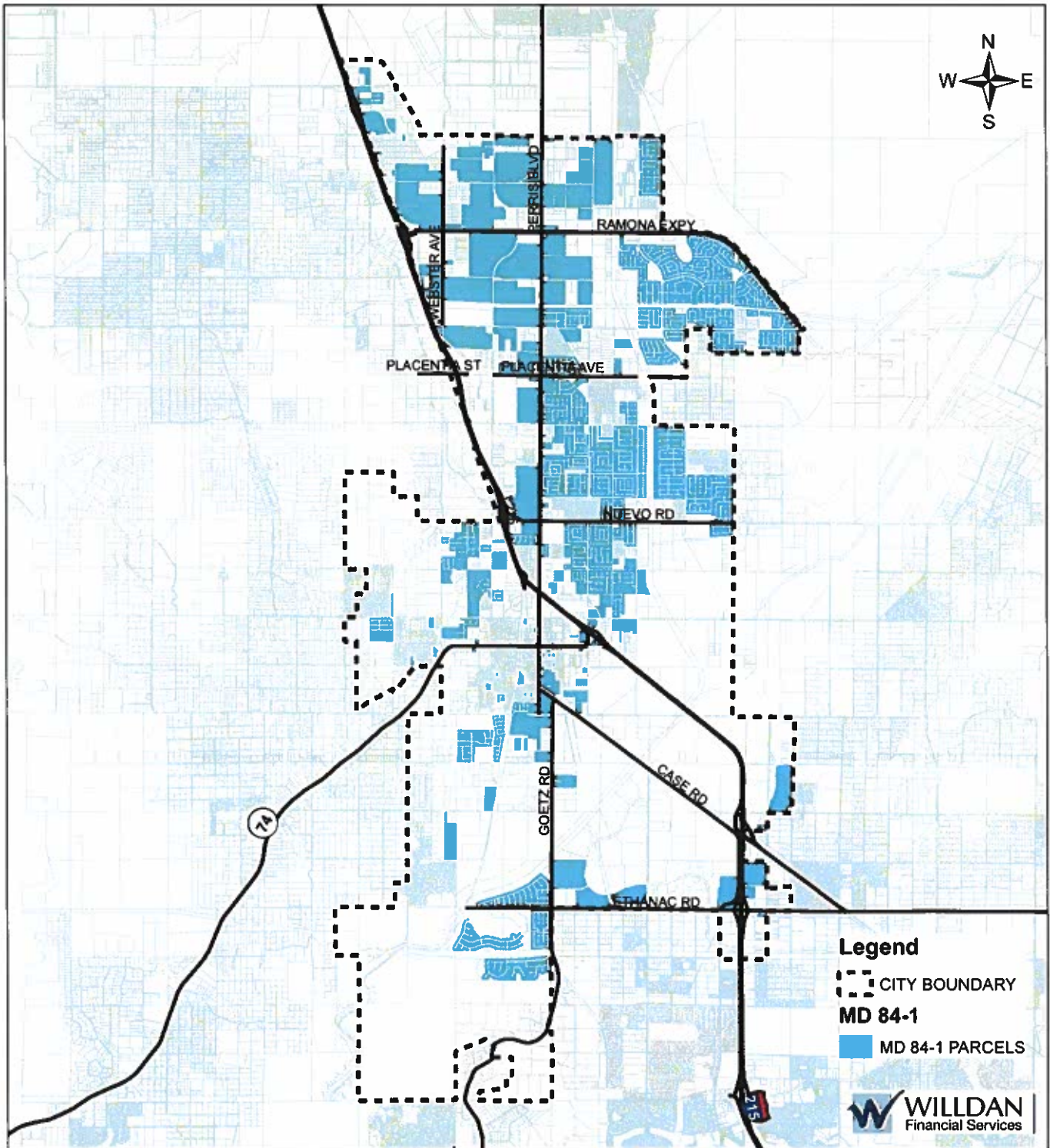
Ayes:  
Noes:  
Absent:  
Abstain:

---

City Clerk, Nancy Salazar

## Attachment No. 2

**DIAGRAM OF  
MAINTENANCE DISTRICT NO. 84-1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022**



## Attachment No. 3

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT**

**WHEREAS**, the City Council of the City of Perris, California ("this City Council"), has previously determined that the public interest, convenience and necessity, requires the installation, construction and maintenance of public landscaping and appurtenant facilities as set forth in Section 22525 of the Streets and Highways Code, State of California, within the incorporated boundaries of the City of Perris, California; and

**WHEREAS**, this City Council hereby finds and determines that the public interest, convenience and necessity require the continued levy of assessments within the City of Perris, Landscape Maintenance District Number 1 for the purpose of installing, constructing, operating and maintaining public landscaping and appurtenant facilities authorized by Section 22525 of the Streets and Highways Code, State of California.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** That this City Council hereby initiates proceedings to levy and collect annual special benefit assessments within that area designated City of Perris, Landscape Maintenance District Number 1 (the "District") for the maintenance, servicing and operation of public landscaping, all pursuant to the Landscaping and Lighting Act of 1972 (Division 15 of the California Streets and Highways Code).

**Section 2.** That the maintenance proposed to be performed consists of the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of public landscaping, including:

- (a) Repair, removal or replacement of all or any part of the improvements thereon.
- (b) Required irrigation operation, repair and replacement.
- (c) Required electrical operation, repair and replacement.

**Section 3.** That the proposed maintenance district encompasses all that certain territory of the City of Perris included within the exterior boundary line shown upon that certain map entitled "Diagram of the City of Perris Landscape Maintenance District Number 1", indicating by said boundary line the extent of the territory included within the proposed district and which map is on file in the Office of the City Clerk. Reference is hereby made to said map for further, full and more particular description of said landscape maintenance district, and the said map so on file shall govern for all details as to the extent of said district.

**Section 4.** That the proceedings for the annual levy of the special benefit assessment are to be conducted under and in accordance with provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

**Section 5.** That Stuart McKibbin, the Contract City Engineer for the City of Perris, is hereby appointed the "Engineer of Work" and all provisions of Division 15 applicable to the Engineer shall apply to said "Engineer of Work" and Willdan Financial Services, is hereby appointed for the purpose of assisting in the preparation of the written report provided for in Section 22567 of said Division 15 of the Streets and Highways Code.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March, 2022, by the following called vote:

Ayes:  
Noes:  
Absent:  
Abstain:

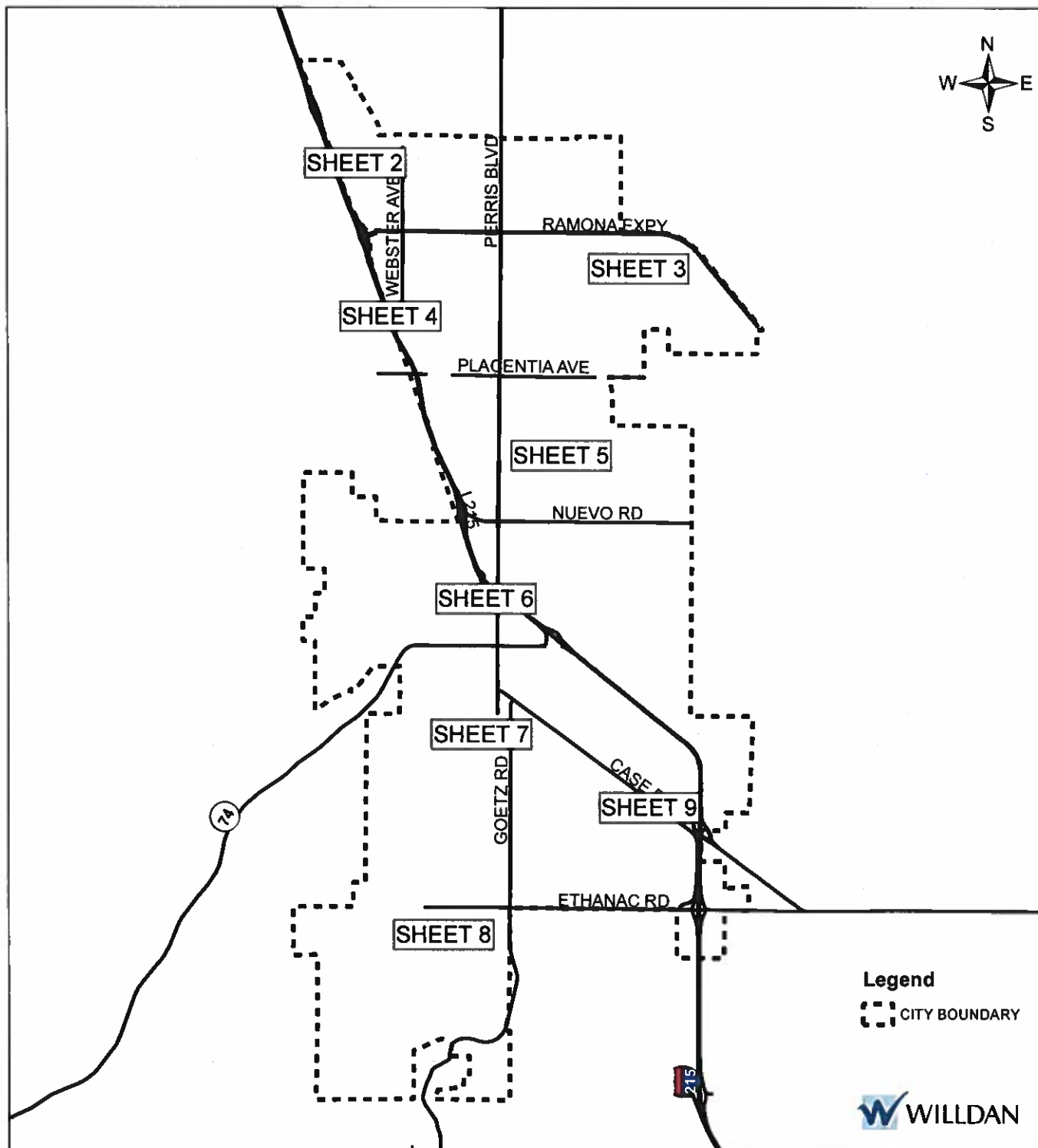
---

City Clerk, Nancy Salazar



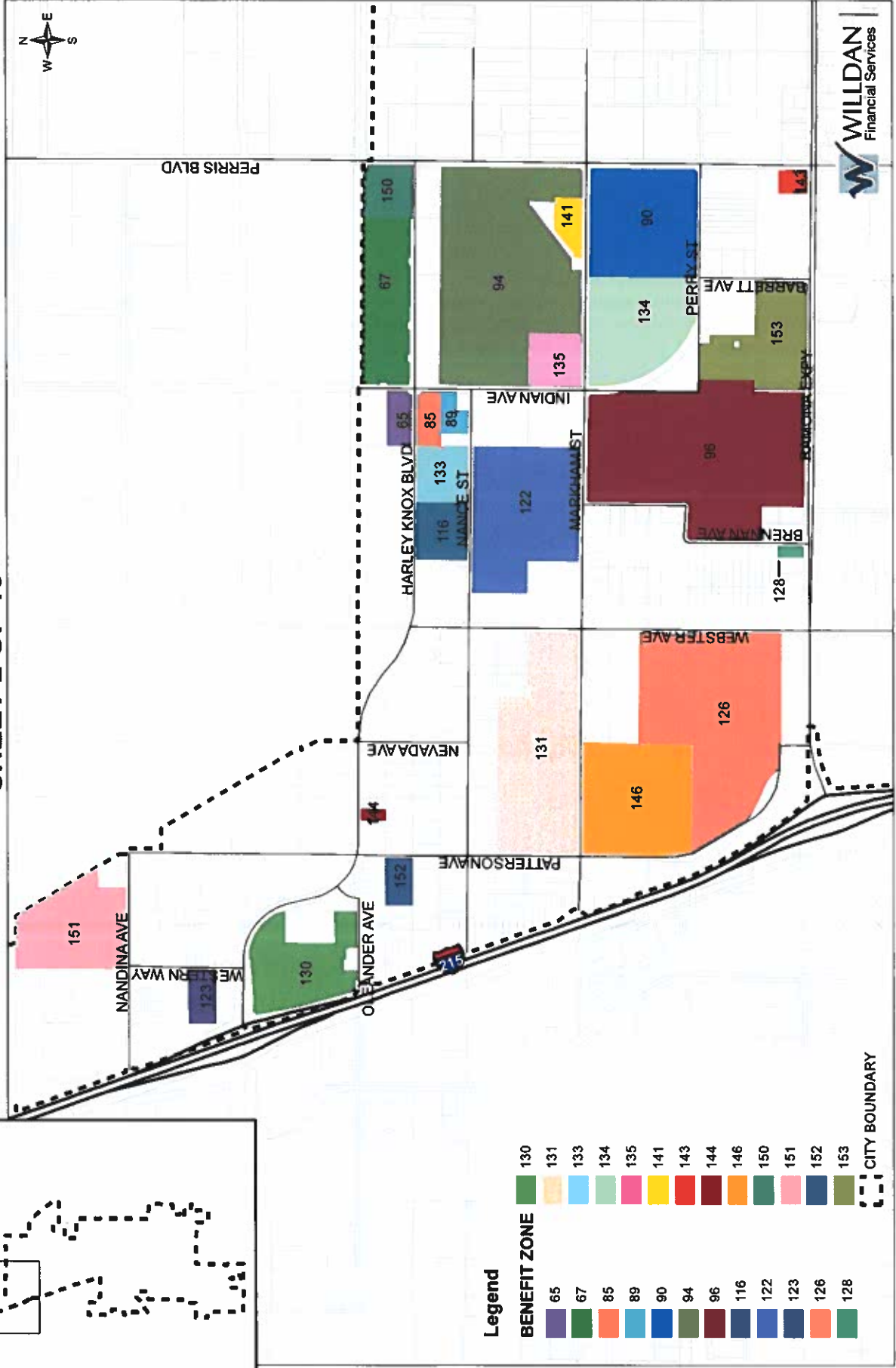
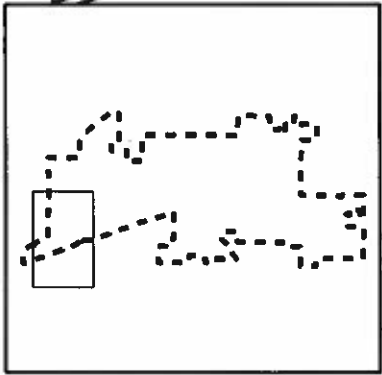
## Attachment No. 4

**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 1 OF 10**



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 2 OF 10**

VICINITY MAP



**Legend**

**BENEFIT ZONE**

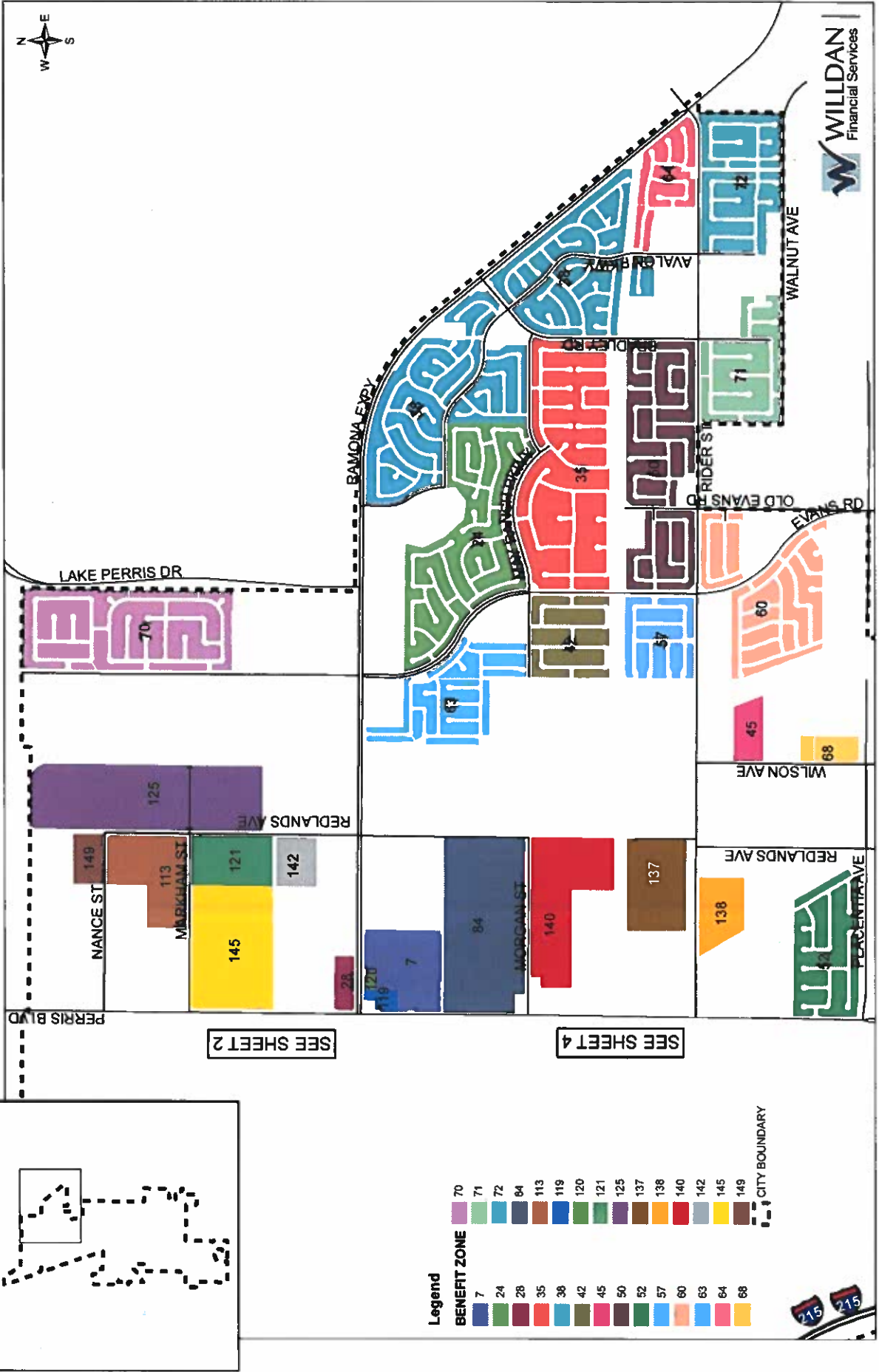
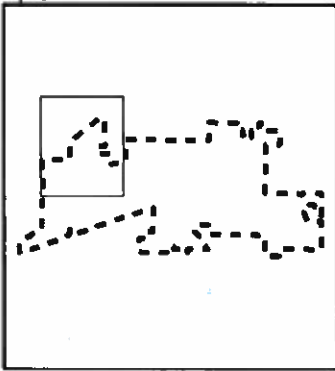
- 65
- 67
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- 146
- 150
- 151
- 152
- 153

--- CITY BOUNDARY



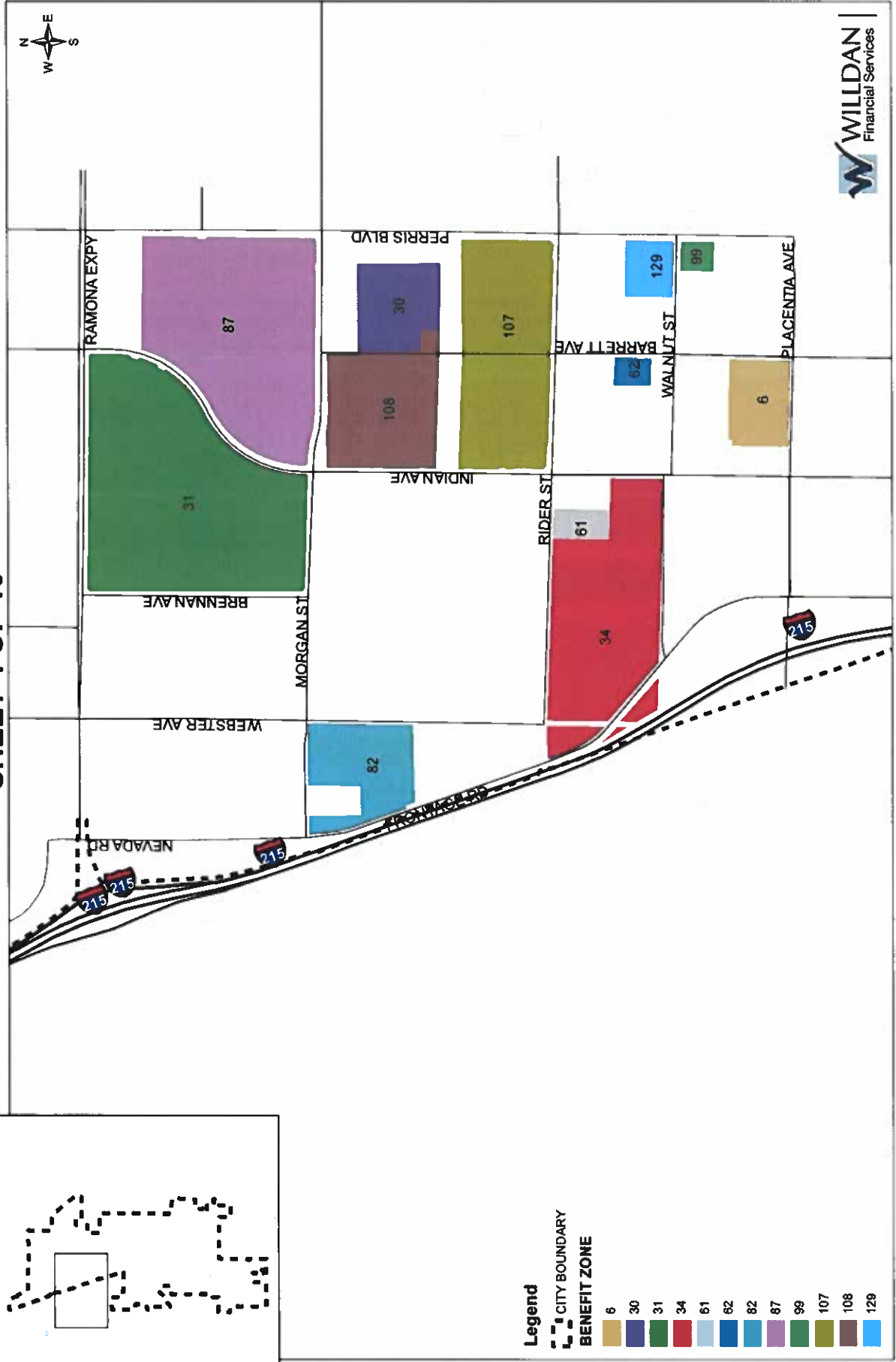
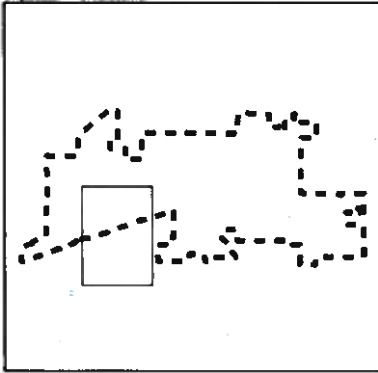
**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 3 OF 10**

VICINITY MAP



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 4 OF 10**

**VICINITY MAP**



**Legend**

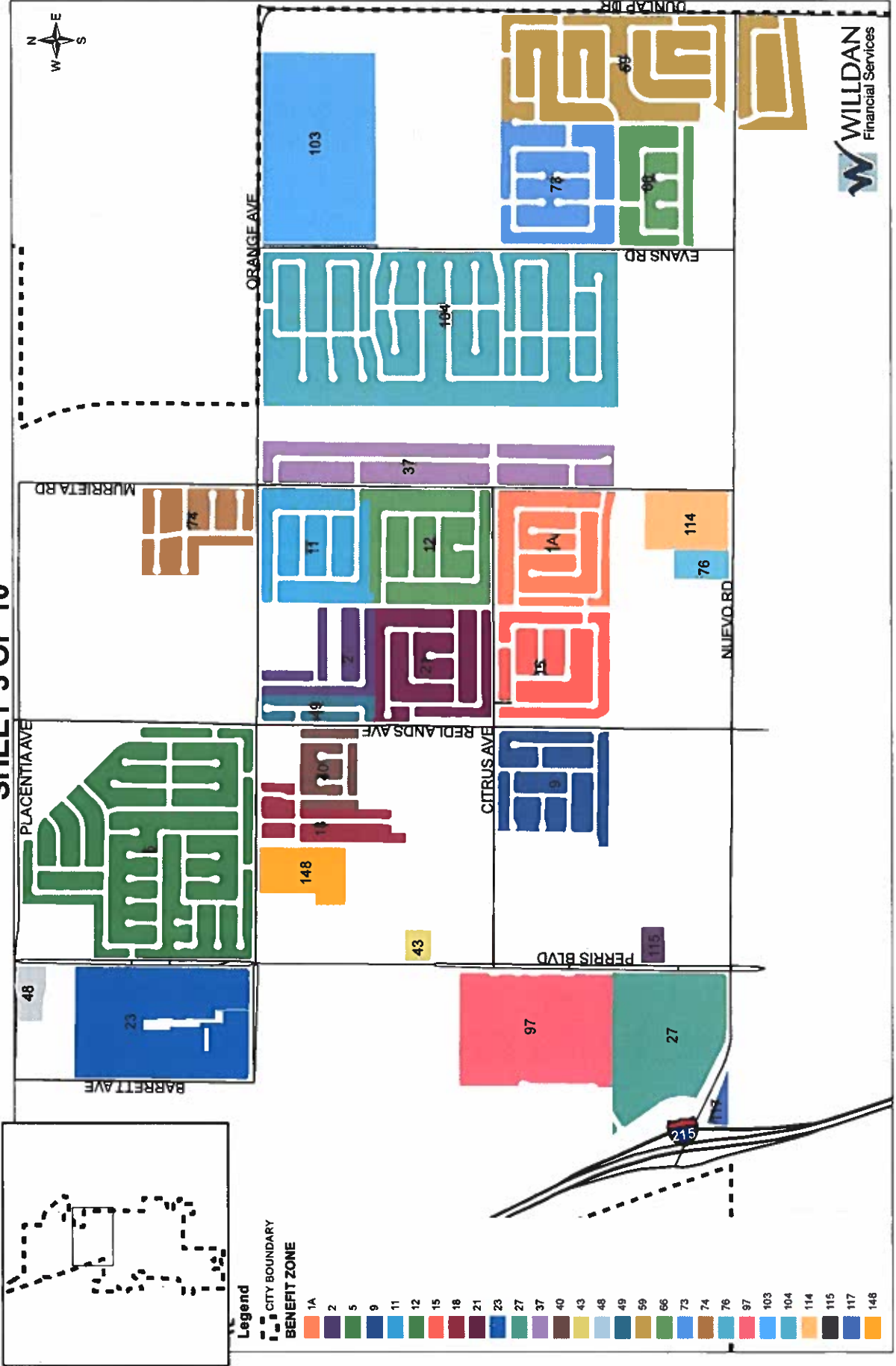
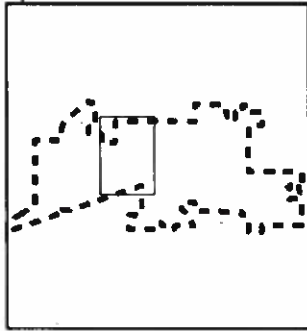
- CITY BOUNDARY
- BENEFIT ZONE

	6
	30
	31
	34
	61
	62
	82
	87
	99
	107
	108
	129



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 5 OF 10**

VICINITY MAP

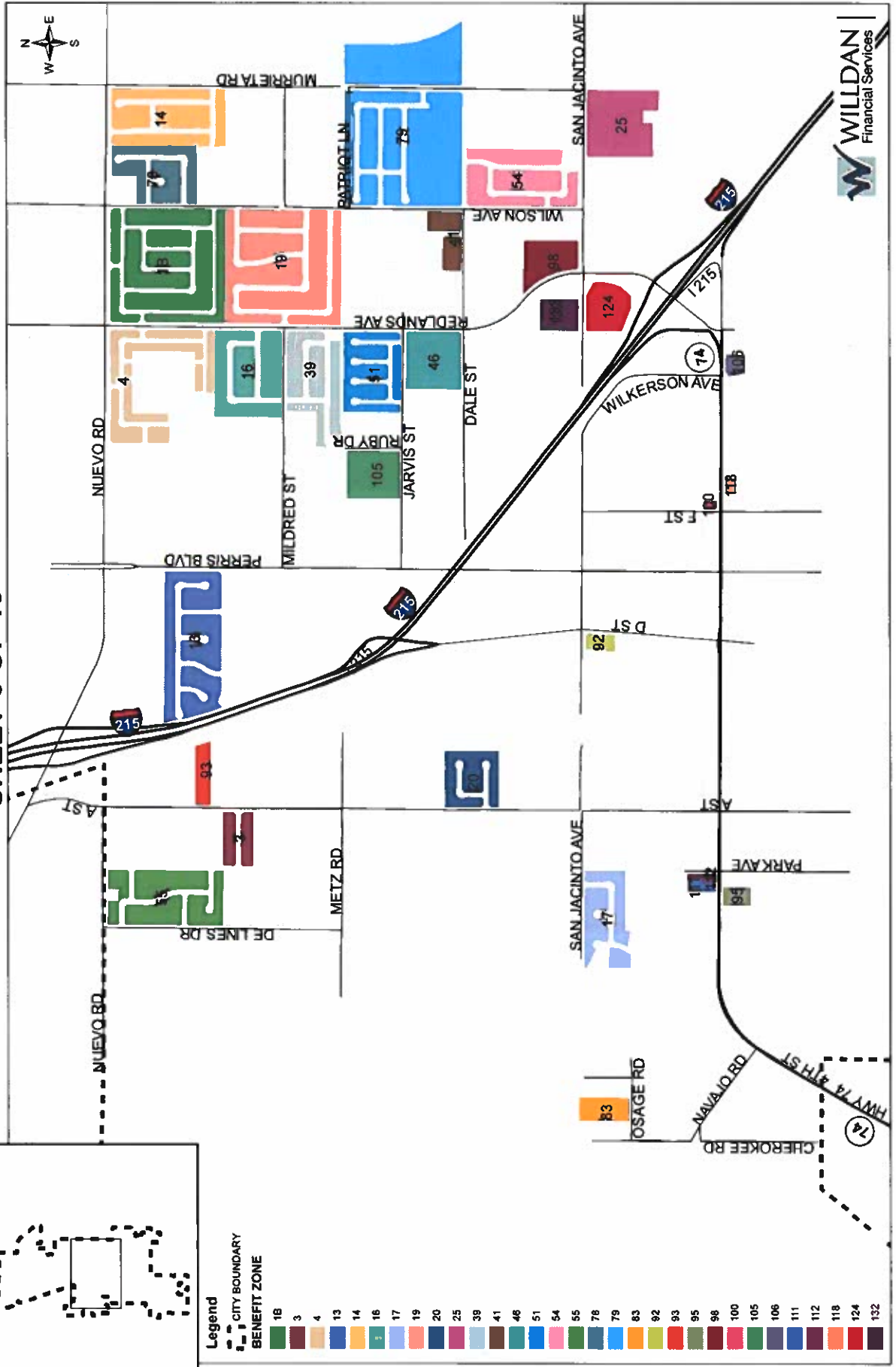
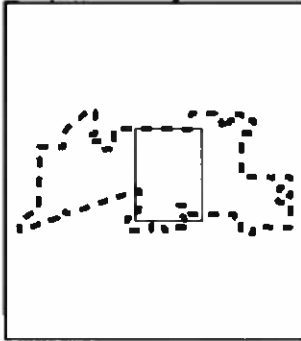


**Legend**  
 CITY BOUNDARY  
 BENEFIT ZONE

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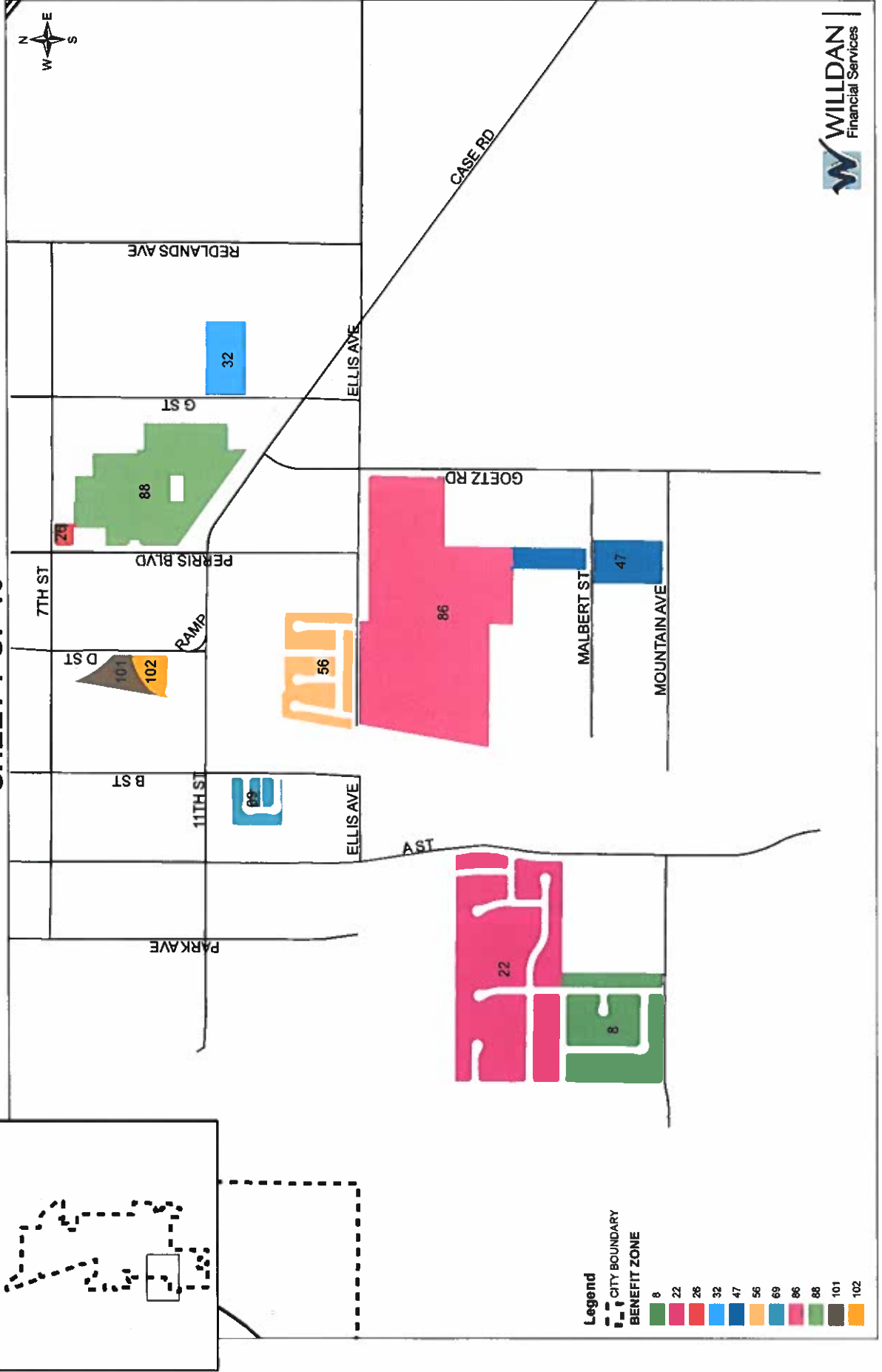
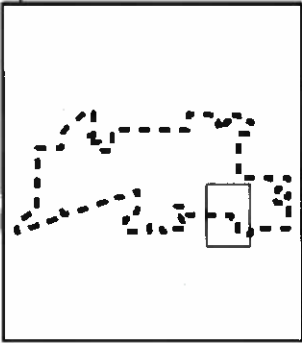
**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 6 OF 10**

VICINITY MAP



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 7 OF 10**

VICINITY MAP



**Legend**

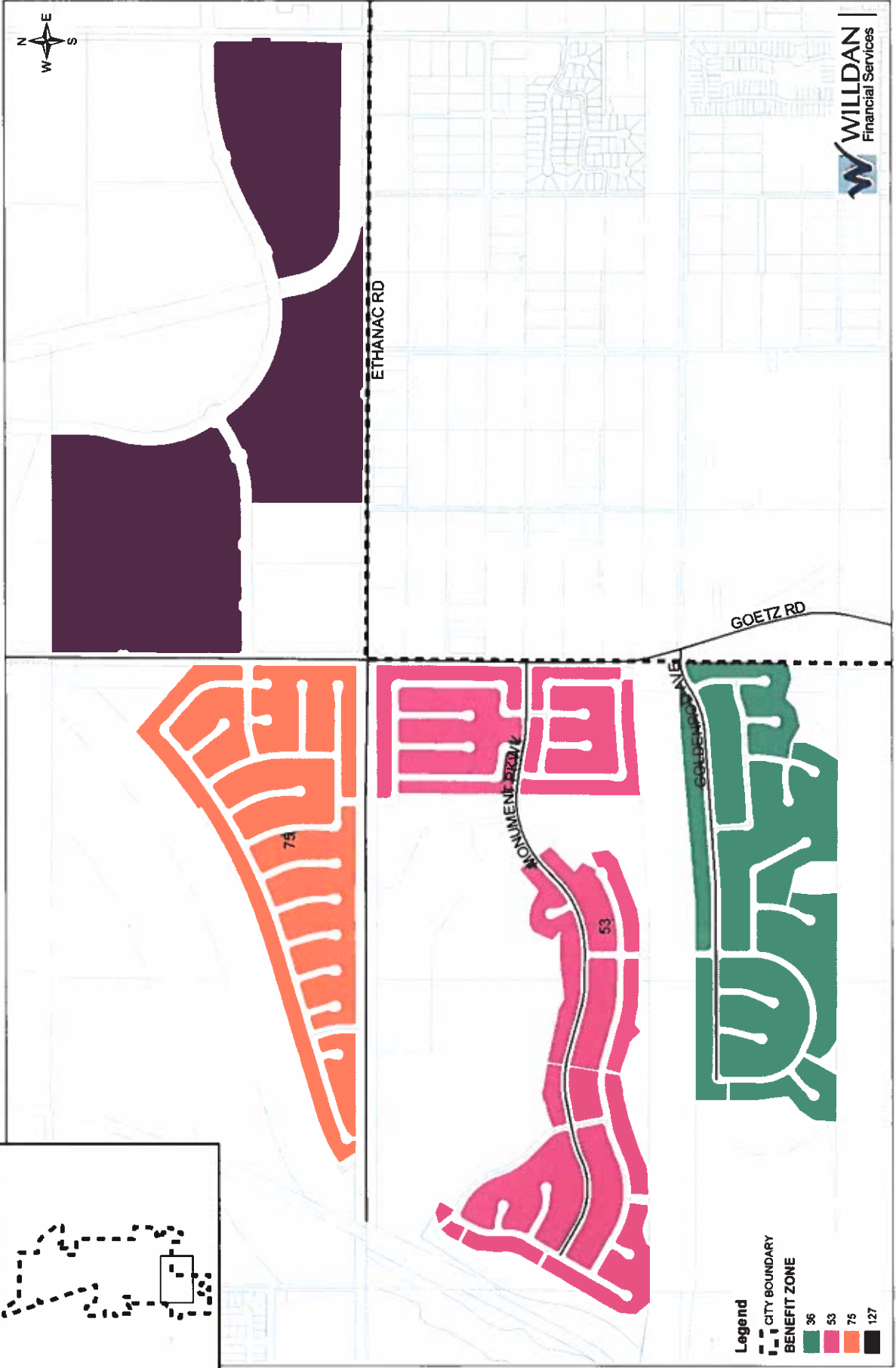
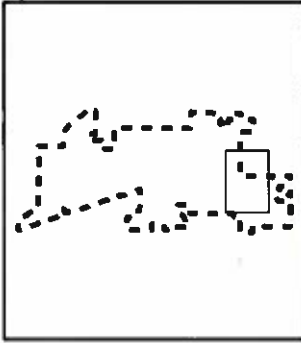
	CITY BOUNDARY
	BENEFIT ZONE
	8
	22
	26
	32
	47
	56
	69
	86
	88
	101
	102





**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 8 OF 10**

VICINITY MAP

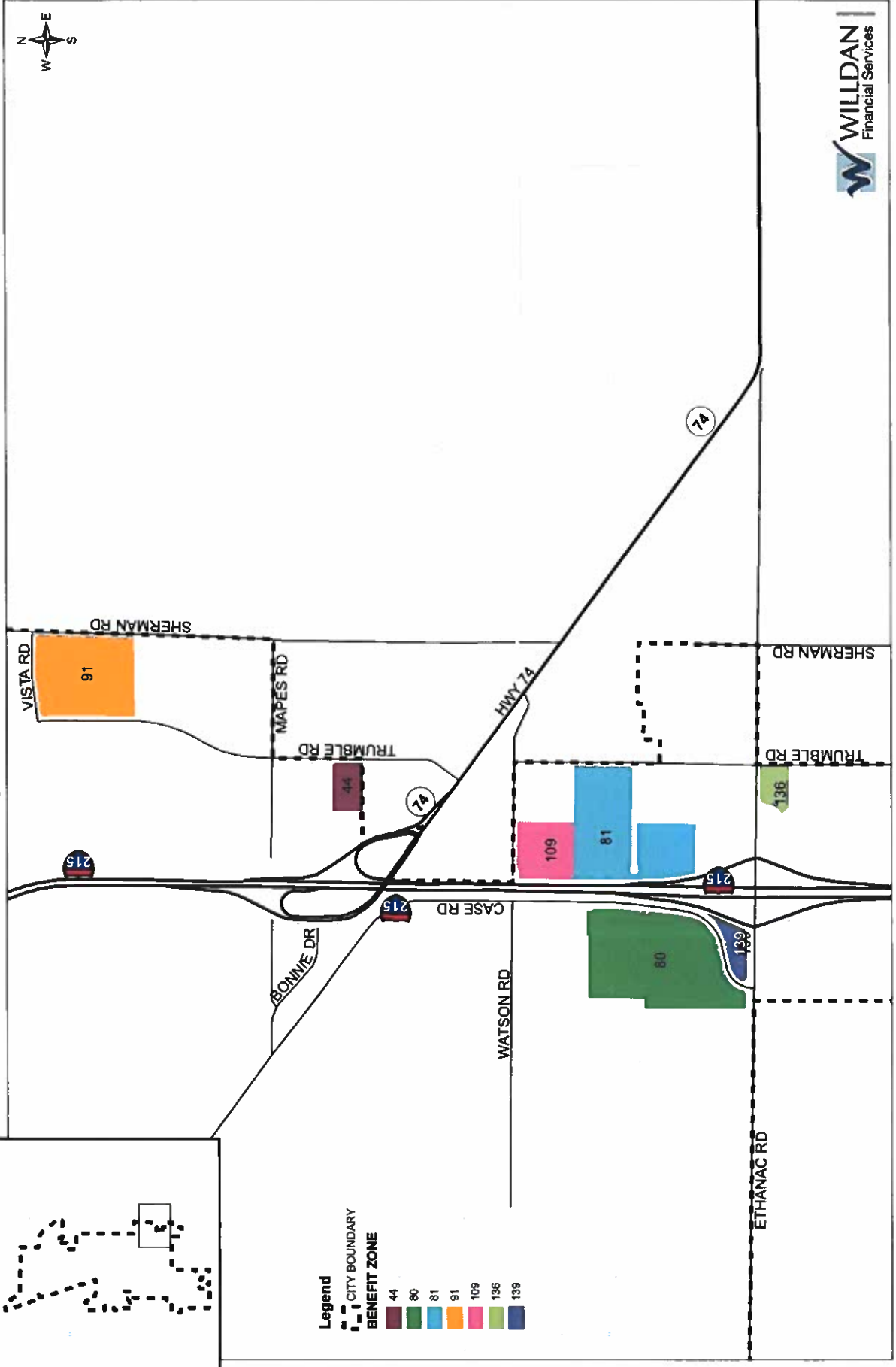
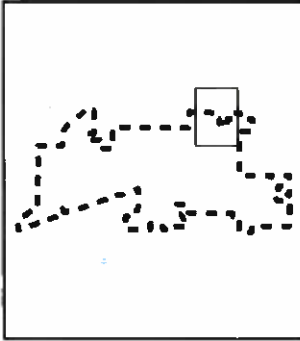


- Legend**
- CITY BOUNDARY
  - BENEFIT ZONE 36
  - BENEFIT ZONE 53
  - BENEFIT ZONE 75
  - BENEFIT ZONE 127



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 9 OF 10**

VICINITY MAP



**DIAGRAM OF  
LANDSCAPE MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 10 OF 10**

ZONE	DESCRIPTION	Assessed		ZONE	DESCRIPTION	Assessed		ZONE	DESCRIPTION	Assessed	
		SHEET	(Y/N)			SHEET	(Y/N)			SHEET	(Y/N)
1A	TT 20280	#N/A	Y	52	TT 31241	3	Y	104	TR 30850	5	Y
1B	TT 17399	#N/A	Y	53	TT 30662/31564	8	Y	105	DPR 12-05-0013	6	Y
2	TT 19893	5	Y	54	TT 31678	6	Y	106	CUP 13-02-0014	6	Y
3	TT 21131	6	Y	55	TT 31226	6	N	107	PM 36462, PARCEL 1	4	Y
4	TT 20280	6	N	56	TT 31201	7	Y	108	PM 36462, PARCEL 2	4	Y
5	TT 20538	5	Y	57	TT 31178	3	Y	109	CUP 13-07-0010	9	Y
6	CUP 87/37	4	N	58	PENDING			110	SUPERCEDED BY BZ125		
7	TT 21771	3	N	59	TT 29425	5	Y	111	PTN WISE & KNIGHTS	6	N
8	TT 22719	7	Y	60	TT 30773/31416	3	Y	112	PTN WISE & KNIGHTS	6	N
9	TT 22248	5	Y	61	CUP 02-0215	4	N	113	PM 36540	3	Y
10	SUPERCEDED BY BZ38			62	DPR 03-149	4	N	114	CLEARWATER ES	5	Y
11	TT 22988	5	Y	63	TT 32262	3	Y	115	DPR 14-00099	5	Y
12	TT 22988			64	TT 33227/AMND 22832/ AMND 22833	3	Y				
13	TT 24081	6	Y	65	DPR 04-0343	2	Y	116	DPR 07-09-0018	2	Y
14	TT 24541/23275	6	Y	66	TT 32793/33720	5	Y	117	CUP 14-09-0001	5	N
15	TT 23825	5	Y	67	PM 31832	2	Y	118	CUP 15-05056	6	Y
16	TT 23838	6	Y	68	PM 31743	3	N	119	PM 37043 LOT 1	3	Y
17	TT 22910	6	Y	69	TT 32769	7	Y	120	PM 37043 LOT 2	3	Y
18	TT 20645/31683	5	Y	70	TT 32707/32708	3	Y	121	DPR 05-0477	3	Y
19	TT 20173	6	Y	71	TT 30780	3	Y	122	PM 36726	2	Y
20	TT 24715	6	Y	72	TT 32249	3	Y	123	DPR 06-0140	2	Y
21	TT 20211	5	Y	73	TT 31660	5	Y	124	PM 36266	6	Y
22	TT 24809	7	Y	74	TT 32428	5	Y	125	PM 36469	3	Y
23	PM 26437	5	Y	75	TT 31926	8	Y	126	PM 36512/36582	2	Y
24	TT 24499	3	Y	76	DPR 04-0314	5	Y	127	TT 36988/36989/37262	8	Y
25	DPR 08/92	6	N	77	PENDING			128	CUP 16-05237	2	Y
26	TT 27502	7	N	78	TT 31651	6	N	129	CUP 02-0061	4	Y
27	PM 27544	5	Y	79	TT 31240	6	N	130	PM 37055	2	Y
28	PM 26618	3	N	80	PM 33266	9	Y	131	PM 36678	2	Y
29	SUPERCEDED BY BZ86			81	PM 34082	9	Y	132	CUP 16-05189	6	Y
30	DPR 99/0174	4	N	82	PM 33759	4	N	133	DPR 06-0059	2	Y
31	PUP 99/0079	4	N	83	TT 34073	6	N	134	PM 37187	2	Y
32	CUP 99-0185	7	N	84	DPR 04-0464	3	Y	135	DPR 16-00015	2	Y
33	SUPERCEDED BY BZ143			85	DPR 06-0450	2	Y	136	CUP 16-05168	9	Y
34	DPR 97/0111	4	N	86	CUP 06-0158	7	Y	137	PM 35268	3	Y
35	TT 29654/29993/29994	3	Y	87	PM 35676	4	Y	138	DPR 06-0635	3	Y
36	TT 28986	8	Y	88	TT 33549	7	N	139	PM 35762	9	Y
37	TT 24111	5	Y	89	CUP 09-01-008	2	Y	140	CUP 98-0005	3	N
38	TT 22831	3	Y	90	DPR 05-0192	2	Y	141	PCL 2, PM 33587	2	Y
39	TT 30382	6	Y	91	AQUATICS CTR	9	Y	142	DPR 16-00013	3	Y
40	TT 30144	5	Y	92	DPR 07-0045	6	Y	143	NW PERRIS & RAMONA	2	N
41	TT 26386	6	N	93	CUP 12-06-0012	6	Y	144	PR 17-05194	2	Y
42	TT 30380	3	Y	94	PM 33587	2	Y	145	PM 37304	3	Y
43	DPR 01-0051	5	N	95	DPR 12-07-0011	6	Y	146	PM 37343	2	Y
44	DPR 02-0031	9	N	96	PM 36010	2	Y	147	PENDING		
45	DPR 01-0210	3	N	97	PM 34131	5	Y	148	TR 32497	5	N
46	DPR 98-0071	6	N	98	CUP 12-04-0015	6	Y	149	PM 36770	3	Y
47	WOODWORK CREATIONS	7	N	99	PM 36576	4	Y	150	PM 37278	2	N
48	PUP 99/0126	5	N	100	DPR 12-03-0006	6	Y	151	DPR 19-00003	2	N
49	TT 30751	5	Y	101	DPR 10-08-0009	7	Y	152	DPR 18-00006	2	N
50	TT 30490/30518	3	Y	102	DPR 10-08-0009	7	Y	153	PM 37457	2	N
51	TT 31114	6	Y	103	SOUTHEAST HS	5	Y				

## Attachment No. 5

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2022/2023 IN THE CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1 PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; APPOINTING THE ENGINEER OF WORK, AND ORDERING PREPARATION OF AN ENGINEER'S REPORT**

**WHEREAS**, the City Council of the City of Perris, California ("this City Council"), has previously determined that the public interest, convenience and necessity, requires the installation, construction and maintenance of public flood control improvements, drainage, interior streets, and appurtenant facilities as set forth in Section 54710 of the Government Code, State of California, within the incorporated boundaries of the City of Perris, California; and

**WHEREAS**, this City Council hereby finds and determines that the public interest, convenience and necessity require the continued levy of assessments within the City of Perris, Flood Control Maintenance District Number 1 for the purpose of installing, constructing, operating and maintaining public flood control improvements, drainage, interior streets, and appurtenant facilities authorized by Section 54710 of the Government Code, State of California.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** That this City Council hereby initiates proceedings to levy and collect annual special benefit assessments within that area designated City of Perris, Flood Control Maintenance District Number 1 (the "District") for the maintenance, servicing and operation of public flood control improvements, drainage, interior streets, and appurtenant facilities, all pursuant to the Benefit Assessment Act of 1982 (Chapter 6.4, Division 2, Title 5 of the California Government Code).

**Section 2.** That the maintenance proposed to be performed consists of the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of public flood control improvements, drainage, interior streets and appurtenant facilities.

**Section 3.** That the proceedings for the annual levy of the special benefit assessment are to be conducted under and in accordance with provisions of Chapter 6.4, Division 2, Title 5 of the California Government Code (Benefit Assessment Act of 1982) of the State of California.

**Section 4.** That Stuart McKibbin, the Contract City Engineer for the City of Perris, is hereby appointed for the purpose of preparing the written report for the annual levy of the benefit assessment as provided for in Chapter 6.4, Division 2, Title 5 of the California Government Code (Benefit Assessment Act of 1982) of the State of California, and is hereby directed to prepare and file such report with the City Clerk.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March, 2022, by the following called vote:

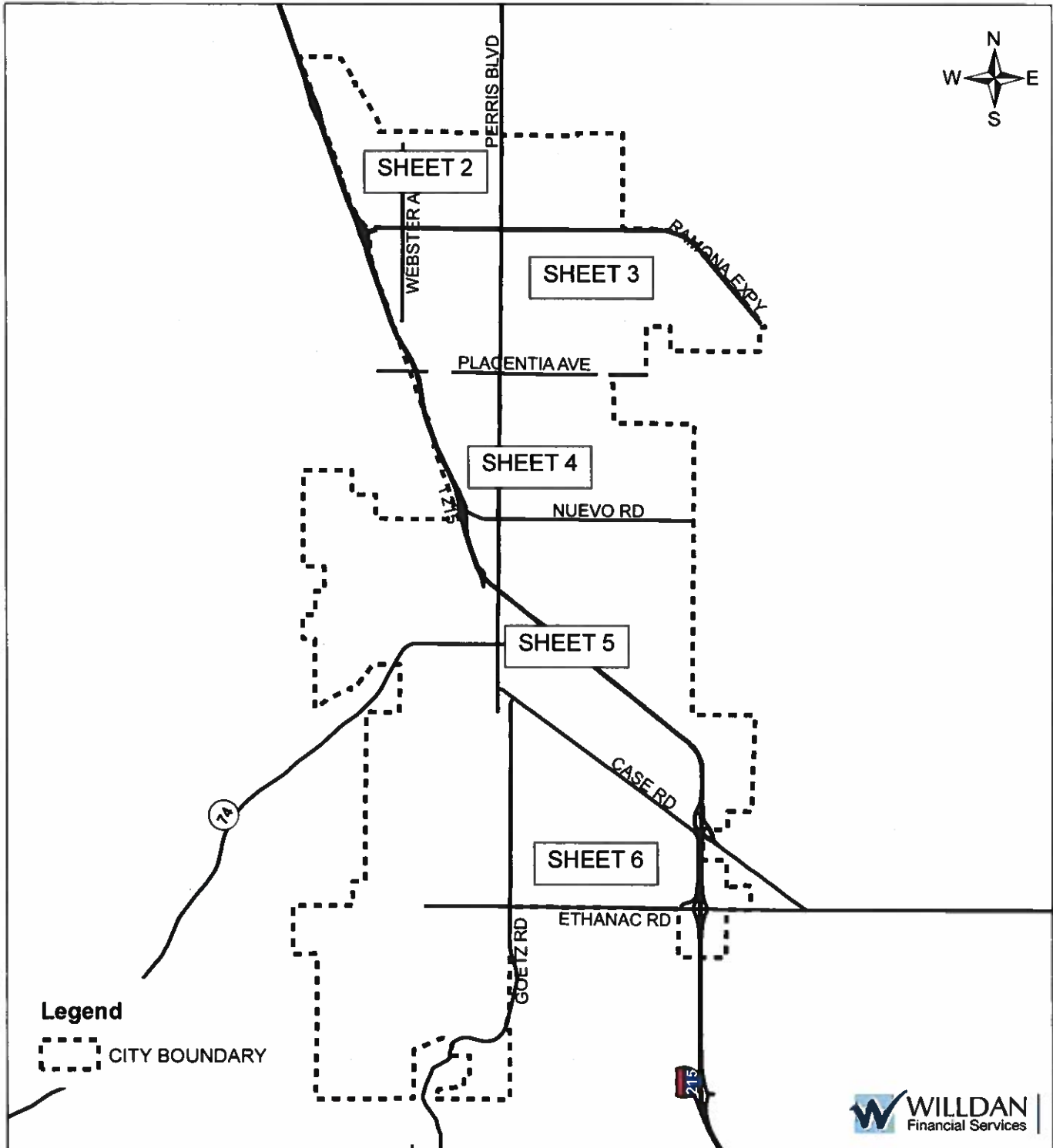
Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
City Clerk, Nancy Salazar

## **Attachment No. 6**

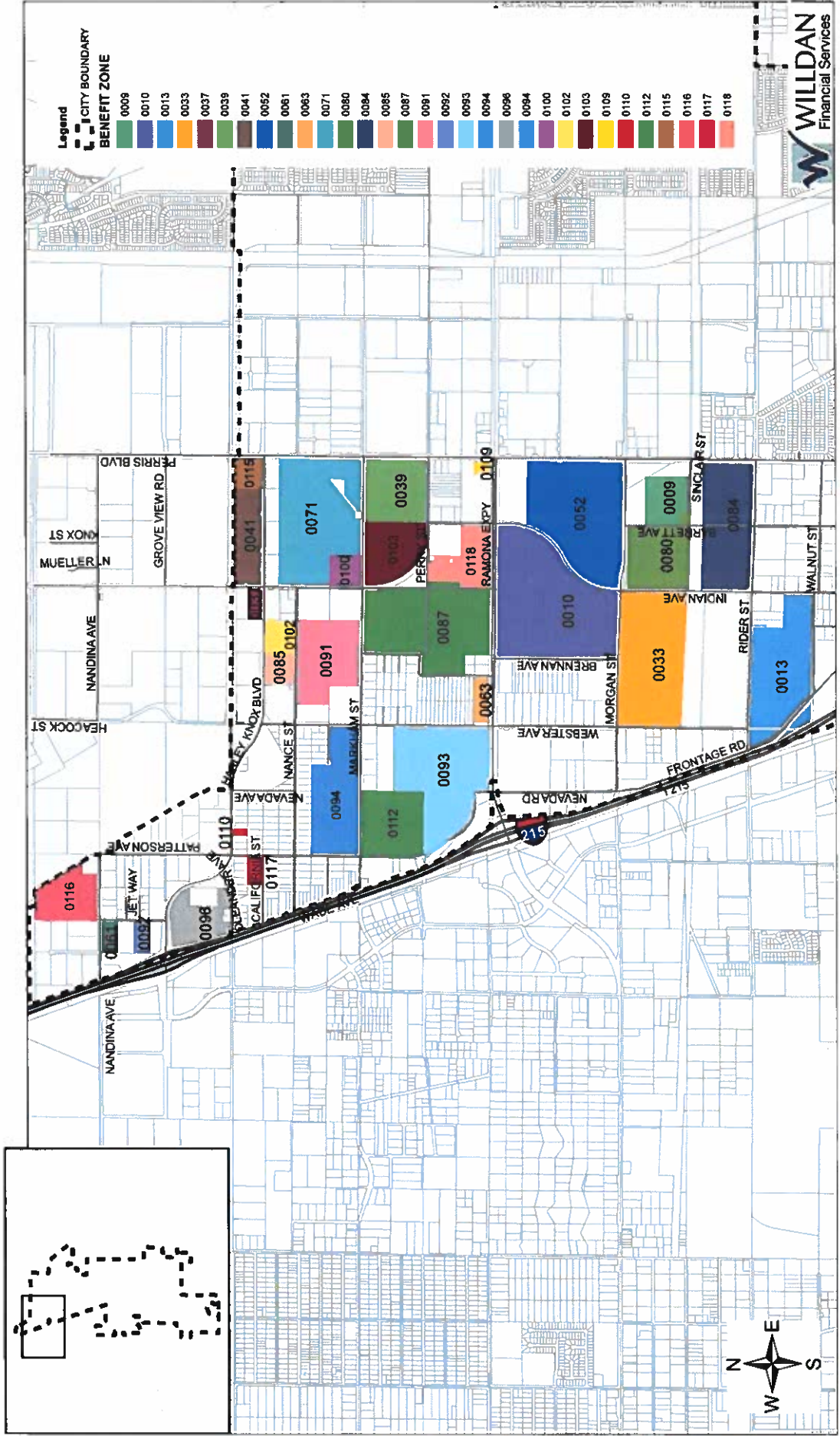
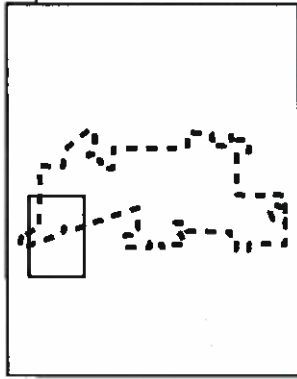


**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 1 OF 7**



**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 2 OF 7**

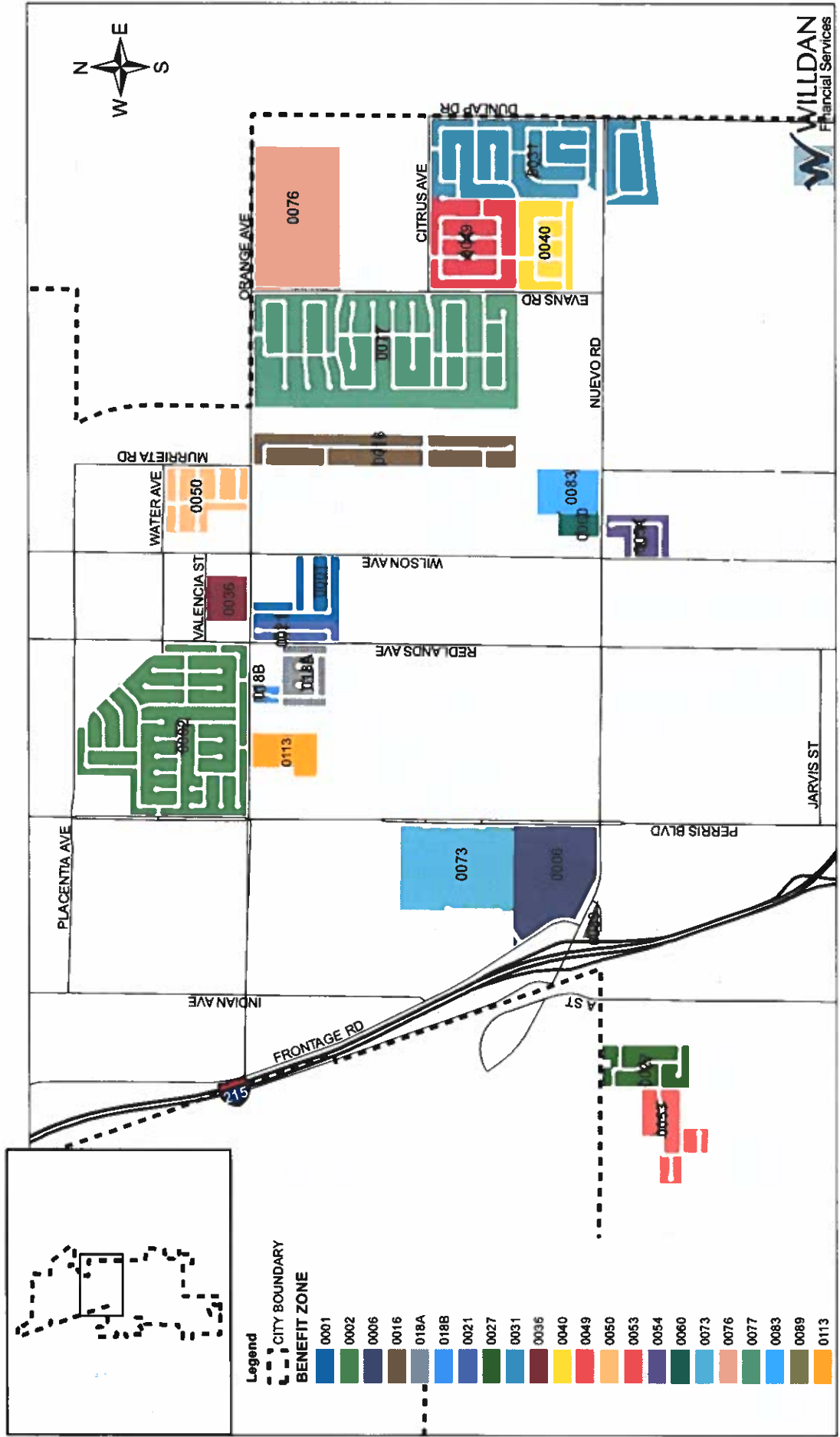
VICINITY MAP





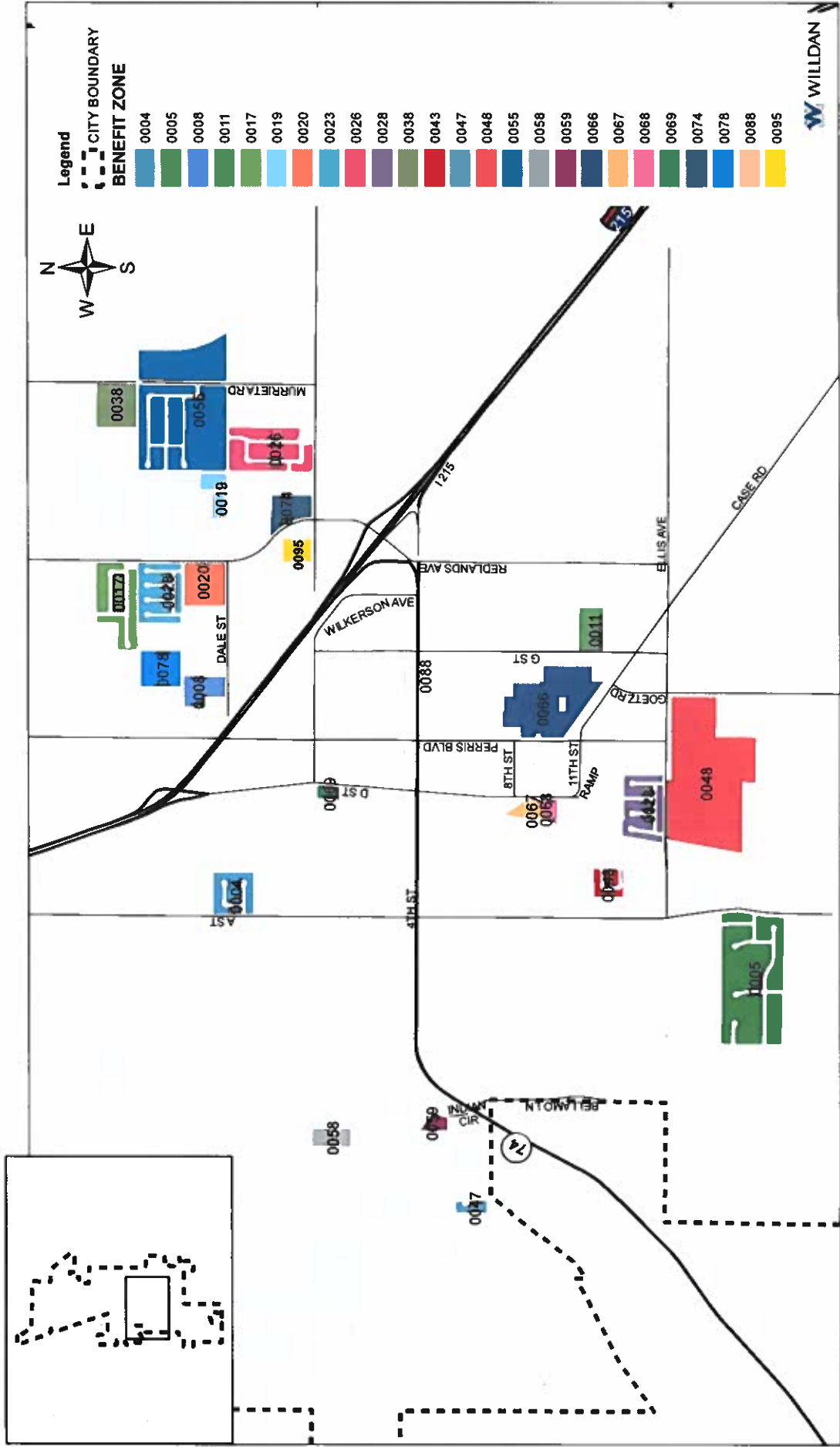
**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 4 OF 7**

VICINITY MAP



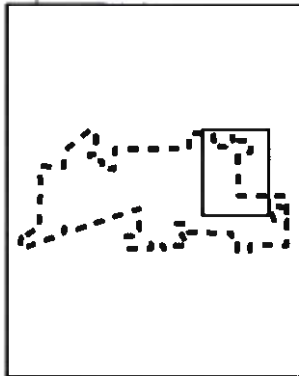
**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 5 OF 7**



VICINITY MAP












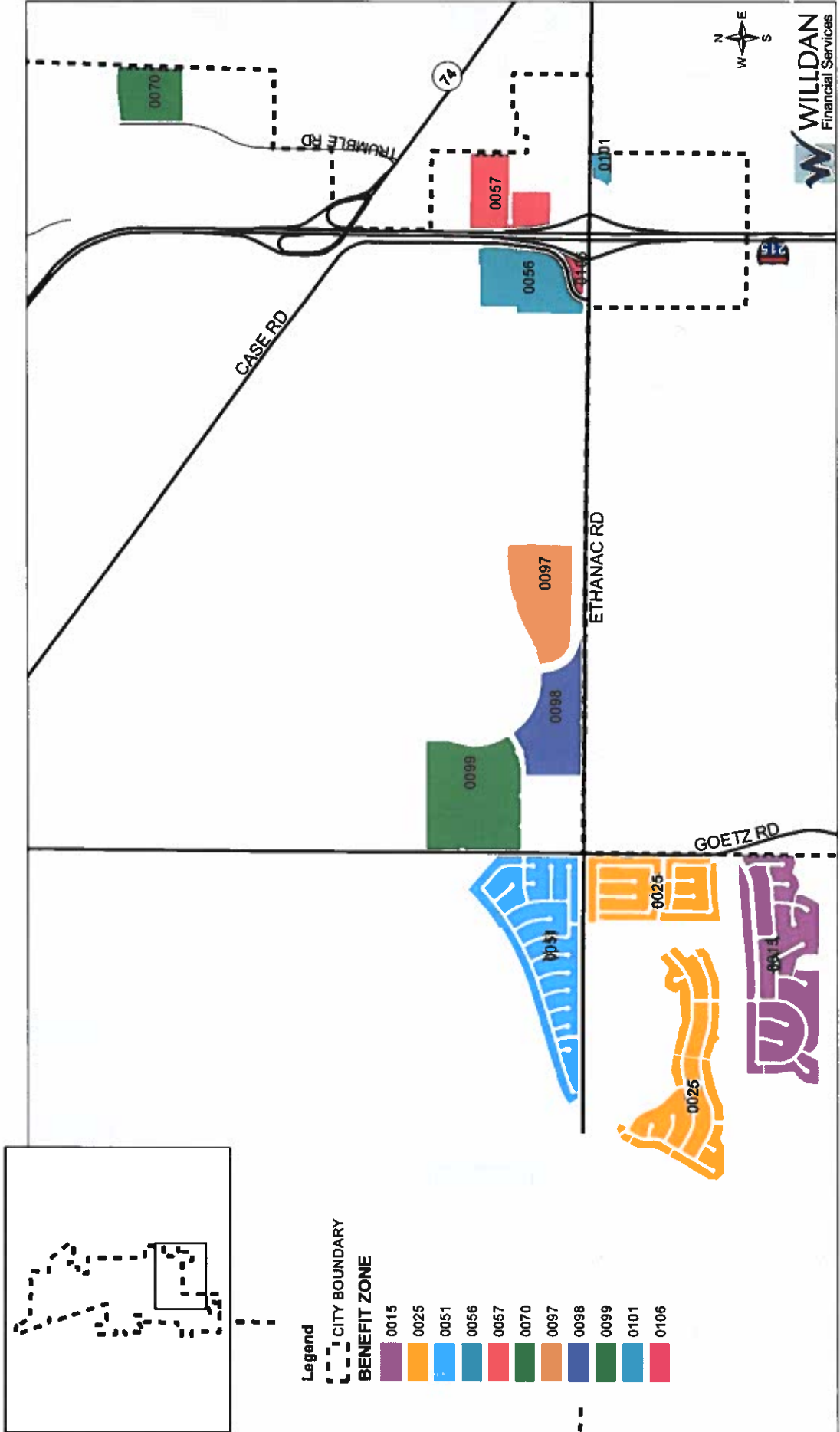
**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
SHEET 6 OF 7**

VICINITY MAP



**Legend**  
 CITY BOUNDARY  
 BENEFIT ZONE

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|---|------|
|  | 0015 |
|  | 0025 |
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|  | 0106 |



**DIAGRAM OF  
FLOOD CONTROL MAINTENANCE DISTRICT NO. 1  
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FISCAL YEAR 2021/2022  
INDEX SHEET  
SHEET 7 OF 7**

Assessed				Assessed				Assessed			
ZONE	DESCRIPTION	SHEET	(Y/N)	ZONE	DESCRIPTION	SHEET	(Y/N)	ZONE	DESCRIPTION	SHEET	(Y/N)
1	TT 19893	4	N	41	PM 31832	2	Y	87	PM 36010	2	Y
2	TT 20538	4	Y	42	PM 31743	3	N	88	CUP 15-05056	5	Y
3	TT 24499	3	N	43	TT 32769	5	Y	89	CUP 14-09-0001	4	N
4	TT 24715	5	N	44	TT 32707/32708	3	Y	90	DPR 05-0477	3	Y
5	TT 24809	5	Y	45	TT 30780	3	Y	91	PM 36726	2	Y
6	PM 27544	4	Y	46	TT 32249	3	Y	92	DPR 06-0140	2	Y
7	PM 26618	3	N	47	TT 31912	5	N	93	PM 36512/36582	2	Y
8	DPR 98/84	5	N	48	CUP 06/0158	5	Y	94	PM 36678	2	Y
9	DPR 99/0174	2	N	49	TT 31660	4	Y	95	CUP 16-05189	5	Y
10	PUP 99/0079	2	N	50	TT 32428	4	Y	96	PM 37055	2	Y
11	CUP 99-0185	5	N	51	TT 31926	6	Y	97	TM 36988	6	N
12	CUP 98-0081	2	N	52	PM 35676	2	Y	98	TM 36989	6	N
13	DPR 97/0111	2	N	53	TT 31650/32406	4	Y	99	TM 37262	6	N
14A	TT 29654/29993/29994	3	Y	54	TT 31651	4	N	100	DPR 16-00015	2	Y
14B	TT 22831	3	Y	55	TT 31240	5	N	101	CUP 16-05168	6	Y
14C	TT 30380	3	Y	56	PM 33266	6	Y	102	DPR 06-0059	2	N
15	TT 28986	6	Y	57	PM 34082	6	Y	103	PM 37187	2	N
16	TT 24111	4	Y	58	TT 34073	5	N	104	PM 35268	3	Y
17	TT 30382	5	Y	59	DPR 05/0279	5	N	105	DPR 06-0635	3	Y
18A	TT 30144	4	Y	60	DPR 04/0314	4	Y	106	PM 35762	6	Y
18B	TT 31683	4	Y	61	PM 34199	2	Y	107	PENDING		N
19	TT 26386	5	Y	62	PENDING			108	DPR 16-00013	3	Y
20	DPR 98/0071	5	N	63	PM 31677	2	Y	109	NW PERRIS & RAMONA	2	N
21	TT 30751	4	Y	64	DPR 04/0464	3	Y	110	PR 17-05194	2	Y
22	TT 30490	3	Y	65	SUPERCEDED BY FC105			111	PM 37304	2	Y
22	TT 30518	3	Y	66	TT 33549	5	N	112	PM 37343	2	Y
23	TT 31114	5	Y	67	DPR 10-03-0009	5	Y	113	TR 32497	4	N
24	TT 31241	3	Y	68	DPR 10-03-0009	5	Y	114	PM 36770	3	Y
25	TT 30662/31654	6	Y	69	DPR 07/0045	5	Y	115	PM 37278	2	N
26	TT 31678	5	Y	70	AQUATICS CTR	6	Y	116	DPR 19-00003	2	N
27	TT 31226	4	N	71	PM 33587	2	Y	117	DPR 18-00006	2	N
28	TT 31201	5	Y	72	SUPERCEDED BY FC87			118	PM 37457	2	N
29	TT 31178	3	Y	73	PM 34131	4	Y				
30	PENDING			74	CUP 12-04-0015	5	Y				
31	TT 29425	4	Y	75	LT 27&28, TT 24045-1	3	Y				
32A	TT 30773	3	Y	76	SOUTHEAST HS	4	Y				
32B	TT 31416	3	Y	77	TR 30850	4	Y				
33	DPR 01/0123	2	Y	78	DPR 12-05-0013	5	Y				
34	TT 32262	3	Y	79	SUPERCEDED BY FC84						
35A	TT 33227	3	N	80	PM 36462, PARCEL 2	2	Y				
35B	AMND TT 22832/22833	3	Y	81	PM 36469	3	Y				
36	TRIPLE CRN ELEMNTRY	4	Y	82	PM 36540	3	Y				
37	DPR 04/0343	2	Y	83	CLEARWATER ELEMNTRY	4	Y				
38	SKYVIEW ELEMNTRY	5	Y	84	PM 36462, PARCEL 1	2	Y				
39	DPR 05/0192	2	Y	85	DPR 07-09-0018	2	Y				
40	TT 32793/33720	4	Y	86	PM 37043	3	Y				



10.C.

# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Road Closure for Edison to Conduct Maintenance

**REQUESTED ACTION:** Approve the requested south bound lanes closure at 138 N. Perris Boulevard for a single night in March 2022.

**CONTACT:** Stuart E. McKibbin, Contract City Engineer

---

#### **BACKGROUND/DISCUSSION:**

On Thursday, February 17, 2022, the Engineering Department received a road closure request from Southern California Edison (SCE). The closure will be on the south bound lanes at 138 N. Perris Boulevard.

The Engineering Department has reviewed the Traffic Control Plan (TCP) and has deemed the closure necessary because the crane required to access the vaults, install cable, perform maintenance, and replace switch would not leave adequate space to safely allow through traffic. The closure is not only for the safety of the public, but also for the safety of the crane crew. The closure will take place at night (8 PM – 5 AM) to mitigate traffic impact during the day. Residents will be notified twice. Once two weeks prior, and again three days before the road closure. The Engineering Department recommends Council approval of the road closure for a single night. The closure date in March will be determined after Council approval.

---

#### **BUDGET (or FISCAL) IMPACT:**

No fiscal impact.

---

Prepared by: Jesse Gauf, Assistant Engineer

#### **REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_



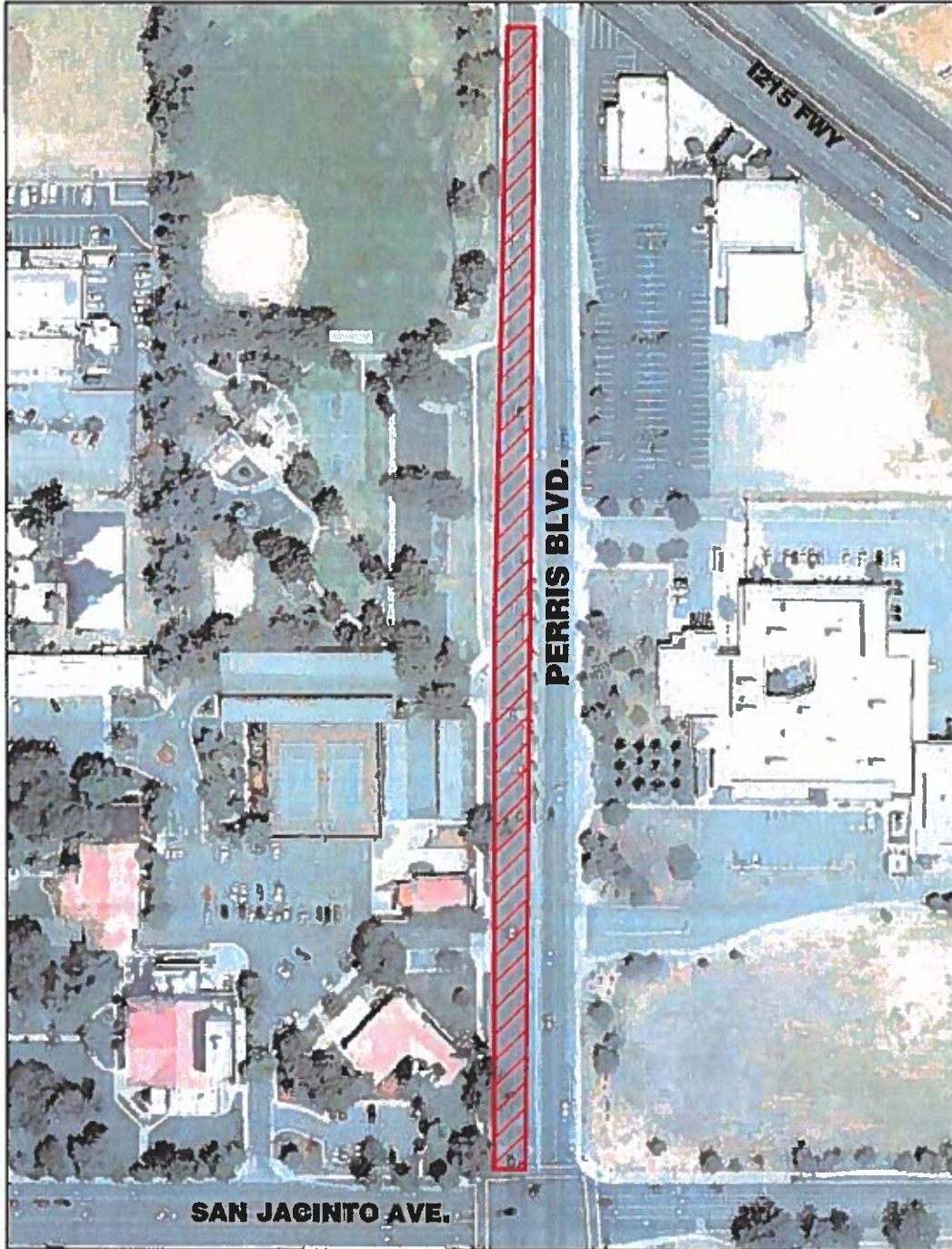
- Attachments: 1. Vicinity Map  
2. Letter from SCE

Consent: Yes  
Public Hearing:  
Business Item:  
Presentation:  
Other:

# ATTACHMENT 1

**Vicinity Map**

**CITY OF PERRIS - ROAD CLOSURE  
FOR SCE MAINTENANCE**  
**VICINITY MAP**



**LEGEND:**

 WORK AREA



# ATTACHMENT 2

Letter from SCE



February 17, 2022

City of Perris  
Public Works/Engineering  
24 South D Street, Suite 100  
Perris, California 92570

Subject: Road Closure  
SCE Ref No. TD1839134 – Harrier 12kV, Permit #EP21-05337  
Location: 138 N. Perris Blvd

To Whom It May Concern:

Southern California Edison is requesting to do a full road closure on southbound Perris Blvd.

In December 2021, Southern California Edison was accessing Vault #V5311855 on southbound right lane of Perris Blvd. under City of Perris Permit #EP21-05337 and in the interest of safety, Director of Public Works Bryant Hill shut the job down as he wanted Southern California Edison to close both southbound lanes.

Therefore, at Mr. Hill's request, we submitted for nightwork on Sunday March 6<sup>th</sup> to Monday March 7<sup>th</sup>, 2100 to 0700 hours to complete this work.

The reason we are relocating the equipment is to conform to our current underground construction standards. Currently, the BURD switch in S5311857 and per our current standards has created an infraction that we need to correct. We decided that the best way to correct the infraction is to relocate the BURD switch to V5311855. This would eliminate any civil work and use our existing infrastructure to complete our work. The road closure is needed to access the vault on Perris Blvd. We cannot safely enter the vault without closing both south bound lanes.

Our goal is to work with the City of Perris to expedite the work required for this underground repair and minimize the impact to the City.

If you have any questions, please do not hesitate to call me at 951-249-8347

Sincerely,

Julian Abarca  
Sr. Permit Manager

Attachments  
Work Order Map  
Site specific - engineered traffic control plans



# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Consideration to continue Tele/Video-Conference Meetings During COVID-19 State of Emergency pursuant to the provisions of AB 361.

**REQUESTED ACTION:** That the City Council Adopt Resolution Number (next in order) Making Findings Pursuant to Assembly Bill 361 that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Perris for the Period beginning March 8, 2022 through April 7, 2022

**CONTACT:** Saida Amozgar, Director of Development Services

#### BACKGROUND/DISCUSSION:

In March of 2020, at the onset of the COVID-19 pandemic, Governor Newsom proclaimed a State of Emergency in California, and issued Executive Order N-25-20 to facilitate the ability of legislative bodies to meet using remote/virtual platforms to comply with health orders. Since that time, several other executive orders were issued that further modified the requirements related to the conduct of teleconferenced meetings during the state of emergency.

These executive orders allowed the City Council, Planning Commission, and other City Committees that are subject to the Brown Act to modify how meetings were conducted to protect the health and safety of staff and the public while ensuring transparency and accessibility for open and public meetings. However, those executive orders were set to expire on October 1, 2021.

On September 16, 2021, Governor Newsom signed AB 361 into law. AB 361 was made effective October 1, 2021, to correspond with the timing of expiration of the executive orders. AB 361 provides agencies the ability to meet remotely during proclaimed state emergencies under modified Brown Act requirements beyond September 30, 2021.

On October 12, 2021, the City Council adopted Resolution Number 5863, finding the existence of the criteria necessary to rely on the special teleconferencing provisions provided by AB 361, including the existence of a proclaimed State of Emergency and that local officials have imposed or recommended measures to promote social distancing.

On November 9, 2021, November 30, 2021, December 14, 2021, January 11, 2022 and February 8, 2022 the City Council adopted Resolution Number 5871, Resolution Number 5886, Resolution Number 5891, Resolution Number 5895 and Resolution Number 5929 respectively, finding the

continued existence of the criteria necessary to rely on the special teleconferencing provisions provided by AB 361, including the existence of a proclaimed State of Emergency, and that local officials have imposed or recommended measures to promote social distancing.


By adopting this resolution, the City Council has considered the circumstances of the proclaimed State of Emergency and finds that the State of Emergency continues to directly impact the ability of the members to meet safely in person, and state or local officials continue to impose or recommend measures to promote social distancing.

The Proposed Resolution Number (next in order) will remain in effect for a period of 30 days, March 8, 2022 through April 7, 2022. If the City Council wishes to continue meeting under modified Brown Act requirements under AB 361 after 30 days, the Resolution must be renewed.

---

**BUDGET (or FISCAL) IMPACT:** There is no impact to the budget for this item.

---

Prepared by: Judy L. Haughney, Assistant City Clerk 

**REVIEWED BY:**

City Attorney \_\_\_\_\_

Assistant City Manager \_\_\_\_\_

Deputy City Manager \_\_\_\_\_

Attachments: 1. Resolution Number (next in order)

Consent: X  
Public Hearing:  
Business Item:  
Presentation:  
Other:

# ATTACHMENT 1

Minutes-February 22, 2022 Regular City Council Meeting



**RESOLUTION NUMBER (next in order)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MAKING FINDINGS THAT PURSUANT TO ASSEMBLY BILL 361 THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF PERRIS FOR THE PERIOD BEGINNING MARCH 8, 2022 AND ENDING APRIL 7, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, the City of Perris is committed to preserving and nurturing public access and participation in meetings of its legislative bodies; and

**WHEREAS**, all meetings of the City of Perris's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist in the City of Perris, specifically, a state of emergency has been proclaimed by the Governor of the State of California on March 4, 2020 in response to the global outbreak of the novel Coronavirus disease ("COVID-19"); and

**WHEREAS**, on March 31, 2020 the City Council of the City of Perris ratified the proclamation of a Local Emergency proclaimed on March 24, 2020 by the Director of Emergency Services in response to COVID-19; and

**WHEREAS**, meeting in person would present a risk of imminent danger to the health and safety of attendees due to the continued impact of the COVID-19 pandemic; and

**WHEREAS**, the City Council previously adopted Resolution Number 5863 on October 12, 2021, finding that the requisite conditions exist for the legislative bodies of the City to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3); and

**WHEREAS**, the City Council previously adopted Resolution Number 5871 on November 9, 2021, Resolution Number 5886 on November 30, 2021, Resolution Number 5891 on December 14, 2021, Resolution Number 5896 on January 11, 2022 and Resolution Number 5929 on February 8, 2022 finding that the requisite conditions continued to exist for the legislative bodies of the City to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3); and

**WHEREAS**, as a condition of extending the use of the remote teleconference meeting procedures provided in Government Code section 54953(e), the City Council must reconsider the circumstances of the state of emergency, and as of the date of this Resolution, the City Council has done so; and

**WHEREAS**, a state of emergency persists, as initially identified and described by the Governor in the proclamation of the existence of a state of emergency for the State of California issued as a result of the threat of COVID-19;

**WHEREAS**, the contagious nature of COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the City of Perris that are likely to be beyond the control of services, personnel, equipment, and facilities of the City of Perris, and thereby reaffirms, reauthorizes, and continues the existence of a local emergency and re-ratifies the proclamation of a state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the City Council of the City of Perris does hereby find that the legislative bodies of the City of Perris shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the City of Perris offers the option of teleconferencing to ensure access for the public to attend meetings.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. Proclamation of Local Emergency.** On March 31, 2020 the City Council of the City of Perris ratified the proclamation of a Local Emergency proclaimed on March 24, 2020 by the Director of Emergency Services.

**Section 3. Ratification of Governor's Proclamation of a State of Emergency.** The City Council hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

**Section 4. Circumstances of Proclaimed State of Emergency.** The City Council has hereby reconsidered the circumstances of the Proclaimed State of Emergency and finds that the State of Emergency continues to directly impact the ability of the members to meet safely in person and state or local officials continue to impose or recommend measures to promote social distancing.

**Section 5. Remote Teleconference Meetings.** The staff, City Manager, and legislative bodies of the City of Perris are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**Section 6. Effective Date of Resolution.** This Resolution shall take effect on March 8, 2022 and shall be effective until the earlier of (i) April 7, 2022, which is 30 days from the adoption of this Resolution, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Perris may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

***ADOPTED, SIGNED and APPROVED*** this 8<sup>th</sup> day of March, 2022.

---

Mayor, Michael M. Vargas

ATTEST:

---

City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number xxxx was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8<sup>th</sup> day of March 2022, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar



# CITY OF PERRIS

## CITY COUNCIL AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Annexation of DPR 18-00011 to the City's Maintenance Districts  
 Owner(s): Duke Realty Limited Partnership  
 APN(s): 302-060-011, 302-060-026, and 302-060-030, located at the southeast corner of Perry Street and Barrett Avenue  
 Project: DPR 18-00011- Industrial Building

**REQUESTED ACTION:** Open and Close of Public Hearing, Open 3 Ballots and Adoption of 3 Resolutions Ordering the Annexation of DPR 18-00011 to the City's Maintenance Districts, Giving Final Approval to the Engineer's Reports, and the Levying of the 2021-2022 Assessments.

**CONTACT:** Stuart McKibbin, Contract City Engineer

**BACKGROUND/DISCUSSION:** DPR 18-00011 is a construction of a 148,297 SF industrial, non-refrigerated warehouse distribution building on a 6.31-acre lot in a Light Industrial (LI) zone within the Perris Valley Commerce Center Specific Plan (PVCCP) (See attached Boundary Map).

On January 11, 2022, resolutions were approved stating the City Council's intention to annex this project into the City's maintenance districts and set a Public Hearing for March 8, 2022.

**BUDGET (or FISCAL) IMPACT:** The proposed maximum annual assessments are levied on the property within the annexation. They are subject to Standard Inflation Factors for labor, energy and water. The current maximum annual assessments, by district, are as follows:

<u>Maintenance District</u>	<u>Maximum Annual Assessment</u>
Maintenance District No. 84-1 (streetlights & traffic signals)	\$1,226.51
Landscape Maintenance District (Parkways)	3,434.91
Flood Control Maintenance District No. 1	<u>712.52</u>
Total Maximum Annual Assessment	\$5,373.94

Prepared by: Daniel Louie, Willdan Financial Services

**REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_

**Attachments:**

1. Location Map
2. Resolution Ordering the Annexation of DPR 18-00011 to MD 84-1, Giving Final Approval to the Engineer's Report, and the Levying of the 2021-2022 Assessments.
3. Resolution Ordering the Annexation of DPR 18-00011 to LMD 1, Giving Final Approval to the Engineer's Report, and the Levying of the 2021-2022 Assessments.
4. Resolution Ordering the Annexation of DPR 18-00011 to FCMD 1, Giving Final Approval to the Engineer's Report, and the Levying of the 2021-2022 Assessments.

**Consent:**

Public Hearing:  x

Business Item:

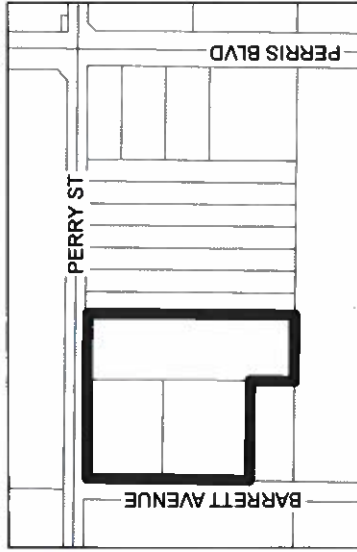
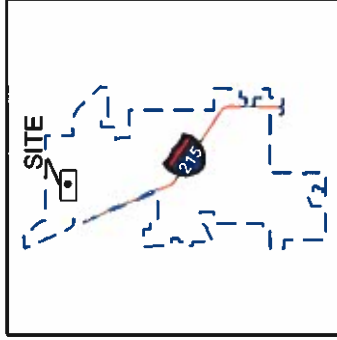
Presentation:

Other:

## Attachment No. 1

# ANNEXATION OF DPR 18-00011 TO CITY OF PERRIS MAINTENANCE DISTRICT NO. 84-1, LANDSCAPE MAINTENANCE DISTRICT NO. 1, AND FLOOD CONTROL MAINTENANCE DISTRICT NO. 1

**VICINITY MAP**  
NOT TO SCALE



**Owner: Duke Realty Limited Partnership**

**MD 84-1**

5 Street Lights

Contribution towards traffic signals at the intersection of:  
Perris Boulevard and Perry Street

50%

**LMD 1**

Perry Street and Barrett Avenue parkways along the project boundaries.

**FCMD 1**

Public flood control facilities including an inlet, 18-inch double storm drain pipes, 30-inch storm drain pipes, and appurtenances that channel, contain and convey the storm flow away from the property.

Facility	Maximum Annual Assessment
Street Lights and Traffic Signals	\$1,226.51
Landscaped Parkways	3,434.91
Flood Control Facilities	712.52
<b>Total Maximum Annual Assessments</b>	<b>\$5,373.94</b>

Standard Inflation Factors (SIF)  
 1) "Common Labor, Construction Cost Index", ENR  
 2) Southern California Edison rate increases  
 3) Eastern Municipal Water District rate increases

MD 84-1 Assessments include SIF 1 and 2  
 LMD 1 and FCMD 1 Assessments include SIF 1, 2, and 3





## Attachment No. 2

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF DPR 18-00011 TO CITY OF PERRIS MAINTENANCE DISTRICT NUMBER 84-1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021/2022**

**WHEREAS**, the City Council of the City of Perris, County of Riverside, California (“the City Council”) did on the 11th day of January 2022, adopt its Resolution of Intention Number 5898 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Maintenance District Number 84-1 (the “District”), which Resolution of Intention Number 5898 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Resolution of Intention on file in the office of the City Clerk; and

**WHEREAS**, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5898, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

**WHEREAS**, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

**WHEREAS**, said City Council has determined that a majority protest does not exist.

**NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED** by the City Council of the City of Perris, California, as follows:

**Section 1.** That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5898, be done and made.

**Section 2.** Be it further resolved that:

- A. The Riverside County assigned fund number for the Maintenance District No. 84-1 and the annexation thereto, is 68-2651.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide for the energy and maintenance of streetlights and traffic signals that will benefit the parcels being assessed.

**Section 3.** That the report filed by the Engineer is hereby finally approved; and

**Section 4.** That pursuant to Sections 22640 and 22641 of the Code, the City Clerk shall file a certified copy of the diagram and assessment with the Riverside County Auditor-Controller not later than the third Monday in August.

**Section 5.** Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2021-2022 are hereby levied.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

---

Mayor, Michael M. Vargas

ATTEST:

---

City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March 2022, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar

## Attachment No. 3

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF DPR 18-00011 TO BENEFIT ZONE 161, CITY OF PERRIS LANDSCAPE MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021-2022**

**WHEREAS**, the City Council of the City of Perris, County of Riverside, California (“the City Council”) did on the 11th day of January 2022, adopt its Resolution of Intention Number 5901 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Landscape Maintenance District Number 1 (the “District”), which Resolution of Intention Number 5901 was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Resolution of Intention on file in the office of the City Clerk; and

**WHEREAS**, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5901, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

**WHEREAS**, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

**WHEREAS**, said City Council has determined that a majority protest does not exist.

**NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED** by the City Council of the City of Perris, California, as follows:

**Section 1.** That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5901, be done and made.

**Section 2.** Be it further resolved that:

- A. The Riverside County assigned fund number for the Landscape Maintenance District No. 1 and the annexation thereto, is 68-2652.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide landscape maintenance on those lands that will benefit the parcels being assessed.

**Section 3.** That the report filed by the Engineer is hereby finally approved; and

**Section 4.** That pursuant to Sections 22640 and 22641 of the Code, the City Clerk shall file a certified copy of the diagram and assessment with the Riverside County Auditor-Controller not later than the third Monday in August.

**Section 5.** Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2021-2022 are hereby levied.

**ADOPTED, SIGNED and APPROVED** this 8th day of March 2022.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March 2022, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

City Clerk, Nancy Salazar



## Attachment No. 4

**RESOLUTION NUMBER XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ORDERING THE WORK IN CONNECTION WITH ANNEXATION OF DPR 18-00011 TO BENEFIT ZONE 123, CITY OF PERRIS FLOOD CONTROL MAINTENANCE DISTRICT NUMBER 1, GIVING FINAL APPROVAL OF THE ENGINEER'S REPORT, AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2021-2022**

**WHEREAS**, the City Council of the City of Perris, County of Riverside, California (“the City Council”) did on the 11th day of January 2022, adopt its Resolution of Intention Number 5902 to order the therein described work in connection with the annexation and assessment procedures in the City of Perris Flood Control Maintenance District Number 1 (the “District”), and which a Notice of Public Hearing was duly and legally published in the time, form and manner as required by law, shown by the Affidavit of Publication of said Notice on file in the office of the City Clerk; and

**WHEREAS**, after the adoption of Resolution Number 5902, said Resolution was duly posted in the time, form and manner as required by law, shown by the Affidavit of Posting on file in the office of the City Clerk; and

**WHEREAS**, after the adoption thereof, notice of the adoption of the Resolution of Intention, a Notice of Public Hearing and an Assessment Ballot were duly mailed to all persons owning real property proposed to be assessed for the improvements described in said Resolution of Intention Number 5902, according to the names and addresses of such owners as the same appears on the last equalized assessment roll for taxes of the County of Riverside or more recent information available to the City of Perris, which said documents were duly mailed in the time, form, and manner as required by law, as appears from the Affidavit of Mailing on file in the office of the City Clerk; and

**WHEREAS**, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in this proceeding and concerning the necessity for the contemplated work and the benefits to be derived therefrom and said City Council having now acquired jurisdiction to order the proposed maintenance work; and

**WHEREAS**, said City Council has determined that a majority protest does not exist.

**NOW, THEREFORE, BE IT RESOLVED, ADOPTED, SIGNED and APPROVED** by the City Council of the City of Perris, California, as follows:

**Section 1.** That the public interest and convenience requires the annexation to the district and levying assessments for maintenance, and said City Council hereby orders that the work, as set forth and described in said Resolution of Intention Number 5902, be done and made.

**Section 2.** Be it further resolved that:

- A. The Riverside County assigned fund number for the Flood Control Maintenance District No. 1 and the annexation thereto, is 68-2657.
- B. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 53750 et seq. of the State of California Government Code.
- C. The assessments are in compliance with all laws pertaining to the levy of assessments in accordance with Section 22500 et seq. of the State of California Streets and Highways Code.
- D. The assessments are levied without regard to the property value.
- E. The purpose of the assessments is to provide flood control facility maintenance on those lands that will benefit the parcels being assessed.

**Section 3.** That the report filed by the Engineer is hereby finally approved; and

**Section 4.** Be it finally resolved that the method of assessment in the Engineer's Report is hereby approved and the assessments for Fiscal Year 2021-2022 are hereby levied.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

---

Mayor, Michael M. Vargas

ATTEST:

---

City Clerk, Nancy Salazar

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March, 2022, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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City Clerk, Nancy Salazar



# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

- MEETING DATE:** March 8, 2022
- SUBJECT:** Conduct a Public Hearing and hold a Special Election for the Proposed City of Perris Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the "CFD") and adopt various Resolutions and Ordinance forming the CFD. The CFD is located south of Lemon Avenue and east of Evans Road (Zone #1) and north of Nuevo Road and west of Evans Road (Zone #2).
- REQUESTED ACTION:** That the City of Perris (the "City") adopt the following resolutions, respectively:
1. Resolution of the City Council of the City of Perris Approving the Recording of a Notice of Cessation of the Special Tax Lien with Respect to Improvement Area NO. 1 and Improvement Area NO. 2 of Community Facilities District NO. 2005-1 (Perris Valley Vistas) of the City of Perris and Certain Related Matters
  2. A Resolution of the City Council of the City of Perris Determining the Validity of Prior Proceedings, Establishing Community Facilities District NO. 2022-1 (Willowbend) of the City of Perris, Authorizing the Levy of a Special Tax Within Such Community Facilities District NO. 2022-1 (Willowbend) of the City of Perris, Establishing an Appropriations Limit, and Taking Certain Other Actions Relating to Said District
  3. A Resolution of the City Council of the City of Perris Acting in its Capacity as the Legislative Body of Community Facilities District NO. 2022-1 (Willbend) of the City of Perris, Determining the Necessity to Incur Bonded Indebtedness in an Amount not to Exceed \$17,500,000 of Said District; and Calling a Special Election within the District
  4. A Resolution of the City Council of the City of Perris, Acting in its Capacity as the Legislative Body of Community Facilities District NO. 2022-1 (Willowbend) of the City of Perris, Declaring the Results of a Special Election Relating to the Levy of Special Taxes Therin, the Issuance of Bonded Indebtedness and the Establishment of an Appropriations Limit

5. A Resolution of the City Council of the City of Perris Approving and Authorizing Execution of a Funding Agreement and a Joint Community Facilities Agreement in Connection with the Formation of Community Facilities District 2022-1 (Willowbend) of the City of Perris; and Making Findings and Determinations in Connection Therewith
6. AN Ordinance of the City Council of the City of Perris, Acting in its Capacity as the Legislative Body of Community Facilities District NO. 2022-1 (Willowbend) of the City of Perris Authorizing the LEVY the of a Special Tax within Said District

**CONTACT:**

Ernie Reyna, Deputy City Manager 

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**BACKGROUND/DISCUSSION:**

In 2005, the City formed Community Facilities District (CFD) No. 2005-1 (Perris Valley Vistas) that included Improvement Area Nos. 1, 2, 3 and 4. Since the formation in 2005, Improvement Area Nos. 1 & 2 have been dormant (i.e. no homes have been built) and Improvement Area Nos. 3 & 4 have been developed into 245 homes and CFD Bonds have been sold and special taxes have been levied to pay debt service each year.

On June 3, 2021, the Ways and Means Committee recommended for approval to the City Council BRPLD LLC. to proceed with submitting a formal petition (including consent and waiver) requesting that the City dissolve Improvement Area Nos. 1 & 2 of CFD No. 2005-1 and form a new CFD that will include the former Improvement Area Nos. 1 & 2 and Tract No. 33338 (Attachment No. 2).

The proposed CFD No. 2022-1 will be designated as "Community Facilities District No. 2022-1 (Willowbend) of the City of Perris" and would finance City storm drain, basin and street improvements as well as Eastern Municipal Water District (EMWD) water and sewer fees via a Joint Community Facilities Agreement (JCFA). CFD No. 2022-1 is located in two separate zones. Zone #1 is located south of Lemon Avenue and east of Evans Road and is comprised of Tract Numbers 31659 and 32401-1. Zone #2 is located north of Nuevo Road and west of Evans Road and is comprised of Tract Number 33338. Zone #1 is planned for 208 single-family detached homes and Zone #2 is planned for 70 single-family detached homes.

The Petition authorizes the levy of special taxes, the issuance of bonds, and the establishment of an appropriations limit for CFD No. 2022-1. In the Petition, the property owner waives certain requirements of the Act for establishing CFD No. 2022-1, including notices and time periods for conducting proceedings.

Community facilities district financing is a commonly used method of financing infrastructure and services for new development in California. Commonly referred to as "Mello-Roos," this land-secured financing permits the local agency (i.e., the City) to issue bonds to pay for the public facilities and infrastructure costs and services of local development. Debt service on the bonds is paid from special taxes levied on real property within CFD No. 2022-1 boundary. The proposed

CFD No. 2022-1 will meet all requirements of the City's adopted local goals and policies. The 2% annual special tax escalation factor for CFD No. 2005-1 will be "Grandfathered" into the new CFD No. 2022-1. The term of the new CFD No. 2022-1 will be for 50 fiscal years commencing in FY 2022-23.

At the January 25, 2022, City Council Meeting, the City Council adopted the Resolution of Intention to establish CFD No. 2022-1 and to authorize the levy of a special tax within CFD No. 2022-1. This resolution does the following: (a) accepts the petition filed by BRPLD LLC with respect to the CFD; (b) describes the territory of the boundaries of the CFD; (c) describes the types of facilities and services that will be financed with the special taxes and proceeds of bonds; (d) describes the rate and method of apportionment of the special taxes to be levied in the CFD; (e) calls a public hearing to be held on March 8, 2022; and (f) describes the proposed voting procedures for the CFD. The City Council also adopted the Resolution of Intention to Incur Bonded Indebtedness of the Community Facilities District. This resolution states the not-to-exceed amounts for bonds to be issued by the CFD and declares that the special taxes to be levied within CFD No. 2022-1 are to be used for direct payment of facilities, as well as the payment of the debt service on the bonds of the CFD. The resolution also calls a public hearing for March 8, 2022.

The balance of this report summarizes the resolutions, actions and related documents presented for approval at tonight's Public Hearing and discusses the remaining steps after the CFD is formed.

#### **PUBLIC HEARING AND TONIGHT'S ACTIONS:**

Pursuant to the Act, the City is now required to hold a Public Hearing to determine if there are any protests to formation of the CFD and to issuing bonded indebtedness. Tonight's Public Hearing will provide the public an opportunity to provide testimony related to the formation of the CFD and the CFD Report prepared by Willdan & Associates (Attachment No. 3). The CFD Report generally describes the CFD boundaries, and the rate and method of apportionment of the special taxes to be levied and the facilities to be financed by the CFD. If no majority protest is received by interested persons (which generally include landowners or registered voters within the proposed CFD), the City will formally establish the CFD by adopting the following resolutions and taking certain actions:

1. Adopt the Resolution of Formation (Attachment No. 4). This resolution establishes the boundaries of the CFD, the rate and method of apportionment of the special taxes to be levied to provide for certain services within the CFD and to pay the cost of the facilities to be financed by the CFD. It also sets out the terms and conditions for an election to be conducted by the City Clerk as the election official for a vote to be taken by the landowners of record. The registrar of voters has certified that there are no registered voters within the proposed CFD, thus the vote will be by the owners of land.
2. Adopt the Resolution Calling a Special Election (Attachment No. 5). This resolution establishes the necessity to incur bonded indebtedness in an amount not to exceed \$17,500,000 of said District and calls for a special election within each such improvement area to approve the proposition presented to the landowners within the CFD.

After the Resolution of Formation and the Resolution Calling the Special Election are adopted, the City Clerk will conduct the election process. While there are generally certain minimum time limits after the Public Hearing in which the election must occur, the property owners have waived such restrictions. Additionally, the Special Tax Consultant confirmed with the County Registrar of Voters there are no registered voters residing within the boundaries of the proposed CFD and therefore a property owner election can be conducted. As such, the election is also scheduled for this March 8<sup>th</sup> City Council meeting and will occur by way of mail-in or hand-delivered ballots. The City Clerk will open the ballots and state the results of the election. If the results of the special election reveal that the propositions have received the affirmative vote of two-thirds of the votes cast, the City Council will then:

3. Adopt Resolution Declaring the Results of the Special Election (Attachment No. 6). This resolution confirms that the proposition presented at the special election to the landowners within the CFD was approved with a unanimous vote and further authorizes the City to take the necessary steps to levy the special taxes within the CFD.
4. Adopt Resolution Approving Execution of an Acquisition and Funding Agreement (Attachment No. 7). This resolution authorizes the City to enter into an agreement with the property owners to provide for the orderly disbursement of funds from the improvement fund with respect to the bonds to pay for facilities, fees and other eligible costs.
5. Adopt Resolution Approving the Recording of a Notice of Cessation of the Special Tax Lien with respect to Improvement Area No.1 and Improvement Area No. 2 of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris (Attachment No. 8). This resolution authorizes the City to record the Notice of Cessation thereby removing the existing lien on the property located in Improvement Area No.1 and Improvement Area No. 2 of Community Facilities District No. 2005-1 (Perris Valley Vistas).
6. Introduce the first reading of the Ordinance Levying the Special Taxes (Attachment No. 9). This ordinance authorizes the levy of special taxes within the CFD at the maximum rates in accordance with the applicable rate and method of apportionment. It also allows the City Council to authorize future levies of the special tax by resolution for the ensuing fiscal years.

**It is important to note that the City is not issuing bonds through these actions. These actions provide the authority and limitation to pursue a bond issuance at some future date.**

### **CONCLUSION AND NEXT STEPS**

The formation of the CFD will occur after tonight's Public Hearing and adoption of certain resolutions. At the Public Hearing, the Council will be presented with information regarding the CFD, the special taxes, and public facilities and services. The public will also have the opportunity to comment on the CFD. The City Council may establish the CFD only after conducting the Public Hearing and only if no majority protests to establishment of the CFD or the levy of special taxes



is filed by the CFD landowners. Following tonight's Public Hearing, the proposed schedule to complete the formation of the CFD is as follows:

- March 22, 2022: Second reading of Ordinance Levying the Special Tax
- April 22, 2022: Ordinance Levying the Special Tax goes into effect

The resolutions and related documents have been prepared and reviewed by the City's finance team, which includes bond counsel, financial advisor, and special tax consultant.

**FISCAL IMPACT**

The recommended action carries no immediate fiscal impact on the City. All CFD formation expenses are paid from the Developer's Deposit. The formation of the CFD will occur after the public hearing, scheduled for March 8, 2022.

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**BUDGET (or FISCAL) IMPACT:** None. Costs will be paid out of existing special taxes collected in the CFD.

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Prepared by: Payam J. Mostafavi, Aleshire & Wynder, LLP.

**REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_

**Attachments:**

Binder Containing all Documents on File with City Clerk and Made Part of the Record, including:

1. Vicinity Map
2. Landowner's Petition
3. CFD Report
4. Resolution of Formation
5. Resolution Calling a Special Election
6. Resolution Declaring the Results of the Special Election
7. Resolution Approving the JCFA and Acquisition and Funding Agreement
8. Resolution Approving the Recording of a Notice of Cessation of Special Tax Lien
9. Ordinance Levying the Special Tax within the CFD

**Consent:**

Public Hearing: X

Business Item:

Presentation:

Other:

# ATTACHMENT 1

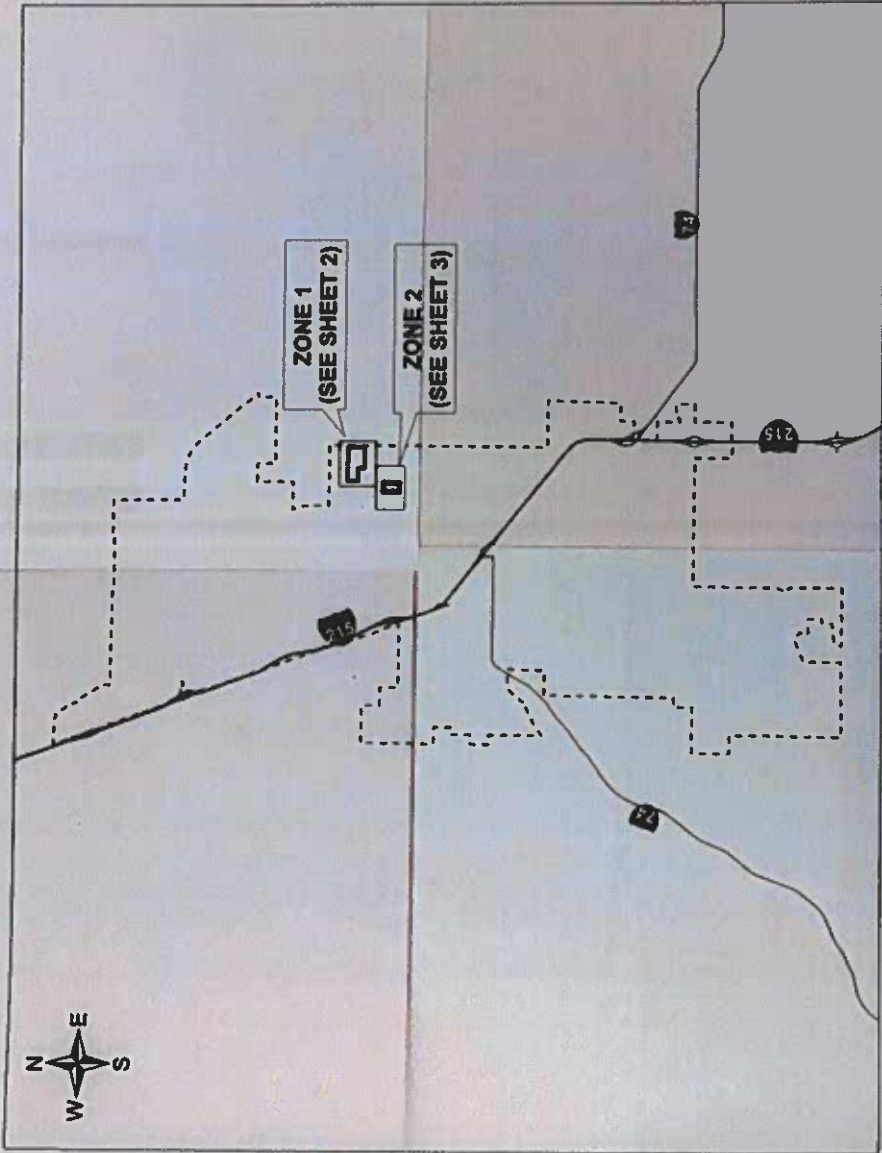
## VICINITY MAP

COPY

SHEET 1 OF 4

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



**Legend**

--- City of Perris Boundary

— Highways

FILED IN THE OFFICE OF THE CITY CLERK THIS 21<sup>st</sup> DAY OF February, 2022

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF, HELD ON THE 15<sup>th</sup> DAY OF January, 2022 BY ITS RESOLUTION NO. 2017.

*[Signature]*  
CITY CLERK  
CITY OF PERRIS

FILED THIS 21<sup>st</sup> DAY OF February, 2022, AT THE HOUR OF 8:30 O'CLOCK PM IN BOOK 11 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PERRIS, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. PER § 56 EMPLOYMENT # 2022-001120

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

*[Signature]*  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

**WILLDAN**  
Financial Services  
27300 VIA INDUSTRIA, SUITE 4200  
TEMECULA, CA 92590  
(951) 507-3500

Co#1

SHEET 2 OF 4

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 1**



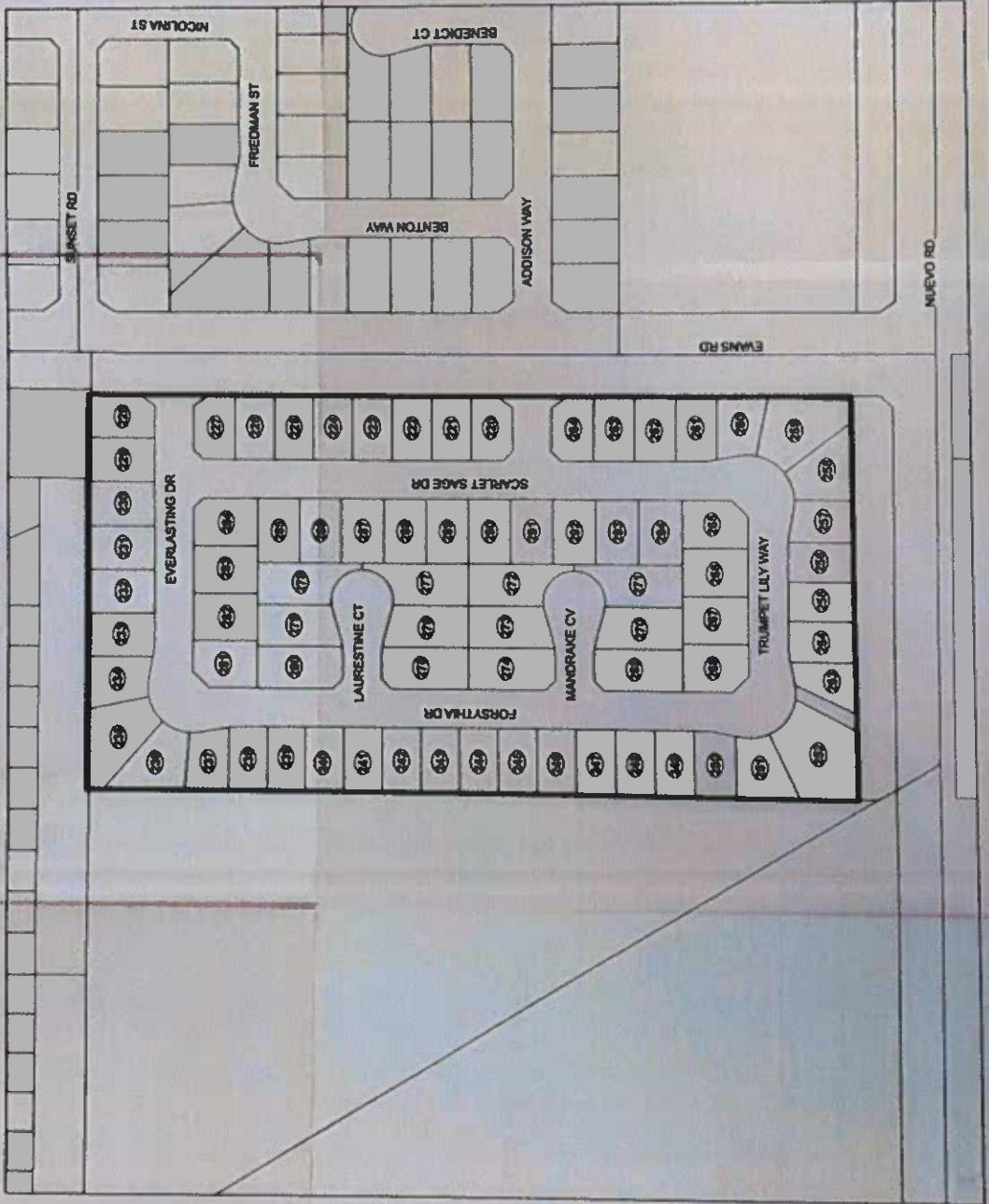
**Legend**  
 [Symbol] CFD 2022-1 Zone 1  
 [Symbol] Map Reference Number





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SHEET 3 OF 4

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 2**



**Legend**

-  CFD 2022-1 Zone 2
-  Map Reference Number



COPI

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	320-460-001	51	320-481-025	101	320-480-004	151	320-482-010	201	320-490-025
2	320-460-002	52	320-481-026	102	320-480-005	152	320-482-011	202	320-490-026
3	320-460-003	53	320-481-027	103	320-480-006	153	320-482-012	203	320-490-027
4	320-460-004	54	320-481-028	104	320-480-007	154	320-482-013	204	320-490-028
5	320-460-005	55	320-481-029	105	320-480-008	155	320-482-014	205	320-490-029
6	320-460-006	56	320-481-030	106	320-480-009	156	320-482-015	206	320-490-030
7	320-460-007	57	320-481-031	107	320-480-010	157	320-482-016	207	320-490-031
8	320-460-008	58	320-481-032	108	320-480-011	158	320-482-017	208	320-490-032
9	320-460-009	59	320-481-033	109	320-480-012	159	320-482-018	209	320-490-033
10	320-460-010	60	320-481-034	110	320-480-013	160	320-482-019	210	320-490-034
11	320-460-011	61	320-481-035	111	320-480-014	161	320-482-020	211	320-490-035
12	320-460-012	62	320-481-036	112	320-480-015	162	320-482-021	212	320-490-036
13	320-460-013	63	320-481-037	113	320-480-016	163	320-482-022	213	320-490-037
14	320-460-014	64	320-481-038	114	320-480-017	164	320-482-023	214	320-490-038
15	320-460-015	65	320-481-039	115	320-480-018	165	320-482-024	215	320-490-039
16	320-460-016	66	320-481-040	116	320-480-019	166	320-482-025	216	320-490-040
17	320-461-001	67	320-479-001	117	320-480-020	167	320-482-026	217	320-491-010
18	320-461-002	68	320-479-002	118	320-480-021	168	320-482-027	218	320-491-011
19	320-461-003	69	320-479-003	119	320-480-022	169	320-482-028	219	320-491-012
20	320-461-004	70	320-479-004	120	320-480-023	170	320-482-029	220	320-491-013
21	320-461-005	71	320-479-005	121	320-480-024	171	320-482-030	221	320-491-014
22	320-461-006	72	320-479-006	122	320-480-025	172	320-482-031	222	320-491-015
23	320-461-007	73	320-479-007	123	320-481-001	173	320-490-006	223	320-490-006
24	320-461-008	74	320-479-008	124	320-481-002	174	320-490-007	224	320-490-007
25	320-461-009	75	320-479-009	125	320-481-003	175	320-490-008	225	320-490-008
26	320-461-010	76	320-479-010	126	320-481-004	176	320-490-009	226	320-490-009
27	320-461-011	77	320-479-011	127	320-481-005	177	320-490-010	227	320-490-010
28	320-461-012	78	320-479-012	128	320-481-006	178	320-490-011	228	320-490-011
29	320-461-013	79	320-479-013	129	320-481-007	179	320-490-012	229	320-490-012
30	320-461-014	80	320-479-014	130	320-481-008	180	320-490-013	230	320-490-013
31	320-461-015	81	320-479-015	131	320-481-009	181	320-490-014	231	320-490-014
32	320-461-016	82	320-479-016	132	320-481-010	182	320-490-015	232	320-490-015
33	320-461-017	83	320-479-017	133	320-481-011	183	320-490-016	233	320-490-016
34	320-461-018	84	320-479-018	134	320-481-012	184	320-490-017	234	320-490-017
35	320-461-019	85	320-479-019	135	320-481-013	185	320-490-018	235	320-490-018
36	320-461-020	86	320-479-020	136	320-481-014	186	320-490-019	236	320-490-019
37	320-461-021	87	320-479-021	137	320-481-015	187	320-490-020	237	320-490-020
38	320-461-022	88	320-479-022	138	320-481-016	188	320-490-021	238	320-490-021
39	320-461-023	89	320-479-023	139	320-481-017	189	320-490-022	239	320-490-022
40	320-461-024	90	320-479-024	140	320-481-018	190	320-490-023	240	320-490-023
41	320-461-025	91	320-479-025	141	320-481-019	191	320-490-024	241	320-490-024
42	320-461-026	92	320-479-026	142	320-481-020	192	320-490-025	242	320-490-025
43	320-461-027	93	320-479-027	143	320-481-021	193	320-490-026	243	320-490-026
44	320-461-028	94	320-479-028	144	320-481-022	194	320-490-027	244	320-490-027
45	320-461-029	95	320-479-029	145	320-481-023	195	320-490-028	245	320-490-028
46	320-461-030	96	320-479-030	146	320-481-024	196	320-490-029	246	320-490-029
47	320-461-031	97	320-479-031	147	320-481-025	197	320-490-030	247	320-490-030
48	320-461-032	98	320-480-001	148	320-482-001	198	320-490-031	248	320-490-031
49	320-461-033	99	320-480-002	149	320-482-002	199	320-490-032	249	320-490-032
50	320-461-034	100	320-480-003	150	320-482-003	200	320-490-033	250	320-490-033



**ATTACHMENT 2**

**LANDOWNER'S PETITION**

**PETITION TO CREATE A  
COMMUNITY FACILITY DISTRICT  
(INCLUDING CONSENT AND WAIVER) AND  
CANCEL THE SPECIAL TAX LIEN OF IMPROVEMENT AREA NO. 1 AND NO. 2  
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS)  
OF THE CITY OF PERRIS**

January 13, 2022

City Council of the  
City of Perris  
101 N. D Street  
Perris, California 92570

Members of the City Council:

This letter shall serve as a formal petition (the "Petition") requesting that the City Council of the City of Perris (the "Council") institute proceedings pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), being Chapter 2.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code to create a new community facilities district and, concurrent with or immediately after the creation of the new community facilities district, dissolve Improvement Area No. 1 and Improvement Area No. 2 of Community Facilities District No. 2005-1 (Perris Valley Vistas) ("CFD No. 2005-1"). The undersigned landowner does hereby certify under penalty of perjury that the following statements are all true and correct:

1. This Petition is submitted by BRPLD LLC, a Delaware limited liability company (the "Petitioner"), as the record owner of 100% of the area of land proposed to be included within the new community facilities district and which is currently within Improvement Area No. 1 and Improvement Area No. 2 of CFD No. 2005-1 (the "Property"). The Property is identified in Exhibit A attached hereto and hereby made a part of this Petition.

2. The Petitioner has the power and authority to execute and deliver this Petition to the Council of the City of Perris (the "City") and to give the consent and waiver contained herein with respect to the community facilities district to be established under the Act and designated as "Community Facilities District No. 2022-1 (Willowbend) of the City of Perris" (the "District"), which such District will include the Property. Moreover, the Petitioner has taken all action necessary to cause this Petition to be executed and delivered on its behalf, and this Petition has been duly and validly executed and delivered on behalf of the Petitioner.

3. Petitioner desires to dissolve Improvement Area No. 1 and Improvement Area No. 2 of CFD No. 2005-1 and permanently remove the current special tax lien from the Property. In connection with the foregoing, Petitioner hereby requests that the Council institute proceedings pursuant to the Act to dissolve Improvement Area No. 1 and Improvement Area No. 2 of CFD No. 2005-1 and permanently remove the CFD No. 2005-1 special tax lien from the Property by recording a Notice of Cessation of Special Tax in the Riverside County Recorder's



Office for the Property prior to, concurrent with or immediately after the conclusion of the public hearing or special election for formation of the District.

4. The Petitioner hereby certifies that as of the date indicated opposite his/her signature, the landowner listed herein is the owner of all of the Property to be included in the District, which such boundary is further delineated in Exhibit A.

5. The Petitioner, pursuant to Section 53318 of the Act, hereby requests that the proceedings be commenced (i) to establish the District for the purpose of financing public facilities and fees of the City and/or the Eastern Municipal Water District described in Exhibit B hereto (the "Facilities") and the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, (ii) to authorize the levy of special taxes within the District to finance the Facilities, (iii) to authorize the issuance of bonds of the District and (iv) to establish an appropriations limit for the District.

6. The Petitioner agrees that it has reviewed the proposed Rate and Method of Apportionment of Special Tax for the District (the "RMA") attached hereto as Exhibit C and made a part hereof, which RMA is proposed to be used by the City to levy the special tax in the District to pay for the Facilities and other authorized purposes. The final RMA will be approved at the completion of all proceedings to form the District by the City under the Act.

7. The Petitioner hereby requests that the special elections to be held under the Act to authorize the special taxes, to authorize the issuance of the bonds and to establish an appropriations limit for the District be consolidated into a single election.

8. In accordance with the provisions of the Act, and specifically Sections 53326(a) and 53327(b) thereof allowing certain time and conduct requirements relative to a special landowner election to be waived with the unanimous consent of all the landowners to be included in a community facilities district and concurrence of the election official conducting the election, the Petitioner (i) expressly consents to the conduct of the special election at the earliest possible time following the adoption by the Council of a resolution of formation establishing the District and (ii) expressly waives any requirement to have the special election conducted within the time periods specified in Section 53326 of the Act or in the California Elections Code.

9. The Petitioner waives any requirement for the mailing of the ballot for the special election and expressly agrees that said election may be conducted by mailed or hand-delivered ballot to be returned as quickly as possible to the designated election official, being the office of the City Clerk and the Petitioner requests that the results of said election be canvassed and reported to the Council at the same meeting of the Council as the public hearing on the formation of the District or the next available meeting.

10. The Petitioner expressly waives all applicable waiting periods for the election and waives the requirement for analysis and arguments relating to the special election, as set forth in Section 53327 of the Act or required by the California Government Code or California Elections Code, and consents to not having such materials provided to the landowner in the ballot packet, and expressly waives any requirements as to the form of the ballot.

11. The Petitioner expressly waives all notice and ballot requirements relating to hearings and special elections, whether by posting, publishing or mailing, and whether such requirements are found in the California Elections Code, the California Government Code or other laws or procedures.

12. The Petitioner represents and warrants that there are no registered voters residing on the Property and that it is the legal owner of the fee interest in one hundred percent (100%) of the Property proposed to be included in the District and that no other person or entity is the legal owner of all or any portion of the fee interest in any of such property. The Petitioner warrants that there are no liens or encumbrances on the Property in the favor of any lender, including but not limited to any deeds of trust, mortgages, or liens of a similar nature.

13. The Petitioner represents and warrants that there is no outstanding debt on the Property.

14. The Petitioner represents and warrants that the execution of this Petition and the casting of ballots by the Petitioner at the property owner election for the formation of the District shall not constitute an event of default or delinquency under any existing financing documents entered into by Petitioner secured by the land owned by the Petitioner within the District, including any "due-on-encumbrance" clause.

15. The Petitioner agrees to cooperate with the City, its attorneys and consultants, and provide all information and disclosures reasonably required by the City disclosing the special tax to purchasers of property in the district that are subject to the special tax.

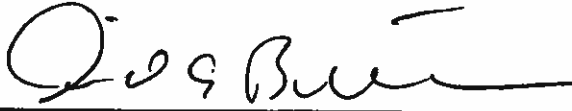
16. The Petitioner agrees to execute such additional or supplemental agreements as may be required by the City to provide for any actions and conditions under this Petition. The Petitioner further agrees that this Petition shall not be considered as filed with the City for purposes of commencing proceedings for the District under the Act unless and until deemed filed by the City in its absolute discretion.

17. It is the Petitioner's intention to proceed as quickly as possible with forming the District and permanently removing the CFD No. 2005-1 special tax lien from the Property.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, we hereunto set our hands this January 13, 2022.

**BRPLD LLC**, a Delaware limited liability  
company

By:   
Dave E. Bartlett, Vice President

The formation encompasses the following property owned by the Petitioner:

Assessor's Parcel Number(s):

320-460-001	320-461-014	320-462-006	320-470-023	320-480-020	320-482-005
320-460-002	320-461-015	320-462-007	320-470-024	320-480-021	320-482-006
320-460-003	320-461-016	320-462-008	320-470-025	320-480-022	320-482-007
320-460-004	320-461-017	320-462-009	320-470-026	320-480-023	320-482-008
320-460-005	320-461-018	320-462-010	320-470-027	320-480-024	320-482-009
320-460-006	320-461-019	320-462-011	320-470-028	320-480-025	320-482-010
320-460-007	320-461-020	320-462-012	320-470-029	320-481-001	320-482-011
320-460-008	320-461-021	320-470-001	320-470-030	320-481-002	320-483-001
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320-460-010	320-461-023	320-470-003	320-470-032	320-481-004	320-483-003
320-460-011	320-461-024	320-470-004	320-480-001	320-481-005	320-483-004
320-460-012	320-461-025	320-470-005	320-480-002	320-481-006	320-483-005
320-460-013	320-461-026	320-470-006	320-480-003	320-481-007	320-483-006
320-460-014	320-461-027	320-470-007	320-480-004	320-481-008	320-483-007
320-460-015	320-461-028	320-470-008	320-480-005	320-481-009	320-483-008
320-460-016	320-461-029	320-470-009	320-480-006	320-481-010	320-483-009
320-461-001	320-461-030	320-470-010	320-480-007	320-481-011	320-483-010
320-461-002	320-461-031	320-470-011	320-480-008	320-481-012	311-483-011
320-461-003	320-461-032	320-470-012	320-480-009	320-481-013	320-483-012
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320-461-006	320-461-035	320-470-015	320-480-012	320-481-016	320-490-001
320-461-007	320-461-036	320-470-016	320-480-013	320-481-017	320-490-002
320-461-008	320-461-037	320-470-017	320-480-014	320-481-018	320-490-003
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320-461-013	320-462-005	320-470-022	320-480-019	320-482-004	320-490-008

320-490-009	320-490-038	320-571-006	320-571-035	320-572-027
320-490-010	320-490-039	320-571-007	320-571-036	320-572-028
311-490-011	320-490-040	320-571-008	320-571-037	320-572-029
320-490-012	320-490-041	320-571-009	320-572-001	320-572-030
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320-490-014	320-491-002	320-571-011	320-572-003	
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320-490-016	320-491-004	320-571-013	320-572-005	
320-490-017	320-491-005	320-571-014	320-572-006	
320-490-018	320-491-006	320-571-015	320-572-007	
320-490-019	320-491-007	320-571-016	320-572-008	
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320-490-021	320-491-009	320-571-018	320-572-010	
320-490-022	320-491-010	320-571-019	320-572-011	
320-490-023	320-491-011	320-571-020	320-572-012	
320-490-024	320-491-012	320-571-021	320-572-013	
320-490-025	320-570-001	320-571-022	320-572-014	
320-490-026	320-570-002	320-571-023	320-572-015	
320-490-027	320-570-003	320-571-024	320-572-016	
320-490-028	320-570-004	320-571-025	320-572-017	
320-490-029	320-570-005	320-571-026	320-572-018	
320-490-030	320-570-006	320-571-027	320-572-019	
320-490-031	320-570-007	320-571-028	320-572-020	
320-490-032	320-570-008	320-571-029	320-572-021	
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320-490-034	320-571-002	320-571-031	320-572-023	
320-490-035	320-571-003	320-571-032	320-572-024	
320-490-036	320-571-004	320-571-033	320-572-025	
320-490-037	320-571-005	320-571-034	320-572-026	

The address of the above owner for receiving notices is:

Attention: Nicole Burdette  
BRPLD LLC  
3200 Park Center Drive, Suite 1000  
Costa Mesa, CA 92626

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF PERRIS THIS \_\_\_\_  
DAY OF JANUARY, 2022.

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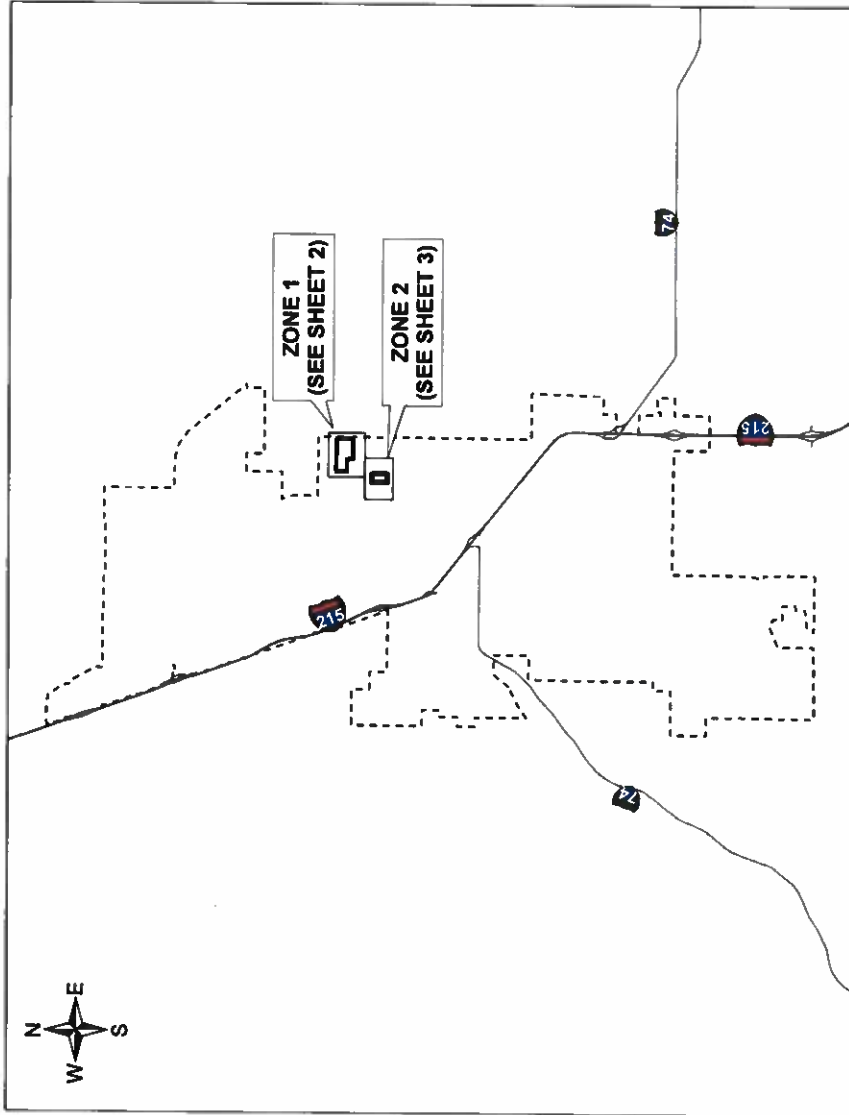
City Clerk

**EXHIBIT A**  
**PROPOSED BOUNDARY OF THE DISTRICT**

[SEE ATTACHED]

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF PERRIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGES \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

BY DEPUTY  
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

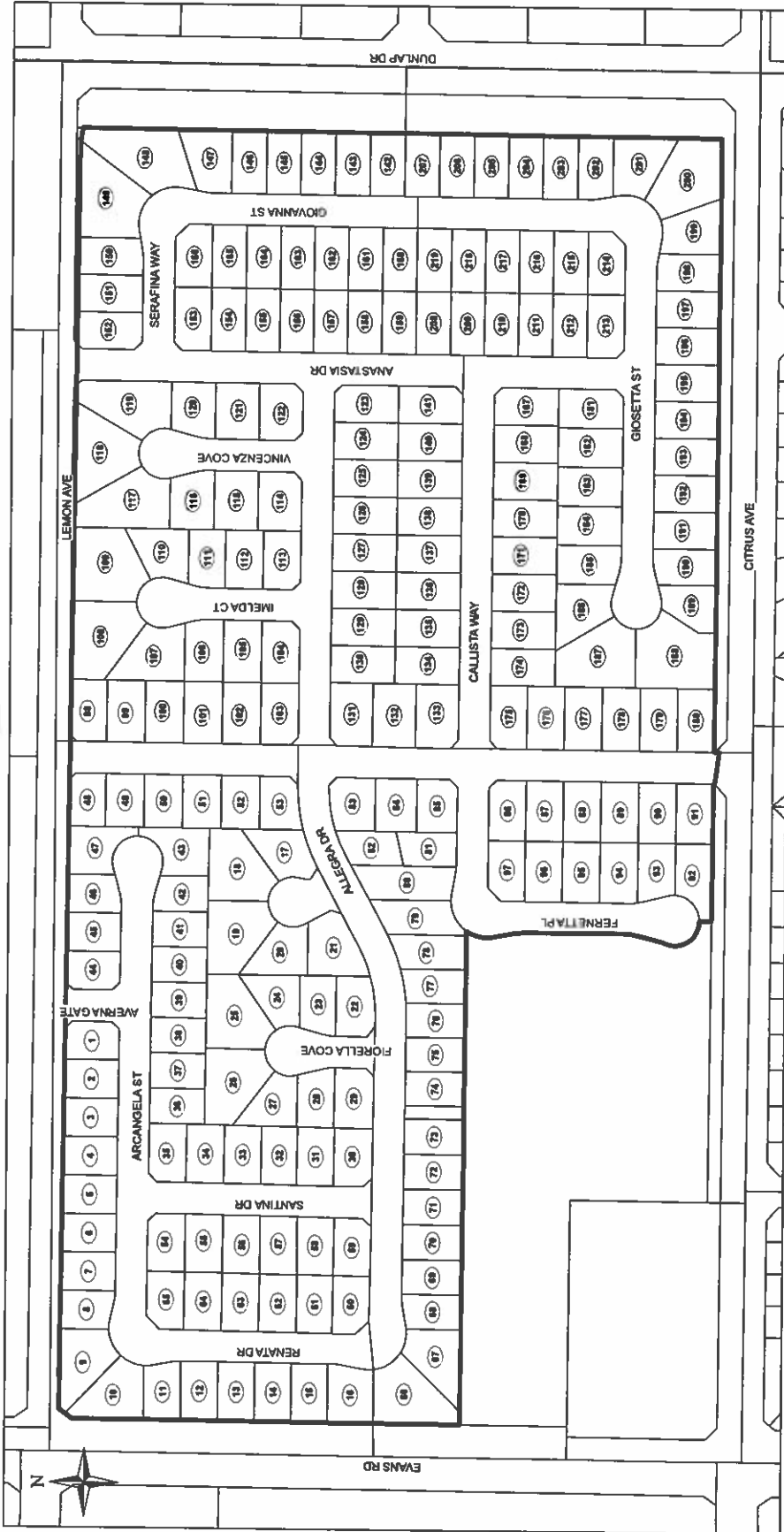
THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



**Legend**  
 - - - - - City of Perris Boundary  
 \_\_\_\_\_ Highways

MAP OF PROPOSED BOUNDARIES OF  
 COMMUNITY FACILITIES DISTRICT NO. 2022-1  
 (WILLOWBEND)  
 CITY OF PERRIS  
 COUNTY OF RIVERSIDE  
 STATE OF CALIFORNIA  
**ZONE 1**

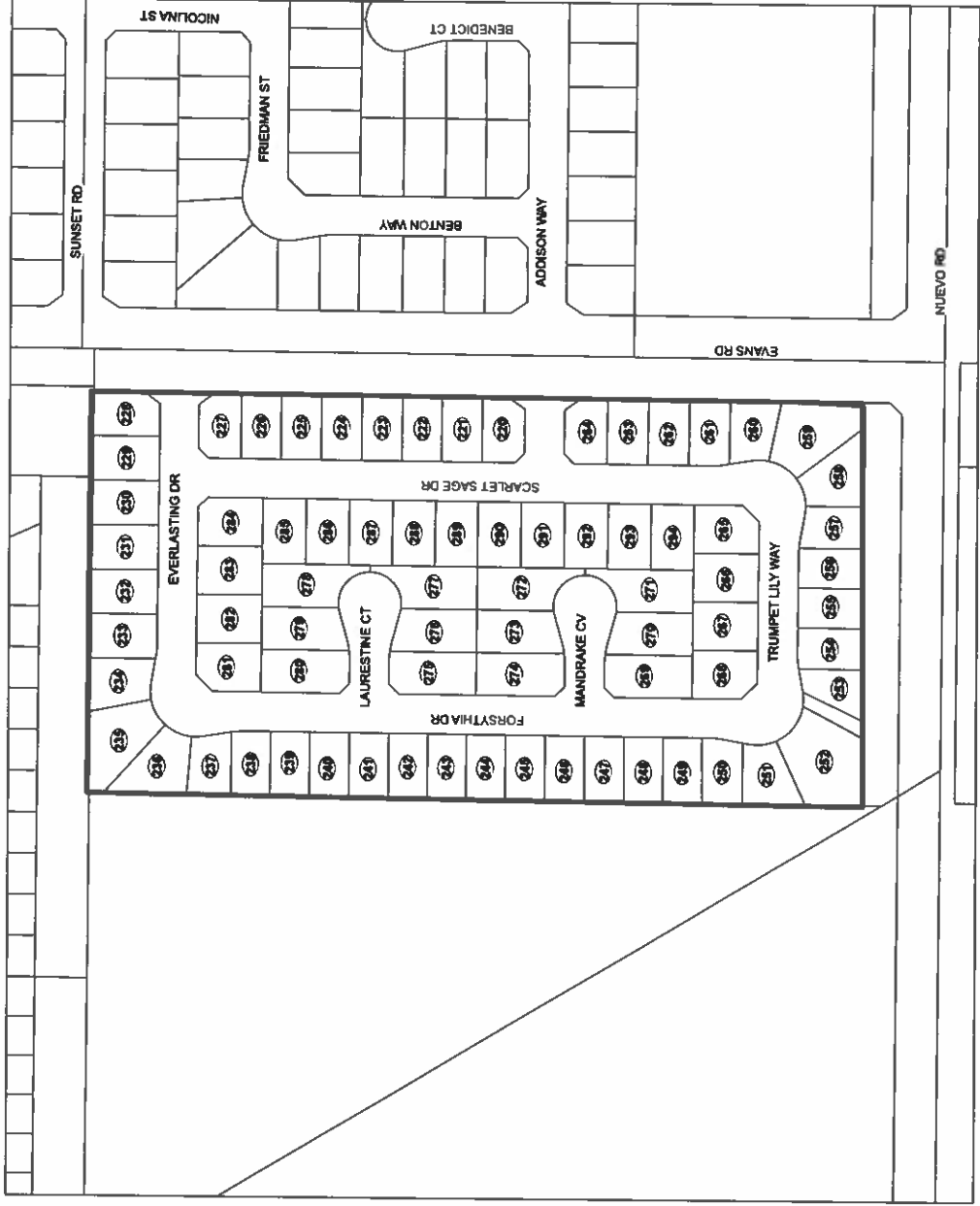


**Legend**  
 [Symbol] CFD 2022-1 Zone1  
 [Symbol] Map Reference Number



MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

**ZONE 2**



**Legend**

CFD 2022-1 Zone 2

Map Reference Number



**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	320-460-001
2	320-460-002
3	320-460-003
4	320-460-004
5	320-460-005
6	320-460-006
7	320-460-007
8	320-460-008
9	320-460-009
10	320-460-010
11	320-460-011
12	320-460-012
13	320-460-013
14	320-460-014
15	320-460-015
16	320-460-016
17	320-461-001
18	320-461-002
19	320-461-003
20	320-461-004
21	320-461-005
22	320-461-006
23	320-461-007
24	320-461-008
25	320-461-009
26	320-461-010
27	320-461-011
28	320-461-012
29	320-461-013
30	320-461-014
31	320-461-015
32	320-461-016
33	320-461-017
34	320-461-018
35	320-461-019
36	320-461-020
37	320-461-021
38	320-461-022
39	320-461-023
40	320-461-024
41	320-461-025
42	320-461-026
43	320-461-027
44	320-461-028
45	320-461-029
46	320-461-030
47	320-461-031
48	320-461-032
49	320-461-033
50	320-461-034

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
51	320-461-035
52	320-461-036
53	320-461-037
54	320-461-038
55	320-461-039
56	320-461-040
57	320-461-041
58	320-461-042
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92	320-461-076
93	320-461-077
94	320-461-078
95	320-461-079
96	320-461-080
97	320-461-081
98	320-461-082
99	320-461-083
100	320-461-084

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
101	320-460-004
102	320-460-005
103	320-460-006
104	320-460-007
105	320-460-008
106	320-460-009
107	320-460-010
108	320-460-011
109	320-460-012
110	320-460-013
111	320-460-014
112	320-460-015
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121	320-460-024
122	320-460-025
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124	320-461-002
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142	320-461-020
143	320-461-021
144	320-461-022
145	320-461-023
146	320-461-024
147	320-461-025
148	320-461-026
149	320-461-027
150	320-461-028

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
151	320-482-010
152	320-482-011
153	320-482-012
154	320-482-013
155	320-482-014
156	320-482-015
157	320-482-016
158	320-482-017
159	320-482-018
160	320-482-019
161	320-482-020
162	320-482-021
163	320-482-022
164	320-482-023
165	320-482-024
166	320-482-025
167	320-482-026
168	320-482-027
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190	320-482-049
191	320-482-050
192	320-482-051
193	320-482-052
194	320-482-053
195	320-482-054
196	320-482-055
197	320-482-056
198	320-482-057
199	320-482-058
200	320-482-059

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
201	320-490-035
202	320-490-036
203	320-490-037
204	320-490-038
205	320-490-039
206	320-490-040
207	320-490-041
208	320-491-001
209	320-491-002
210	320-491-003
211	320-491-004
212	320-491-005
213	320-491-006
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216	320-491-009
217	320-491-010
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219	320-491-012
220	320-491-013
221	320-491-014
222	320-491-015
223	320-491-016
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243	320-491-036
244	320-491-037
245	320-491-038
246	320-491-039
247	320-491-040
248	320-491-041
249	320-491-042
250	320-491-043

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
251	320-571-024
252	320-571-025
253	320-571-026
254	320-571-027
255	320-571-028
256	320-571-029
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258	320-571-031
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261	320-571-034
262	320-571-035
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267	320-571-040
268	320-571-041
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274	320-571-047
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289	320-571-062
290	320-571-063
291	320-571-064
292	320-571-065
293	320-571-066
294	320-571-067



## **EXHIBIT B**

### **TYPES OF PUBLIC FEES AND FACILITIES**

The General Description of the Facilities that may be acquired or constructed is as follows:

- Street facilities, including, but not limited to, major arterials, highways, bridge facilities, regional transportation facilities and streets, intersections, access ramps, roadways, sidewalk, curb, gutters, striping, lighting, traffic signalization, signage, landscaping of public streets and rights-of-way and appurtenant facilities;
- Storm control facilities, including, but not limited to, storm drains, channels, detention, headwalls, riprap pads, water quality basins, retention and/or catch basins and appurtenant facilities;
- Sewer improvements, sanitary sewers, including, but not limited to, lift stations, force mains, pump stations, transmission and main lines, valves, and appurtenant facilities;
- Domestic water facilities, including, but not limited to, reservoirs, pump stations, transmission lines, distribution facilities, main lines, valves, fire hydrants and appurtenant facilities;
- Park, recreational facilities, trails, open space and appurtenant facilities;
- Impact and other City or public agency fees, including but not limited to, Transportation Uniform Mitigation Fees, Development Impact Fees, school fees, water fees, drainage fees, sewer treatment and connection fees, water supply fees, water meter fees, water connection fees, storm drain fees, capital facilities' fees and other city or public agency fees and all capital facilities which are part of these fee programs and capital improvement programs;
- Incidental expenses;
- City facilities.

#### **OTHER**

The District may also finance any of the following:

1. Bond related expenses, including underwriters' discount, reserve fund, capitalized interest, financial advisor fees and expenses, bond and disclosure counsel, special tax consultant fees and expenses, dissemination agent fees and all other incidental expenses.

2. Administrative fees of the City and the Bond trustee or fiscal agent related to the District and the Bonds.

3. Reimbursement of costs related to the formation of the District advanced by the City or any related entity, or any landowner or developer within the District, as well as reimbursement of any costs advanced by the City or any related entity, or any landowner or developer within the District, for facilities or other purposes or costs of the District.

This description of the public capital facilities is general in nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans and specifications may show substitutes in lieu of, or modifications to, proposed work. Any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in the city officer's report, containing a brief description of the facilities which will be required to adequately meet the needs of the District.

**EXHIBIT C**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX  
COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)**

[SEE ATTACHED]

# RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

---

## COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

A Special Tax shall be levied on all Taxable Property within the boundaries of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris ("CFD No. 2022-1") and collected each Fiscal Year commencing in Fiscal Year 2022-23, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2022-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

### 1. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map. An Acre means 43,560 square feet of land.

**"Act"** means 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.

**"Administrative Expenses"** means the following actual or reasonably estimated costs related to the administration of CFD No. 2022-1 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 2022-1, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2022-1, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2022-1, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2022-1, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-1 for any other administrative purposes of CFD No. 2022-1, including attorney's fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

**"Annual Special Tax"** means the Special Tax actually levied in any Fiscal Year on any Assessor's Parcel.

**"Assessor"** means the Assessor of the County of Riverside.

**"Assessor's Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**“Assessor's Parcel Map”** means an official map of the Assessor designating parcels by Assessor's Parcel Number.

**“Assessor's Parcel Number”** means the number assigned to an Assessor's Parcel by the County for purposes of identification.

**“Assigned Special Tax”** means the Special Tax of that name described in Section 3.A below.

**“Backup Special Tax”** means the Special Tax of that name described in Section 3.B below.

**“Bonds”** means any bonds or other Debt of CFD No. 2022-1, whether in one or more series, secured by the levy of Special Taxes.

**“Boundary Map”** means the map of the boundaries of CFD No. 2022-1 recorded on \_\_\_\_\_ in the Riverside County Recorder's Office in Book \_\_, Page \_\_, of Maps of Assessments and Community Facilities Districts (instrument number \_\_ - \_\_).

**“Building Permit”** means a building permit for construction of a Residential Unit within CFD No. 2022-1 issued by the City.

**“Building Square Footage”** means all of the square footage of usable area within the perimeter of a primary residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by reference to the Building Permit(s) issued for such Assessor's Parcel and/or by reference to appropriate records kept by the City.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

**“CFD No. 2022-1”** means the Community Facilities District No. 2022-1 (Willowbend) of the City of Perris.

**“City”** means the City of Perris, California.

**“Council”** means the City Council of the City acting as the legislative body of CFD No. 2022-1 under the Act.

**“County”** means the County of Riverside, California.

**“Debt”** means any binding obligation to pay or repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals, or long-term contracts.

**“Debt Service”** means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

**“Developed Property”** means for each Fiscal Year, all Taxable Property, exclusive of Provisional Property, for which a Building Permit was issued prior to May 1 of the previous Fiscal Year. An Assessor's Parcel classified as Developed Property but for which the Building Permit that caused such Assessor's Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as

Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification shall not be less than 1.1 times the annual Debt Service less Administrative Expenses on all Outstanding Bonds. If Bonds have not been issued, an Assessor's Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

**"Exempt Property"** means for each Fiscal Year, all Assessor's Parcels designated as being exempt from Special Taxes pursuant to Section 8 below.

**"Final Map"** means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

**"Fiscal Year"** means the period starting on July 1 and ending the following June 30.

**"Indenture"** means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

**"Land Use Class"** means any of the classes listed in Table 1 under Section 3 below.

**"Lot"** means a parcel created by a Final Map on which a Residential Unit can be constructed.

**"Lower Income Households Welfare Exemption Property"** means, for each Fiscal Year, an Assessor's Parcel that is entitled to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County Assessor's roll finalized as of January 1 of the previous Fiscal Year; provided that such property is not exempt from the Special Tax if debt is outstanding and the property was subject to the Special Tax prior to receiving the exemption, in which case the property shall remain subject to the Special Tax and the Special Tax shall be enforceable against the property.

**"Maximum Special Tax"** means for each Assessor's Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor's Parcel of Taxable Property.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property for which a building permit has been issued for the purpose of constructing one or more non-residential units or facilities.

**"Outstanding Bonds"** means all Bonds, which are deemed to be outstanding under the Indenture.

**"Prepayment Amount"** means the amount required to prepay the Annual Special Tax obligation in full for an Assessor's Parcel as described in Section 6.A below.

**"Property Owner Association Property"** means any Assessor's Parcel within the boundaries of CFD No. 2022-1 owned in fee by a property owner association, including any master or sub-association.

**"Proportionately" or "Proportionate"** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is

equal for all Assessor's Parcels of Undeveloped Property. **“Proportionately”** may similarly be applied to other categories of Taxable Property as listed in Section 4 below.

**“Provisional Property”** means all Assessor’s Parcels of Public Property, Property Owner Association Property or property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**“Provisional Welfare Property”** means all Assessor’s Parcels of Lower Income Households Welfare Exemption Property that would otherwise be classified as Exempt Property pursuant to the provisions of Section H, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section H.

**“Public Property”** means any property within the boundaries of CFD No. 2022-1, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use.

**“Residential Property”** means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

**“Residential Unit”** means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units. This definition does not include Accessory Dwelling Units as defined in the State of California Government Code section 65852.2.

**“Special Tax”** means any special tax levied within CFD No. 2022-1 pursuant to the Act and this Rate and Method of Apportionment of Special Tax.

**“Special Tax Obligation”** means the total obligation of an Assessor’s Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD No. 2022-1.

**“Special Tax Requirement”** means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds, including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Fees and Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) accumulate funds to pay directly for acquisition or construction of facilities provided that the inclusion of such amount does not cause an increase in the Special Tax to be levied on Undeveloped Property; and (vi) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (vii) a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Indenture.

**“State”** means the State of California.

**“Taxable Property”** means all of the Assessor's Parcels within the boundaries of CFD No. 2022-1, which are not exempt from the levy of the Special Tax pursuant to law or Section 8 below.

**“Trustee”** means the trustee or fiscal agent under the Indenture.



**“Undeveloped Property”** means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Provisional Property.

**“Zone”** means, as the context requires, either Zone 1 or Zone 2.

**“Zone 1”** means all property located within the area identified as Zone 1 in the Boundary Map.

**“Zone 2”** means all property located within the area identified as Zone 2 in the Boundary Map.

**2. LAND USE CLASSIFICATION**

Each Fiscal Year, beginning with Fiscal Year 2022-23, each Assessor’s Parcel within CFD No. 2022-1 shall be assigned to Zone 1 or Zone 2 and classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property, Undeveloped Property, Provisional Welfare Property, or Provisional Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

**3. SPECIAL TAX RATES**

**A. Assigned Special Tax for Developed Property and Provisional Welfare Property**

The Assigned Special Tax applicable to an Assessor’s Parcel classified as Developed Property or Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be determined pursuant to Table 1 below.

**Table 1  
Assigned Special Tax Rates**

<b>Zone</b>	<b>Land Use Class</b>	<b>Land Use Type</b>	<b>Building Square Footage</b>	<b>Assigned Special Tax Per Residential Unit</b>
1	1	Residential Property	> 2,500	\$2,918
1	2	Residential Property	2,301 – 2,500	\$2,814
1	3	Residential Property	2,101 – 2,300	\$2,765
1	4	Residential Property	≤ 2,100	\$2,623
2	1	Residential Property	> 2,000	\$2,468
2	2	Residential Property	1,801 – 2,000	\$2,393
2	3	Residential Property	≤ 1,800	\$2,292

Each July 1, commencing July 1, 2023, the Assigned Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**B. Backup Special Tax for Developed Property and Provisional Welfare Property**

The Backup Special Tax for Developed Property and Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Backup Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

For the purpose of calculating the Backup Special Tax, the land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.

**C. Maximum Special Tax for Developed Property and Provisional Welfare Property**

The Maximum Special Tax for Developed Property and Provisional Welfare Property shall be the greater of the Assigned Special Tax for Developed Property or the Backup Special Tax for Developed Property and Provisional Welfare Property.

**D. Maximum Special Tax for Provisional Property and Undeveloped Property**

The Maximum Special Tax for Provisional Property and Undeveloped Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Maximum Special Tax rates for Provisional Property and Undeveloped Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**4. METHOD OF APPORTIONMENT**

For each Fiscal Year, commencing Fiscal Year 2022-23, the CFD Administrator shall levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property in an amount up to 100% of the applicable Assigned Special Tax as necessary to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax amount determined in Step 1 shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property;

Step 4: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Welfare Property up to 100% of the Maximum Special Tax for Provisional Welfare Property;

Step 5: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Property up to 100% of the Maximum Special Tax for Provisional Property;

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD No. 2022-1 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

## **5. COLLECTION OF SPECIAL TAXES**

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

## **6. PREPAYMENT OF SPECIAL TAX OBLIGATION**

### **A. Prepayment in Full**

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 6:

**"CFD Public Facilities Costs"** means \$13,000,000 or such lower number as (i) shall be determined by the CFD Administrator as sufficient to acquire or construct the facilities to be financed under the Act and financing program for CFD No. 2022-1, or (ii) shall be determined by the Council concurrently with a covenant that it will not issue any more Bonds (except refunding bonds).

**"Construction Fund"** means the fund (regardless of its name) established pursuant to the Indenture to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay fees authorized to be funded by CFD No. 2022-1.

**"Future Facilities Costs"** means the CFD Public Facilities Costs minus (i) costs previously paid from the Construction Fund to acquire or construct the facilities, (ii) monies currently on deposit in the Construction Fund, and (iii) monies currently on deposit

in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

**“Outstanding Bonds”** means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

**“Previously Issued Bonds”** means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Developed Property, or Undeveloped Property for which a Building Permit has been issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment or the delinquent special taxes are paid off concurrently with the prepayment to the satisfaction of the CFD Administrator. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the CFD No. 2022-1 Bonds to be redeemed with the proceeds of such prepaid Special Taxes, unless a shorter period is acceptable to the Trustee and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor’s Parcel or group of Assessor’s Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount  
plus Redemption Premium  
plus Future Facilities Prepayment Amount  
plus Defeasance Amount  
plus Prepayment Administrative Fees and Expenses  
less Reserve Fund Credit  
less Capitalized Interest Credit  
Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

- Step No.:**
1. Confirm that no Special Tax delinquencies apply to such Assessor’s Parcel.
  2. For Assessor’s Parcels of Developed Property, determine the Maximum Special Tax. For Assessor’s Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor’s Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor’s Parcel.

3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD No. 2022-1 assuming all Building Permits have been issued (build-out) within CFD No. 2022-1, excluding any Assessor's Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid for all applicable parcels and round that amount up to the nearest \$5,000 increment (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the "Redemption Premium").
6. Compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Prepayment Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Indenture, may be as early as the next interest payment date, but the redemption date may be any date determined by the CFD Administrator as convenient and appropriate and permitted by the Indenture and does not have to be the next interest payment date.
9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.
10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the "Defeasance Amount").
11. Calculate the administrative fees and expenses of CFD No. 2022-1, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 2022-1, and the costs of recording any notices to evidence the prepayment and the redemption (the "Prepayment Administrative Fees").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement.

13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the "Capitalized Interest Credit").

14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the "Prepayment Amount").

15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2022-1.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of CFD No. 2022-1 Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to redeem CFD No. 2022-1 Bonds to be used with the next prepayment of CFD No. 2022-1 Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

**B. Partial Prepayment**

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a building permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 6.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (P_E - A) \times F + A$$

These terms have the following meaning:

PP = the partial prepayment  
P<sub>E</sub> = the Prepayment Amount calculated according to Section 6.A  
F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation  
A = the Prepayment Administrative Fees and Expenses from Section 6.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 6.A., and (ii) indicate in the records of CFD No. 2022-1 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (1.00 - F) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

## **7. TERM OF SPECIAL TAX**

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement for a period not to exceed fifty (50) Fiscal Years commencing with Fiscal Year 2022-23, provided however that the Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on CFD No. 2022-1 bonds have been paid.

## **8. EXEMPTIONS**

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property, (ii) Assessor's Parcels of Property Owner Association Property, or (iii) Assessor's Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Lower Income Households Welfare Exemption Property, and (vi) Assessor's Parcels of Developed Property classified as Non-Residential Property as determined reasonably by the CFD Administrator, provided that no such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or less than 10.64 Acres in Zone 2. Assessor's Parcels of Lower Income Households Welfare Exemption Property which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable

Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Welfare Property and will continue to be subject to the CFD No. 2021-1 Special Taxes accordingly. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Property and will continue to be subject to the CFD No. 2022-1 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property, for each Zone.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 8 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

## **9. APPEALS**

Any landowner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

- (i) Amend the Special Tax levy on the landowner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,
- (ii) Require the CFD to reimburse the landowner for the amount of the overpayment to the extent of available CFD funds, or
- (iii) Grant a credit against, eliminate or reduce the future Special Taxes on the landowner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the landowner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

The City Council or designee thereof shall interpret this Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any landowner appeals. The decision of the City Council or designee shall be final.



# ATTACHMENT 3

## CFD REPORT



CITY OF  
**Perris**

**CFD Report**

**City of Perris  
Community Facilities District  
No. 2022-1 (Willowbend)**

**February 2022**

*Prepared by:*



**WILLDAN**  
Financial Services

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## I. Introduction

WHEREAS, the City Council of the City of Perris (hereinafter referred to as the "City Council"), in the State of California, did, pursuant to the terms and provisions of Chapter 2.5 of Part 1, of Division 2, of Title 5 of the Government Code of the State of California, as amended (the "Act"), adopt a Resolution of Intention for the proposed formation of City of Perris Community Facilities District No. 2022-1 (Willowbend) ("CFD No. 2022-1").

WHEREAS, this Community Facilities District Report ("Report") is being provided to the City Council and generally contains the following:

1. A brief description of CFD No. 2022-1;
2. A brief description of the Facilities (defined below) required at the time of formation to meet the needs of CFD No. 2022-1;
3. A brief description of the boundaries of CFD No. 2022-1; and
4. An estimate of the cost of financing the bonds used to pay for the Facilities, including all costs associated with formation of CFD No. 2022-1, issuance of bonds, determination of the amount of any special taxes, collection of any special taxes, or costs otherwise incurred in order to carry out the authorized purposes of the City with respect to CFD No. 2022-1, and any other incidental expenses to be paid through the proposed financing.

For particulars, reference is made to the Resolution of Intention, Resolution No. 5912, as previously approved. All capitalized terms not defined herein are defined in the Rate and Method of Apportionment of Special Tax section (Exhibit C) of this report.

NOW THEREFORE Willdan Financial Services, the appointed responsible firm directed to prepare the Report, pursuant to the provisions of the Act, does hereby submit the following:

## II. General Description & Boundaries of CFD No. 2022-1

A description of the exterior boundaries of the territory proposed for inclusion in CFD No. 2022-1, including properties and parcels of land proposed to be subject to the levy of a Special Tax by CFD No. 2022-1, is shown on the boundary maps designated as "PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), COUNTY OF RIVERSIDE, STATE OF CALIFORNIA", which is on file in the office of the Clerk of the City Council of the City of Perris and was recorded with the County Recorder of the County of Riverside on February 9, 2022 in Book 88 of Maps of Assessment and Community Facilities Districts at Pages 26-29 and as Instrument Number 2022-0066620. Copies of the maps are attached hereto as Exhibit A and hereby incorporated by reference.

### III. Description of Facilities

The General Description of the Facilities that may be acquired or constructed is as follows:

- Street facilities, including, but not limited to, major arterials, highways, bridge facilities, regional transportation facilities and streets, intersections, access ramps, roadways, sidewalk, curb, gutters, striping, lighting, traffic signalization, signage, landscaping of public streets and rights-of-way and appurtenant facilities;
- Storm control facilities, including, but not limited to, storm drains, channels, detention, headwalls, riprap pads, water quality basins, retention and/or catch basins and appurtenant facilities;
- Sewer improvements, sanitary sewers, including, but not limited to, lift stations, force mains, pump stations, transmission and main lines, valves, and appurtenant facilities;
- Domestic water facilities, including, but not limited to, reservoirs, pump stations, transmission lines, distribution facilities, main lines, valves, fire hydrants and appurtenant facilities;
- Park, recreational facilities, trails, open space and appurtenant facilities;
- Impact and other City or public agency fees, including but not limited to, Transportation Uniform Mitigation Fees, Development Impact Fees, school fees, water fees, drainage fees, sewer treatment and connection fees, water supply fees, water meter fees, water connection fees, storm drain fees, capital facilities' fees and other city or public agency fees and all capital facilities which are part of these fee programs and capital improvement programs;
- Incidental expenses;
- City facilities.

The District may also finance any of the following:

1. Bond related expenses, including underwriters' discount, reserve fund, capitalized interest, financial advisor fees and expenses, bond and disclosure counsel, market absorption consultant, special tax consultant fees and expenses, appraiser, dissemination agent fees and all other incidental expenses.
2. Administrative fees of the City and the Bond trustee or fiscal agent related to the District and the Bonds.
3. Reimbursement of costs related to the formation of the District advanced by the City or any related entity, or any landowner or developer within the District, as well as reimbursement of

any costs advanced by the City or any related entity, or any landowner or developer within the District, for facilities or other purposes or costs of the District.

This description of the public capital facilities is general in nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans and specifications may show substitutes in lieu of, or modifications to, proposed work. Any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in the city officer's report, containing a brief description of the facilities which will be required to adequately meet the needs of the District.

## IV. Cost Estimates

The proceeds of CFD No. 2022-1 will be used to fund public facilities by the reimbursement for infrastructure costs and the payment of development impact fees for the Project.

The estimated budget for CFD No. 2022-1 is approximately \$14.45 million in reimbursements and development impact fees, as detailed in Exhibit B of this Report. The CFD is expected to generate approximately \$10-12 million in proceeds for construction and impact fee reimbursements.



## V. Rate and Method of Apportionment of Special Tax

The Rate and Method of Apportionment (RMA) provides sufficient information to allow a property owner within CFD No. 2022-1 to estimate the Maximum Special Tax for his or her property. It also includes method of prepayment in full or prepayment in part and the procedure for prepayments.

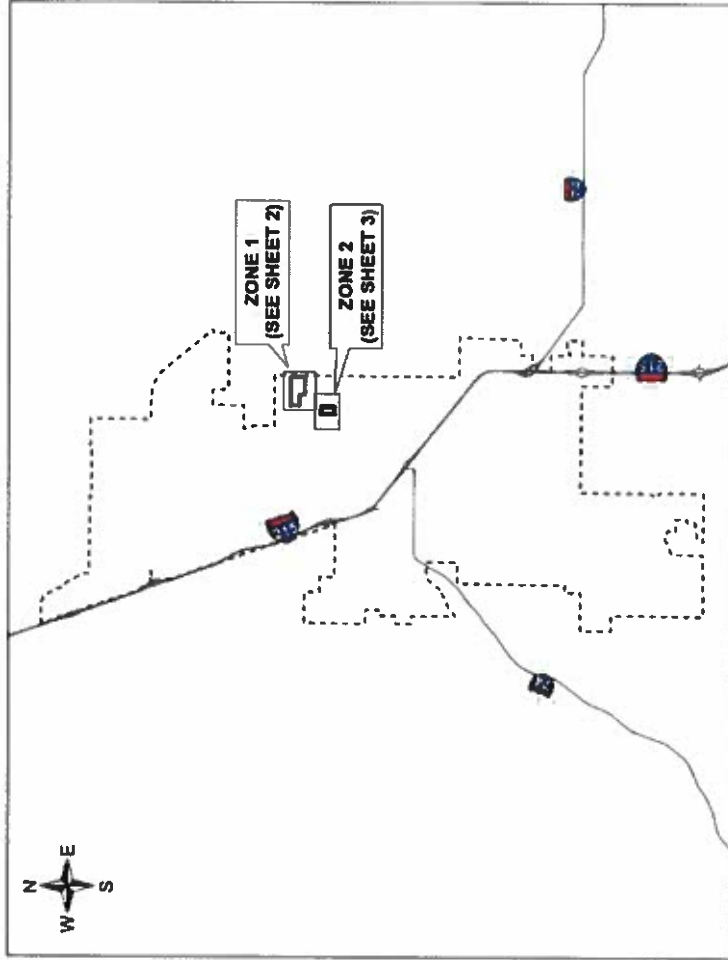
For particulars on the rate and method of apportionment, reference is made to Exhibit C of this report. An analysis showing the estimated Effective Tax Rate that results from the proposed special tax rates is presented in Exhibit D to this report.

# EXHIBIT A

## Boundary Map

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)**

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



SHEET 1 OF 4

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 WHEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF  
 COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), CITY OF PERRIS,  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY  
 CLERK OF THE CITY OF PERRIS AT A REGULAR MEETING HELD ON  
 THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY ITS RESOLUTION  
 NO. \_\_\_\_\_

CITY CLERK  
 CITY OF PERRIS

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT THE HOUR OF  
 O'CLOCK \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
 DISTRICTS AT PERRIS \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF  
 RIVERSIDE, STATE OF CALIFORNIA.

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

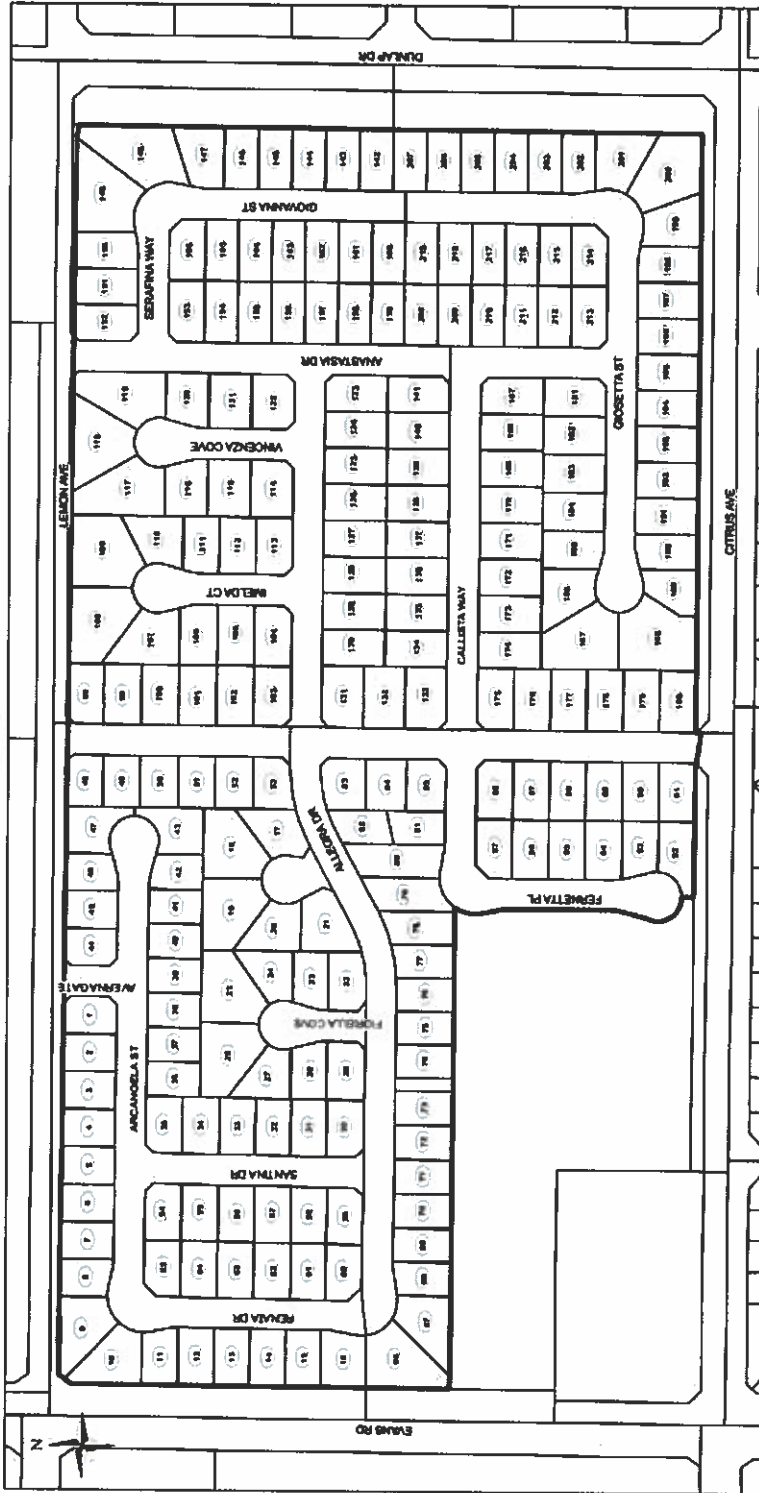
BY DEPUTY  
 COUNTY RECORDER  
 COUNTY OF RIVERSIDE  
 STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL  
 BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S  
 MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL COVER FOR ALL DETAILS  
 CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 1**



**Legend**  

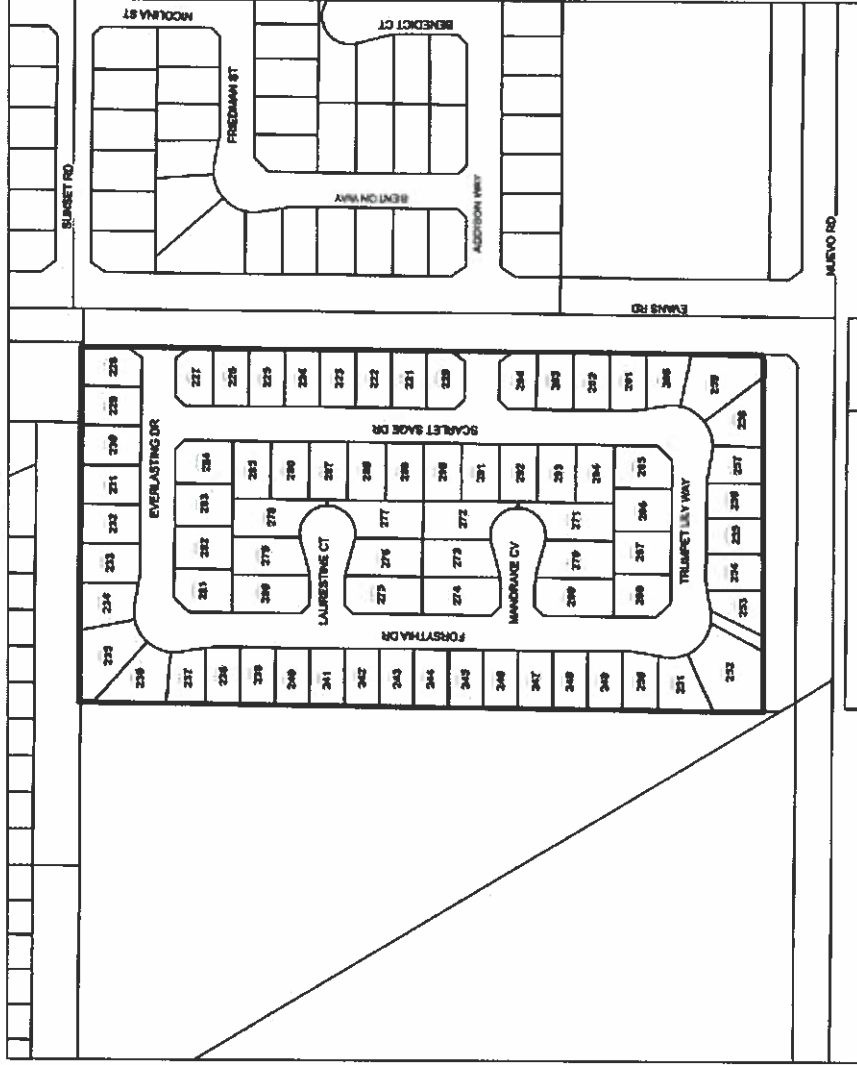
 CFD 2022-1 Zone 1  
 Map Reference Number



MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

ZONE 2



**Legend**

- CFD 2022-1 Zone 2
- Map Reference Number



**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	320-460-001	101	320-460-001	151	320-460-001	201	320-460-001
2	320-460-002	102	320-460-002	152	320-460-002	202	320-460-002
3	320-460-003	103	320-460-003	153	320-460-003	203	320-460-003
4	320-460-004	104	320-460-004	154	320-460-004	204	320-460-004
5	320-460-005	105	320-460-005	155	320-460-005	205	320-460-005
6	320-460-006	106	320-460-006	156	320-460-006	206	320-460-006
7	320-460-007	107	320-460-007	157	320-460-007	207	320-460-007
8	320-460-008	108	320-460-008	158	320-460-008	208	320-460-008
9	320-460-009	109	320-460-009	159	320-460-009	209	320-460-009
10	320-460-010	110	320-460-010	160	320-460-010	210	320-460-010
11	320-460-011	111	320-460-011	161	320-460-011	211	320-460-011
12	320-460-012	112	320-460-012	162	320-460-012	212	320-460-012
13	320-460-013	113	320-460-013	163	320-460-013	213	320-460-013
14	320-460-014	114	320-460-014	164	320-460-014	214	320-460-014
15	320-460-015	115	320-460-015	165	320-460-015	215	320-460-015
16	320-460-016	116	320-460-016	166	320-460-016	216	320-460-016
17	320-460-017	117	320-460-017	167	320-460-017	217	320-460-017
18	320-460-018	118	320-460-018	168	320-460-018	218	320-460-018
19	320-460-019	119	320-460-019	169	320-460-019	219	320-460-019
20	320-460-020	120	320-460-020	170	320-460-020	220	320-460-020
21	320-460-021	121	320-460-021	171	320-460-021	221	320-460-021
22	320-460-022	122	320-460-022	172	320-460-022	222	320-460-022
23	320-460-023	123	320-460-023	173	320-460-023	223	320-460-023
24	320-460-024	124	320-460-024	174	320-460-024	224	320-460-024
25	320-460-025	125	320-460-025	175	320-460-025	225	320-460-025
26	320-460-026	126	320-460-026	176	320-460-026	226	320-460-026
27	320-460-027	127	320-460-027	177	320-460-027	227	320-460-027
28	320-460-028	128	320-460-028	178	320-460-028	228	320-460-028
29	320-460-029	129	320-460-029	179	320-460-029	229	320-460-029
30	320-460-030	130	320-460-030	180	320-460-030	230	320-460-030
31	320-460-031	131	320-460-031	181	320-460-031	231	320-460-031
32	320-460-032	132	320-460-032	182	320-460-032	232	320-460-032
33	320-460-033	133	320-460-033	183	320-460-033	233	320-460-033
34	320-460-034	134	320-460-034	184	320-460-034	234	320-460-034
35	320-460-035	135	320-460-035	185	320-460-035	235	320-460-035
36	320-460-036	136	320-460-036	186	320-460-036	236	320-460-036
37	320-460-037	137	320-460-037	187	320-460-037	237	320-460-037
38	320-460-038	138	320-460-038	188	320-460-038	238	320-460-038
39	320-460-039	139	320-460-039	189	320-460-039	239	320-460-039
40	320-460-040	140	320-460-040	190	320-460-040	240	320-460-040
41	320-460-041	141	320-460-041	191	320-460-041	241	320-460-041
42	320-460-042	142	320-460-042	192	320-460-042	242	320-460-042
43	320-460-043	143	320-460-043	193	320-460-043	243	320-460-043
44	320-460-044	144	320-460-044	194	320-460-044	244	320-460-044
45	320-460-045	145	320-460-045	195	320-460-045	245	320-460-045
46	320-460-046	146	320-460-046	196	320-460-046	246	320-460-046
47	320-460-047	147	320-460-047	197	320-460-047	247	320-460-047
48	320-460-048	148	320-460-048	198	320-460-048	248	320-460-048
49	320-460-049	149	320-460-049	199	320-460-049	249	320-460-049
50	320-460-050	150	320-460-050	200	320-460-050	250	320-460-050



# EXHIBIT B

## Preliminary CFD Budget

### Proposed City of Perris CFD No. 2022-1 Preliminary Facilities List

City of Perris Facilities*	Total
Tract No. 33338 Storm	\$ 562,850
Tract No. 33338 Basins	302,367
Tract No. 33338 Intract Streets	626,606
Tract No. 33338 Offsite Streets	432,676
Tract No. 31659 Storm	510,370
Tract No. 31659 Basins	988,520
Tract No. 31659 Intract Streets	702,993
Tract No. 31659 Offsite Streets	729,087
Tract No. 32041-1 Storm	426,860
Tract No. 32041-1 Basins	282,553
Tract No. 32041-1 Intract Streets	915,062
Tract No. 32041-1 Offsite Streets	907,835
10% Contingency	738,778
20% Prevailing Wage & Soft Costs Contingency	1,625,311
<i>Sub-Total:</i>	\$ 9,757,869

Eastern Municipal Water District (2022 Fees)	Per Unit	No. Units	Total
Sewer Financial Participation Fee	\$ 3,208	278	\$ 891,824
Sewer Treatment Capacity Fee	6,081	278	1,690,518
Water Financial Participation Fee	6,845	278	1,902,910
Water Supply Development Fee	372	278	103,416
EMWD Water Meter Fee (1" Meter)	377	278	104,806
<i>Sub-Total:</i>	\$ 16,883		\$ 4,693,474

	Per Unit	No. Units	Total
<b>TOTAL AUTHORIZED FEES &amp; FACILITIES</b>	<b>\$ 51,962</b>	<b>278</b>	<b>\$ 14,445,343</b>

\*Facilities costs per D.R. Horton's Budget dated 12/13/21

# EXHIBIT C

## Rate and Method of Apportionment

CFD No. 2022-1



# RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

---

## COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

A Special Tax shall be levied on all Taxable Property within the boundaries of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (“CFD No. 2022-1”) and collected each Fiscal Year commencing in Fiscal Year 2022-23, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2022-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

### 1. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**“Acre” or “Acreage”** means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map. An Acre means 43,560 square feet of land.

**“Act”** means 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.

**“Administrative Expenses”** means the following actual or reasonably estimated costs related to the administration of CFD No. 2022-1 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 2022-1, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2022-1, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2022-1, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2022-1, or any designee thereof related to an appeal of the Special Tax; and the City’s annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-1 for any other administrative purposes of CFD No. 2022-1, including attorney’s fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

**“Annual Special Tax”** means the Special Tax actually levied in any Fiscal Year on any Assessor’s Parcel.

**“Assessor”** means the Assessor of the County of Riverside.

**“Assessor’s Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

**“Assessor’s Parcel Map”** means an official map of the Assessor designating parcels by Assessor’s Parcel Number.

**“Assessor’s Parcel Number”** means the number assigned to an Assessor’s Parcel by the County for purposes of identification.

**“Assigned Special Tax”** means the Special Tax of that name described in Section 3.A below.

**“Backup Special Tax”** means the Special Tax of that name described in Section 3.B below.

**“Bonds”** means any bonds or other Debt of CFD No. 2022-1, whether in one or more series, secured by the levy of Special Taxes.

**“Boundary Map”** means the map of the boundaries of CFD No. 2022-1 recorded on \_\_\_\_\_ in the Riverside County Recorder’s Office in Book \_\_, Page \_\_, of Maps of Assessments and Community Facilities Districts (instrument number \_\_ - \_\_).

**“Building Permit”** means a building permit for construction of a Residential Unit within CFD No. 2022-1 issued by the City.

**“Building Square Footage”** means all of the square footage of usable area within the perimeter of a primary residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by reference to the Building Permit(s) issued for such Assessor’s Parcel and/or by reference to appropriate records kept by the City.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

**“CFD No. 2022-1”** means the Community Facilities District No. 2022-1 (Willowbend) of the City of Perris.

**“City”** means the City of Perris, California.

**“Council”** means the City Council of the City acting as the legislative body of CFD No. 2022-1 under the Act.

**“County”** means the County of Riverside, California.

**“Debt”** means any binding obligation to pay or repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals, or long-term contracts.

**“Debt Service”** means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

**“Developed Property”** means for each Fiscal Year, all Taxable Property, exclusive of Provisional Property, for which a Building Permit was issued prior to May 1 of the previous Fiscal Year. An Assessor’s Parcel classified as Developed Property but for which the Building Permit that caused such Assessor’s Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification

shall not be less than 1.1 times the annual Debt Service less Administrative Expenses on all Outstanding Bonds. If Bonds have not been issued, an Assessor's Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

**"Exempt Property"** means for each Fiscal Year, all Assessor's Parcels designated as being exempt from Special Taxes pursuant to Section 8 below.

**"Final Map"** means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

**"Fiscal Year"** means the period starting on July 1 and ending the following June 30.

**"Indenture"** means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

**"Land Use Class"** means any of the classes listed in Table 1 under Section 3 below.

**"Lot"** means a parcel created by a Final Map on which a Residential Unit can be constructed.

**"Lower Income Households Welfare Exemption Property"** means, for each Fiscal Year, an Assessor's Parcel that is entitled to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County Assessor's roll finalized as of January 1 of the previous Fiscal Year; provided that such property is not exempt from the Special Tax if debt is outstanding and the property was subject to the Special Tax prior to receiving the exemption, in which case the property shall remain subject to the Special Tax and the Special Tax shall be enforceable against the property.

**"Maximum Special Tax"** means for each Assessor's Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor's Parcel of Taxable Property.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property for which a building permit has been issued for the purpose of constructing one or more non-residential units or facilities.

**"Outstanding Bonds"** means all Bonds, which are deemed to be outstanding under the Indenture.

**"Prepayment Amount"** means the amount required to prepay the Annual Special Tax obligation in full for an Assessor's Parcel as described in Section 6.A below.

**"Property Owner Association Property"** means any Assessor's Parcel within the boundaries of CFD No. 2022-1 owned in fee by a property owner association, including any master or sub-association.

**"Proportionately" or "Proportionate"** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is equal for all Assessor's Parcels of Undeveloped Property. **"Proportionately"** may similarly be applied to other categories of Taxable Property as listed in Section 4 below.

**“Provisional Property”** means all Assessor’s Parcels of Public Property, Property Owner Association Property or property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**“Provisional Welfare Property”** means all Assessor’s Parcels of Lower Income Households Welfare Exemption Property that would otherwise be classified as Exempt Property pursuant to the provisions of Section H, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section H.

**“Public Property”** means any property within the boundaries of CFD No. 2022-1, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use.

**“Residential Property”** means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

**“Residential Unit”** means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units. This definition does not include Accessory Dwelling Units as defined in the State of California Government Code section 65852.2.

**“Special Tax”** means any special tax levied within CFD No. 2022-1 pursuant to the Act and this Rate and Method of Apportionment of Special Tax.

**“Special Tax Obligation”** means the total obligation of an Assessor’s Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD No. 2022-1.

**“Special Tax Requirement”** means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds, including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Fees and Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) accumulate funds to pay directly for acquisition or construction of facilities provided that the inclusion of such amount does not cause an increase in the Special Tax to be levied on Undeveloped Property; and (vi) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (vii) a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Indenture.

**“State”** means the State of California.

**“Taxable Property”** means all of the Assessor's Parcels within the boundaries of CFD No. 2022-1, which are not exempt from the levy of the Special Tax pursuant to law or Section 8 below.

**“Trustee”** means the trustee or fiscal agent under the Indenture.

**“Undeveloped Property”** means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Provisional Property.

**“Zone”** means, as the context requires, either Zone 1 or Zone 2.

**“Zone 1”** means all property located within the area identified as Zone 1 in the Boundary Map.

**“Zone 2”** means all property located within the area identified as Zone 2 in the Boundary Map.

**2. LAND USE CLASSIFICATION**

Each Fiscal Year, beginning with Fiscal Year 2022-23, each Assessor’s Parcel within CFD No. 2022-1 shall be assigned to Zone 1 or Zone 2 and classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property, Undeveloped Property, Provisional Welfare Property, or Provisional Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

**3. SPECIAL TAX RATES**

**A. Assigned Special Tax for Developed Property and Provisional Welfare Property**

The Assigned Special Tax applicable to an Assessor's Parcel classified as Developed Property or Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be determined pursuant to Table 1 below.

**Table 1  
Assigned Special Tax Rates**

<b>Zone</b>	<b>Land Use Class</b>	<b>Land Use Type</b>	<b>Building Square Footage</b>	<b>Assigned Special Tax Per Residential Unit</b>
1	1	Residential Property	> 2,500	\$2,918
1	2	Residential Property	2,301 – 2,500	\$2,814
1	3	Residential Property	2,101 – 2,300	\$2,765
1	4	Residential Property	≤ 2,100	\$2,623
2	1	Residential Property	> 2,000	\$2,468
2	2	Residential Property	1,801 – 2,000	\$2,393
2	3	Residential Property	≤ 1,800	\$2,292

Each July 1, commencing July 1, 2023, the Assigned Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**B. Backup Special Tax for Developed Property and Provisional Welfare Property**

The Backup Special Tax for Developed Property and Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023,

the Backup Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

For the purpose of calculating the Backup Special Tax, the land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.

**C. Maximum Special Tax for Developed Property and Provisional Welfare Property**

The Maximum Special Tax for Developed Property and Provisional Welfare Property shall be the greater of the Assigned Special Tax for Developed Property or the Backup Special Tax for Developed Property and Provisional Welfare Property.

**D. Maximum Special Tax for Provisional Property and Undeveloped Property**

The Maximum Special Tax for Provisional Property and Undeveloped Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Maximum Special Tax rates for Provisional Property and Undeveloped Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**4. METHOD OF APPORTIONMENT**

For each Fiscal Year, commencing Fiscal Year 2022-23, the CFD Administrator shall levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property in an amount up to 100% of the applicable Assigned Special Tax as necessary to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax amount determined in Step 1 shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property;

Step 4: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Welfare Property up to 100% of the Maximum Special Tax for Provisional Welfare Property;

Step 5: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Property up to 100% of the Maximum Special Tax for Provisional Property;

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD No. 2022-1 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

## 5. COLLECTION OF SPECIAL TAXES

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

## 6. PREPAYMENT OF SPECIAL TAX OBLIGATION

### A. Prepayment in Full

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 6:

**"CFD Public Facilities Costs"** means \$13,000,000 or such lower number as (i) shall be determined by the CFD Administrator as sufficient to acquire or construct the facilities to be financed under the Act and financing program for CFD No. 2022-1, or (ii) shall be determined by the Council concurrently with a covenant that it will not issue any more Bonds (except refunding bonds).

**"Construction Fund"** means the fund (regardless of its name) established pursuant to the Indenture to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay fees authorized to be funded by CFD No. 2022-1.

**"Future Facilities Costs"** means the CFD Public Facilities Costs minus (i) costs previously paid from the Construction Fund to acquire or construct the facilities, (ii) monies currently on deposit in the Construction Fund, and (iii) monies currently on deposit in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

**"Outstanding Bonds"** means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

**“Previously Issued Bonds”** means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Developed Property, or Undeveloped Property for which a Building Permit has been issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment or the delinquent special taxes are paid off concurrently with the prepayment to the satisfaction of the CFD Administrator. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the CFD No. 2022-1 Bonds to be redeemed with the proceeds of such prepaid Special Taxes, unless a shorter period is acceptable to the Trustee and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor’s Parcel or group of Assessor’s Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount  
plus Redemption Premium  
plus Future Facilities Prepayment Amount  
plus Defeasance Amount  
plus Prepayment Administrative Fees and Expenses  
less Reserve Fund Credit  
less Capitalized Interest Credit  
Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

**Step No.:**

1. Confirm that no Special Tax delinquencies apply to such Assessor’s Parcel.
2. For Assessor’s Parcels of Developed Property, determine the Maximum Special Tax. For Assessor’s Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor’s Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor’s Parcel.
3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD No. 2022-1 assuming all Building Permits have been issued (build-out) within CFD No. 2022-1, excluding any Assessor’s Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid for



all applicable parcels and round that amount up to the nearest \$5,000 increment (the “Bond Redemption Amount”).

5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the “Redemption Premium”).

6. Compute the Future Facilities Costs.

7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the “Future Facilities Prepayment Amount”).

8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Indenture, may be as early as the next interest payment date, but the redemption date may be any date determined by the CFD Administrator as convenient and appropriate and permitted by the Indenture and does not have to be the next interest payment date.

9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.

10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the “Defeasance Amount”).

11. Calculate the administrative fees and expenses of CFD No. 2022-1, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 2022-1, and the costs of recording any notices to evidence the prepayment and the redemption (the “Prepayment Administrative Fees”).

12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement.

13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the “Capitalized Interest Credit”).

14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the "Prepayment Amount").

15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2022-1.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of CFD No. 2022-1 Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to redeem CFD No. 2022-1 Bonds to be used with the next prepayment of CFD No. 2022-1 Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

### **B. Partial Prepayment**

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a building permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 6.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (PE - A) \times F + A$$

These terms have the following meaning:

PP = the partial prepayment

PE = the Prepayment Amount calculated according to Section 6.A

F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation

A = the Prepayment Administrative Fees and Expenses from Section 6.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax

Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 6.A., and (ii) indicate in the records of CFD No. 2022-1 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (1.00 - F) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

## **7. TERM OF SPECIAL TAX**

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement for a period not to exceed fifty (50) Fiscal Years commencing with Fiscal Year 2022-23, provided however that the Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on CFD No. 2022-1 bonds have been paid.

## **8. EXEMPTIONS**

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property, (ii) Assessor's Parcels of Property Owner Association Property, or (iii) Assessor's Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Lower Income Households Welfare Exemption Property, and (vi) Assessor's Parcels of Developed Property classified as Non-Residential Property as determined reasonably by the CFD Administrator, provided that no such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or less than 10.64 Acres in Zone 2. Assessor's Parcels of Lower Income Households Welfare Exemption Property which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Welfare Property and will continue to be subject to the CFD No. 2021-1 Special Taxes accordingly. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Property and will continue to be subject to the CFD No. 2022-1 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property, for each Zone.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 8 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

## **9. APPEALS**

Any landowner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

- (i) Amend the Special Tax levy on the landowner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,
- (ii) Require the CFD to reimburse the landowner for the amount of the overpayment to the extent of available CFD funds, or
- (iii) Grant a credit against, eliminate or reduce the future Special Taxes on the landowner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the landowner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

The City Council or designee thereof shall interpret this Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any landowner appeals. The decision of the City Council or designee shall be final.

# EXHIBIT D

## Estimated Tax Rates

CFD No. 2022-1

**Estimated Effective Tax Rates**  
**City of Perris CFD No. 2022-1 (Willowbend)**

Zone 1 - Ad Valorem Taxes <sup>1</sup>	Amount
Base Property Tax Rate	53.74
Val Verde Unified School District	0.94
Riverside Community College District	20.00
Metropolitan Water District East	491.40
<b>Total Ad Valorem Taxes</b>	<b>471.22</b>
<b>Zone 2 - Ad Valorem Taxes<sup>1</sup></b>	<b>304.20</b>
Base Property Tax Rate	\$1,409.84
Perris School District	
MT. San Jacinto Community College District	
Perris Union High School District	
Metropolitan Water District East	
<b>Total Ad Valorem Taxes</b>	

Fixed Rate Levies <sup>1</sup>	Amount
Flood Control Stormwater/Cleanwater	53.74
WAVD Standby East	0.94
EWWD Standby - Combined Charge	20.00
Perris Lumbago Maintenance District No. 1	491.40
Perris Maintenance District 84 <sup>1</sup>	40.28
Perris Flood Control Maintenance District No. 1	471.22
Perris CFD No. 2001-3 Public Safety CFD	304.20
<b>Total Fixed Rate Levies</b>	<b>\$1,409.84</b>

**City of Perris CFD No. 2022-1 (Willowbend)**

Land Use and Special Tax Class	Zone 1 Units	Base Price <sup>2</sup>	Maximum Special Tax <sup>3</sup>	Ad Valorem Taxes	FCMWD	Other Fixed Rate Levies	Total Levies	Effective Tax Rate including CFD
Residential Property (≤ 2,100 sq. ft.)	44	\$483,700	\$2,073	\$3,241	\$471	\$939	\$9,274	1.3320%
Residential Property (2,101 - 2,300 sq. ft.)	42	\$479,900	\$2,764	\$3,424	\$471	\$939	\$9,398	1.3236%
Residential Property (2,301 - 2,500 sq. ft.)	44	\$485,000	\$2,814	\$3,428	\$471	\$939	\$9,717	1.3235%
Residential Property (2,501 - 2,900 sq. ft.)	36	\$492,200	\$2,814	\$3,363	\$471	\$939	\$9,787	1.3209%
Residential Property (≥ 2,900 sq. ft.)	43	\$497,000	\$2,918	\$3,634	\$471	\$939	\$9,932	1.3168%

Land Use and Special Tax Class	Zone 2 Units	Base Price <sup>2</sup>	Minimum Special Tax <sup>3</sup>	Ad Valorem Taxes	FCMWD	Other Fixed Rate Levies	Total Levies	Effective Tax Rate including CFD
Residential Property (≤ 1,800 sq. ft.)	20	\$441,990	\$2,352	\$3,138	\$471	\$939	\$8,640	1.3748%
Residential Property (1,801 - 2,000 sq. ft.)	20	\$433,990	\$2,359	\$3,277	\$471	\$939	\$9,080	1.3691%
Residential Property (≥ 2,000 sq. ft.)	20	\$482,990	\$2,486	\$3,382	\$471	\$939	\$9,260	1.3633%

Zone 1	Developed Special Taxes	Net 1.5% Rate Acres <sup>3</sup>	Undeveloped Special Tax
Undeveloped Property	\$379,213	39.82	\$14,543

Zone 2	Developed Special Taxes	Net 1.5% Rate Acres <sup>3</sup>	Undeveloped Special Tax
Undeveloped Property	\$180,870	10.64	\$15,084

1: Based on FY 2021-22 tax bills for subject property and comparable single family homes.  
2: Recommended base price provided by Empire Economics. Special Tax rates provided by Developer.  
3: An amount by 3% to provide a margin of error for development timing and average calculations.

## **ATTACHMENT 4**

### **RESOLUTION OF FORMATION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SUCH COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, ESTABLISHING AN APPROPRIATIONS LIMIT, AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID DISTRICT**

**WHEREAS**, the City Council (the “Council”) of the City of Perris, California (the “City”), on January 25, 2022, has heretofore adopted its Resolution No. 5912 (the “Resolution of Intention”) stating its intention to form Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

**WHEREAS**, it is the intent of the District to finance (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property described in Exhibit “B” hereto and incorporated herein by this reference, including all furnishings, equipment and supplies related thereto; (2) the payment of development and other fees and the acquisition or construction of public facilities (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; and (3) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District (the “Incidental Expenses”); and

**WHEREAS**, the District will be in compliance with all the requirements of the City’s adopted local goals and policies specified in its Debt Issuance and Management Policy (the “Debt Policy”), adopted on November 30, 2021; and

**WHEREAS**, the Resolution of Intention set March 8, 2022, as the date of the public hearing on the formation of the District; and

**WHEREAS**, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the District, the Facilities, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within the District, is on file with the City Clerk and incorporated herein by reference; and

**WHEREAS**, a report by each City officer who is or will be responsible for the District (the “Report”), has been filed with the Council pursuant to the Resolution of Intention; and

**WHEREAS**, on March 8, 2022, pursuant to the Resolution of Intention, this Council held said public hearing as required by law and the Act; 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, including the boundaries of the District, the special tax, and the Facilities, were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** That the above recitals are all true and correct.

**Section 2.** Pursuant to Section 53325.1(b) of the Government Code, the Council finds and determines that the proceedings prior hereto were valid and in conformity with the requirements of the Act including, without limitation, the following:

(i) Filing of a petition of a landowner requesting institution of proceedings to establish the District;

(ii) Adoption of a Resolution of Intention to establish the District;

(iii) Adoption of a Resolution of Intention to Incur Bonded Indebtedness in an amount not to exceed \$17,500,000;

(iv) Publication and mailing of notice of public hearing on the establishment of the District and of the proposed debt issue;

(v) Conducting of a public hearing on the establishment of the District, the proposed public facilities and the incurring of the proposed debt, at which time all interested persons or taxpayers not exempt from the special tax were permitted to protest orally or in writing against the establishment of the District, were permitted to file written protests to the regularity or sufficiency of the proceedings, and any person interested, including persons owning property within the District, were permitted to appear and present any matters material to the questions set forth in the Resolution of Intention to Incur Bonded Indebtedness.

**Section 3.** The Report, as now submitted is hereby approved and is made a part of the record of the hearing, and is ordered kept on file with the transcript of these proceedings and open for public inspection.

**Section 4.** A community facilities district to be designated "Community Facilities District No. 2022-1 (Willowbend) of the City of Perris" ("the District") is hereby established pursuant to the Act.

**Section 5.** The description and map of the boundaries of the District on file in the City Clerk's office and as described in said Resolution of Intention and incorporated herein by reference, shall be the boundaries of the District. The map of the proposed boundaries of the District has been recorded in the Office of the County Recorder of Riverside County, California

in Book 88, Pages 26-29 of the Book of Maps of Assessment and Community Facilities Districts, as Document Number 2022-0066620.

**Section 6.** The type of public facilities authorized to be provided within the District include certain real and other tangible property with an estimated useful life of five years or longer, including public infrastructure facilities, and other governmental facilities which the City or the Eastern Municipal Water District (“EMWD”) is authorized by law to construct, acquire, own, operate or contribute revenue to, within or without the District, which is necessary to meet increased demands placed upon the City as result of development or rehabilitation occurring within the District. The public facilities are more fully described in Exhibit “B” attached hereto and by this reference incorporated herein.

**Section 7.** Except where funds are otherwise available, there shall be levied annually in accordance with procedures contained in the Act a special tax within the District (the “Special Tax”) sufficient to pay for the costs of financing the acquisition and/or construction of the Facilities and Incidental Expenses, including the principal and interest and other periodic costs on bonds or other indebtedness proposed to be issued to finance the Facilities and Incidental Expenses, including the establishment and replenishment of any reserve funds, the credit enhancement fees, the costs of administering the levy and collection of the Special Tax and all other costs of the levy of the Special Tax and issuance of the bonds, including any foreclosure proceedings, architectural, engineering, inspection, legal, fiscal, and financial consultant fees, discount fees, capitalized interest on bonds, if applicable, election costs and all costs of issuance of the bonds, including, but not limited to, fees for bond counsel, disclosure counsel, financing consultants and printing costs, and all other administrative costs of the tax levy and bond issue. The Special Tax will be secured by recordation of a continuing lien against all non-exempt real property in the District. In the first year in which such a Special Tax is levied, the levy shall include a sum sufficient to repay to the City all amounts, if any, transferred to the District pursuant to Section 53314 of the Act and interest thereon. The schedule of the rate and method of apportionment and manner of collection of the Special Tax within the proposed District is described in detail in Exhibit “A” attached hereto and incorporated herein by this reference (the “Rate and Method”). The Special Tax is based upon the cost of financing the Facilities and Incidental Expenses in the District, the demand that each parcel will place on the Facilities and the benefit (direct and/or indirect) received by each parcel from the Facilities.

**Section 8.** If the Special Tax is levied against any parcel used for private residential purposes, (i) the maximum special tax rate shall not be increased over time except that it may be increased by an amount not to exceed two percent (2%) per year to the extent permitted in the rate and method of apportionment; (ii) such tax shall be levied for a period not to exceed fifty (50) years commencing with Fiscal Year 2022-2023, as further described in Exhibit “A” hereto; and (iii) under no circumstances will such special tax levied in any fiscal year be increased as a consequence of delinquency or default by the owner of any other parcel within the District by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquency or default.

**Section 9.** The Special Tax is based on the expected demand that each parcel

of real property within the District will place on the Facilities on the benefit that each parcel derives from the right to access the Facilities and on other factors. The Council hereby determines that the proposed Facilities are necessary to meet the increased demand placed upon the City and the existing infrastructure in the City as a result of the development of land proposed for inclusion to the District. The Council hereby determines the Rate and Method set forth in Exhibit "A" to be reasonable. The Special Tax is apportioned to each parcel within the District on the foregoing basis pursuant to Section 53325.3 of the Act and such special tax is not based upon the value or ownership of real property. In the event that a portion of the property within the District shall become for any reason exempt, wholly or partially, from the levy of the Special Tax, the Council shall, on behalf of the District, increase the levy to the extent necessary upon the remaining property within the District which is not delinquent or exempt in order to yield the required payments, subject to the maximum tax. The obligation to pay special taxes may be prepaid as set forth in Exhibit "A."

**Section 10.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Council hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 7 above:

(i) Such Special Tax shall be levied for the specific purposes set forth in Section 7 hereof.

(ii) The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 7 hereof.

(iii) The District shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.

(iv) The City Manager or the City Finance Director/Treasurer, or their designee, acting for and on behalf of the District, shall annually file a report with the Council as required pursuant to Government Code Section 50075.3.

**Section 11.** 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 nonexempt real property in the District, and this lien shall continue in force and effect until the special tax obligation is prepaid or otherwise permanently satisfied and the lien cancelled in accordance with law or until collection of the tax by the District ceases.

**Section 12.** The Council finds that the Facilities are necessary to meet the increased demand put upon the City as a result of the development within the District.

**Section 13.** The Council finds that there is not an ad valorem property tax currently being levied on property within the proposed District for the exclusive purpose of paying principal of or interest on bonds or other indebtedness incurred to finance construction of capital facilities which provide the same services to the territory of the District as provided by the Facilities.

**Section 14.** An appropriation limit for the District is hereby established at \$17,500,000 and as defined by Article XIIB of the California Constitution, as adjusted for changes

in the cost of living and changes in population.

**Section 15.** Written protests against the establishment of the District, or against the furnishing of specified services or facilities or the levying of a specified special tax within the District, have not been filed by fifty percent (50%) or more of the registered voters or property owners of one-half (1/2) or more of the area of land within the District.

**Section 16.** The Special Tax to be levied in the District to pay for all the proposed Facilities has not been precluded by protests by owners of one-half (1/2) or more of the land in the territory included in the District pursuant to Government Code Section 53324.

**Section 17.** The Office of the City Manager, 101 North "D" Street, Perris, California 92570, or its designee, is designated to be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and for estimating future special tax levies pursuant to Section 53340.1 of the Government Code.

**Section 18.** The City Clerk is directed to certify and attest to this Resolution and to take any and all necessary acts to call, hold, canvass and certify an election or elections on the incurring of bonded indebtedness, the levy of the special tax, and the establishment of the appropriation limit.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

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MAYOR OF THE CITY OF PERRIS

Attest:

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CITY CLERK OF THE CITY OF PERRIS

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

I, Nancy Salazar Rey, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of March, 2022, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

By: \_\_\_\_\_  
City Clerk

Exhibit A - Rate and Method of Apportionment of Special Tax for CFD No. 2022-1

Exhibit B – Types of Facilities to be Financed by CFD No. 2022-1

**EXHIBIT A**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX  
FOR COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND) OF THE CITY OF PERRIS**

[SEE ATTACHED]

# RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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## COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

A Special Tax shall be levied on all Taxable Property within the boundaries of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (“CFD No. 2022-1”) and collected each Fiscal Year commencing in Fiscal Year 2022-23, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2022-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

### 1. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“**Acre**” or “**Acreage**” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map. An Acre means 43,560 square feet of land.

“**Act**” means 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.

“**Administrative Expenses**” means the following actual or reasonably estimated costs related to the administration of CFD No. 2022-1 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 2022-1, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2022-1, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2022-1, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2022-1, or any designee thereof related to an appeal of the Special Tax; and the City’s annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-1 for any other administrative purposes of CFD No. 2022-1, including attorney’s fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

“**Annual Special Tax**” means the Special Tax actually levied in any Fiscal Year on any Assessor’s Parcel.

“**Assessor**” means the Assessor of the County of Riverside.

“**Assessor’s Parcel**” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

**“Assessor's Parcel Map”** means an official map of the Assessor designating parcels by Assessor's Parcel Number.

**“Assessor's Parcel Number”** means the number assigned to an Assessor's Parcel by the County for purposes of identification.

**“Assigned Special Tax”** means the Special Tax of that name described in Section 3.A below.

**“Backup Special Tax”** means the Special Tax of that name described in Section 3.B below.

**“Bonds”** means any bonds or other Debt of CFD No. 2022-1, whether in one or more series, secured by the levy of Special Taxes.

**“Boundary Map”** means the map of the boundaries of CFD No. 2022-1 recorded on \_\_\_\_\_ in the Riverside County Recorder's Office in Book \_\_, Page \_\_, of Maps of Assessments and Community Facilities Districts (instrument number \_\_-\_\_).

**“Building Permit”** means a building permit for construction of a Residential Unit within CFD No. 2022-1 issued by the City.

**“Building Square Footage”** means all of the square footage of usable area within the perimeter of a primary residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by reference to the Building Permit(s) issued for such Assessor's Parcel and/or by reference to appropriate records kept by the City.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

**“CFD No. 2022-1”** means the Community Facilities District No. 2022-1 (Willowbend) of the City of Perris.

**“City”** means the City of Perris, California.

**“Council”** means the City Council of the City acting as the legislative body of CFD No. 2022-1 under the Act.

**“County”** means the County of Riverside, California.

**“Debt”** means any binding obligation to pay or repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals, or long-term contracts.

**“Debt Service”** means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

**“Developed Property”** means for each Fiscal Year, all Taxable Property, exclusive of Provisional Property, for which a Building Permit was issued prior to May 1 of the previous Fiscal Year. An Assessor's Parcel classified as Developed Property but for which the Building Permit that caused such Assessor's Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as



Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification shall not be less than 1.1 times the annual Debt Service less Administrative Expenses on all Outstanding Bonds. If Bonds have not been issued, an Assessor's Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

**"Exempt Property"** means for each Fiscal Year, all Assessor's Parcels designated as being exempt from Special Taxes pursuant to Section 8 below.

**"Final Map"** means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

**"Fiscal Year"** means the period starting on July 1 and ending the following June 30.

**"Indenture"** means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

**"Land Use Class"** means any of the classes listed in Table 1 under Section 3 below.

**"Lot"** means a parcel created by a Final Map on which a Residential Unit can be constructed.

**"Lower Income Households Welfare Exemption Property"** means, for each Fiscal Year, an Assessor's Parcel that is entitled to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County Assessor's roll finalized as of January 1 of the previous Fiscal Year; provided that such property is not exempt from the Special Tax if debt is outstanding and the property was subject to the Special Tax prior to receiving the exemption, in which case the property shall remain subject to the Special Tax and the Special Tax shall be enforceable against the property.

**"Maximum Special Tax"** means for each Assessor's Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor's Parcel of Taxable Property.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property for which a building permit has been issued for the purpose of constructing one or more non-residential units or facilities.

**"Outstanding Bonds"** means all Bonds, which are deemed to be outstanding under the Indenture.

**"Prepayment Amount"** means the amount required to prepay the Annual Special Tax obligation in full for an Assessor's Parcel as described in Section 6.A below.

**"Property Owner Association Property"** means any Assessor's Parcel within the boundaries of CFD No. 2022-1 owned in fee by a property owner association, including any master or sub-association.

**"Proportionately" or "Proportionate"** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is

equal for all Assessor's Parcels of Undeveloped Property. **"Proportionately"** may similarly be applied to other categories of Taxable Property as listed in Section 4 below.

**"Provisional Property"** means all Assessor's Parcels of Public Property, Property Owner Association Property or property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**"Provisional Welfare Property"** means all Assessor's Parcels of Lower Income Households Welfare Exemption Property that would otherwise be classified as Exempt Property pursuant to the provisions of Section H, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section H.

**"Public Property"** means any property within the boundaries of CFD No. 2022-1, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use.

**"Residential Property"** means all Assessor's Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

**"Residential Unit"** means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units. This definition does not include Accessory Dwelling Units as defined in the State of California Government Code section 65852.2.

**"Special Tax"** means any special tax levied within CFD No. 2022-1 pursuant to the Act and this Rate and Method of Apportionment of Special Tax.

**"Special Tax Obligation"** means the total obligation of an Assessor's Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD No. 2022-1.

**"Special Tax Requirement"** means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds, including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Fees and Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) accumulate funds to pay directly for acquisition or construction of facilities provided that the inclusion of such amount does not cause an increase in the Special Tax to be levied on Undeveloped Property; and (vi) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (vii) a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Indenture.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of CFD No. 2022-1, which are not exempt from the levy of the Special Tax pursuant to law or Section 8 below.

**"Trustee"** means the trustee or fiscal agent under the Indenture.

**“Undeveloped Property”** means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Provisional Property.

**“Zone”** means, as the context requires, either Zone 1 or Zone 2.

**“Zone 1”** means all property located within the area identified as Zone 1 in the Boundary Map.

**“Zone 2”** means all property located within the area identified as Zone 2 in the Boundary Map.

**2. LAND USE CLASSIFICATION**

Each Fiscal Year, beginning with Fiscal Year 2022-23, each Assessor’s Parcel within CFD No. 2022-1 shall be assigned to Zone 1 or Zone 2 and classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property, Undeveloped Property, Provisional Welfare Property, or Provisional Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

**3. SPECIAL TAX RATES**

**A. Assigned Special Tax for Developed Property and Provisional Welfare Property**

The Assigned Special Tax applicable to an Assessor's Parcel classified as Developed Property or Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be determined pursuant to Table 1 below.

**Table 1  
Assigned Special Tax Rates**

<b>Zone</b>	<b>Land Use Class</b>	<b>Land Use Type</b>	<b>Building Square Footage</b>	<b>Assigned Special Tax Per Residential Unit</b>
1	1	Residential Property	> 2,500	\$2,918
1	2	Residential Property	2,301 – 2,500	\$2,814
1	3	Residential Property	2,101 – 2,300	\$2,765
1	4	Residential Property	≤ 2,100	\$2,623
2	1	Residential Property	> 2,000	\$2,468
2	2	Residential Property	1,801 – 2,000	\$2,393
2	3	Residential Property	≤ 1,800	\$2,292

Each July 1, commencing July 1, 2023, the Assigned Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**B. Backup Special Tax for Developed Property and Provisional Welfare Property**

The Backup Special Tax for Developed Property and Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Backup Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

For the purpose of calculating the Backup Special Tax, the land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.

**C. Maximum Special Tax for Developed Property and Provisional Welfare Property**

The Maximum Special Tax for Developed Property and Provisional Welfare Property shall be the greater of the Assigned Special Tax for Developed Property or the Backup Special Tax for Developed Property and Provisional Welfare Property.

**D. Maximum Special Tax for Provisional Property and Undeveloped Property**

The Maximum Special Tax for Provisional Property and Undeveloped Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Maximum Special Tax rates for Provisional Property and Undeveloped Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

#### **4. METHOD OF APPORTIONMENT**

For each Fiscal Year, commencing Fiscal Year 2022-23, the CFD Administrator shall levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property in an amount up to 100% of the applicable Assigned Special Tax as necessary to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax amount determined in Step 1 shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property;

Step 4: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Welfare Property up to 100% of the Maximum Special Tax for Provisional Welfare Property;

Step 5: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Property up to 100% of the Maximum Special Tax for Provisional Property;

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD No. 2022-1 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

#### **5. COLLECTION OF SPECIAL TAXES**

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

#### **6. PREPAYMENT OF SPECIAL TAX OBLIGATION**

##### **A. Prepayment in Full**

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 6:

**“CFD Public Facilities Costs”** means \$13,000,000 or such lower number as (i) shall be determined by the CFD Administrator as sufficient to acquire or construct the facilities to be financed under the Act and financing program for CFD No. 2022-1, or (ii) shall be determined by the Council concurrently with a covenant that it will not issue any more Bonds (except refunding bonds).

**“Construction Fund”** means the fund (regardless of its name) established pursuant to the Indenture to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay fees authorized to be funded by CFD No. 2022-1.

**“Future Facilities Costs”** means the CFD Public Facilities Costs minus (i) costs previously paid from the Construction Fund to acquire or construct the facilities, (ii) monies currently on deposit in the Construction Fund, and (iii) monies currently on deposit in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

**“Outstanding Bonds”** means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

**“Previously Issued Bonds”** means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Developed Property, or Undeveloped Property for which a Building Permit has been issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment or the delinquent special taxes are paid off concurrently with the prepayment to the satisfaction of the CFD Administrator. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the CFD No. 2022-1 Bonds to be redeemed with the proceeds of such prepaid Special Taxes, unless a shorter period is acceptable to the Trustee and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor’s Parcel or group of Assessor’s Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount  
plus Redemption Premium  
plus Future Facilities Prepayment Amount  
plus Defeasance Amount  
plus Prepayment Administrative Fees and Expenses  
less Reserve Fund Credit

less Capitalized Interest Credit  
Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

**Step No.:**

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel.
2. For Assessor's Parcels of Developed Property, determine the Maximum Special Tax. For Assessor's Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor's Parcel.
3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD No. 2022-1 assuming all Building Permits have been issued (build-out) within CFD No. 2022-1, excluding any Assessor's Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid for all applicable parcels and round that amount up to the nearest \$5,000 increment (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the "Redemption Premium").
6. Compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Prepayment Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Indenture, may be as early as the next interest payment date, but the redemption date may be any date determined by the CFD Administrator as convenient and appropriate and permitted by the Indenture and does not have to be the next interest payment date.
9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.

10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the “Defeasance Amount”).

11. Calculate the administrative fees and expenses of CFD No. 2022-1, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 2022-1, and the costs of recording any notices to evidence the prepayment and the redemption (the “Prepayment Administrative Fees”).

12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement.

13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the “Capitalized Interest Credit”).

14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the “Prepayment Amount”).

15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2022-1.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of CFD No. 2022-1 Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to redeem CFD No. 2022-1 Bonds to be used with the next prepayment of CFD No. 2022-1 Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.



Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

### **B. Partial Prepayment**

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a building permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 6.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (P_E - A) \times F + A$$

These terms have the following meaning:

PP = the partial prepayment

P<sub>E</sub> = the Prepayment Amount calculated according to Section 6.A

F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation

A = the Prepayment Administrative Fees and Expenses from Section 6.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 6.A., and (ii) indicate in the records of CFD No. 2022-1 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (1.00 - F) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

### **7. TERM OF SPECIAL TAX**

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement for a period not to exceed fifty (50) Fiscal Years commencing with Fiscal Year 2022-23, provided however that the Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on CFD No. 2022-1 bonds have been paid.

## **8. EXEMPTIONS**

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property, (ii) Assessor's Parcels of Property Owner Association Property, or (iii) Assessor's Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Lower Income Households Welfare Exemption Property, and (vi) Assessor's Parcels of Developed Property classified as Non-Residential Property as determined reasonably by the CFD Administrator, provided that no such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or less than 10.64 Acres in Zone 2. Assessor's Parcels of Lower Income Households Welfare Exemption Property which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Welfare Property and will continue to be subject to the CFD No. 2021-1 Special Taxes accordingly. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Property and will continue to be subject to the CFD No. 2022-1 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property, for each Zone.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 8 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

## **9. APPEALS**

Any landowner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

(i) Amend the Special Tax levy on the landowner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,

(ii) Require the CFD to reimburse the landowner for the amount of the overpayment to the extent of available CFD funds, or

(iii) Grant a credit against, eliminate or reduce the future Special Taxes on the landowner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the landowner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the

receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

The City Council or designee thereof shall interpret this Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any landowner appeals. The decision of the City Council or designee shall be final.

## **EXHIBIT B**

### **TYPES OF FACILITIES TO BE FINANCED BY COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS**

The General Description of the Facilities that may be acquired or constructed is as follows:

- Street facilities, including, but not limited to, major arterials, highways, bridge facilities, regional transportation facilities and streets, intersections, access ramps, roadways, sidewalk, curb, gutters, striping, lighting, traffic signalization, signage, landscaping of public streets and rights-of-way and appurtenant facilities;
- Storm control facilities, including, but not limited to, storm drains, channels, detention, headwalls, riprap pads, water quality basins, retention and/or catch basins and appurtenant facilities;
- Sewer improvements, sanitary sewers, including, but not limited to, lift stations, force mains, pump stations, transmission and main lines, valves, and appurtenant facilities;
- Domestic water facilities, including, but not limited to, reservoirs, pump stations, transmission lines, distribution facilities, main lines, valves, fire hydrants and appurtenant facilities;
- Park, recreational facilities, trails, open space and appurtenant facilities;
- Impact and other City or public agency fees, including but not limited to, Transportation Uniform Mitigation Fees, Development Impact Fees, school fees, water fees, drainage fees, sewer treatment and connection fees, water supply fees, water meter fees, water connection fees, storm drain fees, capital facilities' fees and other city or public agency fees and all capital facilities which are part of these fee programs and capital improvement programs;
- Incidental expenses;
- City facilities.

#### **OTHER**

The District may also finance any of the following:

1. Bond related expenses, including underwriters' discount, reserve fund, capitalized interest, financial advisor fees and expenses, bond and disclosure counsel, market absorption consultant, special tax consultant fees and expenses, appraiser, dissemination agent fees and all other incidental expenses.

2. Administrative fees of the City and the Bond trustee or fiscal agent related to the District and the Bonds.

3. Reimbursement of costs related to the formation of the District advanced by the City or any related entity, or any landowner or developer within the District, as well as reimbursement of any costs advanced by the City or any related entity, or any landowner or developer within the District, for facilities or other purposes or costs of the District.

This description of the public capital facilities is general in nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans and specifications may show substitutes in lieu of, or modifications to, proposed work. Any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in the city officer's report, containing a brief description of the facilities which will be required to adequately meet the needs of the District.

**ATTACHMENT 5**

**RESOLUTION CALLING FOR A SPECIAL  
ELECTION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$17,500,000 OF SAID DISTRICT; AND CALLING A SPECIAL ELECTION WITHIN THE DISTRICT**

**WHEREAS**, on January 25, 2022, the City Council (the “Council”) of the City of Perris, California (the “City”), has heretofore adopted its Resolution No. 5912 (the “Resolution of Intention”) stating its intention to form Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

**WHEREAS**, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the District, setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within the District, 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 purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto; (2) the payment of development and other fees and the acquisition or construction of public facilities (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; and (3) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District (the “Incidental Expenses”), is on file with the City Clerk and incorporated herein by this reference; and

**WHEREAS**, on January 25, 2022, the Council has heretofore adopted its Resolution No. 5913 to incur bonded indebtedness (the “Resolution to Incur Bonded Indebtedness”) stating its intention to incur bonded indebtedness in an amount not to exceed \$17,500,000 within the proposed District; and

**WHEREAS**, a copy of the Resolution to Incur Bonded Indebtedness is on file with the City Clerk and incorporated herein by this reference; and

**WHEREAS**, on March 8, 2022, the Council held a noticed public hearing as required by the Act 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, including the boundaries of the District, the Facilities, and the levy of the special taxes, were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

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

**WHEREAS**, following the hearing, the Council adopted its resolution determining the validity of prior proceedings, establishing the District, authorizing the levy of a special tax within the boundaries of the District and establishing an appropriations limit (the "Resolution of Formation"); and

**WHEREAS**, the proposed special tax to be levied upon property within the District to pay principal and interest on the bonds proposed to be issued within the District has 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**, the Council wishes to present to the qualified electors of the District a combined proposition to, among other things, levy special taxes on property within the District; incur bonded indebtedness; and establish an appropriations limit for the District, defined below as the Proposition.

**NOW, THEREFORE**, by the City Council of the City of Perris, acting as the Legislative Body of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris does hereby resolve as follows:

**Section 1.** That the above recitals are all true and correct.

**Section 2.** 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 \$17,500,000 within the District for the purpose of financing all or a portion of the Facilities and more particularly described as set forth in that certain city officer's report, containing a brief description of the facilities which will be required to adequately meet the needs of the District, filed with the City Council for the District.

**Section 3.** The purpose of the proposed bonded indebtedness is generally described as follows: to finance (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto; (2) the payment of development and other fees and the acquisition or construction of the Facilities, which Facilities have a useful life of five years or longer; and (3) the Incidental Expenses.

**Section 4.** 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 5.** The maximum term of the bonds or any series thereof to be issued shall in no event exceed forty (40) years.



**Section 6.** The bonds or any series thereof shall bear interest at a rate not to exceed the greater 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 7.** 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 of the State of California, 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 3 above.

(b) The proceeds of any such bonded indebtedness shall be applied only to the specific purposes identified in Section 3 above.

(c) The 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 Manager or the City Finance Director/Treasurer, or their designee, acting for and on behalf of the City, shall annually file a report with the Council as required by Government Code Section 53411.

**Section 8.** Pursuant to Government Code Section 53353.5, the Council hereby submits to the qualified electors of the District a combined proposition ("Proposition") to, among other things, levy special taxes on property within the District in accordance with the rate and method special tax formulas specified in the Resolution of Formation; incur bonded indebtedness in the maximum principal aggregate amount of \$17,500,000; and 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 be \$17,500,000 and as defined by said Article XIII B, as adjusted for changes in the cost of living and changes in population. The Proposition is attached hereto as Exhibit "A."

**Section 9.** A special election is hereby called for the District on the Proposition set forth in Section 8, hereinabove.

**Section 10.** The Clerk shall hand deliver the ballots to the landowner on or before March 8, 2022.

**Section 11.** 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 shall be on the 8th day of March, 2022. The voter ballot shall be returned to the City Clerk at 101 North "D" Street, Perris, California 92570, no later than 6:30 p.m. on March 8, 2022.

**Section 12.** 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 13.** Notice of said election and written argument for or against the measures have been waived by the landowner.

**Section 14.** The District shall constitute a single election precinct for the purpose of holding said elections.

**Section 15.** The Council hereby directs that the elections be conducted by the City Clerk of the City of Perris, as the elections official.

**Section 16.** The City Clerk shall certify the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 8th day of March, 2022.

---

MAYOR OF THE CITY OF PERRIS

Attest:

---

CITY CLERK OF THE CITY OF PERRIS

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution No. \_\_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of March, 2022, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

By: \_\_\_\_\_  
City Clerk

Exhibit A – Official Ballot

**EXHIBIT "A"**

**OFFICIAL BALLOT**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)  
OF THE CITY OF PERRIS**

**SPECIAL BOND, TAX AND APPROPRIATIONS LIMIT ELECTION  
March 8, 2022**

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 within Community Facilities District No. 2022-1 (Willowbend) of the City of Perris and represents \_\_\_\_\_ votes. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Perris at 101 North "D" Street, Perris, California 92570.

**PROPOSITION:** Shall the Proposition authorizing Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the "CFD") to incur an indebtedness and issue bonds in the maximum aggregate principal amount of \$17,500,000 at interest rates not to exceed the maximum legal rate; levy a special tax of up to \$2,918 per residential unit, with different rates by square footage of property, plus annual increases, as described in the Rate and Method of Apportionment of the Special Taxes for the CFD, raising approximately \$746,083 annually, plus permitted adjustments, for fifty (50) years, to pay the principal of and interest on such indebtedness and bonds and to pay directly the cost of the authorized facilities and incidental expenses; and establish an appropriations limit for the CFD in an amount of \$17,500,000, all as specified in the City of Perris' Resolution Nos. 5912 and 5913 adopted on January 25, 2022 and Resolution calling the election adopted on March 8, 2022 be adopted?

YES

NO

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

**ATTACHMENT 6**

**RESOLUTION DECLARING RESULTS OF  
ELECTION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO THE LEVY OF SPECIAL TAXES THEREIN, THE ISSUANCE OF BONDED INDEBTEDNESS AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT**

**WHEREAS**, the City Council (the “Council”) of the City of Perris, California (the “City”), in its capacity as the legislative body of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “District”), called and duly held an election in the District pursuant to Resolution No. XXXX (“the Resolution Calling Election”) for the purpose of presenting to the qualified electors within the District, a proposition for the levy of special taxes (the “Proposition”) in accordance with the respective method set forth in Exhibit “A” to Resolution No. XXXX (the “Resolution of Formation”), the issuance of bonded indebtedness, and establishment of the appropriation limit; and

**WHEREAS**, the landowners of record within the District, as of the close of the public hearing held on March 8, 2022, 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 written certificates executed by the landowners which are on file with the City Clerk, as the 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 March 8, 2022; and

**WHEREAS**, there has been presented to the Council 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” and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris acting as the Legislative Body of the Community Facilities District No. 2022-1 (Willowbend) of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The canvass of the votes cast in the District at the special election held in the District on March 8, 2022, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

**Section 3.** The Proposition presented to the qualified electors of the District for receipt by the Election Official on March 8, 2022, has received a unanimous vote of the qualified

electors voting at said election, and the Proposition has carried. The Council is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition on the property within the District, and to issue, from time to time as it determines appropriate, bonds for the benefit of the District secured by such special taxes.

**Section 4.** Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Council hereby establishes the following accountability measures pertaining to the levy of the special taxes on the District described in Section 3 above:

(i) Such special taxes shall be levied for the specific purposes set forth in the Proposition described in Section 3 hereof.

(ii) The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in the Proposition described in Section 3 hereof.

(iii) The District shall establish an account or accounts into which the proceeds of such special taxes shall be deposited.

(iv) The City Manager or the City Finance Director/Treasurer, or their designee, acting for and on behalf of the District, shall annually file a report with the Council as required pursuant to Government Code Section 50075.3.

**Section 5.** This Resolution shall take effect immediately upon its adoption.

**Section 6.** 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 8th day of March, 2022.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF PERRIS

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution No. \_\_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of March, 2022, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

By: \_\_\_\_\_  
City Clerk

Exhibit A – Certificate of the Election Official as to the Results of the Canvass of the Election Results



**EXHIBIT A**

**CITY OF PERRIS, CALIFORNIA**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)  
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   ) ss.  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk in my capacity as Elections Official in the City of Perris, California, in its capacity as the legislative body of Community Facilities District No. 2022-1 (Willowbend) 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 Election on March 8, 2022, held in

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)  
OF THE CITY OF PERRIS**

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 Community Facilities District No. 2022-1 (Willowbend) of the City of Perris 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 8th day of March, 2022.

CITY OF PERRIS, CALIFORNIA, acting as the  
LEGISLATIVE BODY OF THE COMMUNITY  
FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)  
OF THE CITY OF PERRIS

By: \_\_\_\_\_  
Nancy Salazar, City Clerk

**CITY OF PERRIS  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND) OF THE CITY OF PERRIS**

**STATEMENT OF ALL VOTES CAST  
SPECIAL TAX ELECTIONS  
March 8, 2022**

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
City of Perris, Community Facilities District No. 2022-1 (Willowbend) of the City of Perris, Special Election March 8, 2022				<u>0</u>

PROPOSITION SUBMITTED TO VOTE OF VOTERS: Shall the Proposition authorizing Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “CFD”) to incur an indebtedness and issue bonds in the maximum aggregate principal amount of \$17,500,000 at interest rates not to exceed the maximum legal rate; levy a special tax of up to \$2,918 per residential unit, with different rates by square footage of property, plus annual increases, as described in the Rate and Method of Apportionment of the Special Taxes for the CFD, raising approximately \$746,083 annually, plus permitted adjustments, for fifty (50) years, to pay the principal of and interest on such indebtedness and bonds and to pay directly the cost of the authorized facilities and incidental expenses; and establish an appropriations limit for the CFD in an amount of \$17,500,000, all as specified in the City of Perris’ Resolution Nos. 5912 and 5913 adopted on January 25, 2022 and Resolution calling the election adopted on March 8, 2022 be adopted?

Dated: March 8, 2022

---

Nancy Salazar, City Clerk and Election Officer

**ATTACHMENT 7**

**RESOLUTION APPROVING THE JCFA AND  
ACQUISITION AND FUNDING  
AGREEMENT**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AND AUTHORIZING EXECUTION OF AN ACQUISITION AND FUNDING AGREEMENT AND A JOINT COMMUNITY FACILITIES AGREEMENT IN CONNECTION WITH THE FORMATION OF COMMUNITY FACILITIES DISTRICT 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS; AND MAKING FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of Perris (the “City”) is taking proceedings pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”) for the formation of Community Facilities District 2022-1 (Willowbend) of the City of Perris (“District”) and for the issuance of bonds by the District; and

**WHEREAS**, BRPLD LLC, a Delaware limited liability company, is the owner of the entirety of the 53.12 gross acres of property within the District (the “Developer”); and

**WHEREAS**, pursuant to Section 53316.2 of the Act, a community facilities district is authorized to finance facilities to be owned or operated by an entity other than the agency that created the community facilities district pursuant to a joint community facilities agreement; and

**WHEREAS**, attached hereto as Exhibit “A” is the Joint Community Facilities Agreement (the “EMWD Agreement”), among the City, the Developer, and Eastern Municipal Water District (“EMWD”); and

**WHEREAS**, attached hereto as Exhibit “B” is the Funding Agreement (the “Funding Agreement”) by and between the City and the Developer, relating to the authorized facilities and authorized fees to be funded by the City pursuant to the Act; and

**WHEREAS**, the Developer has approved the EMWD Agreement and the Funding Agreement; and

**WHEREAS**, the City has determined that it is necessary and desirable to enter into the EMWD Agreement and the Funding Agreement and that such agreements will be beneficial to the interests of the residents residing within the boundaries of the EMWD, the City and the District.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** That said forms of EMWD Agreement and the Funding Agreement on file with the City Clerk be and are each hereby approved, with such changes as may be approved

by the Mayor, City Manager, Deputy City Manager or Finance Director (each, an "Authorized Officer"), said Authorized Officer's execution thereof to constitute conclusive evidence of said Authorized Officer's approval of all such changes, and each of said Authorized Officers be and is hereby authorized, together or alone to execute and deliver said EMWD Agreement and said Funding Agreement. The City Clerk or a duly authorized Deputy or Assistant City Clerk is hereby authorized to attest to said Authorized Officer's signature.

***ADOPTED, SIGNED and APPROVED*** this 8th day of March, 2022.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF PERRIS

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 8th day of March, 2022, by the following called vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Nancy Salazar

Exhibit A – Joint Community Facilities Agreement

Exhibit B - Acquisition and Funding Agreement

RESOLUTION NO. **XXXX**

**EXHIBIT A**  
**JOINT COMMUNITY FACILITIES AGREEMENT**

[SEE ATTACHED]

## JOINT COMMUNITY FACILITIES AGREEMENT

relating to

Community Facilities District No. 2022-1 of the City of Perris (Willowbend)

by and among

City of Perris, Eastern Municipal Water District and  
BRPLD LLC

THIS JOINT COMMUNITY FACILITIES AGREEMENT (the "Agreement") is entered into effective as of the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2022, by and among CITY OF PERRIS, a California general law city (the "City"), EASTERN MUNICIPAL WATER DISTRICT, a public agency organized and existing pursuant to Division 20 of the California Water Code ("EMWD"), and BRPLD LLC, a Delaware limited liability company ("Property Owner"), and relates to the community facilities district known as "Community Facilities District No. 2022-1 (Willowbend) of the City of Perris" (the "CFD") for the purpose of financing certain facilities to be owned, operated or maintained by the City or EMWD from proceeds of bonds issued by the CFD and the proceeds of special taxes levied by the CFD.

### RECITALS:

A. The property ("Property") described in Exhibit "A" hereto, which is located in the City, County of Riverside, State of California, constitutes the land within the boundaries of the CFD.

B. Property Owner owns the Property included in the CFD. Property Owner intends to have D.R. Horton Los Angeles Holding Company, Inc. develop the Property for residential purposes. The Property is depicted in Exhibit "A" and Exhibit "B" hereto. Property Owner anticipates development of the Property within the proposed CFD with 208 single-family detached dwelling units ("DU") within Zone 1 ("Zone 1") as depicted in Exhibit A and 70 single-family detached dwelling units within Zone 2 (Zone 2") as depicted in Exhibit A (collectively, the "Project").

C. The City received a petition in accordance with the Act (defined below) to form the CFD for the purpose of financing, among other things, certain public facilities to be constructed and owned and operated by EMWD (the "EMWD Facilities") in lieu of the payment of EMWD Fees (defined herein) and certain water and sewer facilities to be constructed by Property Owner and acquired by EMWD (the "Acquisition Facilities").

D. In conjunction with the issuance of permits for the construction of homes on the Property and/or receipt of water meters for such homes, the Property Owner, or its successors or assigns, may elect to advance EMWD Facilities costs in lieu of payment of EMWD Fees (the "Advances") before Bond Proceeds (defined herein) are available in sufficient amounts to pay for EMWD Facilities. In such case, the Property Owner shall be entitled to (i) reimbursement of such Advances limited to Bond Proceeds available to EMWD, if any (the Advances being considered an interest free loan by the Property Owner with no repayment obligation except to the extent there are Bond Proceeds received by or made available to EMWD as described herein, all as further described in Section 5(a) below), and (ii) credit against EMWD Fees which would otherwise be due to EMWD



equal to the amount of Bond Proceeds disbursed to EMWD or at the direction of EMWD for EMWD Facilities, all as further described herein.

E. The City will have sole discretion and responsibility for the formation and administration of the CFD.

F. The City is authorized by Section 53313.5 of the Act to assist in the financing of the acquisition and/or construction of the EMWD Facilities and/or the Acquisition Facilities. This Agreement constitutes a joint community facilities agreement, within the meaning of Section 53316.2 of the Act, by and among EMWD, the Property Owner and the City, pursuant to which the CFD, when and if formed, will be authorized to finance the acquisition and/or construction of all or a portion of the EMWD Facilities and/or the Acquisition Facilities. As authorized by Section 53316.6 of the Act, responsibility for constructing, providing for and operating the EMWD Facilities and/or the Acquisition Facilities is delegated to EMWD.

G. The Parties (defined below) hereto find and determine that the residents residing within the boundaries of EMWD, the City and the CFD will be benefited by the construction and/or acquisition of the EMWD Facilities and/or the Acquisition Facilities and that this Agreement is beneficial to the interests of such residents.

#### AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the Parties hereto agree as follows:

1. **Recitals.** Each of the above recitals is incorporated herein and is true and correct.
2. **Definitions.** Unless the context clearly otherwise requires, the terms defined in this Section shall, for all purposes of this Agreement, have the meanings herein specified.
  - (a) "Acquisition Facility(ies)" means the sewer and water facilities described as such in Exhibit "C" hereto.
  - (b) "Act" means the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code.
  - (c) "Advance" or "Advances" means an amount advanced by Property Owner to EMWD for EMWD Facilities in lieu of payment of EMWD Fees prior to the availability of sufficient Bond Proceeds. Advances shall be deemed payment of EMWD Fees to the extent sufficient Bond Proceeds are not received by or made available to EMWD.
  - (d) "Bond Proceeds" or "Proceeds of the Bonds" shall mean those net funds generated by the sale of the Bonds and investment earnings thereon, net of costs of issuance, reserve fund, capitalized interest and administrative expenses, and may include net funds generated by the levy of Special Taxes and investment earnings thereon. Such Bond Proceeds are only up the amount allocated by the CFD for EMWD Fees, EMWD Facilities or Acquisition Facilities.

(e) "Bond Resolution" means that Resolution, Resolution Supplement, Fiscal Agent Agreement, Indenture of Trust or other equivalent document(s) providing for the issuance of the Bonds.

(f) "Bonds" shall mean those bonds, or other securities, issued by, or on behalf of the CFD, in one or more series, as authorized by the qualified electors within the CFD.

(g) "Disbursement Request" means a request for payment relating to EMWD Facilities in the form attached hereto as Exhibit "D."

(h) "EMWD Engineer Representative" means an EMWD engineer duly authorized to act on behalf of EMWD or his or her designee.

(i) "EMWD Fees" means water supply development fees, water backup fees, water financial participation fees, water meter fees, sewer financial participation fees, sewer backup fees, sewer treatment capacity charges and all components thereof imposed by EMWD upon the Property to finance EMWD Facilities.

(j) "EMWD Facilities" means those sewer and water facilities listed on Exhibit "C" hereto, which are necessary for the provision of water and sewer services to the Property and paid for with Bond Proceeds in lieu of the payment of EMWD Fees. All EMWD Facilities are public facilities.

(k) "Other Facilities Account of the Improvement Fund" means the fund, account or subaccount of the CFD (regardless of its designation within the Bond Resolution) into which a portion of the Bond Proceeds may be deposited in accordance with the Bond Resolution to finance EMWD Facilities and/or the Acquisition Facilities and which may have subaccounts.

(l) "Party" or "Parties" shall mean any one or all of the parties to this Agreement.

(m) "Payment Request" means a request for payment relating to Acquisition Facilities in the form attached hereto as Exhibit "E".

(n) "Rate and Method" means the Rate and Method of Apportionment of the Special Tax authorizing the levy and collection of Special Taxes pursuant to proceedings undertaken for the formation of the CFD pursuant to the Act.

(o) "Special Taxes" means the special taxes authorized to be levied and collected within the CFD pursuant to the Rate and Method.

(p) "State" means the State of California.

**3. Formation of the CFD.** The City has undertaken to analyze the appropriateness of forming the CFD to finance the EMWD Facilities, Acquisition Facilities, and other facilities. The City has and will retain, at the expense of the Property Owner, the necessary consultants to analyze the formation of the CFD.

**4. Sale of Bonds and Use of Bond Proceeds.** In the event that the CFD is formed and Bonds are issued, the City and the Property Owner shall determine the amount of Bond Proceeds to

be deposited in the Other Facilities Account of the Improvement Fund and each subaccount thereof. As Bond Proceeds are transferred to EMWD and reserved to fund EMWD Facilities, as described in Section 5 below, the Property Owner shall receive a credit in the amount transferred against the payment of EMWD Fees with respect to the Property. Nothing herein shall supersede the obligation of an owner of the Property to make an Advance or pay EMWD Fees to EMWD when due. The purpose of this Agreement is to provide a mechanism by which the CFD may issue the Bonds and levy Special Taxes to provide a source of funds to finance EMWD Facilities and Acquisition Facilities in lieu of the payment of EMWD Fees and or Acquisition Facilities. In the event that Bond Proceeds, including investment earnings thereon, are not available or sufficient to satisfy the obligation, then the Property Owner shall remain obligated to make an Advance for which it will receive no reimbursement (except to the extent Bond Proceeds later become available to EMWD), or pay EMWD Fees to EMWD as a condition of receiving water and sewer service to the Property.

The Bonds shall be issued only if, in its sole discretion, the City Council determines that all requirements of State and federal law and all City policies have been satisfied or have been waived by the City. Nothing in this Agreement shall confer upon EMWD or any owner of the Property, including Property Owner, a right to compel the issuance of the Bonds or the disbursement of Bond Proceeds to fund EMWD Facilities and/or Acquisition Facilities except in accordance with the terms of this Agreement.

If and when the CFD determines to issue Bonds, the CFD shall take such actions necessary in its reasonable discretion to ensure the total effective tax rate is within the City's policies and does not exceed two percent (2%) at the time of Bond sale. The total effective tax rate shall be based on a method of determination of property values reasonably acceptable to the City. The CFD shall not include EMWD's name on property owners' special tax bills within the CFD.

By entering into this Agreement and requisitioning Bond Proceeds as described herein, EMWD is not passing upon, determining or assuming the tax-exempt status of the Bonds for federal or California state income tax purposes.

## **5. Disbursements for EMWD Facilities.**

(a) Upon the funding of the Other Facilities Account of the Improvement Fund with funds reserved to fund EMWD Facilities, the Property Owner shall notify EMWD of the amount of Bond Proceeds reserved to fund EMWD Facilities and the Property Owner and EMWD may execute and submit a Disbursement Request for payment to the City or the CFD requesting disbursement of an amount equal to all or a portion of Advances from the Other Facilities Account of the Improvement Fund to the extent that Bond Proceeds are available in the Other Facilities Account of the Improvement Fund for such purpose. Upon EMWD's receipt of funds pursuant to such Disbursement Request, the Property Owner shall receive reimbursement of the Advances from EMWD. To facilitate EMWD's bookkeeping, EMWD may direct in a Disbursement Request, that all or a portion of a payment be made directly from the Other Facilities Account to the Property Owner as reimbursement for Advances made by the Property Owner. In the event of a reimbursement to the Property Owner pursuant to the preceding sentence, EMWD shall account for an equivalent amount of Advances previously received from the Property Owner in accordance with Section 5(c) below.

To the extent that EMWD expends all or a portion of an Advance pending the deposit of Bond Proceeds in the Other Facilities Account of the Improvement Fund, for purposes of Treasury

Regulations regarding investment and expenditure of Bond Proceeds and State law provisions regarding financing of public capital facilities, the Advance shall be considered an interest free loan by the Property Owner, which EMWD only agrees to repay to the extent of the deposit, if any, of Bond Proceeds in the Other Facilities Account of the Improvement Fund and EMWD's written direction as described below to pay all or a portion of such deposit to the Property Owner as repayment of an Advance.

(b) From time to time following the funding of the Other Facilities Account of the Improvement Fund, the Property Owner may notify EMWD in writing and the Property Owner and EMWD may jointly request a disbursement from the Other Facilities Account of the Improvement Fund to fund EMWD Facilities by executing and submitting a Disbursement Request. Upon receipt of such Disbursement Request completed in accordance with the terms of this Agreement, the CFD shall wire transfer or otherwise pay to EMWD (or upon EMWD's written direction pay to the Property Owner or an EMWD contractor) such requested funds to the extent that Bond Proceeds are available in the Other Facilities Account of the Improvement Fund for such purpose. Upon such notice and EMWD's receipt of such disbursement (or upon payment to the Property Owner or an EMWD contractor in accordance with directions from EMWD relating to EMWD Facilities), the Property Owner shall be deemed to have satisfied the applicable EMWD Fees with respect to the number of dwelling units or lots for which the EMWD Fees would otherwise have been required in an amount equal to such disbursement.

(c) EMWD agrees that prior to submitting a Disbursement Request requesting payment from the CFD it shall review and approve all costs included in its request and will have already paid or incurred such costs of EMWD Facilities from its own funds (which may include Advances from the Property Owner) subsequent to the date of this Agreement, or will disburse such amounts to pay the costs of EMWD Facilities following receipt of funds from the CFD. In the event that EMWD does not disburse any Bond Proceeds (or equivalent amount of Advances repaid pursuant to the second to the last sentence of the first paragraph of Section 5(a) above) received by it to third parties within five banking days of receipt, it will trace and report to the CFD all earnings, if any, earned by EMWD, from the date of receipt of such Bond Proceeds by EMWD (or the date of disbursement pursuant to the second to the last sentence of the first paragraph of Section 5(a) above) to the date of expenditure by EMWD for capital costs of the EMWD Facilities. Such report shall be delivered at least semiannually until all Bond Proceeds are expended by EMWD. EMWD agrees that in processing the above disbursements it will comply with all legal requirements for the expenditure of Bond Proceeds under the Internal Revenue Code of 1986 and any amendments thereto.

(d) EMWD agrees to maintain adequate internal controls over its payment function and to maintain accounting records in accordance with generally accepted accounting procedures. EMWD will, upon request, provide the City and/or the Property Owner with access to EMWD's records related to the EMWD Facilities and expenditure of Advances and will provide to the City its annual financial report certified by an independent certified public accountant for purposes of assisting the City in calculating the arbitrage rebate obligation of the CFD, if any.

(e) The City or the CFD agrees to maintain full and accurate records of all amounts, and investment earnings, if any, expended from the Other Facilities Account of the Improvement Fund and expenditure of Advances. The City or the CFD will, upon request, provide EMWD and/or Property Owner with access to the City's or the CFD's records related to the Other Facilities Account of the Improvement Fund.

(f) The City acknowledges that it is in receipt of and has reviewed the EMWD Comprehensive Debt Policy (“Debt Policy”). At the time of formation of the CFD, the City and the CFD are in conformance with Section 3.1 of the Debt Policy and it is expected that the City and CFD will remain in conformance with Section 3.1 at the time of any Bond sale. However, City and EMWD acknowledge that the City has the ultimate responsibility for issuance of the Bonds, the administration of the CFD, and the tax-exempt status of any Bonds issued by the CFD. Accordingly, the City Council shall have ultimate responsibility for making all decisions with respect to the issuance of any CFD Bonds and the levy of CFD Special Taxes.

**6. Ownership of EMWD Facilities and Acquisition Facilities.** The EMWD Facilities and Acquisition Facilities shall be and remain the property of EMWD.

**7. Acquisition Facilities.** The requirements of this Section 7 shall apply to any Acquisition Facility for which a Payment Request is submitted to EMWD pursuant to this Section 7.

(a) Design Plans and Specifications. All plans, specifications and bid documents for the Acquisition Facility (“Plans”) constructed or to be constructed by the Property Owner shall be prepared by the Property Owner at the Property Owner’s initial expense, subject to approval by EMWD. Costs for preparation of the Plans shall be included in the acquisition price. Reimbursement of costs for plan revisions will be considered on a case by case basis. The Property Owner shall not award bids for construction, or commence or cause commencement of construction, of the Acquisition Facility until the Plans and bidding documents have been approved by EMWD. The bid opening for the Acquisition Facility shall be coordinated with and take place at EMWD’s offices, with EMWD personnel in attendance.

(b) Construction of Acquisition Facilities. A qualified engineering firm (the “Field Engineer”) shall be employed by the Property Owner to provide all field engineering surveys determined to be necessary by the EMWD’s inspection personnel. Field Engineer shall promptly furnish to EMWD a complete set of grade sheets listing all locations, offsets, etc., in accordance with good engineering practices, and attendant data and reports resulting from Field Engineer’s engineering surveys and/or proposed facility design changes. EMWD shall have the right, but not the obligation, to review, evaluate and analyze whether such results comply with applicable specifications.

A full-time soil testing firm, approved by EMWD, shall be employed by the Property Owner to conduct soil compaction testing and certification. The Property Owner shall promptly furnish results of all such compaction testing to EMWD for its review, evaluation and decision as to compliance with applicable specifications. In the event the compaction is not in compliance with applicable specifications, the Property Owner shall be fully liable and responsible for the costs of achieving compliance. A final report certifying all required compaction in accordance with the specifications shall be a condition of final acceptance of the Acquisition Facility.

The costs of all surveying, testing and reports associated with the Acquisition Facility furnished and constructed by the Property Owner’s contractor(s) shall be included in the acquisition price.

EMWD shall not be responsible for conducting any environmental, archaeological, biological, or cultural studies or any mitigation requirements that may be requested by appropriate Federal, State, and/or local agencies with respect to the Acquisition Facility. Any such work shall be

paid for and conducted by the Property Owner and included in the acquisition price of the Acquisition Facility.

(c) EMWD Public Works Requirements. In order that the Acquisition Facility may be properly and readily acquired by EMWD, the Property Owner shall comply with all of the following requirements with respect to the Acquisition Facility, and the Property Owner shall provide such proof to the EMWD as EMWD may reasonably require and at such intervals and in such form as EMWD may reasonably require, that the following requirements have been satisfied as to the Acquisition Facility:

(i) The Property Owner shall prepare a bid package for review, comment and approval by the General Manager of EMWD or his designee (the "EMWD Representative").

(ii) The Property Owner shall, after obtaining at least three sealed bids for the construction of the Acquisition Facility in conformance with the procedures and requirements of EMWD, submit to EMWD written evidence of such competitive bidding procedure, including evidence of the means by which bids were solicited, a listing of all responsive bids and their amounts, and the name or names of the contractor or contractors to whom the Property Owner proposes to award the contracts for such construction, which shall be the lowest responsible bidder.

(iii) The EMWD Representative shall attend the bid opening. If unable to attend the bid opening, the EMWD Representative shall approve or disapprove of a contractor or contractors, in writing, within five (5) business days after receipt from the Property Owner of the name or names of such contractor or contractors recommended by the Property Owner. If the EMWD Representative disapproves of any such contractor; the Property Owner shall select the next lowest responsible bidder from the competitive bids received who is acceptable to the EMWD Representative.

(iv) The specifications and bid and contract documents shall require all such contractors to pay prevailing wages and to otherwise comply with applicable provisions of the Labor Code, the Government Code and the Public Contract Code relating to public works projects and as required by the procedures and standards of EMWD with respect to the construction of its public works projects.

(v) The Property Owner shall submit faithful performance and payment bonds conforming in all respects to the requirements set forth in EMWD's "Standard Water and/or Sewer Facilities and Service Agreement." The following documents shall be submitted to EMWD along with the performance and payment bonds:

(1) The original, or a certified copy, of the unrevoked appointment, power of attorney, bylaws, or other instrument entitling or authorizing the person who executed the bond to do so;

(2) A certified copy of the certificate of authority of the insurer issued by the State of California's Insurance Commissioner; and

(3) Copies of the insurer's most recent annual and quarterly statements filed with the Department of Insurance.

(vi) The Property Owner and its contractor and subcontractors shall be required to provide proof of insurance coverage throughout the term of the construction of the Acquisition Facility, which they will construct in conformance with EMWD's standard procedures and requirements. EMWD's insurance requirements are set out in Section 7(n) herein.

(vii) The Property Owner and all such contractors shall comply with such other requirements relating to the construction of the Acquisition Facility which EMWD may impose by written notification delivered to the Property Owner and each such contractor at the time either prior to the receipt of bids by the Property Owner for the construction of such Acquisition Facility or, to the extent required as a result of changes in applicable laws, during the progress of construction thereof. In accordance with Section 7(f), the Property Owner shall be deemed the awarding body and shall be solely responsible for compliance and enforcement of the provisions of the Labor Code, Government Code, and Public Contract Code.

(viii) A "Change Order" is an order from the Property Owner to a contractor authorizing a change in the work to be performed. The Property Owner shall receive comments from the EMWD Representative prior to the Property Owner's approval of any Change Order. The EMWD Representative shall comment on or deny the Change Order request within five (5) business days of receipt of all necessary information. EMWD's comments to a Change Order shall not be unreasonably delayed, conditioned or withheld. The Property Owner shall not be entitled to include in the acquisition price costs associated with a Change Order that have not been approved by the EMWD Representative.

(d) Inspection; Completion of Construction. EMWD shall have primary responsibility for inspecting the Acquisition Facility to assure that the work is being accomplished in accordance with the Plans. Such inspection does not include inspection for compliance with safety requirements by the Property Owner's contractor(s). EMWD's personnel shall be granted access to each construction site at all reasonable times for the purpose of accomplishing such inspection. Upon satisfaction of EMWD's inspectors, the Property Owner shall notify EMWD in writing that an Acquisition Facility has been completed in accordance with the Plans.

Within three (3) business days of receipt of written notification from EMWD inspectors that an Acquisition Facility has been completed in accordance with the Plans, the EMWD Representative shall notify the Property Owner in writing that such Acquisition Facility has been satisfactorily completed. Upon receiving such notification, the Property Owner shall file a Notice of Completion with the County of Riverside Recorder's Office, pursuant to the provisions of Section 8182 of the Civil Code. The Property Owner shall furnish to EMWD a duplicate copy of each such Notice of Completion showing thereon the date of filing with the County of Riverside (the "County"). EMWD will in turn file a notice with the County for acceptance.

(e) Liens. With respect to the Acquisition Facility, upon the earlier of (i) receipt of all applicable lien releases, or (ii) expiration of the time for the recording of claim of liens as prescribed by Sections 8412 and 8414 of the Civil Code, the Property Owner shall provide to EMWD such evidence or proof as EMWD shall require that all persons, firms and corporations supplying work, labor, materials, supplies and equipment for the construction of the Acquisition Facility have been paid, and that no claims of liens have been recorded by or on behalf of any such person, firm or corporation.

(f) Acquisition; Acquisition Price; Source of Funds. The costs eligible to be included in the acquisition price of the Acquisition Facility (the "Actual Costs") shall include:

(i) The actual hard costs for the construction of such Acquisition Facility as established by EMWD-approved construction contracts and approved Change Orders, including costs of payment, performance and maintenance bonds and insurance costs, pursuant to this Agreement;

(ii) The design and engineering costs of such Acquisition Facility including, without limitation, the costs incurred in preparing the Plans. Costs for plan revisions will be considered on a case by case basis;

(iii) The costs of environmental evaluations and public agency permits and approvals attributable to the Acquisition Facility;

(iv) Costs incurred by the Property Owner for construction management and supervision of such Acquisition Facility, not to exceed five percent (5%) of the actual construction cost, subject to prior approval by EMWD of any construction management or supervision contract with respect to the Acquisition Facility;

(v) Professional costs associated with the Acquisition Facility such as engineering, inspection, construction staking, materials, testing and similar professional services; and

(vi) Costs approved by EMWD of acquiring from an unrelated third party any real property or interests therein required for the Acquisition Facility including, without limitation, temporary construction easements, temporary by-pass road and maintenance easements.

Provided the Property Owner has complied with the requirements of this Agreement, EMWD agrees to execute and submit to the City a Payment Request for payment of the acquisition price of the completed Acquisition Facility to the Property Owner or its designee within thirty (30) days after the Property Owner's satisfaction of the preconditions to such payment stated herein.

As a condition to EMWD's execution of the Payment Request for the acquisition price, the property ownership of the completed Acquisition Facility shall be transferred to EMWD by grant deed, bill of sale or such other documentation as EMWD may require free and clear of all taxes, liens, encumbrances, and assessments, but subject to any exceptions determined by EMWD to not interfere with the actual or intended use of the land or interest therein (including the lien of a community facilities district so long as the subject property is exempt from taxation or is otherwise not taxable by such community facilities district). Upon the transfer of property ownership of the Acquisition Facility or any portion thereof to EMWD, EMWD shall be responsible for the maintenance of such Acquisition Facility or the portion transferred. Notwithstanding the foregoing, the acquisition price of an Acquisition Facility may be paid prior to transfer of property ownership and acceptance of the Acquisition Facility if it is substantially completed at the time of payment. The Acquisition Facility shall be considered "substantially complete" when it has been reasonably determined by EMWD to be usable, subject to final completion of such items as the final lift or any other items not essential to the primary use or operation of the Acquisition Facility.

For purposes of determining the acquisition price to be paid by the CFD for the acquisition of each Acquisition Facility by EMWD, the value of such Acquisition Facility shall include the



construction costs specified in EMWD-approved contracts and EMWD-approved change orders conforming to this Section 7, as hereinbefore specified. EMWD approval is a condition prior to initiation of contract work. However, if EMWD reasonably determines that the additional Actual Costs are excessive and that the value of the Acquisition Facility is less than the total amount of such Actual Costs and such construction costs, the price to be paid for the acquisition of the Acquisition Facility shall be the value thereof as determined by the EMWD Engineer Representative, subject, however, to the Property Owner's right to appeal to EMWD's Board of Directors.

Upon completion of the construction of an Acquisition Facility, the Property Owner shall deliver or cause to be delivered to EMWD a Payment Request in substantially the form of Exhibit "E," attached hereto, copies of the contract(s) with the contractor(s) who have constructed the Acquisition Facility and other relevant documentation with regard to the payments made to such contractor(s) and each of them for the construction of the Acquisition Facility, documentation evidencing payment of prevailing wages, and shall also provide to EMWD invoices and purchase orders with respect to all equipment, materials and labor purchased for the construction of the Acquisition Facility. EMWD shall require the EMWD Engineer Representative to complete its determination of the acquisition price of the Acquisition Facility as promptly as is reasonably possible.

Notwithstanding the preceding provisions of this Section, the source of funds for the acquisition of the Acquisition Facility or any portion thereof shall be funds on deposit in the Other Facilities Account of the Improvement Fund. If no such funds are available, EMWD shall not be required to acquire the Acquisition Facility from the Property Owner. In such event, the Property Owner shall complete the design and construction and offer to EMWD property ownership of such portions of the Acquisition Facility as are required to be constructed by the Property Owner as a condition to recordation of subdivision maps for the Property, but need not construct any portion of the Acquisition Facility which it is not so required to construct. Reimbursement for these facilities would be made pursuant to the "Standard Water and/or Sewer Facilities and Service Agreement(s)" by and between EMWD and the Property Owner.

(g) Easements and/or Fee Title Property Ownership Deeds. The Property Owner shall, at the time EMWD acquires the Acquisition Facility as provided in Section 7(f) hereof, grant or cause to be granted to EMWD, by appropriate instruments prescribed by EMWD, all easements across private property and/or fee title property ownership deeds which may be reasonably necessary for the proper operation and maintenance of such Acquisition Facility, or any part thereof.

(h) Permits. The Property Owner shall be responsible for obtaining all necessary construction permits from the City covering construction and installation of the Acquisition Facility. EMWD will request the City to issue an "operate and maintain permit" to EMWD, which will become effective upon the completion of the Acquisition Facility and acceptance of property ownership therewith by EMWD.

(i) Maintenance. Prior to the transfer of property ownership of an Acquisition Facility by the Property Owner to EMWD, as provided in Section 7(f) hereof, the Property Owner shall be responsible for the maintenance thereof and shall require its contractor(s) to repair all facilities damaged by any party, prior to acceptance by EMWD and/or make corrections determined to be necessary by EMWD's inspection personnel.

(j) Inspection of Records. EMWD shall have the right to review all books and records of the Property Owner pertaining to the costs and expenses incurred by the Property Owner for the design and construction of the Acquisition Facility during normal business hours by making arrangements with the Property Owner. The Property Owner shall have the right to review all books and records of EMWD pertaining to costs and expenses incurred by EMWD for services of the EMWD Engineer Representative by making arrangements with EMWD.

(k) Property Ownership of Improvements. Notwithstanding the fact that some or all of the Acquisition Facility may be constructed in dedicated street rights-of-way or on property which has been or will be dedicated to EMWD, each Acquisition Facility shall be and remain the property of the Property Owner until acquired by EMWD as provided in this Agreement.

(l) Materials and Workmanship Warranty. Upon the completion of the acquisition of an Acquisition Facility by EMWD, the performance bond related to such individual Acquisition Facility provided by the Property Owner pursuant to Section 7(c)(v) hereof, shall be reduced by 90%, and the remaining 10% shall serve as a maintenance bond to guarantee that such Acquisition Facility will be free from defects due to faulty workmanship or materials for a period of one year. Release of performance and payment bonds is addressed in the Standard Water and/or Sewer Facilities and Service Agreement, by and between EMWD and the Property Owner.

(m) Independent Contractor. In performing this Agreement with respect to the Acquisition Facilities, the Property Owner is an independent contractor and not the agent of EMWD. EMWD shall not have any responsibility for payment to any contractor, subcontractor or supplier of the Property Owner. It is not intended by the Parties that this Agreement create a partnership or joint venture among them and this Agreement shall not otherwise be construed.

(n) Insurance Requirements. Neither the Property Owner nor its contractor shall commence work on an Acquisition Facility under this Agreement prior to obtaining all insurance required hereunder with a company or companies acceptable to EMWD, nor shall the Property Owner's contractor allow any subcontractor to commence work on its subcontract until all insurance required of the subcontractor has been obtained.

The Property Owner shall, during the life of this Agreement, notify EMWD in writing of any incident giving rise to any potential bodily injury or property damage claim and any resultant settlements, whether in conjunction with this or any other project which may affect the limits of the required coverage, as soon as is reasonable and practical.

Both the Property Owner and its contractor shall conform in every respect to the requirements set forth in the Standard Water and/or Sewer Facilities and Service Agreement, by and between EMWD and the Property Owner.

## **8. Indemnification.**

(a) Indemnification by the City. The City shall assume the defense of, indemnify and save harmless, EMWD, its officers, employees and agents, and each and every one of them, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, any act or omission of the City with respect to this Agreement; provided, however, that the City shall not be required to indemnify any

person or entity as to damages resulting from negligence or willful misconduct of such person or entity or their officers, agents or employees.

(b) Indemnification by Property Owner. Property Owner shall assume the defense of, indemnify and save harmless, the City, the CFD and EMWD, their respective officers, employees and agents, and each and every one of them, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, any act or omission of City, EMWD or Property Owner with respect to this Agreement; provided, however, that Property Owner shall not be required to indemnify any person or entity as to damages resulting from negligence or willful misconduct of such person or entity or their officers, agents or employees.

(c) Indemnification by EMWD. EMWD shall assume the defense of, indemnify and save harmless, the City, the CFD and their respective officers, employees and agents, and each and every one of them, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, any act or omission of EMWD with respect to this Agreement, and the design, engineering and construction of the EMWD Facilities and the Acquisition Facilities constructed by EMWD; provided, however, that EMWD shall not be required to indemnify any person or entity as to damages resulting from negligence or willful misconduct of such person or entity or their officers, agents or employees.

**9. Allocation of Special Taxes.** The entire amount of any Special Taxes levied by the CFD to repay Bonds, or to fund other obligations, shall be allocated to the CFD.

**10. Amendment and Assignment.** This Agreement may be amended at any time but only in writing signed by each Party hereto. This Agreement may be assigned, in whole or in part, by the Property Owner to the purchaser of any parcel of land within the Property, provided, however, such assignment shall not be effective unless and until EMWD and the City have been notified, in writing, of such assignment and the assignment specifies whether the Property Owner or such assignee is authorized to execute disbursement requests.

**11. Entire Agreement.** This Agreement contains the entire agreement between the Parties with respect to the matters provided for herein and supersedes all prior agreements and negotiations between the Parties with respect to the subject matter of this Agreement.

**12. Notices.** Any notice, payment, instrument, statement, demand, consent, approval, authorization, offer, designation, request or other communication required or permitted by this Agreement to be given or delivered to any other Party shall be deemed delivered to the other Party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by electronic communication, whether by telex, email, telegram or telecopier upon the sender's receipt of an appropriate answer back or other written acknowledgement from the addressee of successful transmission which is not an automated reply or acknowledgment, (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail, (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier, or (e) if given by any other means, upon delivery at the address specified as follows:

City: City of Perris  
101 N. D Street Perris, CA 92570  
Attention: Deputy City Manager  
Phone: (951) 943-4610  
Email: ereyna@cityofperris.org

EMWD: Eastern Municipal Water District  
P.O. Box 8300  
2270 Trumble Road  
Perris, CA 92572-8300  
Attention: Special Funding Division  
Email: specialfundingdivision@emwd.org

Property Owner: BRPLD LLC  
3200 Park Center Drive, Suite 1000  
Costa Mesa, CA 92626  
Attention: Shaun Bowen  
Email: shaun.Bowen@brookfieldpropertiesdevelopment.com

Each Party may change its address for delivery of notice by delivering written notice of such change of address to the other Parties hereto.

**13. Exhibits.** All exhibits attached hereto are incorporated into this Agreement by reference.

**14. Attorney's Fees.** In the event of the bringing of any action or suit by any Party against any other Party arising out of this Agreement, the Party in whose favor final judgment shall be entered shall be entitled to recover from the losing Party all costs and expenses of suit, including reasonable attorney's fees.

**15. Interpretation in the event of Ambiguities or Disputes.** The Parties acknowledge and agree that each has been given the opportunity to review this Agreement with legal counsel independently, and/or has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. In the event of an ambiguity in or dispute regarding the interpretation of same, the interpretation of this Agreement shall not be resolved by any rule of interpretation providing for interpretation against the Party who causes the uncertainty to exist or against the drafter.

**16. Severability.** If any part of this Agreement is held to be illegal or unenforceable by court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

**17. Governing Law.** This Agreement and any dispute arising hereunder shall be governed by interpreted in accordance with the laws of the State of California.

**18. Waiver.** Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by any other Party hereto, or the failure by a Party to exercise its rights

upon the default of any other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by such other Party with the terms of this Agreement thereafter.

**19. No Third Party Beneficiaries.** No person or entity other than the CFD, when and if formed, shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either express or implied) is intended to confer upon any person or entity, other than EMWD, the City, the CFD and Property Owner (and their respective successors and assigns, exclusive of individual homebuyers), any rights, remedies, obligations or liabilities under or by reason of this Agreement.

**20. Singular and Plural; Gender.** As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

**21. Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute but one instrument.

*[Remainder of page intentionally left blank]*

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year written above.

**CITY OF PERRIS**

\_\_\_\_\_  
Director of Finance

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

**CITY ATTORNEY OF THE CITY OF PERRIS**

By: \_\_\_\_\_

*[SIGNATURES CONTINUED ON NEXT PAGE.]*

**EASTERN MUNICIPAL WATER DISTRICT**

\_\_\_\_\_  
Joe Mouawad, P.E., General Manager

**ATTEST:**

By: \_\_\_\_\_  
Sheila Zelaya, Board Secretary

**PROPERTY OWNER**

**BRPLD LLC, a Delaware limited liability company**

By: \_\_\_\_\_  
Dave E. Bartlett, Vice President

**EXHIBIT "A"**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE  
CITY OF PERRIS (WILLOWBEND)**

**DESCRIPTION OF PROPERTY**

**Riverside County Assessor's Parcel Numbers:**

**Zone 1 – Tract Nos. 31659 and 32401-1:**

320-460-001	320-461-020	320-470-009	320-480-016	320-482-007	320-490-019
320-460-002	320-461-021	320-470-010	320-480-017	320-482-008	320-490-020
320-460-003	320-461-022	320-470-011	320-480-018	320-482-009	320-490-021
320-460-004	320-461-023	320-470-012	320-480-019	320-482-010	320-490-024
320-460-005	320-461-024	320-470-013	320-480-020	320-482-011	320-490-025
320-460-006	320-461-025	320-470-014	320-480-021	320-483-001	320-490-026
320-460-007	320-461-026	320-470-015	320-480-022	320-483-002	320-490-027
320-460-008	320-461-027	320-470-016	320-480-023	320-483-003	320-490-028
320-460-009	320-461-028	320-470-017	320-480-024	320-483-004	320-490-029
320-460-010	320-461-029	320-470-018	320-480-025	320-483-005	320-490-030
320-460-011	320-461-030	320-470-019	320-481-001	320-483-006	320-490-031
320-460-012	320-461-031	320-470-020	320-481-002	320-483-007	320-490-032
320-460-013	320-461-032	320-470-021	320-481-003	320-483-008	320-490-033
320-460-014	320-461-033	320-470-022	320-481-004	320-483-009	320-490-034
320-460-015	320-461-034	320-470-023	320-481-005	320-483-010	320-490-035
320-460-016	320-461-035	320-470-024	320-481-006	320-483-011	320-490-036
320-461-001	320-461-036	320-470-029	320-481-007	320-483-012	320-490-037
320-461-002	320-461-037	320-470-030	320-481-008	320-483-013	320-490-038
320-461-003	320-462-001	320-470-031	320-481-009	320-483-014	320-490-039
320-461-004	320-462-002	320-470-032	320-481-010	320-490-001	320-490-040
320-461-005	320-462-003	320-480-001	320-481-011	320-490-002	320-490-041
320-461-006	320-462-004	320-480-002	320-481-012	320-490-003	320-491-001
320-461-007	320-462-005	320-480-003	320-481-013	320-490-004	320-491-002
320-461-008	320-462-006	320-480-004	320-481-014	320-490-005	320-491-003
320-461-009	320-462-007	320-480-005	320-481-015	320-490-006	320-491-004
320-461-010	320-462-008	320-480-006	320-481-016	320-490-007	320-491-005
320-461-011	320-462-009	320-480-007	320-481-017	320-490-008	320-491-006
320-461-012	320-462-010	320-480-008	320-481-018	320-490-009	320-491-007
320-461-013	320-462-011	320-480-009	320-481-019	320-490-010	320-491-008
320-461-014	320-462-012	320-480-010	320-482-001	320-490-011	320-491-009
320-461-015	320-470-004	320-480-011	320-482-002	320-490-012	320-491-010
320-461-016	320-470-005	320-480-012	320-482-003	320-490-015	320-491-011
320-461-017	320-470-006	320-480-013	320-482-004	320-490-016	320-491-012
320-461-018	320-470-007	320-480-014	320-482-005	320-490-017	
320-461-019	320-470-008	320-480-015	320-482-006	320-490-018	



**Zone 2 – Tract No. 33338:**

320-570-001	320-571-033
320-570-002	320-571-034
320-570-003	320-571-035
320-570-004	320-571-036
320-570-005	320-571-037
320-570-006	320-572-001
320-570-007	320-572-002
320-570-008	320-572-003
320-571-001	320-572-004
320-571-002	320-572-005
320-571-003	320-572-006
320-571-004	320-572-007
320-571-005	320-572-008
320-571-006	320-572-009
320-571-007	320-572-010
320-571-008	320-572-011
320-571-009	320-572-012
320-571-010	320-572-013
320-571-011	320-572-014
320-571-012	320-572-015
320-571-013	320-572-016
320-571-014	320-572-017
320-571-015	320-572-018
320-571-016	320-572-019
320-571-017	320-572-020
320-571-018	320-572-021
320-571-019	320-572-022
320-571-020	320-572-023
320-571-021	320-572-024
320-571-022	320-572-025
320-571-023	320-572-026
320-571-029	320-572-027
320-571-030	320-572-028
320-571-031	320-572-029
320-571-032	320-572-030

**EXHIBIT "B"**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE  
CITY OF PERRIS (WILLOWBEND)**

**DEPICTION OF PROPERTY**

## EXHIBIT "C"

### COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE CITY OF PERRIS (WILLOWBEND)

#### FACILITIES DESCRIPTION

**1. EMWD Facilities.** The type of EMWD Facilities eligible to be financed by the CFD under the Act are as follows:

Those water and sewer facilities included in EMWD's water and sewer capacity and connection fee programs used to finance expansion projects, exclusive of in-tract facilities contributed by Property Owner. EMWD Facilities include, but are not limited to the following: water and sewer transmission pipelines, sewer treatment plants, disposal ponds, pumping plants, lift stations and water reservoirs, including all costs of site acquisition, planning, design, engineering, legal services, materials testing, coordination, surveying, construction staking, construction, inspection and any and all appurtenant facilities and appurtenant work relating to the foregoing.

**2. Acquisition Facilities.** The types of Acquisition Facilities eligible to be financed by the CFD under the Act shall consist of sewer and water transmission lines, sewer and water pump stations and water reservoirs, including all costs of site acquisition, planning, design, engineering, legal services, materials testing, coordination, surveying, construction staking, construction inspection and any and all appurtenant facilities to the foregoing required to serve the Property. The facilities listed above are representative of the types of facilities eligible to be financed by the CFD as Acquisition Facilities. Detailed scope and limits of specific projects will be determined by EMWD as appropriate, consistent with the standards of the EMWD.

**EXHIBIT C-1**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE  
CITY OF PERRIS (WILLOWBEND)**

**FACILITIES LIST**

<b>City of Perris Facilities*</b>	<b>Total</b>
Tract No. 33338 Storm	\$ 562,850
Tract No. 33338 Basins	302,367
Tract No. 33338 Intract Streets	626,606
Tract No. 33338 Offsite Streets	432,676
Tract No. 31659 Storm	510,370
Tract No. 31659 Basins	988,520
Tract No. 31659 Intract Streets	702,993
Tract No. 31659 Offsite Streets	729,087
Tract No. 32041-1 Storm	426,860
Tract No. 32041-1 Basins	282,553
Tract No. 32041-1 Intract Streets	915,062
Tract No. 32041-1 Offsite Streets	907,835
10% Contingency	738,778
20% Prevailing Wage & Soft Costs Contingency	1,625,311
<i>Sub-Total:</i>	\$ 9,751,868

<b>Eastern Municipal Water District (2022 Fees)</b>	<b>Per Unit</b>	<b>No. Units</b>	<b>Total</b>
Sewer Financial Participation Fee	\$ 3,208	278	\$ 891,824
Sewer Treatment Capacity Fee	6,081	278	1,690,518
Water Financial Participation Fee	6,845	278	1,902,910
Water Supply Development Fee	372	278	103,416
EMWD Water Meter Fee (1" Meter)	377	278	104,806
<i>Sub-Total:</i>	\$ 16,883		\$ 4,693,474

	<b>Per Unit</b>	<b>No. Units</b>	<b>Total</b>
<b>TOTAL AUTHORIZED FEES &amp; FACILITIES</b>	\$ 51,962	278	\$ 14,445,342

**EXHIBIT "D"**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE  
CITY OF PERRIS (WILLOWBEND)**

**DISBURSEMENT REQUEST FORM  
(EMWD Facilities)**

1. Community Facilities District No. 2022-1 of the City of Perris (Willowbend) ("CFD") is hereby requested to pay from the CFD bond proceeds ("Bond Proceeds") to Eastern Municipal Water District ("EMWD"), as Payee, or to EMWD's designee, the sum set forth in 3 below.

2. The undersigned certifies that the amount requested for EMWD Facilities is due and payable, has not formed the basis of prior request or payment, and is being made with respect to the connection of the property described below to the EMWD system.

3. Amount requested: \$ \_\_\_\_\_  
For Tract/Lot Nos: \_\_\_\_\_

4. The amount set forth in 3 above is authorized and payable pursuant to the terms of the Joint Community Facilities Agreement, by and among the City of Perris, EMWD and BRPLD LLC, a Delaware limited liability company, dated \_\_\_\_\_, 2022 (the "Agreement"). Capitalized terms not defined herein shall have the meaning set forth in the Agreement. EMWD shall spend the Bond Proceeds allocated hereby in accordance with the requirements set forth in Section 5 of the Agreement.

5. By entering into the Agreement and requisitioning Bond Proceeds as described herein, EMWD is not passing upon, determining or assuming the tax-exempt status of the Bonds for federal or California state income tax purposes.

**PROPERTY OWNER**

**BRPLD LLC, a Delaware limited liability company**

By: \_\_\_\_\_  
Dave E. Bartlett, Vice President

**EASTERN MUNICIPAL WATER DISTRICT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

cc: EMWD Special Funding District

**EXHIBIT “E”**

**COMMUNITY FACILITIES DISTRICT NO. 2022-1 OF THE  
CITY OF PERRIS (WILLOWBEND)**

**PAYMENT REQUEST FORM  
CITY OF PERRIS CFD NO. 2022-1 – OTHER FACILITIES ACCOUNT  
OF THE IMPROVEMENT FUND**

City of Perris (“City”), Eastern Municipal Water District (“EMWD”) and BRPLD LLC, a Delaware limited liability company (“Property Owner”) are parties to the Joint Community Facilities Agreement, dated as of \_\_\_\_\_, 2022 (the “EMWD JCFA”). Capitalized undefined terms used herein shall have the meanings ascribed thereto in the EMWD JCFA. Pursuant to the EMWD JCFA, Property Owner hereby requests approval of the acquisition price of the Acquisition Facility(ies) described in Attachment A attached hereto. In connection with this Payment Request, Property Owner hereby represents and warrants to the EMWD as follows:

(a) The person executing this Payment Request is qualified to execute this Payment Request on behalf of Property Owner and knowledgeable as to the matters set forth herein.

(b) The Acquisition Facility(ies) have been constructed in accordance with the Plans therefor, and in accordance with all applicable EMWD standards and the requirements of the EMWD JCFA.

(c) The true and correct Actual Cost of the Acquisition Facility(ies) is set forth in Attachment A.

(d) Property Owner has submitted or submits herewith to EMWD the contracts, invoices, receipts, worksheets and other evidence of Actual Costs which are in sufficient detail to allow the EMWD Representative to verify the Actual Cost of the Acquisition Facility(ies) for which payment is requested.

(e) There are no liens, rights to lien or attachment upon, or claims affecting the right to receive the payment requested herein which has not been released or will not be released simultaneously with the payment of such obligation, other than materialmen’s or mechanics’ liens accruing by operation of law. Copies of lien releases for all work for which payment is requested hereunder are attached hereto.

Property Owner hereby declares under penalty of perjury that the above representations and warranties are true and correct.

*[Remainder of page intentionally left blank]*

Property Owner hereby requests that the acquisition price be paid to the person or persons, in the amount set forth in Attachment B hereto.

**PROPERTY OWNER**

**BRPLD LLC, a Delaware limited liability company**

By:

\_\_\_\_\_  
Dave E. Bartlett, Vice President

**CONFIRMATION AND APPROVAL BY EMWD**

EMWD has (a) confirmed that the Acquisition Facility(ies) described in Attachment A is/are complete and was/were constructed in accordance with the Plans therefor, and (b) reviewed, verified and approved the acquisition price of such Acquisition Facility(ies). Such Acquisition Facility(ies) is/are complete and the acquisition price therefor eligible for payment is \$\_\_\_\_\_. The amount to be paid and the payee(s) are described in Attachment B.

By entering into the EMWD JCFA and confirming the matters set forth in the preceding paragraph regarding requisitioning Bond Proceeds as described herein, EMWD is not passing upon, determining or assuming the tax exempt status of the Bonds for federal or State income tax purposes.

Date: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE OF EMWD**

By: \_\_\_\_\_



**ATTACHMENT A**

<i>Acquisition Facility</i>	<i>Actual Cost</i>	<i>Acquisition Price*</i>
<b>Total Acquisition Price to be Paid:</b>		

**ATTACHMENT B**

**ACQUISITION PRICE PAYMENT INSTRUCTIONS**

[Include name and address of payee and wire transfer instructions]

**EXHIBIT B**  
**ACQUISITION AND FUNDING AGREEMENT**

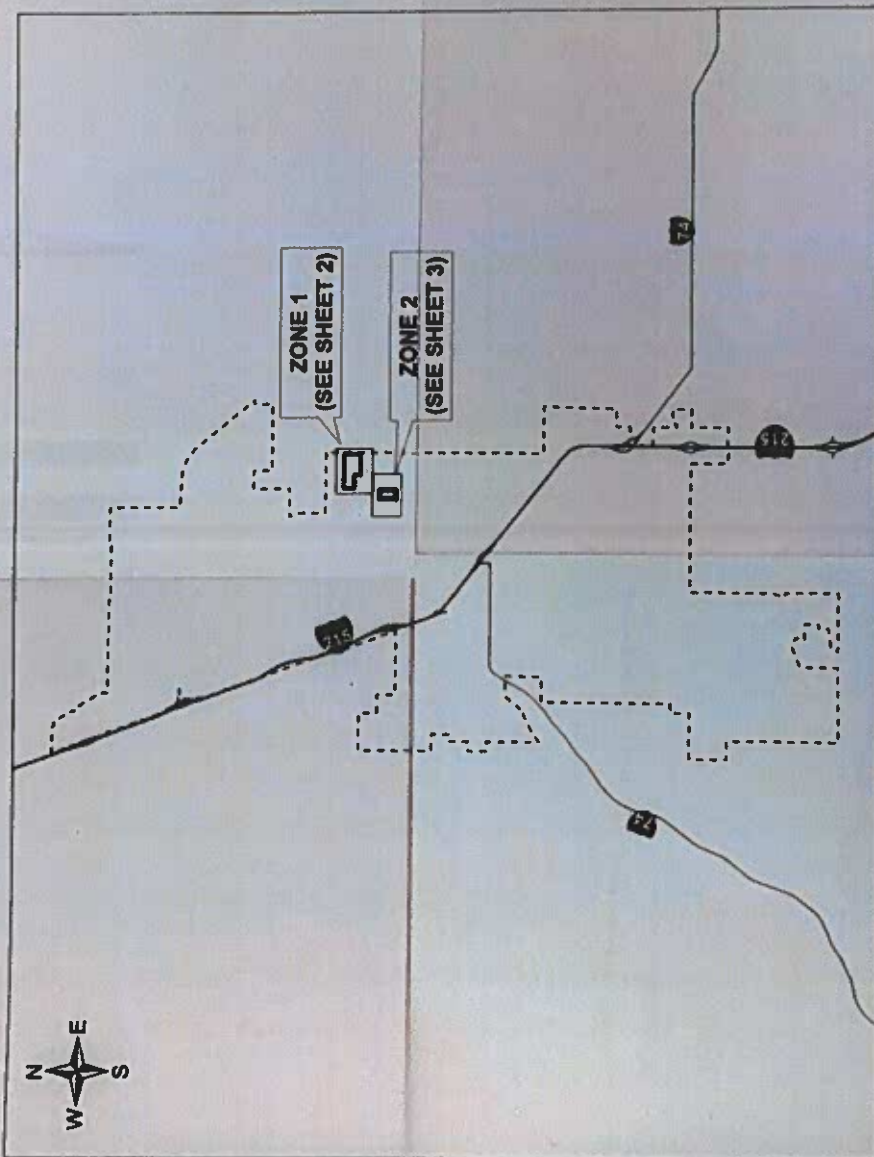
[SEE ATTACHED]

COPY

SHEET 1 OF 4

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



**Legend**  
 - - - - - City of Perris Boundary  
 ——— Highways

FILED IN THE OFFICE OF THE CITY CLERK THIS 21<sup>st</sup> DAY OF January, 2022  
 I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF  
 COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), CITY OF PERRIS,  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY  
 COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF HELD ON  
 THE 21<sup>st</sup> DAY OF JANUARY, 2022 BY ITS RESOLUTION  
 NO. 2022-011

*[Signature]*  
 CITY CLERK  
 CITY OF PERRIS

FILED THIS 21<sup>st</sup> DAY OF JANUARY, 2022, AT THE HOUR OF 8:36  
 O'CLOCK P.M. IN BOOK 88 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
 DISTRICTS AT PAGES 10-33 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF  
 RIVERSIDE, STATE OF CALIFORNIA. Fee \$157. Payment # 2022-001430

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER  
*[Signature]*  
 BY DEPUTY  
 COUNTY RECORDER  
 COUNTY OF RIVERSIDE  
 STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL  
 BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S  
 MAPS FOR THOSE PARCELS LISTED  
 THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS  
 CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS

**WILLDAN**  
 Financial Services  
 27380 VA INDUSTRIA, SUITE #200  
 TEMECULA, CA 92590  
 (951) 987-3500

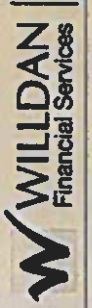
CoR

SHEET 2 OF 4

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 1**



**Legend**  
 [Symbol] CFD 2022-1 Zone1  
 [Symbol] Map Reference Number



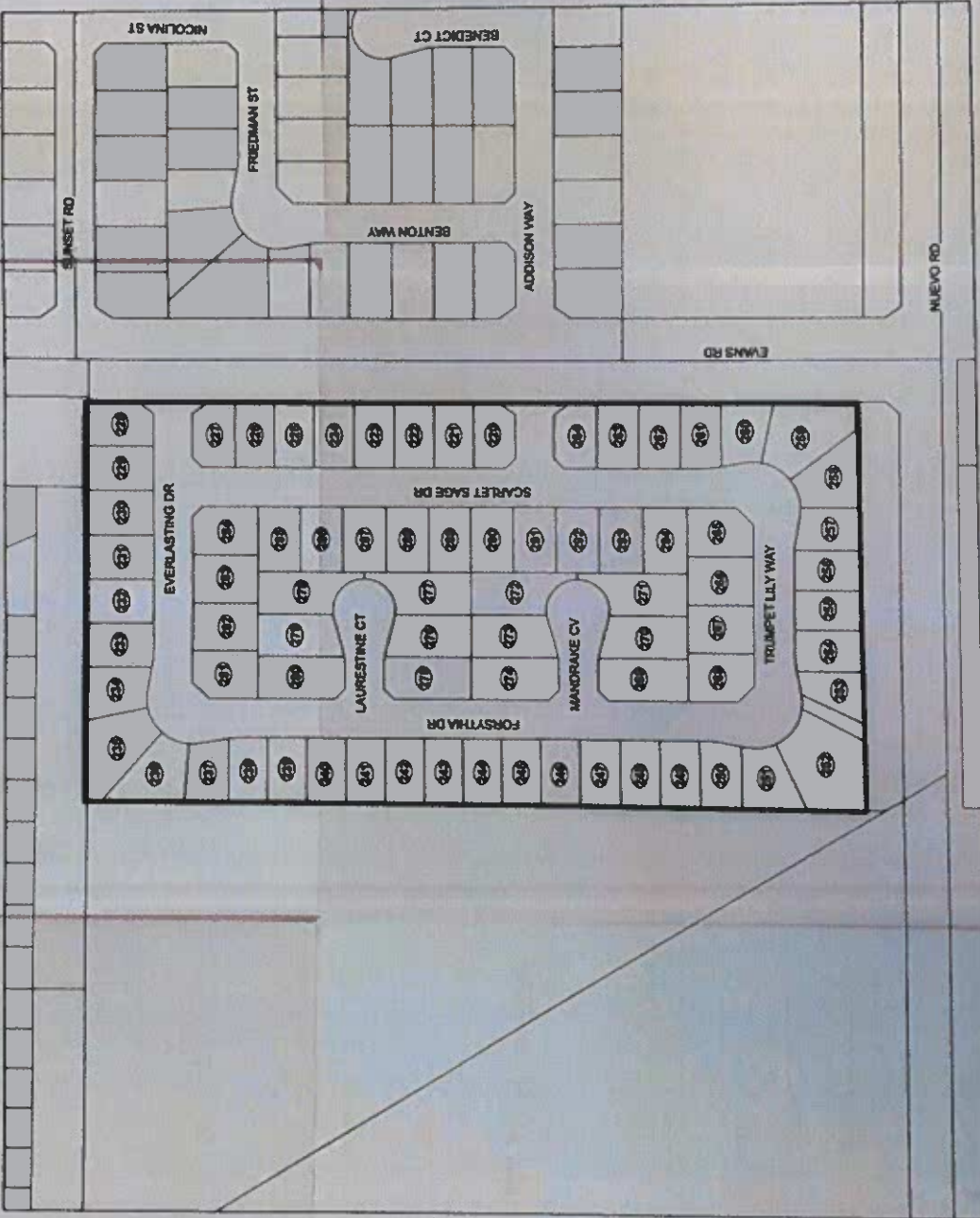
COF

SHEET 3 OF 4



**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)**

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

**ZONE 2**



**Legend**

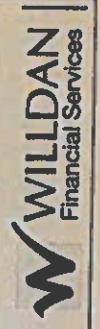
-  CFD 2022-1 Zone 2
-  Map Reference Number



COA

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	ASSESSOR'S PARCEL NUMBER
1	320-460-001	320-461-005	51	320-480-004	320-482-010	151	320-480-004	320-480-004	201	320-490-005	320-571-004
2	320-460-002	320-461-006	52	320-480-005	320-482-011	152	320-480-005	320-480-005	202	320-490-006	320-571-005
3	320-460-003	320-461-007	53	320-480-006	320-482-012	153	320-480-006	320-480-006	203	320-490-007	320-571-006
4	320-460-004	320-461-008	54	320-480-007	320-482-013	154	320-480-007	320-480-007	204	320-490-008	320-571-007
5	320-460-005	320-461-009	55	320-480-008	320-482-014	155	320-480-008	320-480-008	205	320-490-009	320-571-008
6	320-460-006	320-461-010	56	320-480-009	320-482-015	156	320-480-009	320-480-009	206	320-490-010	320-571-009
7	320-460-007	320-461-011	57	320-480-010	320-482-016	157	320-480-010	320-480-010	207	320-490-011	320-571-010
8	320-460-008	320-461-012	58	320-480-011	320-482-017	158	320-480-011	320-480-011	208	320-490-012	320-571-011
9	320-460-009	320-461-013	59	320-480-012	320-482-018	159	320-480-012	320-480-012	209	320-490-013	320-571-012
10	320-460-010	320-461-014	60	320-480-013	320-482-019	160	320-480-013	320-480-013	210	320-490-014	320-571-013
11	320-460-011	320-461-015	61	320-480-014	320-482-020	161	320-480-014	320-480-014	211	320-490-015	320-571-014
12	320-460-012	320-461-016	62	320-480-015	320-482-021	162	320-480-015	320-480-015	212	320-490-016	320-571-015
13	320-460-013	320-461-017	63	320-480-016	320-482-022	163	320-480-016	320-480-016	213	320-490-017	320-571-016
14	320-460-014	320-461-018	64	320-480-017	320-482-023	164	320-480-017	320-480-017	214	320-490-018	320-571-017
15	320-460-015	320-461-019	65	320-480-018	320-482-024	165	320-480-018	320-480-018	215	320-490-019	320-571-018
16	320-460-016	320-461-020	66	320-480-019	320-482-025	166	320-480-019	320-480-019	216	320-490-020	320-571-019
17	320-461-001	320-470-001	67	320-480-020	320-482-026	167	320-480-020	320-480-020	217	320-490-021	320-571-020
18	320-461-002	320-470-002	68	320-480-021	320-482-027	168	320-480-021	320-480-021	218	320-490-022	320-571-021
19	320-461-003	320-470-003	69	320-480-022	320-482-028	169	320-480-022	320-480-022	219	320-490-023	320-571-022
20	320-461-004	320-470-004	70	320-480-023	320-482-029	170	320-480-023	320-480-023	220	320-490-024	320-571-023
21	320-461-005	320-470-005	71	320-480-024	320-482-030	171	320-480-024	320-480-024	221	320-490-025	320-571-024
22	320-461-006	320-470-006	72	320-480-025	320-482-031	172	320-480-025	320-480-025	222	320-490-026	320-571-025
23	320-461-007	320-470-007	73	320-480-026	320-482-032	173	320-480-026	320-480-026	223	320-490-027	320-571-026
24	320-461-008	320-470-008	74	320-480-027	320-482-033	174	320-480-027	320-480-027	224	320-490-028	320-571-027
25	320-461-009	320-470-009	75	320-480-028	320-482-034	175	320-480-028	320-480-028	225	320-490-029	320-571-028
26	320-461-010	320-470-010	76	320-480-029	320-482-035	176	320-480-029	320-480-029	226	320-490-030	320-571-029
27	320-461-011	320-470-011	77	320-480-030	320-482-036	177	320-480-030	320-480-030	227	320-490-031	320-571-030
28	320-461-012	320-470-012	78	320-480-031	320-482-037	178	320-480-031	320-480-031	228	320-490-032	320-571-031
29	320-461-013	320-470-013	79	320-480-032	320-482-038	179	320-480-032	320-480-032	229	320-490-033	320-571-032
30	320-461-014	320-470-014	80	320-480-033	320-482-039	180	320-480-033	320-480-033	230	320-490-034	320-571-033
31	320-461-015	320-470-015	81	320-480-034	320-482-040	181	320-480-034	320-480-034	231	320-490-035	320-571-034
32	320-461-016	320-470-016	82	320-480-035	320-482-041	182	320-480-035	320-480-035	232	320-490-036	320-571-035
33	320-461-017	320-470-017	83	320-480-036	320-482-042	183	320-480-036	320-480-036	233	320-490-037	320-571-036
34	320-461-018	320-470-018	84	320-480-037	320-482-043	184	320-480-037	320-480-037	234	320-490-038	320-571-037
35	320-461-019	320-470-019	85	320-480-038	320-482-044	185	320-480-038	320-480-038	235	320-490-039	320-571-038
36	320-461-020	320-470-020	86	320-480-039	320-482-045	186	320-480-039	320-480-039	236	320-490-040	320-571-039
37	320-461-021	320-470-021	87	320-480-040	320-482-046	187	320-480-040	320-480-040	237	320-490-041	320-571-040
38	320-461-022	320-470-022	88	320-480-041	320-482-047	188	320-480-041	320-480-041	238	320-490-042	320-571-041
39	320-461-023	320-470-023	89	320-480-042	320-482-048	189	320-480-042	320-480-042	239	320-490-043	320-571-042
40	320-461-024	320-470-024	90	320-480-043	320-482-049	190	320-480-043	320-480-043	240	320-490-044	320-571-043
41	320-461-025	320-470-025	91	320-480-044	320-482-050	191	320-480-044	320-480-044	241	320-490-045	320-571-044
42	320-461-026	320-470-026	92	320-480-045	320-482-051	192	320-480-045	320-480-045	242	320-490-046	320-571-045
43	320-461-027	320-470-027	93	320-480-046	320-482-052	193	320-480-046	320-480-046	243	320-490-047	320-571-046
44	320-461-028	320-470-028	94	320-480-047	320-482-053	194	320-480-047	320-480-047	244	320-490-048	320-571-047
45	320-461-029	320-470-029	95	320-480-048	320-482-054	195	320-480-048	320-480-048	245	320-490-049	320-571-048
46	320-461-030	320-470-030	96	320-480-049	320-482-055	196	320-480-049	320-480-049	246	320-490-050	320-571-049
47	320-461-031	320-470-031	97	320-480-050	320-482-056	197	320-480-050	320-480-050	247	320-490-051	320-571-050
48	320-461-032	320-470-032	98	320-480-051	320-482-057	198	320-480-051	320-480-051	248	320-490-052	320-571-051
49	320-461-033	320-470-033	99	320-480-052	320-482-058	199	320-480-052	320-480-052	249	320-490-053	320-571-052
50	320-461-034	320-470-034	100	320-480-053	320-482-059	200	320-480-053	320-480-053	250	320-490-054	320-571-053



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**ACQUISITION AND FUNDING AGREEMENT**

**by and between**

**CITY OF PERRIS**

**and**

**BRPLD LLC,  
a Delaware limited liability company**

**Dated \_\_\_\_\_, 2022**

**Community Facilities District No. 2022-1  
(Willowbend)  
of the City of Perris**

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## ACQUISITION AND FUNDING AGREEMENT

THIS ACQUISITION AND FUNDING AGREEMENT (this “Acquisition Agreement”) is made and entered into \_\_\_\_\_, 2022, by and between the CITY OF PERRIS (the “City”), on behalf of itself and the District (defined below), and BRPLD LLC, a Delaware limited liability company (“BRPLD” and the “Property Owner”).

### WITNESSETH:

**WHEREAS**, the City Council of the City (the “City Council”) has undertaken proceedings to form Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “District”), pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (constituting Sections 53311 *et seq.* of the California Government Code) (the “Act”);

**WHEREAS**, Property Owner is the owner of the Property described on Exhibit “A” hereto, all of which property is included within the proposed District;

**WHEREAS**, D.R. Horton Los Angeles Holding Company, a California corporation (“D.R. Horton”) is the master developer of the property in the District, described in Exhibit “A” hereto (the “Property”);

**WHEREAS**, Property Owner proposes to develop the Property with approximately 283 single-family detached dwelling units (“DUs”) in two different zones, with Zone 1 to be developed with 213 DUs and Zone 2 to be developed with 70 DUs (the “Project”);

**WHEREAS**, the facilities described in Exhibit “B” hereto (the “Facilities”) and the development fees to fund capital improvements, which fees are described in Exhibit “C” hereto (the “Authorized Fees”), are all authorized to be financed from the Special Taxes and Bonds of the District pursuant to this Acquisition Agreement to the extent Property Owner complies with the provisions under this Acquisition Agreement;

**WHEREAS**, the Property Owner and City wish to enter into this Acquisition Agreement to provide a means to finance the acquisition of the Financed Improvements (defined below) and the payment of Authorized Fees, pursuant to the Act;

**WHEREAS**, Property Owner has graded the Property and constructed or is in the process of constructing the major backbone infrastructure required to serve the Property;

**WHEREAS**, the City, on behalf of the District will, upon satisfaction of the conditions and in accordance with the terms set forth in this Acquisition Agreement, purchase the Financed Improvements and take title to such Financed Improvements and the Property Owner will be paid from the proceeds of the Special Taxes and Bonds for the costs of the acquisition of such Financed Improvements at the prices determined as set forth herein;

**WHEREAS**, Section 53313.5 of the Act provides that a community facilities district may only finance the purchase of facilities whose construction has been completed, as determined by the legislative body, before the resolution of formation to establish the community facilities district is adopted pursuant to Section 53325.1 of the Act, except that a community facilities

district may finance the purchase of facilities completed after the adoption of the resolution of formation if the facility was constructed as if it had been constructed under the direction and supervision, or under the authority of, the City;

**WHEREAS**, notwithstanding Section 53313.5 of the Act, at any time either before or after the formation of the District, the legislative body may accept advances of funds or work in-kind from any source, including, but not limited to, private persons or private entities, and may provide, by resolution, for the use of those funds or that work in-kind for any authorized purpose;

**WHEREAS**, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds or work in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work in-kind, as determined by the legislative body, with or without interest, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in-kind, whichever is less, is included both in the resolution of intention to establish a community facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish the community facilities district adopted pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any work in-kind accepted pursuant to Section 53314.9 of the Act shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority, of the City; and

**WHEREAS**, the Financed Improvements are to be acquired by the City under this Acquisition Agreement pursuant to the Act and, specifically, pursuant to the provisions of Sections 53313.5 and 53314.9 thereof.

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

## **ARTICLE I DEFINITIONS**

**Section 1.1. Definitions.** Unless the context otherwise requires, the terms defined in this Article I shall have the meanings herein specified.

**“Acceptable Title”** means title to land, or an easement therein, delivered free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether any such item is recorded or unrecorded, except those non-monetary items which are either (a) required by the City or another public agency having jurisdiction thereover, or (b) reasonably determined by the City not to interfere materially with the intended use of such land or easement and therefore are not required to be cleared from title.

**“Acceptance Date”** means, with respect to a Financed Improvement, the date that the Financed Improvement is accepted by the City and Acceptable Title to the underlying land is conveyed to the City.

**“Acquisition Agreement”** means this Acquisition and Funding Agreement, dated \_\_\_\_\_, 2022, by and between the City and the Property Owner, as originally executed or as the same may be amended from time to time in accordance with its terms.

**“Act”** means the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 *et seq.* of the California Government Code, as amended.

**“Actual Cost”** means, with respect to a Financed Improvement, an amount equal to the sum of (a) the actual, reasonable cost of constructing such Financed Improvement, including labor, material and equipment costs, (b) the actual, reasonable cost of preparing the Plans for such Financed Improvement, (c) the amount of the fees actually paid by the Property Owner to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals for such Financed Improvement, (d) the actual, reasonable cost for professional services directly related to the construction of such Financed Improvement, including engineering, inspection, construction staking, materials testing and similar professional services, (e) the actual, reasonable costs incurred for construction management and supervision, which cost shall not exceed 5% of the cost of constructing such Financed Improvement, as determined pursuant to clause (a) of this definition, (f) the actual, reasonable cost of any title insurance required hereby for such Financed Improvement, and (g) the actual, reasonable cost of any real property or interest therein acquired, from a party other than the Property Owner, which real property or interest therein is either necessary for the construction of such Financed Improvement (e.g., temporary construction easements, haul roads, etc.) and is required to be conveyed with such Financed Improvement in order to convey Acceptable Title thereto to the City, all as specified in a Payment Request that has been reviewed and approved by the City Engineer; provided, however, that no item of cost relating to a Financed Improvement shall be included in more than one category of cost under this definition.

**“Authorized Fees”** means (i) fees imposed by Eastern Municipal Water District pursuant to the EMWD JCFA and (ii) development, impact or other fees imposed by the City as shown on Exhibit “C” hereto so long as such fees shall be traceable to a public facility or public facilities authorized to be financed pursuant to the Act and in accordance with the provisions of this Agreement.

**“Bonds”** means the bonds to be issued by the District, if any, that are payable from and secured by Special Taxes, a portion of the proceeds of which are to be used to finance the Financed Improvements and Authorized Fees.

**“CFD Proceeds”** means, either (i) prior to the issuance of the first series of Bonds, the Special Taxes levied and collected within the District not including any Special Taxes required for administrative expenses or reserves for delinquencies that the District in its discretion determines to use to pay for Financed Improvements, or (ii) following the issuance of Bonds, the Net Proceeds of the Bonds that the District will use to pay for Financed Improvements. In clarification of the previous sentence, following the issuance of any series of Bonds, any surplus of Special Taxes collected within the District shall no longer be considered CFD Proceeds.

**“City”** means the City of Perris, a general law city organized and existing under the laws of the State, and its successors.

**“Deposits”** means an amount deposited with City or another public agency by the applicable Property Owner as security for the payment of Authorized Fees and which are eligible for refund by the City or other public agency only upon sale of the Bonds and the payment of such Authorized Fees from the CFD Proceeds, or at the sole discretion of the City, from the collection of Special Taxes and payment of Authorized Fees therefrom prior to the issuance of

the Bonds pursuant to this Acquisition Agreement, the EMWD JCFA or any other agreement between the City and the Property Owners.

**“Disbursement Request”** means the document to be provided by the Property Owner to request payment of Authorized Fees to the City by the Property Owner from the CFD Proceeds in the form attached as Exhibit "E" hereto. To the extent the fees subject to the Disbursement Request are the subject of prior Deposits, the Property Owner shall request release of said Deposits following payment of Authorized Fees to the City.

**“District Representative”** means the City Manager, Assistant City Manager or Finance Director of the City, or such other person as set forth in a certificate signed by the current District Representative, the City Manager, Assistant City Manager or Finance Director of the City, and delivered to the Property Owner, which certificate shall contain an original or specimen signature of each person so designated.

**“City Engineer”** means the city engineer.

**“EMWD”** means the Eastern Municipal Water District.

**“EMWD JCFA”** means the Joint Community Facilities Agreement, dated \_\_\_\_\_, 2022, among the Property Owner, the City and EMWD relating to the financing of fees and facilities of EMWD.

**“Facilities” or “Facility”** means the facilities or facility described in Exhibit “B” attached hereto.

**“Financed Improvements”** means those completed Facilities that the City has determined to acquire from the Property Owner with CFD Proceeds and for which the Property Owner has determined to construct and will seek payment from the CFD Proceeds for the Purchase Price of such Facilities.

**“Fiscal Agent”** means the entity initially acting as fiscal agent under the Fiscal Agent Agreement, and any successor thereto permitted under any Fiscal Agent Agreement.

**“Fiscal Agent Agreement”** means a Fiscal Agent Agreement pursuant to which Bonds are issued, as originally executed or as the same may be amended from time to time in accordance with its terms.

**“Improvement Fund”** means (i) prior to the issuance of Bonds, the special fund maintained by the City into which the Special Taxes are deposited and (ii) following the issuance of Bonds, the fund of that name established under a Fiscal Agent Agreement from which amounts are to be withdrawn to pay the Purchase Price of the Financed Improvements or to pay for the Authorized Fees.

**“Net Proceeds of the Bonds”** means the proceeds of each series of Bonds remaining after funding administrative fees, if applicable and at the discretion of the City, all costs of issuance of the Bonds, capitalized interest on the Bonds, if any, a reserve fund, a delinquency management fund or any like fund or account for the Bonds established by in accordance with the Fiscal Agent Agreement and/or indenture.

**“Payment Request”** means the document to be provided by the Property Owner to substantiate the Purchase Price of one or more Financed Improvements, which shall be in the form of Exhibit “D” attached hereto.

**“Plans”** means the designs, detailed bid documents, construction plans, specifications, and construction contracts for the Financed Improvements prepared or to be prepared at the direction of a Property Owner pursuant to Section 3.1 hereof.

**“Property”** means the real property located within the District.

**“Property Owner”** has the meaning assigned in the recitals hereto, and its successors and assigns.

**“Property Owner Representative”** means the person or persons signing this Acquisition Agreement on behalf the Property Owner or such person designated as such in a certificate signed by the Property Owner and delivered to the District and the Fiscal Agent, which certificate shall contain an original or specimen signature of each person so designated.

**“Purchase Price”** means, with respect to a Financed Improvement, subject to the provisions of Section 2.2 hereof, the Actual Cost of such Financed Improvement.

**“Special Taxes”** means the special taxes approved and authorized by the qualified electors of the District to be levied in the District to finance, among other things, the Facilities and Authorized Fees or to pay debt service on the Bonds to finance the Facilities and Authorized Fees.

**“State”** means the State of California.

## ARTICLE II ACQUISITION OF FACILITIES

**Section 2.1. Acquisition of Financed Improvements.** For each Financed Improvement, the Property Owner hereby agrees to sell to the City, and the City hereby agrees to purchase from the Property Owner, each Financed Improvement constructed by the Property Owner for the Purchase Price thereof, subject to the terms and conditions hereof. Title to each Financed Improvement purchased pursuant hereto shall be conveyed by appropriate instrument by the Property Owner to the City as of the Acceptance Date of such Financed Improvement.

In order to finance the Financed Improvements, the District expects to levy Special Taxes and issue Bonds. The Financed Improvements are to be acquired, constructed and installed with the CFD Proceeds deposited in the Improvement Fund. Neither the City nor the District is obligated to pay the Purchase Price of the Financed Improvements except from the proceeds of the Bonds, and at the discretion of the City, CFD Proceeds. Neither the District nor the City makes any warranty, either express or implied, that the District will be able to issue and sell Bonds or that the CFD Proceeds available for the payment of the Purchase Price of the Financed Improvements will be sufficient for such purpose.

Notwithstanding anything in this Acquisition Agreement to the contrary, this Acquisition Agreement shall not obligate the Property Owner to construct Facility in the manner set forth in this Acquisition Agreement, or obligate the Property Owner to otherwise comply with any of the

provisions of this Acquisition Agreement concerning, among other things, bidding, financing, insuring, maintaining and constructing any Facility, unless the Property Owner seeks payment or reimbursement for such Facility from the CFD Proceeds as a Financed Improvement; provided, Property Owner must comply with provisions of this Acquisition Agreement and applicable law with respect to such Financed Improvement. In clarification of the foregoing, the parties agree that if the Property Owner wants to pay or to be paid or reimbursed for the costs of any Facility from the CFD Proceeds as a Financed Improvement, it must comply with the provisions of this Acquisition Agreement with respect to the entire Facility for which reimbursement is sought. If the Property Owner chooses not pay or to seek reimbursement for a particular Facility from the CFD Proceeds as a Financed Improvement, then the Property Owner may construct such Facility without complying with the provisions of this Acquisition Agreement, provided, however that Property Owner shall comply with all provisions of the Labor Code with respect to the payment of prevailing wages and any law necessary for the financing of City improvements with respect to funding public facilities.

To the extent of significant delays in the development of the property or a portion of the property such that Bonds are not issued within a reasonable time following formation of the District but not prior to two years following formation of the District, the City may in its discretion cease to levy Special Taxes within the District or determine to use Special Taxes to prepay certain special taxes of the owners that have paid taxes and remove the lien.

**Section 2.2. Payment of Purchase Price.** In order to receive the Purchase Price for a completed Financed Improvement, the Property Owner shall deliver to the District Representative and the City Engineer (a) a Payment Request for such Financed Improvement, together with all attachments and exhibits to be included therewith, (b) a copy of either the recorded documents that conveyed, or documents suitable for recording and conveying, to the City Acceptable Title to the real property on, in or over which such Financed Improvement is located, as described in Section 2.3 hereof, and (c) a copy of the recorded Notice of Completion of such Financed Improvement filed in accordance with Section 3093 of the California Civil Code, if applicable, and (d) such other documentation as may be requested by the City in order to best transfer its interest in the Financed Improvement.

Upon receipt of a completed Payment Request (and accompanying documentation) for a Financed Improvement, the City Engineer shall conduct a review in order to confirm that such Financed Improvement was constructed in accordance with the Plans therefor and to verify and approve the Actual Cost of such Financed Improvement specified in such Payment Request. The Property Owner agrees to cooperate with the City Engineer in conducting each such review and to provide the City Engineer with such additional information and documentation as is reasonably necessary for the City Engineer to conclude each such review. The City agrees to cause the City Engineer to conduct such review without unreasonable delay. If the City Engineer determines that the Actual Cost specified in such Payment Request as initially submitted exceeds the Property Owner's actual, reasonable cost of constructing such Financed Improvement, the Property Owner shall resubmit such Payment Request, with the Actual Cost specified therein modified so as to take into account such determination by the City Engineer. Upon confirmation that such Financed Improvement has been constructed in accordance with the Plans therefor, and verification and approval of the Actual Cost of such Financed Improvement, the City Engineer shall sign the Payment Request and forward the same to the District Representative. Upon receipt of the reviewed and fully signed Payment Request, the District Representative shall, without unreasonable delay, direct the Trustee to pay the Purchase Price of such Financed



Improvement to the Property Owner out of one or more Improvement Funds (or accounts therein), but only to the extent of funds on deposit in the Improvement Funds (or accounts therein). Any Payment Request not paid due to an insufficiency of funds in the applicable Improvement Funds (or accounts therein) shall be paid promptly following the deposit into said Improvement Funds (or accounts therein) of additional CFD Proceeds, any investment earnings or other amounts transferred to the Improvement Funds under the terms of the Fiscal Agent Agreement, if any. Notwithstanding, anything herein to the contrary, the Property Owner shall submit and the District Representative shall only pay the Purchase Price of the Financed Improvement upon receipt of the items (a) through (c) and (d), as applicable, listed above in addition to the Payment Request such that the City may acquire said Financed Improvement.

**Section 2.3. Dedication of Property and Easements to the City.** Acceptable Title to all property on, in or over which each Financed Improvement will be located shall be conveyed to the City by way of grant deed or dedication of such property, or easement thereon, if such easement is approved by the City as being a sufficient interest therein to permit the City to properly own, operate and maintain such Financed Improvement located therein, thereon or thereover, and to permit the Property Owner to perform its obligations as set forth in this Acquisition Agreement.

For the City to acquire and pay for a Financed Improvement, the Property Owner shall transfer ownership of such Financed Improvement to the City by grant deed, bill of sale or such other documentation as the City may require. The Property Owner may transfer completed Financed Improvements to the City prior to the availability of sufficient funds from the CFD Proceeds with the understanding that the Purchase Price for such Financed Improvements will be payable if, and when, such funds become available. The conveyance of the Financed Improvements to the City under such circumstances shall be made with the expectation of payment of the Purchase Price from the CFD Proceeds subsequently deposited in the Improvement Fund, and such conveyance shall not be construed as a dedication or gift of the Financed Improvements, or a waiver of payment of the Purchase Price for such Financed Improvements.

Upon the request of the City, the Property Owner shall furnish to the City a preliminary title report for such property not previously dedicated or otherwise conveyed to the City that is required for a Financed Improvement, for review and approval at least 20 calendar days prior to the transfer of Acceptable Title to the Financed Improvement to the City. The City shall approve the preliminary title report unless it reveals a matter which, in the reasonable judgment of the City, could materially affect the City's use and enjoyment of any part of the property or easement covered by the preliminary title report. In the event the City does not approve the preliminary title report, the City shall not be obligated to accept title to such Financed Improvement, and the District shall not be obligated to pay any portion of the Purchase Price for such Financed Improvement, until the Property Owner has cured such objections to title to the reasonable satisfaction of the City. Upon the request of the City, at the time title to such Financed Improvement is conveyed to the City, the Property Owner shall furnish to the City a CLTA title insurance policy in the amount of the Purchase Price of such Financed Improvement, which title policy shall be issued by an insurance company reasonably acceptable to the City and shall insure the City's interest in such Financed Improvement, subject only to the title exceptions set forth in the previously approved preliminary title report.

**Section 2.4. Modifications To Financed Improvements.** The District, the City and the Property Owner may make modifications to the Facilities described in Exhibit "B", whenever the District, the City and the Property Owner deem such modifications to be appropriate. Any such modification shall be implemented by the District, the City and the Property Owner by executing a supplement to Exhibit "B" containing a description of the modifications. Upon the execution of any such supplement to Exhibit "B", the description of such Facilities in Exhibit "B" shall be deemed to have been modified in accordance therewith.

Upon written request of the Property Owner, the City Engineer shall consider modification of the description of any Facilities, provided such modifications do not increase the Facilities authorized to be financed by the resolution of formation or resolution of change adopted by the City Council in connection with the District.

**Section 2.5. Construction in Advance of Payment.** The parties hereto acknowledge that (i) the Property Owner will be constructing the Financed Improvements prior to the issuance of Bonds the proceeds of which will be used to pay the Property Owner for those Financed Improvements, (ii) the Property Owner will be submitting Payment Requests to the City in advance of such an issuance of Bonds, with knowledge that there may be insufficient funds available in the Improvement Fund (or accounts therein) for reimbursement, (iii) the Financed Improvements that are the subject of the Payment Requests submitted when there are insufficient CFD Proceeds will be inspected and reviewed as set forth herein and that such Payment Requests will be reviewed and submitted to the District Representative in the manner set forth in Section 2.2, and (iv) the payment for any Payment Requests approved in the preceding manner will be deferred until there are sufficient CFD Proceeds in the Improvement Fund (or accounts therein) to make such payment, at which time the District Representative' shall direct the Trustee to pay all or a portion of the Purchase Price of such Financed Improvement to the Property Owner out of one or more Improvement Funds (or accounts therein) identified by the Property Owner in the Payment Request. Notwithstanding, anything herein to the contrary, the District Representative shall only pay the Purchase Price of the Financed Improvement upon receipt of the items (a) through (d) listed in Section 2.2 above in addition to the Payment Request such that the City may acquire said Financed Improvement.

### **ARTICLE III CONSTRUCTION OF FACILITIES**

**Section 3.1. Preparation and Approval of Plans and Specifications.** To the extent that it has not already done so, the Property Owner shall cause Plans to be prepared for the Financed Improvements to be constructed by the Property Owner. The Plans shall conform to all applicable federal, state and local governmental rules, ordinances, and regulations and all applicable environmental protection laws. All Plans shall be subject to review and written approval by the City Engineer and/or its designee, and the applicable public agencies. Preliminary and final plans and specifications for Financed Improvements to be constructed by the Property Owner shall be submitted to the City and the applicable public agencies for review and approval. The Property Owner, the City or the District, as applicable, shall then obtain the approval of the appropriate acquiring public agencies of the construction plans, specifications and construction documents. The Financed Improvements to be acquired or constructed with the CFD Proceeds shall be constructed in accordance with public agency contracting requirements, including the payment of prevailing wages, in addition to all conditions of approval and requirements of the City.

**Section 3.2. Duty of Property Owner to Construct.** This Acquisition Agreement does not obligate the Property Owner to construct any of the Facilities. However, if the Property Owner determine to seek payment from the CFD Proceeds for the costs to construct any such Facilities, then this Acquisition Agreement shall obligate the Property Owner to construct those Financed Improvements in the manner set forth herein, and to convey the Financed Improvements to the City in the manner set forth herein. For the Financed Improvements, the Property Owner shall construct or cause to be constructed such Financed Improvements in accordance with the approved Plans. Once it is determined to seek payment from CFD Proceeds for the cost to construct a Financed Improvement or Segment thereof, the Property Owner shall perform all of its obligations hereunder and shall conduct all operations with respect to the construction of the Financed Improvements and Segments thereof in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken.

**Section 3.3. Public Works Requirements.**

**(A) Public Works Requirements Prior to Formation of District.** In order to insure that the Financed Improvements will be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City, so that they may be acquired pursuant to California Government Code Section 53313.5 or so that the value or cost, whichever is less, of portions thereof constituting work in-kind may be reimbursed pursuant to California Government Code Section 53314.9, for the Financed Improvements, the Property Owner shall comply with the California Labor Code, including the following requirements or shall cause such requirements to be complied with prior to formation of the District:

(i) The Property Owner shall use commercially best efforts to bid out each Financed Improvement to a minimum of three (3) qualified bidders, who bidders shall be on the City's list of qualified contractors, if any, and to award the contract for the construction of each Financed Improvement to the responsible bidder submitting the lowest responsive bid for the construction of such Financed Improvement or, if the Property Owner elects to perform the work pursuant to Section 53329.5 of the Act, the Property Owner shall perform the work at the prices specified in the bid of the lowest responsible bidder.

(ii) The Property Owner shall require, and the specifications and bid and contract documents shall require, all contractors engaged to perform work on a Financed Improvement to pay prevailing wages and to otherwise comply with applicable provisions of the California Labor Code, the California Government Code and the California Public Contracts Code relating to public works projects of cities.

(iii) Each contractor engaged to perform work on a Financed Improvement shall be required to furnish (a) labor and material payment bonds, and (b) contract performance bonds, each in an amount equal to 100% of the contract price naming the Property Owner and the City as obligees and issued by insurance or surety companies approved by the City. All such bonds shall be in a form approved by the City. Rather than requiring its contractors to provide such bonds, the Property Owner may elect to provide the same for the benefit of its contractors.

(iv) Each contractor engaged to perform work on a Financed Improvement shall be required to provide proof of insurance coverage conforming to the requirements of Section 3.7 hereof throughout the term of the construction of such Financed Improvement, and such contractor shall be required to perform such work in conformance with all applicable federal and State law and the ordinances and policies of the City.

(v) The Property Owner and the City and all such contractors shall comply with such other requirements relating to the construction of the Financed Improvements as the City may impose by written notification delivered to the Property Owner and each such contractor, to the extent required as a result of changes in applicable State or federal laws or the ordinances and policies of the City.

The Property Owner shall provide proof to the City, at such intervals and in such form as the City may require that the foregoing requirements have been satisfied as to all of the Financed Improvements.

**(B) Public Works Requirements After Formation of District.** Any contracts for bids approved and awarded to construct Financed Improvements prior to the formation of the District or within 30 days following the formation date of the District may use the procedure outline in Section 3.3(A). Contracts for bids for the remaining Financed Improvements following formation shall comply with the requirements of the Perris Municipal Code, California Labor Code and such other requirements related to public works projects.

(i) The Property Owner shall prepare a bid package and the form of the required notices for review and comment by the City or its designated representative (the "City Representative").

(ii) Property Owner shall mail notices inviting formal sealed bids. The notices shall be mailed to all qualified contractors on the list maintained by the City pursuant to Section, as well as to all construction trade journals on the list maintained by the City pursuant to Section 3.32.260 of the Perris Municipal Code, unless the product or service is proprietary. Notices shall be published as provided in Section 3.32.260.

(iii) The notices shall be mailed no later than thirty (30) calendar days before the opening date of the bids. The notices shall distinctly describe the project and state the time and place for submission of bids and disclose the Property Owner's right to elect to perform the work under Section 53329.5 of the Act.

(iv) The notice inviting bids shall be published by the Property Owner as provided in Perris Municipal Code 3.32.260. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the City, or, if there is none, it shall be posted in at least three (3) public places in the City that have been designated by Ordinance as the places for placing public notices.

(v) The Property Owner shall provide a final copy of the notice to the City for posting by the City Representative on a public bulletin board at Perris City Hall.

(vi) Sealed bids shall be submitted to the Property Owner and shall be identified as bids on the envelope. Bids shall be opened in public at Perris City Hall by the

Property Owner at the time stated in the public notices. The City Representative shall attend the bid opening.

(vii) Property Owner shall submit to the City written evidence of compliance with the competitive bidding procedures set forth herein, including evidence of the required noticing, a listing of all responsible bids and their amounts and the name or names of the contractor or contractors to whom Property Owner proposed to award the contracts for such construction. A tabulation of all bids shall be maintained by the City and open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

(viii) If the City Representative is unable to attend the bid opening, the City Representative shall approve or disapprove of a recommended contractor or contractors, in writing, within five (5) business days after receipt from Property Owner of the written evidence of compliance with the competitive bidding procedures described hereinabove. If the City Representative reasonably disapproves any such contractor, Property Owner will select the next lowest responsible bidder from the competitive bids received who is acceptable to the City Representative.

**Section 3.4. Performance Bonds.** Upon commencement of construction of a Financed Improvement, the Property Owner shall be required to secure the construction and completion of construction of such Financed Improvement as required by Sections 66499 through 66499.10 of the California Government Code and the Perris Municipal Code. The Property Owner's obligations pursuant to this Section may be satisfied through the contract performance bonds to be provided by the Property Owner's contractors pursuant to Section 3.3 hereof.

**Section 3.5. Inspection; Completion of Construction.** The City shall have primary responsibility for providing inspection of the work of construction of the Financed Improvements to insure that the work of construction is accomplished in accordance with the Plans. The City's personnel shall have access to the site of the work of construction at all reasonable times for the purpose of accomplishing such inspection. Upon the completion of the construction of a Financed Improvement to the satisfaction of the City's inspectors, the Property Owner shall notify the District Representative, the City and the City Engineer in writing that the construction of such Financed Improvement has been completed in accordance with the Plans.

Upon receiving such written notification from the Property Owner, and upon receipt of written notification from its inspectors that construction of a Financed Improvement has been completed in accordance with the Plans and the City's standard requirements, the City shall, without unreasonable delay, notify the Property Owner in writing that the construction of such Financed Improvement has been satisfactorily completed and City may accept the Financed Improvement in the City's normal scope of procedures. Upon receiving such notification, the Property Owner shall forthwith file with the Riverside County Recorder a Notice of Completion as applicable. The Property Owner shall furnish to the City a duplicate copy of each such Notice of Completion showing thereon the date of filing with said County Recorder.

**Section 3.6. Maintenance of Financed Improvements; Warranties.** The Property Owner shall maintain each Financed Improvement in good and safe condition until the Acceptance Date thereof. As of the Acceptance Date of a Financed Improvement, the performance bond provided by the Property Owner for such Financed Improvement pursuant to

Section 3.4 hereof shall be reduced to an amount equal to 20% (unless the City requires otherwise as a condition of approval or per another agreement) of the original amount thereof and shall serve as a warranty bond to guarantee that such Financed Improvement will be free from defects due to faulty workmanship or materials for a period of 12 months from the Acceptance Date of such Financed Improvement, or the Property Owner may elect to provide a new warranty bond in such an amount. As of the Acceptance Date of a Financed Improvement, the Property Owner shall assign to the City all of the Property Owner's rights in any warranties, guarantees, maintenance obligations or other evidence of contingent obligations of third persons with respect to such Financed Improvement. Property Owner hereby regardless of warranty bond also warrants the property for 12 months following completion.

**Section 3.7. Insurance Requirements.** The Property Owner shall, at all times prior to the final Acceptance Date of all Financed Improvements, maintain, deliver to the City and keep in full force and effect, or cause to be maintained, delivered to the City and kept in full force and effect, insurance in conformance with the requirements set forth below. The Property Owner will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth herein, it will be amended to do so. The Property Owner acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds in excess of the limits and coverage required in this Acquisition Agreement and which is applicable to a given loss, will be available to the City.

(i) The Property Owner shall provide the following types and amounts of insurance:

(A) Commercial General Liability Insurance using Insurance Services Office ("ISO") "Commercial General Liability" policy form CG 00 01 or the exact equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits shall be no less than \$2,000,000 per occurrence for all covered losses and no less than \$2,000,000 general aggregate.

(B) Workers' Compensation on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident for all covered losses.

(C) Business Auto Coverage on ISO Business Auto Coverage form CA 00 01 including symbol I (Any Auto) or the exact equivalent. Limits shall be no less than \$1,000,000 per accident, combined single limit. If the Property Owner owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If the Property Owner or the Property Owner's employees will use personal autos in any way relating to this Acquisition Agreement, the Property Owner shall provide evidence of personal auto liability coverage for each such person.

(D) Excess of Umbrella Liability Insurance (Over Primary) if used to meet limit requirements, shall provide coverage at least as broad as specified for the underlying coverages. Any such coverage provided under an umbrella liability policy shall include a "drop down" provision with a maximum \$25,000 self-insured retention for liability not covered by primary but covered by the umbrella. Coverage shall be "pay on behalf", with defense costs payable in addition to policy limits. There shall be no cross liability exclusion precluding

coverage for claims or suits by one insured against another. Coverage shall be applicable to the City and the District for injury to employees of the Property Owner, subcontractors or other involved in the performance of the acts contemplated by this Acquisition Agreement. The scope of coverage provided is subject to approval of the City and the District following receipt of proof of insurance as required herein.

(E) Construction Risk Insurance

Insurance procured pursuant to the requirements set forth in this section shall be written by insurers that are admitted carriers in the state of California and with an A.M. Best rating of A- or better and a minimum financial size of VII.

(ii) The Property Owner and the City agree as follows:

(A) The Property Owner agrees to endorse the third party general liability coverage required herein to include as additional insureds the City, the District, and their respective officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition date of 1985. The Property Owner also agrees to require all contractors, subcontractors, and anyone else involved in any way with the acquisition or construction of the Financed Improvements contemplated by this Acquisition Agreement to do likewise.

(B) Any waiver of subrogation express or implied on the part of the City or the District to any party involved in this Acquisition Agreement or related documents applies only to the extent of insurance proceeds actually paid. The City and the District, having required that each be named as an additional insured to all insurance coverage required herein, expressly retain the right to subrogate against any party for sums not paid by insurance. For its part, the Property Owner agrees to waive subrogation rights against the City and the District regardless of the applicability of any insurance proceeds, and to require all contractors, subcontractors or others involved in any way with the acquisition or construction of the Financed Improvements contemplated by this Acquisition Agreement, to do likewise.

(C) All insurance coverage maintained or procured by the Property Owner or required of others by the Property Owner pursuant to this Acquisition Agreement shall be endorsed to delete the subrogation condition as to the City and the District, or to specifically allow the Property Owner or others providing insurance herein to waive subrogation prior to a loss. This endorsement shall be obtained regardless of existing policy wording that may appear to allow such waivers.

(D) It is agreed by the Property Owner and the City that insurance provided pursuant to these requirements is not intended by any party to be limited to providing coverage for the vicarious liability of the City, or to the supervisory role, if any, of the City. All insurance coverage provided pursuant to this or any other agreement (express or implied) in any way relating to the City or the District is intended to apply to the full extent of the policies involved. Nothing referred to here or contained in any agreement involving the City or the District in relation to the Facilities contemplated by this Acquisition Agreement is intended to be construed to limit the application of insurance coverage in any way.

(E) None of the coverages required herein will be in compliance with these requirements if they included any limiting endorsements of any kind that has not been first submitted to the City and the District and approved in writing.

(F) All coverage types and limits required are subject to approval, modification and additional requirements by the City and the District, as the need arises. The Property Owner shall not make any reductions in scope of coverage (e.g., elimination of contractual liability or reduction of discovery period) which may affect either the City or the District's protection without the City's and the District's prior written consent.

(G) Proof of compliance with these insurance requirements, consisting of binders of coverage, or endorsements, or certificates of insurance, at the option of the City and the District, shall be delivered to the City and the District at or prior to commencement of construction of the Financed Improvements. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, the City and the District have the right, but not the duty, to obtain any insurance they deem necessary to protect their respective interests under this or any other agreement and to pay the premium. Any premium so paid by the City or the District shall be charged to and promptly paid by the Property Owner or deducted from sums due to the Property Owner, at the City's and the District's option.

(H) The Property Owner agrees to endorse, and to require others to endorse, the insurance provided pursuant to these requirements, to require thirty (30) days notice to the City and the District and the appropriate tender prior to cancellation of such liability coverage and notice of any material alteration or non-renewal of any such coverage, and to require contractors, subcontractors, and any other party in any way involved with the Financed Improvements contemplated by this Acquisition Agreement to do likewise.

(I) It is acknowledged by the parties to this Acquisition Agreement that all insurance coverage required to be provided by the Property Owner or any subcontractor, is intended to apply first and on a primary non-contributing basis in relation to any other insurance or self-insurance available to the City and the District.

(J) The Property Owner agrees to ensure that subcontractors, and any other party involved with the Financed Improvements who is brought on to or involved in the acquisition or construction of the Financed Improvements by the Property Owner, provide the same minimum insurance coverage required of the Property Owner. The Property Owner agrees to monitor and review all such coverage and assume all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. The Property Owner agrees that upon request, all agreements with subcontractors and others engaged in the Financed Improvements will be submitted to the City and the District for review.

(K) The Property Owner agrees that all layers of third party liability coverage required herein, primary, umbrella and excess, will have the same starting and expiration date. The Property Owner agrees further that all other third party coverages required herein will likewise have concurrent starting and ending dates.

(L) The Property Owner agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further



agrees that it will not allow any contractor, subcontractor, architect, engineer or other entity or person in any way involved in the performance of work on the Financed Improvements contemplated by this Acquisition Agreement to self-insure its obligations to the City and the District. If the Property Owner's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City and the District. At that time the City and the District shall review options with the Property Owner, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.

(M) For purposes of applying insurance coverage only, all contracts pertaining to the Financed Improvements will be deemed executed when finalized and any activity commences in furtherance of performance under this Acquisition Agreement.

(N) The Property Owner acknowledges and agrees that any actual or alleged failure on the part of the City or the District to inform the Property Owner of non-compliance with any insurance requirements in non way imposes any additional obligations on the City or the District nor does it waive any rights hereunder in this or any other regard.

(O) The Property Owner will renew the required coverage annually as long as the City and the District, or their respective employees or agents face an exposure from operations of any type pursuant to this Acquisition Agreement. This obligation applies whether or not the Acquisition Agreement is canceled or terminated for any reason. The insurance shall include but not be limited to products and completed operations and discontinued operations, where applicable. Termination of this obligation is not effective until the City and the District each execute a written statement to that effect.

(P) The Property Owner agrees to waive its statutory immunity under any workers' compensation statute or similar statute, in relation to the City and the District, and to require all subcontractors and any other person or entity involved in the acquisition or construction of the Financed Improvements contemplated by this Acquisition Agreement to do likewise.

(Q) Requirements of specific coverage features are not intended as limitations on other requirements or as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be all-inclusive.

(R) All liability coverage provided according to these requirements must be endorsed to provide a separate aggregate limit for the Financed Improvements that are the subject of this Acquisition Agreement and evidencing products and completed operations coverage for not less than two years after issuance of a final certificate of occupancy by all appropriate government agencies or acceptance of the completed work by the City.

(S) The Property Owner agrees to obtain and provide to the City and the District, a copy of Professional Liability coverage for architects or engineers working on the Financed Improvements through the Property Owner. The City shall determine the liability limit.

**Section 3.8. Ownership of Financed Improvements.** Notwithstanding the fact that some or all of the Financed Improvements may be constructed in dedicated street rights-of-way or on property which has been or will be dedicated to the City, the Financed Improvements shall be and remain the property of the Property Owner until Acceptable Title thereto is conveyed to and accepted by the City as provided herein.

**ARTICLE IV  
REPRESENTATIONS, WARRANTIES AND COVENANTS;  
INDEMNIFICATION; DAMAGES**

**Section 4.1. Representations, Warranties and Covenants of the Property Owner.** The Property Owner makes the following representations, warranties and covenants for the benefit of the City:

(i) *Organization.* The Property Owner hereby represents and warrants that the Property Owner is an organization duly organized and validly existing and in good standing under the laws of the State of California, is authorized to conduct business in the State of California, and has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated.

(ii) *Authority.* The Property Owner represents and warrants that the Property Owner has the power and authority to enter into this Acquisition Agreement, and has taken all action necessary to cause this Acquisition Agreement to be executed and delivered, and this Acquisition Agreement has been duly and validly executed and delivered on behalf of the Property Owner.

(iii) *Binding Obligation.* The Property Owner represents and warrants that this Acquisition Agreement is a valid and binding obligation of the Property Owner and is enforceable against the Property Owner in accordance with its terms.

(iv) *Completion of Financed Improvements.* The Property Owner covenants that they will use their reasonable and diligent efforts to do all things which may be lawfully required of them in order to cause the Financed Improvements to be completed in accordance with this Acquisition Agreement.

(v) *Compliance with Laws.* The Property Owner covenants that it will not commit, suffer or permit any act to be done in, upon or to the Financed Improvements in violation of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting the Property or the Financed Improvements.

(vi) *Requests for Payment.* The Property Owner represents and warrants that (a) it will not request payment from the District for the acquisition of any improvements that are not part of a Financed Improvement, and (b) it will diligently follow all procedures set forth in this Acquisition Agreement with respect to the Payment Requests and will submit the correct forms and attachments required by the Acquisition Agreement in connection therewith.

(vii) *Financial Records.* Until the final Acceptance Date of the Financed Improvements, the Property Owner covenants to maintain proper books of record and account for the Financed Improvements and all costs related thereto. The Property Owner covenants that

such accounting books will be maintained in accordance with generally accepted accounting principles, and will be available for inspection by the District and the City, and their respective agents, at any reasonable time during regular business hours on reasonable notice.

(viii) *Hazardous Materials.* The Property Owner represents and warrants that except as used in the normal course of construction on the Property, to the actual knowledge of the Property Owner there is not present upon the Property, or any portion thereof, or upon any portion of the Facilities currently existing, or any portion thereof, any Hazardous Materials, as defined below, including, but not limited to, asbestos, or any structure, fixtures, equipment, or other objects or materials containing Hazardous Materials including, but not limited to, asbestos. The Property Owner represents and warrants that to the actual knowledge of the Property Owner all operations or activities upon, or use or occupancy of the Property and the Facilities, and each portion thereof, by the Property Owner, is in all material respects in compliance with all state, federal and local laws, ordinances, regulations, rules, decisions or policy statements governing or in any way relating to the generation, handling, manufacturing, treatment, storage, use, transportation, spillage, leakage, dumping, discharge or disposal (whether accidental or intentional) of any toxic or hazardous substances, materials, or wastes, including, but not limited to, Hazardous Materials. The Property Owner represents and warrants that to the actual knowledge of the Property Owner there is no proceeding or inquiry by any governmental authority body or agency with respect to the presence of Hazardous Materials on the Property or the Facilities or the migration thereof from or to other property. The Property Owner represents and warrants that neither the Property Owner, nor any subcontractor, agent or employee thereof will use, generate, manufacture, procure, store, release, discharge or dispose of any Hazardous Material on, under or about the Property or the Facilities or transport any Hazardous Material to or from the Property or the Facilities in violation of any federal, state or local law, ordinance, regulation, rule, decision or policy statement regulating Hazardous Material. "Hazardous Material" means any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State or the United States Government. The term "Hazardous Material" includes, without limitation, any material or substance which is (a) designated as a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (33 U.S.C. § 1321), (b) defined as a "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (42 U.S.C. § 6903), (c) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, (d) petroleum, or (e) asbestos.

(ix) *Permits.* The Property Owner covenants that they will obtain all governmental or other permits required to proceed with the acquisition, construction and installation of the Financed Improvements and that it will pay all fees relating thereto. The Property Owner covenants that they will obtain all such permits as have not yet been obtained and will pay all fees relating thereto that have not been paid.

(x) *No Material Impediment.* The Property Owner represents and warrants that to the best of the Property Owner's knowledge there is no material impediment to the Property Owner's proceeding with and completing the acquisition, construction and installation of the Financed Improvements or to the development of the Property as contemplated by the Property Owner.

(xi) *Property Ownership.* The Property Owner represents and warrants that Property Owner owns any and all property on which Financed Improvements will be built or constructed and is able to convey such property and Financed Improvements to the City without issue.

**Section 4.2. Representations, Warranties and Covenants of the City and the District.** The City and the District make the following representations, warranties and covenants for the benefit of the Property Owner:

(i) *Authority.* The City and the District represent and warrant that the City and the District have the power and authority to enter into this Acquisition Agreement, and have taken all action necessary to cause this Acquisition Agreement to be executed and delivered, and this Acquisition Agreement has been duly and validly executed and delivered on behalf of the City and the District.

(ii) *Binding Obligation.* The City and the District represent and warrant that this Acquisition Agreement is a valid and binding obligation of the City and the District and is enforceable against the City and the District in accordance with its terms.

(iii) *Completion of Financed Improvements.* The City covenants that it will use its reasonable and diligent efforts to take all actions which may be lawfully required of it in issuing permits, processing and approving Plans and inspecting and accepting the Financed Improvements in accordance with this Acquisition Agreement, the City's requirements and applicable law.

(iv) *Request for Payment.* The City and the District represent and warrant that each will diligently follow all procedures set forth in this Acquisition Agreement with respect to each Payment Request and Disbursement Request.

(v) *Financial Records.* The City and the District covenant to maintain proper books of record and account with respect to the Bonds and all funds and accounts established pursuant to the Fiscal Agent Agreement.

(vi) *Permits.* The City and the District represent and warrant that they have no actual knowledge of any material impediment to the Property Owner's proceeding or completing the acquisition, construction and installation of any of the Facilities as contemplated by this Acquisition Agreement and the existing land use approvals with respect to the Property.

**Section 4.3. Indemnification.** To the fullest extent permitted by law, the Property Owner agrees to protect, indemnify, defend and hold the District and the City, and their respective officers, employees and agents, and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, decrees, judgments, awards, attorney's fees, and court costs which the District or the City, or their respective officers, employees and agents, or any combination thereof, may suffer or which may be sought against or recovered or obtained from the District or the City, or their respective officers, employees or agents, or any combination, thereof as a result of or by reason of or arising out of this Agreement, the District, the Bonds or in consequence of (a) the acquisition, construction, installation or financing of the Financed Improvements, (b) the untruth or inaccuracy of any representation or warranty made by the Property Owner in this Acquisition Agreement or in connection with the Bonds, (c) the payment

or non-payment of prevailing wages, or (d) any act or omission, negligent or otherwise, of the Property Owner or any developer or any of its subcontractors, agents or anyone who is directly employed by or acting in connection with the Property Owner or any of their subcontractors, or agents, in connection with the acquisition, construction, installation or financing of the Financed Improvements. If the Property Owner fails to do so, the District and the City shall have the right, but not the obligation, to defend the same and charge all of the direct or incidental costs of such defense, including any reasonable attorneys fees or court costs, to and recover the same from the Property Owner.

The provisions of this Section shall survive the termination of this Acquisition Agreement.

**Section 4.4. Remedies in General; Damages Limited.** The Property Owner acknowledges that neither the District nor the City would have entered into this Acquisition Agreement or the EMWD JCFA if it were to be liable in damages under or with respect to this Acquisition Agreement or the EMWD JCFA. Any and all obligations of the District and the City hereunder shall be payable only from proceeds of Bonds to the extent permissible and, to the extent such proceeds may become available. Neither the District nor the City shall have any pecuniary liability for any act or omission of the District or the City, except as set forth in this Section. In no event will an act, or an omission or failure to act, by the District or the City with respect to the sale or proposed sale of Bonds subject the District or the City to pecuniary liability therefor.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Acquisition Agreement; provided, however, that the District and the City shall not be liable in damages to the Property Owner. In light of the foregoing, the Property Owner covenants to the extent permitted by law not to sue for or claim any damages for any alleged breach of, or dispute which arises out of, this Acquisition Agreement, other than to compel payment of CFD Proceeds by the District to the Property Owner for the acquisition of the Financed Improvements in accordance with the provisions hereof and other than as set forth in Section 6.6.

## **ARTICLE V. ABANDONED DISTRICT AND PAYMENT OF FEES**

**Section 5.1. Payment of Fees.** The CFD Proceeds may be used to pay such Authorized Fees to the City or to the applicable agency pursuant to the EMWD JCFA upon the direction of the Property Owner and the applicable agency. The Property Owner may request payment from the CFD Proceeds for the payment of Authorized Fees by executing and submitting to the District Representative a Disbursement Request, along with invoices for the payment of such Authorized Fees ("Proof of Payment"). Upon receipt of such Disbursement Request and Proof of Payment, the District Representative shall direct the Trustee to wire transfer (or pay in another mutually acceptable manner) to the City or applicable agency such requested funds to the extent of funds on deposit in the Improvement Fund (or applicable accounts therein) as designated by the Property Owner. Any Disbursement Request not paid due to an insufficiency of funds in the Improvement Fund (or applicable accounts therein) shall be paid by applicable Property Owner from its own funds. To the extent the Authorized Fees are being paid pursuant to the EMWD JCFA, Property Owner shall submit said request in accordance with the EMWD JCFA.

Notwithstanding anything herein to the contrary, immediately following the issuance of the Bonds, the Property Owner shall pay to City all of the Authorized Fees requested by City as described below from the CFD Proceeds. Following the issuance of the Bonds, the Property Owner shall cause a Disbursement Request or Payment Request, as applicable, to be submitted to the City for the payment of all of the Authorized Fees for the units in the District which are used to size the Bonds being issued. Property Owner agrees to submit such Payment Request immediately upon the issuance of the Bonds.

**Section 5.2.** City may in its discretion prior to the issuance of the Bonds permit the payment of Authorized Fees from the collection of Special Taxes.

**Section 5.3. Payment of Deposits.** Property Owner shall not be reimbursed for the payment of any Authorized Fees prior to issuance of Bonds. In conjunction with the recording of the final subdivision map(s) for the Project, and the issuance of building permits for the construction of homes within the facilities, it may be necessary for Property Owner, or its successors or assigns, to make Deposits (prior to or following execution of this Acquisition Agreement) equal to the amount of Authorized Fees prior to the issuance of Bonds. Property Owner shall notify City in writing of its intention to proceed with such action or in connection with this Section at the time it applies for the necessary permit or action. Upon the issuance and sale of the Bonds, Property Owner may execute and submit a Disbursement Request to the District requesting payment of such Authorized Fees to the City or other public agency of an amount equal to such Authorized Fees from the CFD Proceeds. Within ten (10) business days of the City's receipt of funds pursuant to such Disbursement Request, the City shall return the Deposits to Property Owner. In the event Bonds are not issued within eighteen (18) months of the date of any Deposit, such Deposit may at the written discretion of the City, be applied to pay the Authorized Fees, and shall no longer be reflected as a Deposit on the accounts of City. To the extent Property Owner desires to make Deposits equal to the sum of the Authorized Fees due to other public agencies prior to the issuance of the Bonds, Property Owner must enter into an agreement with such agency to such effect.

**Section 5.4. Abandoned District.** Prior to the issuance of Bonds within the District, and to the extent that thirty-five percent (35%) of homes are not built within two (2) years after the effective date of this Acquisition Agreement, the Property Owner agrees and acknowledges that the District may be deemed abandoned. Under such circumstances, the City at its discretion may discontinue the levy of Special Taxes in order to finance the Financed Improvements and may terminate this Acquisition Agreement. Alternatively, the City may determine to treat taxes paid by the Property Owner as a prepayment of taxes to lower the tax rate for such property owners in connection with a later issue of Bonds.

**Section 5.5. Community Facilities Fee.** Property Owner authorizes, agrees, and acknowledges to pay the City's fee of \$1,000 per unit within the District, which fee may be paid from CFD Proceeds. Such funds shall be expended by the City on capital improvements.

## **ARTICLE VI MISCELLANEOUS**

**Section 6.1. The Property Owner as Independent Contractor.** In performing under this Acquisition Agreement, it is mutually understood that the Property Owner is acting as an independent contractor, and not an agent of the District or the City. Neither the District nor the

City shall have any responsibility for payment to any contractor, subcontractor or supplier of the Property Owner.

**Section 6.2. Other Agreements.** Nothing contained herein shall be construed as affecting the City's or the Property Owner's respective rights or duties to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the Property, which obligations are and shall remain independent of the Property Owner's rights and obligations, and the City's rights and obligations, under this Acquisition Agreement; provided, however, that the Property Owner shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, lease, sublease, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which would or may materially and adversely affect the acquisition, construction and installation of the Financed Improvements.

**Section 6.3. Binding on Successors and Assigns.** Neither this Acquisition Agreement nor the duties and obligations of the Property Owner hereunder may be assigned without the written consent of the District and the City. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted assigns, and successors-in-interest of the parties hereto.

**Section 6.4. No Third Party Beneficiaries.** No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Acquisition Agreement (either express or implied) is intended to confer upon any person or entity, other than the District, the City and the Property Owner (and their respective successors and assigns), any rights or remedies by reason of this Acquisition Agreement.

**Section 6.5. Notices.** Any notice, payment or instrument required or permitted by this Acquisition Agreement to be given or delivered to any party shall be deemed to have been received (regardless of whether copies thereof have been delivered, transmitted or sent to, or received by, the entities designated to receive copies, as set forth below) when personally delivered, transmitted by email, telecopy or facsimile transmission (which shall immediately be confirmed by telephone and be followed by mailing an original of the same within 24 hours after such transmission) or 72 hours following deposit of the same in any United States Post Office, registered or certified, postage prepaid, addressed as follows:

District: Community Facilities District No. 2022-1  
(Willowbend) of the City of Perris  
ATTN: City Manager  
City of Perris  
101 North "D" Street  
Perris, CA 92570  
Tel. (951) 943-6100  
Fax (951) 657-1087

City: City of Perris  
ATTN: City Manager  
City of Perris  
101 North "D" Street  
Perris, CA 92570

Tel. (951) 943-6100  
Fax (951) 657-1087

Property Owner:

BRPLD LLC  
3200 Park Center Drive, Suite 1000  
Costa Mesa, CA 92626  
Tel.  
Fax  
ATTN: Nicole Burdette

The District, the City and the Property Owner may designate, by notice in writing, any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

**Section 6.6. Attorneys' Fees.** If an action is instituted to interpret or enforce any of the provisions of this Acquisition Agreement, the party prevailing in such action shall be entitled to recover from the other party thereto reasonable attorney's fees and costs of such suit (including both pre-judgment and post-judgment fees and costs) as determined by the court as part of the judgment.

**Section 6.7. Jurisdiction and Venue.** Each of the District, the City and the Property Owner (a) agree that any suit, action or other legal proceeding arising out of or relating to this Acquisition Agreement shall be brought in a state or local court in the County of Riverside or in the Courts of the United States of America in the district in which said county is located, (b) consent to the jurisdiction of each such court in any such suit, action or proceeding, and (c) waive any objection that it may have to the laying of venue of any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the District, the City and the Property Owner agree that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

**Section 6.8. Governing Law.** This Acquisition Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

**Section 6.9. Usage of Words.** As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine. The use of the word the Property Owner shall apply to each Property Owner.

**Section 6.10. Counterparts.** This Acquisition Agreement may be executed in counterparts, each of which shall be deemed an original.

**Section 6.11. Excusable Delay.** Whenever performance is required of a party hereunder, that party shall use all due diligence and take all necessary measures in good faith to perform, but if completion of performance is delayed by reasons of floods, earthquakes, or other acts of God, war, civil commotion, terrorist activity, riots, strikes, picketing, or other labor disputes, damage to work in progress by casualty, or by other cause beyond the reasonable control of the party, then the specified time for performance shall be extended by the amount of the delay actually so caused.



[signature page follows]

**IN WITNESS WHEREOF**, the parties hereto have executed this Acquisition Agreement as of the day and year first hereinabove written.

**CITY OF PERRIS**

By: \_\_\_\_\_  
City Manager

ATTEST

\_\_\_\_\_  
City Clerk

**BRPLD**, a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**D.R. Horton Los Angeles Holding Company, Inc.**, a California corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT "A"  
RECORDED CFD BOUNDARY MAP

[see attached]

EXHIBIT "B"  
FINANCED IMPROVEMENTS  
FACILITIES

<b>City of Perris Facilities*</b>	<b>Total</b>
Tract No. 33338 Storm	\$ 562,850
Tract No. 33338 Basins	302,367
Tract No. 33338 Intract Streets	626,606
Tract No. 33338 Offsite Streets	432,676
Tract No. 31659 Storm	510,370
Tract No. 31659 Basins	988,520
Tract No. 31659 Intract Streets	702,993
Tract No. 31659 Offsite Streets	729,087
Tract No. 32041-1 Storm	426,860
Tract No. 32041-1 Basins	282,553
Tract No. 32041-1 Intract Streets	915,062
Tract No. 32041-1 Offsite Streets	907,835
10% Contingency	738,778
20% Prevailing Wage & Soft Costs Contingency	1,625,311
<i>Sub-Total:</i>	<b>\$ 9,751,868</b>

<b>Eastern Municipal Water District (2022 Fees)</b>	<b>Per Unit</b>	<b>No. Units</b>	<b>Total</b>
Sewer Financial Participation Fee	\$ 3,208	278	\$ 891,824
Sewer Treatment Capacity Fee	6,081	278	1,690,518
Water Financial Participation Fee	6,845	278	1,902,910
Water Supply Development Fee	372	278	103,416
EMWD Water Meter Fee (1" Meter)	377	278	104,806
<i>Sub-Total:</i>	<b>\$ 16,883</b>		<b>\$ 4,693,474</b>

<b>TOTAL AUTHORIZED FEES &amp; FACILITIES</b>	<b>Per Unit</b>	<b>No. Units</b>	<b>Total</b>
	<b>\$ 51,962</b>	<b>278</b>	<b>\$ 14,445,342</b>

EXHIBIT "C"  
AUTHORIZED FEES<sup>(1)</sup>

- City Impact Fees and TUMF Fees

<sup>(1)</sup> The description of authorized fees is subject to change by the City. The actual City of Perris Authorized Fees to be financed through the District may include additional Authorized Fees not listed in the above description provided such Authorized Fees are for the construction and/or acquisition of public infrastructure and/or other governmental facilities with an estimated useful life of five years or longer. Estimated costs are subject to change. Any EMWD fees must be funded pursuant to the EMWD JCFA.

## EXHIBIT "D"

### FORM OF PAYMENT REQUEST

Community Facilities District No. 2022-1  
(Willowbend)  
of the City of Perris

The undersigned, \_\_\_\_\_, the Property Owner's Representative, hereby requests payment of the Purchase Price of the Financed Improvement described in Attachment A attached hereto. Capitalized undefined terms shall have the meanings ascribed thereto in the Acquisition and Funding Agreement, dated \_\_\_\_\_, 2022 (the "Acquisition Agreement"), by and between the City of Perris (the "City") and BRPLD LLC (the "Property Owner"). In connection with this Payment Request, the undersigned hereby represents and warrants to the District and the City as follows:

1. He (she) is the Property Owner's Representative, qualified to execute this request for payment on behalf of the Property Owner and knowledgeable as to the matters forth herein.
2. Each of the Financed Improvements described in Attachment A has been completed in accordance with the Plans therefor.
3. The true and correct Actual Cost of each Financed Improvement for which payment is requested is set forth in Attachment A.
4. Attached hereto are invoices, receipts, worksheets and other evidence of costs which are in sufficient detail to allow the City Engineer to verify the Actual Cost of each Financed Improvement for which payment is requested.
5. The Property Owner has submitted or submits herewith to the City Engineer as-built drawings or similar plans and specifications for the Financed Improvements for which payment is requested, and such drawings or plans and specifications, as applicable, are true, correct and complete.
6. There has not been filed with or served upon the Property Owner notice of any lien, right to lien or attachment upon, or claim affecting the right to receive the payment requested herein which has not been released or will not be released simultaneously with the payment of such obligation, other than materialmen's or mechanics' liens accruing by operation of law. Copies of lien releases for all work for which payment is requested hereunder are attached hereto.
7. The Property Owner is in compliance with the terms and provisions of the Acquisition Agreement. All conditions precedent to the payment requested herein have been satisfied. Attached hereto is a copy of the Acquisition Agreement.
8. Attached hereto is (a) a copy of either the recorded documents or documents that conveyed or are suitable for recording and conveying to the City Acceptable Title to the real

property on, in or over which such Financed Improvement is located, as described in Section 2.3 of the Acquisition Agreement, and (b) a copy of the recorded Notice of Completion of such Financed Improvement.

9. Property Owner has paid prevailing wages in connection with the Financed Improvement and all other public improvements constructed in connection with the Project. Property Owner has filed all items required by law in connection with the payment of prevailing wages.

10. The Purchase Price for the Financed Improvement described in Attachment A shall be payable out of the Improvement Funds.

11. This Request is being executed pursuant to the Acquisition Agreement and all conditions precedent to disbursement therein have been met.

I hereby certify that the above representations and warranties are true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner Representative

**APPROVAL BY THE CITY ENGINEER**

The Actual Cost of each Financed Improvement described in Attachment A has been reviewed, verified and approved by the City Engineer. Payment of the Purchase Price of each such Financed Improvement is hereby approved.

**CITY ENGINEER OF THE CITY OF PERRIS**

By: \_\_\_\_\_

Date: \_\_\_\_\_



ATTACHMENT A

Facility Description

Actual Cost

Total

EXHIBIT "E"

FORM OF DISBURSEMENT REQUEST

Community Facilities District No. 2022-1  
(Willowbend)  
of the City of Perris

1. Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the "CFD") is hereby requested to pay the party listed on the attached Exhibit A, as Payee, from the bond proceeds of the CFD, the sum set forth in 3 below.

2. The undersigned certifies that the amount requested for Authorized Fees is due and payable, and has not formed the basis of prior request or payment. Appropriate documentation is attached.

3. Amount requested: \$ \_\_\_\_\_

4. The Authorized Fees that are the subject of this request are described as follows:

[insert name of agency charging the fees and a description of the fees].

5. The amount set forth in 3 above is authorized and payable pursuant to terms of the Acquisition and Funding Agreement dated \_\_\_\_\_, 2022 (the "Acquisition Agreement"), by and between the City of Perris, acting on behalf of the CFD (the "City") and BRPLD LLC (the "Property Owner"). Capitalized terms not defined herein shall have the meaning set forth in the Acquisition Agreement. A copy of the Acquisition Agreement is attached.

6. All conditions precedent to Disbursement pursuant to the Acquisition Agreement have been met.

PROPERTY OWNER

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

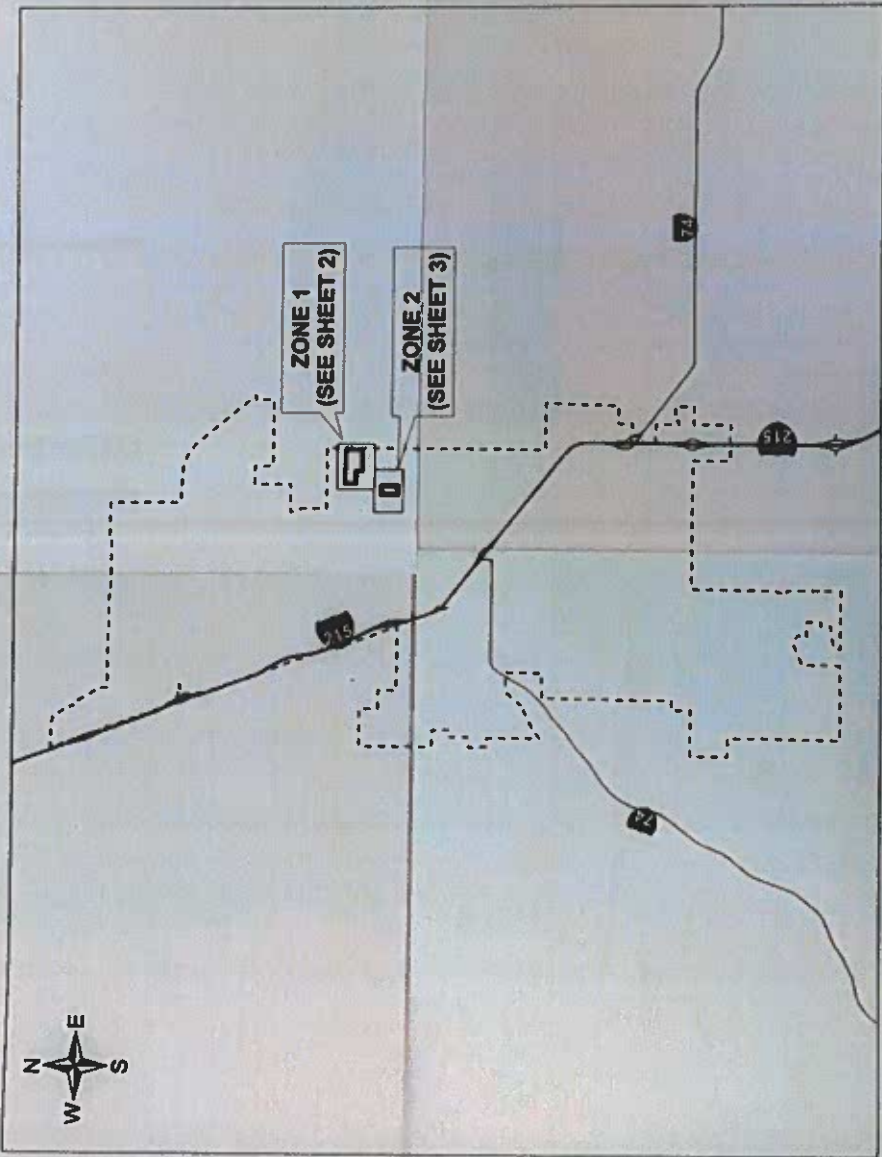
Date: \_\_\_\_\_

copy

SHEET 1 OF 4

# MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS 21<sup>st</sup> DAY OF January, 2022

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND), CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AT A REGULAR MEETING THEREOF, HELD ON THE 15<sup>th</sup> DAY OF MARCH, 2022 BY ITS RESOLUTION NO. 54117.

*[Signature]*  
CITY CLERK  
CITY OF PERRIS

FILED THIS 9<sup>th</sup> DAY OF February, 2022, AT THE HOUR OF 1:35 O'CLOCK P.M. IN BOOK 11 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PERRIS, CALIF. IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA. Fee \$150. Investment # 2022-004420

PETER ALDANA, ASSESSOR-COUNTY CLERK-RECORDER

*[Signature]*  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

**WILLDAN**  
Financial Services

27348 VA INDUSTRIA, SUITE 4200  
TAMECULA, CA 92580  
(951) 507-3300

Coft

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 1**



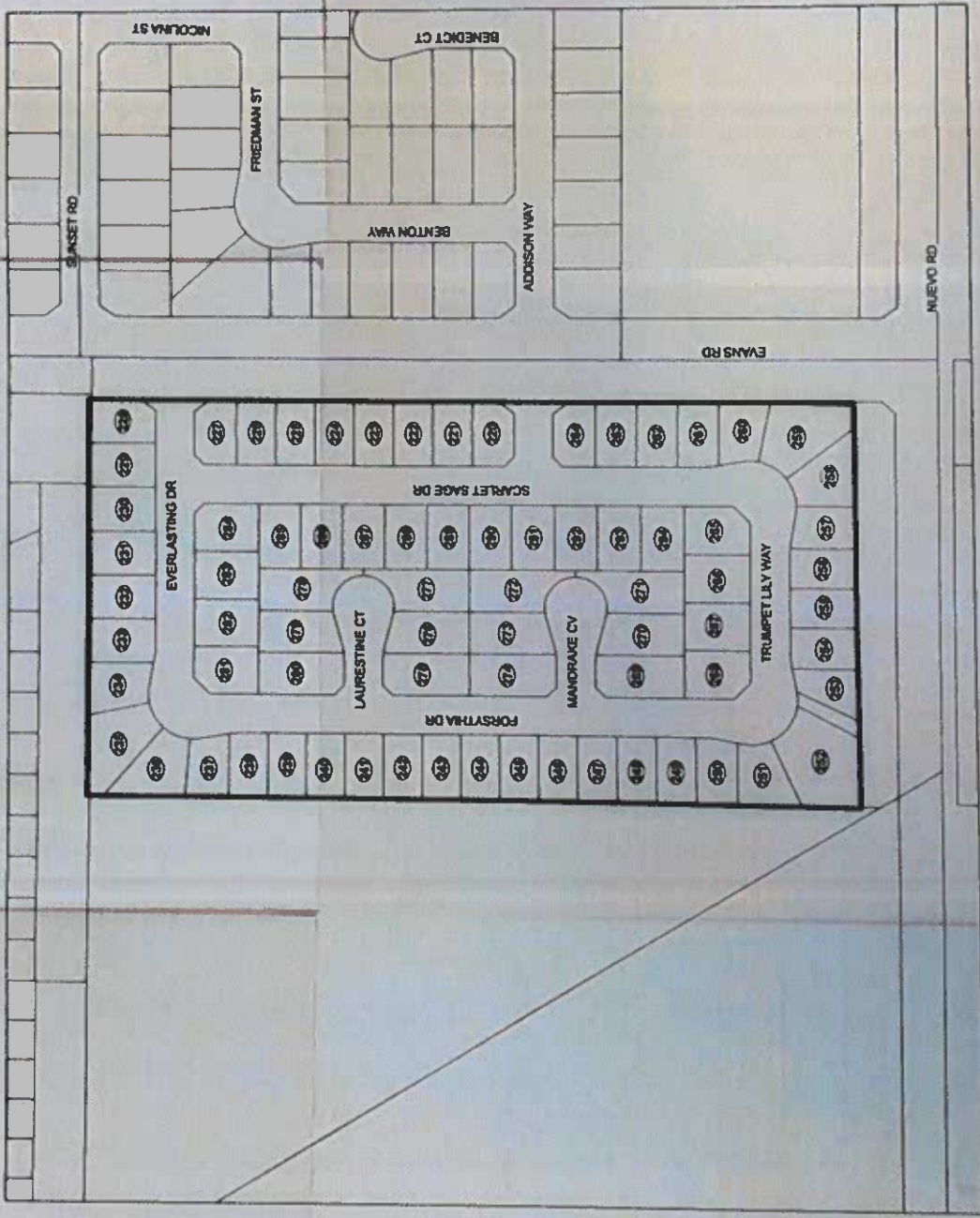
**Legend**  
 [Symbol] CFD 2022-1 Zone 1  
 [Symbol] Map Reference Number



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SHEET 3 OF 4

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA  
ZONE 2**



**Legend**  
 □ CFD 2022-1 Zone 2  
 ○ Map Reference Number



Coht

**MAP OF PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND)  
CITY OF PERRIS  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER	MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	320-460-001	101	320-480-004	151	320-482-010	201	320-490-005	251	320-571-024
2	320-460-002	102	320-480-005	152	320-482-011	202	320-490-006	252	320-571-025
3	320-460-003	103	320-480-006	153	320-483-001	203	320-490-007	253	320-571-026
4	320-460-004	104	320-480-007	154	320-483-002	204	320-490-008	254	320-571-027
5	320-460-005	105	320-480-008	155	320-483-003	205	320-490-009	255	320-571-028
6	320-460-006	106	320-480-009	156	320-483-004	206	320-490-010	256	320-571-029
7	320-460-007	107	320-480-010	157	320-483-005	207	320-490-011	257	320-571-030
8	320-460-008	108	320-480-011	158	320-483-006	208	320-491-001	258	320-571-031
9	320-460-009	109	320-480-012	159	320-483-007	209	320-491-002	259	320-571-032
10	320-460-010	110	320-480-013	160	320-483-008	210	320-491-003	260	320-571-033
11	320-460-011	111	320-480-014	161	320-483-009	211	320-491-004	261	320-571-034
12	320-460-012	112	320-480-015	162	320-483-010	212	320-491-005	262	320-571-035
13	320-460-013	113	320-480-016	163	320-483-011	213	320-491-006	263	320-571-036
14	320-460-014	114	320-480-017	164	320-483-012	214	320-491-007	264	320-571-037
15	320-460-015	115	320-480-018	165	320-483-013	215	320-491-008	265	320-571-038
16	320-460-016	116	320-480-019	166	320-483-014	216	320-491-009	266	320-571-039
17	320-461-001	117	320-480-020	167	320-490-001	217	320-491-010	267	320-572-001
18	320-461-002	118	320-480-021	168	320-490-002	218	320-491-011	268	320-572-002
19	320-461-003	119	320-480-022	169	320-490-003	219	320-491-012	269	320-572-003
20	320-461-004	120	320-480-023	170	320-490-004	220	320-491-013	270	320-572-004
21	320-461-005	121	320-480-024	171	320-490-005	221	320-491-014	271	320-572-005
22	320-461-006	122	320-480-025	172	320-490-006	222	320-491-015	272	320-572-006
23	320-461-007	123	320-481-001	173	320-490-007	223	320-491-016	273	320-572-007
24	320-461-008	124	320-481-002	174	320-490-008	224	320-491-017	274	320-572-008
25	320-461-009	125	320-481-003	175	320-490-009	225	320-491-018	275	320-572-009
26	320-461-010	126	320-481-004	176	320-490-010	226	320-491-019	276	320-572-010
27	320-461-011	127	320-481-005	177	320-490-011	227	320-491-020	277	320-572-011
28	320-461-012	128	320-481-006	178	320-490-012	228	320-491-021	278	320-572-012
29	320-461-013	129	320-481-007	179	320-490-013	229	320-491-022	279	320-572-013
30	320-461-014	130	320-481-008	180	320-490-014	230	320-491-023	280	320-572-014
31	320-461-015	131	320-481-009	181	320-490-015	231	320-491-024	281	320-572-015
32	320-461-016	132	320-481-010	182	320-490-016	232	320-491-025	282	320-572-016
33	320-461-017	133	320-481-011	183	320-490-017	233	320-491-026	283	320-572-017
34	320-461-018	134	320-481-012	184	320-490-018	234	320-491-027	284	320-572-018
35	320-461-019	135	320-481-013	185	320-490-019	235	320-491-028	285	320-572-019
36	320-461-020	136	320-481-014	186	320-490-020	236	320-491-029	286	320-572-020
37	320-461-021	137	320-481-015	187	320-490-021	237	320-491-030	287	320-572-021
38	320-461-022	138	320-481-016	188	320-490-022	238	320-491-031	288	320-572-022
39	320-461-023	139	320-481-017	189	320-490-023	239	320-491-032	289	320-572-023
40	320-461-024	140	320-481-018	190	320-490-024	240	320-491-033	290	320-572-024
41	320-461-025	141	320-481-019	191	320-490-025	241	320-491-034	291	320-572-025
42	320-461-026	142	320-481-020	192	320-490-026	242	320-491-035	292	320-572-026
43	320-461-027	143	320-482-001	193	320-490-027	243	320-491-036	293	320-572-027
44	320-461-028	144	320-482-002	194	320-490-028	244	320-491-037	294	320-572-028
45	320-461-029	145	320-482-003	195	320-490-029	245	320-491-038	295	320-572-029
46	320-461-030	146	320-482-004	196	320-490-030	246	320-491-039	296	320-572-030
47	320-461-031	147	320-482-005	197	320-490-031	247	320-491-040	297	320-572-031
48	320-461-032	148	320-482-006	198	320-490-032	248	320-491-041	298	320-572-032
49	320-461-033	149	320-482-007	199	320-490-033	249	320-491-042	299	320-572-033
50	320-461-034	150	320-482-008	200	320-490-034	250	320-491-043	300	320-572-034



**ATTACHMENT 8**

**RESOLUTION APPROVING THE RECORDING  
OF A NOTICE OF CESSATION OF  
SPECIAL TAX LIEN**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING THE RECORDING OF A NOTICE OF CESSATION OF THE SPECIAL TAX LIEN WITH RESPECT TO IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PERRIS VALLEY VISTAS) OF THE CITY OF PERRIS AND CERTAIN RELATED MATTERS**

**WHEREAS**, the City Council (the “Council”) of the City of Perris (the “City”), has previously formed and conducted change proceedings with respect to Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris (“CFD 2005-1”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the “Act”) being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and

**WHEREAS**, following the formation of CFD 2005-1, a Notice of Special Tax Lien to secure the levy of special taxes on all non-exempt real property within CFD 2005-1 was recorded on January 21, 2005, as Document No. 2005-0058464 in the office of the County Recorder of the County of Riverside (the “Special Tax Lien”); and

**WHEREAS**, on January 13, 2022, BRPLD LLC (“BRPLD”), through its petition, formally requested that the City institute proceedings pursuant to the Act to dissolve the existing Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 and form a new community district facilities district now known as proposed Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (“CFD 2022-1”); and

**WHEREAS**, the Council hereby desires to authorize the recordation of a notice of cessation of special taxes over all of the parcels of property within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1; and

**WHEREAS**, pursuant to Section 53330.5 of the California Government Code, the legislative body of a community facilities district may provide for the recordation of a notice of cessation of a special tax lien if the legislative body determines that the special taxes shall cease to be levied; and

**WHEREAS**, the Council, as legislative body of CFD 2005-1, hereby determines that the special taxes within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 shall cease to be levied; and

**WHEREAS**, there has been presented to the Council a form of notice of cessation of special tax lien that provides for the cessation of the Special Tax Lien (the “Notice of Cessation”) over all of the parcels of property within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 and which is attached hereto as Exhibit A and by this reference incorporated herein; and



RESOLUTION NUMBER \_\_\_\_\_

**WHEREAS**, the Council has determined that all obligations under the Special Tax Lien should be extinguished and ceased with respect to all the property within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 and that the Notice of Cessation should therefore be recorded with respect to such parcels.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** Each of the above recitals is true and correct and is adopted by the Council and incorporated herein.

**Section 2.** The Council hereby finds that the special taxes within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 shall cease to be levied.

**Section 3.** The Council hereby finds that, commencing Fiscal Year 2022-23, the owners of property within Improvement Area No. 1 and Improvement Area No. 2 of CFD 2005-1 will be relieved of any further obligation to pay special taxes levied by CFD 2005-1.

**Section 4.** The form of the Notice of Cessation attached hereto as Exhibit A is approved and the City Clerk of the City of Perris is hereby directed to sign said notice and cause the Notice of Cessation to be recorded in the official records in the office of the County Recorder of the County of Riverside.

**ADOPTED, SIGNED and APPROVED** this this 8th day of March, 2022.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF PERRIS

RESOLUTION NUMBER \_\_\_\_\_

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution No. \_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8<sup>th</sup> day of March, 2022, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:

By: \_\_\_\_\_  
Nancy Salazar, City Clerk

Exhibit A – Notice of Cessation of Special Tax

**EXHIBIT A**  
**NOTICE OF CESSATION OF SPECIAL TAX**

[See Attached]

**RECORDING REQUESTED BY** )  
**AND WHEN RECORDED, MAIL TO:** )  
 )  
 CITY OF PERRIS )  
 101 North "D" Street )  
 PERRIS, CALIFORNIA 92570 )  
 ATTENTION:Nancy Salazar, City Clerk )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
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(Space Above This Line for Recorder's Office Use Only)

This document is recorded for the benefit of the City of Perris, a public agency, and is fee-exempt under Section 6103 and 27383 of the California Government Code.

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**NOTICE OF CESSATION OF SPECIAL TAX**

**City of Perris**  
**Improvement Area No. 1 and Improvement Area No. 2 of**  
**Community Facilities District No. 2005-1**  
**(Perris Valley Vistas)**

Pursuant to the requirements of Government Code Section 53330.5, the undersigned clerk of the legislative body of Community Facilities District No. 2005-1 (Perris Valley Vistas) of the City of Perris (the "District"), State of California, hereby gives notice as follows:

The obligation to pay the special taxes levied within Improvement Area No. 1 and Improvement Area No. 2 of the District has ceased and the lien imposed by the Notice of Special Tax Lien recorded as recorder's Document No. 2005-0058464 in the records of the Office of the County Recorder of the County of Riverside County, State of California, is extinguished for all of the parcels in Improvement Area No. 1 and Improvement Area No. 2 of the District and such special taxes shall permanently cease to be levied commencing Fiscal Year 2022-23. The attached Exhibit A contains the property owner and assessor's parcel numbers for all of the properties in the District of which the lien of special taxes is hereby ceased and eliminated. Reference is made here to the boundary map of the District recorded on January 21, 2005, in Book 60 of the Maps of Assessments and Community Facilities Districts, at page 81-82, and as Instrument No. 2005-0058464, in the Office of the County Recorder of the County of Riverside, State of California.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
 Nancy Salazar, City Clerk

EXHIBIT A  
DESCRIPTION OF AFFECTED PARCELS, BY ASSESSOR'S TAX PARCEL NUMBER

<u>Assessor's Parcel Numbers for Improvement Area No. 1</u>	<u>Owner</u>	<u>Assessor's Parcel Numbers for Improvement Area No. 2</u>	<u>Owner</u>
320-360-013	JENSEN FLYNN KILE	320-360-022	VAL VERDE UNIFIED SCHOOL DISTRICT
320-360-024	VAL VERDE UNITED SCHOOL DISTRICT	320-360-023	VAL VERDE UNIFIED SCHOOL DISTRICT
320-480-001	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-001	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-002	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-002	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-003	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-003	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-004	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-004	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-005	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-005	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-006	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-006	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-007	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-007	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-008	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-008	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-009	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-009	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-010	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-010	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-011	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-011	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-012	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-012	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-013	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-013	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-014	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-014	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-015	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-015	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-016	RASTOGI FAMILY LIMITED PARTNERSHIP	320-460-016	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-017	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-001	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-018	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-002	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-019	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-003	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-020	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-004	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-021	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-005	RASTOGI FAMILY LIMITED PARTNERSHIP
320-480-022	RASTOGI FAMILY LIMITED PARTNERSHIP	320-461-006	RASTOGI FAMILY LIMITED PARTNERSHIP





320-490-011	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-016	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-012	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-017	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-013	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-018	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-014	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-019	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-015	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-020	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-016	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-021	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-017	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-022	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-018	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-023	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-019	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-024	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-020	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-025	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-021	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-026	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-022	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-027	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-023	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-028	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-024	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-029	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-025	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-030	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-026	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-031	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-027	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-032	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-028	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-033	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-029	RASTOGI FAMILY LIMITED PARTNERSHIP	320-470-034	CITY OF PERRIS
320-490-030	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-031	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-032	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-033	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-034	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-035	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-036	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-037	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-038	RASTOGI FAMILY LIMITED PARTNERSHIP		
320-490-039	RASTOGI FAMILY LIMITED PARTNERSHIP		



320-490-040	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-041	RASTOGI FAMILY LIMITED PARTNERSHIP
320-490-042	CITY OF PERRIS
320-491-001	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-002	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-003	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-004	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-005	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-006	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-007	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-008	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-009	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-010	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-011	RASTOGI FAMILY LIMITED PARTNERSHIP
320-491-012	RASTOGI FAMILY LIMITED PARTNERSHIP

**ATTACHMENT 9**

**ORDINANCE LEVYING THE SPECIAL TAX  
WITHIN THE CFD**

**ORDINANCE NO. \_\_\_\_**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT***

***WHEREAS***, on January 25, 2022, the City Council (the “Council”) of the City of Perris, California (the “City”) adopted Resolution No. 5912 (the “Resolution of Intention”) declaring its intention to form Community Facilities District No. 2022-1 (Willowbend) of the City of Perris (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

***WHEREAS***, on March 8, 2022, and in accordance with the Act, the Council opened a public hearing after providing all notice required relating to the formation of the District, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within the District, 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 purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto; (2) the payment of development and other fees and the acquisition or construction of public facilities (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; and (3) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, as further described in the Resolution of Intention; and

***WHEREAS***, at the public hearing, all persons not exempt from the special tax desiring to be heard on all matters pertaining to the formation of the District, including the boundaries of the District, the special tax, and the Facilities, were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

***WHEREAS***, on March 8, 2022, following the close of the public hearing, the Council adopted a resolution establishing the District (the “Resolution of Formation”) and a resolution determining the necessity to incur bonded indebtedness of the District (the “Resolution to Incur Bonded Indebtedness”) each of which called a consolidated special election on March 8, 2022, within the District on a proposition relating to the levying of special taxes, the incurring of bonded indebtedness and the establishment of an appropriations limit for the District; and

***WHEREAS***, on March 8, 2022, a special election was held within the District at which the qualified electors approved by more than a two-thirds vote the proposition labeled on the official ballot as “Proposition” which generally authorized the levy of special taxes within the District for the purposes described in the Resolution of Intention and the issuance of bonded indebtedness for the District as described in the Resolution to Incur Bonded Indebtedness.

**THE CITY COUNCIL OF THE CITY OF PERRIS, IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND) OF THE CITY OF PERRIS, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The Council finds the above recitals are true and correct and incorporated herein by this reference.

**Section 2.** By the passage of this Ordinance, the Council authorizes the levy of a special tax within the District at the maximum rate in accordance with the rate and method of apportionment for the District set forth as Exhibit "A" to the Resolution of Formation, and for reference purposes is attached hereto as Exhibit "A" and incorporated herein by this reference (the "Rate and Method").

**Section 3.** The Council or its designee is hereby further authorized to determine, by ordinance, resolution, or by other action if permitted by then applicable law, on or before August 1 of each year, the specific special tax to be levied for the next ensuing fiscal year on each parcel of land in the District. The special tax to be levied shall not exceed the maximum rates set forth in the Rate and Method, but the special tax may be levied at a lower rate. The City Clerk is authorized and directed to file with the county auditor on or before the 10th day of August of each tax year a certified copy of such ordinance or resolution accompanied by a list of all parcels subject to the special tax levy with the tax to be levied on each parcel.

**Section 3.** Properties or entities of the state, federal or other local governments shall be exempt from the above-referenced and approved special taxes only to the extent set forth in Section 8 of the Rate and Method, and otherwise shall be subject to the tax consistent with the provisions of Section 53317.3 and 53317.5 of the Act in effect as of the date of adoption of this Ordinance.

**Section 4.** All of the collections of the special taxes pursuant to the Rate and Method shall be used only as provided for in the Act and Resolution of Formation. The special taxes shall be levied within the District only so long as needed to accomplish the purposes described in Resolution of Formation.

**Section 5.** The special taxes shall be collected pursuant to the Rate and Method 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 other procedures as may be adopted by the Council. The City Manager, or his or her designee, is hereby authorized and directed to provide or to cause to be provided all necessary information to the auditor/tax collector of the County of Riverside and to otherwise take all actions necessary in order to effect proper billing and collection of the special taxes, so that the special taxes shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each fiscal year until the bonds issued on the security of such special taxes (the "Bonds") are paid in full, the Facilities have been paid for, and provision has been made for payment of all of the administrative costs of District. The special taxes may be subject to the same penalties and the same procedure, sale and lien priority in cases of delinquency as provided for ad valorem taxes as such procedure may be modified by law or this City Council from time to time.

Notwithstanding the foregoing, the City Manager or the Finance Director 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 City Manager or the Finance Director, such means of collection will reduce the administrative burden of the District in administering the District where it 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.

Whether the special taxes are levied in the manner provided in the first or the second preceding paragraph, the special taxes shall have the same lien priority, and 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 Act shall apply to delinquent special tax payments.

**Section 6.** As a cumulative remedy, if any amount levied as a special tax for payment of bond interest or principal of any Bonds of the District, together with any penalties and other charges accruing under this ordinance, are not paid when due, the Council may, not later than four (4) years after the due date of the last installment of principal of the Bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such special tax.

**Section 7.** This Ordinance relating to the levy of the special taxes within the District shall take effect immediately upon its final passage in accordance with the provisions of Section 36937(a) of the Government Code, and the specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

**Section 8.** The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Riverside a notice of special tax lien in the form required by the Act and Division 4.5 of the California Streets and Highways Code, said recording to occur no later than fifteen (15) days following final passage by the Council of this Ordinance, and to perform all other acts which are required by the Act, this Ordinance or by law in order to accomplish the purpose of this Ordinance.

**Section 9.** The Mayor shall sign this Ordinance and the City Clerk shall attest to the Mayor's signature and then cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

**Section 10.** The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City as required by law.

**ADOPTED, SIGNED** and **APPROVED** this 22 day of March, 2022.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF PERRIS

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number XXXX was duly introduced for first reading by the City Council of the City of Perris at a regular meeting of said Council on the 8<sup>th</sup> day of March, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

and that it was adopted at a regular meeting of said Council on the 22<sup>nd</sup> day of March, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By: \_\_\_\_\_  
City Clerk

Exhibit A – Rate and Method of Apportionment of Special Tax for CFD No. 2021-1

**EXHIBIT "A"**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX  
FOR COMMUNITY FACILITIES DISTRICT NO. 2022-1  
(WILLOWBEND) OF THE CITY OF PERRIS**

[SEE ATTACHED]



# RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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## COMMUNITY FACILITIES DISTRICT NO. 2022-1 (WILLOWBEND)

A Special Tax shall be levied on all Taxable Property within the boundaries of Community Facilities District No. 2022-1 (Willowbend) of the City of Perris ("CFD No. 2022-1") and collected each Fiscal Year commencing in Fiscal Year 2022-23, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2022-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

### 1. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map. An Acre means 43,560 square feet of land.

**"Act"** means 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.

**"Administrative Expenses"** means the following actual or reasonably estimated costs related to the administration of CFD No. 2022-1 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 2022-1, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2022-1, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2022-1, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2022-1, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2022-1 for any other administrative purposes of CFD No. 2022-1, including attorney's fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

**"Annual Special Tax"** means the Special Tax actually levied in any Fiscal Year on any Assessor's Parcel.

**"Assessor"** means the Assessor of the County of Riverside.

**"Assessor's Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**“Assessor’s Parcel Map”** means an official map of the Assessor designating parcels by Assessor’s Parcel Number.

**“Assessor’s Parcel Number”** means the number assigned to an Assessor’s Parcel by the County for purposes of identification.

**“Assigned Special Tax”** means the Special Tax of that name described in Section 3.A below.

**“Backup Special Tax”** means the Special Tax of that name described in Section 3.B below.

**“Bonds”** means any bonds or other Debt of CFD No. 2022-1, whether in one or more series, secured by the levy of Special Taxes.

**“Boundary Map”** means the map of the boundaries of CFD No. 2022-1 recorded on \_\_\_\_\_ in the Riverside County Recorder’s Office in Book \_\_, Page \_\_, of Maps of Assessments and Community Facilities Districts (instrument number \_\_-\_\_).

**“Building Permit”** means a building permit for construction of a Residential Unit within CFD No. 2022-1 issued by the City.

**“Building Square Footage”** means all of the square footage of usable area within the perimeter of a primary residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by reference to the Building Permit(s) issued for such Assessor’s Parcel and/or by reference to appropriate records kept by the City.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

**“CFD No. 2022-1”** means the Community Facilities District No. 2022-1 (Willowbend) of the City of Perris.

**“City”** means the City of Perris, California.

**“Council”** means the City Council of the City acting as the legislative body of CFD No. 2022-1 under the Act.

**“County”** means the County of Riverside, California.

**“Debt”** means any binding obligation to pay or repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals, or long-term contracts.

**“Debt Service”** means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

**“Developed Property”** means for each Fiscal Year, all Taxable Property, exclusive of Provisional Property, for which a Building Permit was issued prior to May 1 of the previous Fiscal Year. An Assessor’s Parcel classified as Developed Property but for which the Building Permit that caused such Assessor’s Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as

Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification shall not be less than 1.1 times the annual Debt Service less Administrative Expenses on all Outstanding Bonds. If Bonds have not been issued, an Assessor's Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

**"Exempt Property"** means for each Fiscal Year, all Assessor's Parcels designated as being exempt from Special Taxes pursuant to Section 8 below.

**"Final Map"** means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

**"Fiscal Year"** means the period starting on July 1 and ending the following June 30.

**"Indenture"** means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

**"Land Use Class"** means any of the classes listed in Table 1 under Section 3 below.

**"Lot"** means a parcel created by a Final Map on which a Residential Unit can be constructed.

**"Lower Income Households Welfare Exemption Property"** means, for each Fiscal Year, an Assessor's Parcel that is entitled to a welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the County Assessor's roll finalized as of January 1 of the previous Fiscal Year; provided that such property is not exempt from the Special Tax if debt is outstanding and the property was subject to the Special Tax prior to receiving the exemption, in which case the property shall remain subject to the Special Tax and the Special Tax shall be enforceable against the property.

**"Maximum Special Tax"** means for each Assessor's Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor's Parcel of Taxable Property.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property for which a building permit has been issued for the purpose of constructing one or more non-residential units or facilities.

**"Outstanding Bonds"** means all Bonds, which are deemed to be outstanding under the Indenture.

**"Prepayment Amount"** means the amount required to prepay the Annual Special Tax obligation in full for an Assessor's Parcel as described in Section 6.A below.

**"Property Owner Association Property"** means any Assessor's Parcel within the boundaries of CFD No. 2022-1 owned in fee by a property owner association, including any master or sub-association.

**"Proportionately" or "Proportionate"** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is

equal for all Assessor's Parcels of Undeveloped Property. **"Proportionately"** may similarly be applied to other categories of Taxable Property as listed in Section 4 below.

**"Provisional Property"** means all Assessor's Parcels of Public Property, Property Owner Association Property or property that would otherwise be classified as Exempt Property pursuant to the provisions of Section 8, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section 8.

**"Provisional Welfare Property"** means all Assessor's Parcels of Lower Income Households Welfare Exemption Property that would otherwise be classified as Exempt Property pursuant to the provisions of Section H, but cannot be classified as Exempt Property because to do so would reduce the Acreage of all Taxable Property below the required minimum Acreage as set forth in Section H.

**"Public Property"** means any property within the boundaries of CFD No. 2022-1, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use.

**"Residential Property"** means all Assessor's Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

**"Residential Unit"** means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units. This definition does not include Accessory Dwelling Units as defined in the State of California Government Code section 65852.2.

**"Special Tax"** means any special tax levied within CFD No. 2022-1 pursuant to the Act and this Rate and Method of Apportionment of Special Tax.

**"Special Tax Obligation"** means the total obligation of an Assessor's Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD No. 2022-1.

**"Special Tax Requirement"** means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds, including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Fees and Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) accumulate funds to pay directly for acquisition or construction of facilities provided that the inclusion of such amount does not cause an increase in the Special Tax to be levied on Undeveloped Property; and (vi) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (vii) a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Indenture.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of CFD No. 2022-1, which are not exempt from the levy of the Special Tax pursuant to law or Section 8 below.

**"Trustee"** means the trustee or fiscal agent under the Indenture.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Provisional Property.

“Zone” means, as the context requires, either Zone 1 or Zone 2.

“Zone 1” means all property located within the area identified as Zone 1 in the Boundary Map.

“Zone 2” means all property located within the area identified as Zone 2 in the Boundary Map.

**2. LAND USE CLASSIFICATION**

Each Fiscal Year, beginning with Fiscal Year 2022-23, each Assessor’s Parcel within CFD No. 2022-1 shall be assigned to Zone 1 or Zone 2 and classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property, Undeveloped Property, Provisional Welfare Property, or Provisional Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

**3. SPECIAL TAX RATES**

**A. Assigned Special Tax for Developed Property and Provisional Welfare Property**

The Assigned Special Tax applicable to an Assessor's Parcel classified as Developed Property or Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be determined pursuant to Table 1 below.

**Table 1  
Assigned Special Tax Rates**

<b>Zone</b>	<b>Land Use Class</b>	<b>Land Use Type</b>	<b>Building Square Footage</b>	<b>Assigned Special Tax Per Residential Unit</b>
1	1	Residential Property	> 2,500	\$2,918
1	2	Residential Property	2,301 – 2,500	\$2,814
1	3	Residential Property	2,101 – 2,300	\$2,765
1	4	Residential Property	≤ 2,100	\$2,623
2	1	Residential Property	> 2,000	\$2,468
2	2	Residential Property	1,801 – 2,000	\$2,393
2	3	Residential Property	≤ 1,800	\$2,292

Each July 1, commencing July 1, 2023, the Assigned Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

**B. Backup Special Tax for Developed Property and Provisional Welfare Property**

The Backup Special Tax for Developed Property and Provisional Welfare Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Backup Special Tax rates for Developed Property and Provisional Welfare Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

For the purpose of calculating the Backup Special Tax, the land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.

**C. Maximum Special Tax for Developed Property and Provisional Welfare Property**

The Maximum Special Tax for Developed Property and Provisional Welfare Property shall be the greater of the Assigned Special Tax for Developed Property or the Backup Special Tax for Developed Property and Provisional Welfare Property.

**D. Maximum Special Tax for Provisional Property and Undeveloped Property**

The Maximum Special Tax for Provisional Property and Undeveloped Property commencing in Fiscal Year 2022-23 shall be \$14,545 per Acre for property within Zone 1 and \$15,684 per Acre for Property within Zone 2. Each July 1, commencing July 1, 2023, the Maximum Special Tax rates for Provisional Property and Undeveloped Property shall be increased by two percent (2%) of the amount in effect the prior Fiscal Year.

#### **4. METHOD OF APPORTIONMENT**

For each Fiscal Year, commencing Fiscal Year 2022-23, the CFD Administrator shall levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property in an amount up to 100% of the applicable Assigned Special Tax as necessary to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax amount determined in Step 1 shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property;

Step 4: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Welfare Property up to 100% of the Maximum Special Tax for Provisional Welfare Property;

Step 5: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Provisional Property up to 100% of the Maximum Special Tax for Provisional Property;

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD No. 2022-1 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

#### **5. COLLECTION OF SPECIAL TAXES**

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

#### **6. PREPAYMENT OF SPECIAL TAX OBLIGATION**

##### **A. Prepayment in Full**

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 6:

**“CFD Public Facilities Costs”** means \$13,000,000 or such lower number as (i) shall be determined by the CFD Administrator as sufficient to acquire or construct the facilities to be financed under the Act and financing program for CFD No. 2022-1, or (ii) shall be determined by the Council concurrently with a covenant that it will not issue any more Bonds (except refunding bonds).

**“Construction Fund”** means the fund (regardless of its name) established pursuant to the Indenture to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay fees authorized to be funded by CFD No. 2022-1.

**“Future Facilities Costs”** means the CFD Public Facilities Costs minus (i) costs previously paid from the Construction Fund to acquire or construct the facilities, (ii) monies currently on deposit in the Construction Fund, and (iii) monies currently on deposit in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

**“Outstanding Bonds”** means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

**“Previously Issued Bonds”** means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Developed Property, or Undeveloped Property for which a Building Permit has been issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment or the delinquent special taxes are paid off concurrently with the prepayment to the satisfaction of the CFD Administrator. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the CFD No. 2022-1 Bonds to be redeemed with the proceeds of such prepaid Special Taxes, unless a shorter period is acceptable to the Trustee and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor’s Parcel or group of Assessor’s Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount  
plus Redemption Premium  
plus Future Facilities Prepayment Amount  
plus Defeasance Amount  
plus Prepayment Administrative Fees and Expenses  
less Reserve Fund Credit



less Capitalized Interest Credit  
Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

**Step No.:**

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel.
2. For Assessor's Parcels of Developed Property, determine the Maximum Special Tax. For Assessor's Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor's Parcel.
3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD No. 2022-1 assuming all Building Permits have been issued (build-out) within CFD No. 2022-1, excluding any Assessor's Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid for all applicable parcels and round that amount up to the nearest \$5,000 increment (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the "Redemption Premium").
6. Compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Prepayment Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Indenture, may be as early as the next interest payment date, but the redemption date may be any date determined by the CFD Administrator as convenient and appropriate and permitted by the Indenture and does not have to be the next interest payment date.
9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.

10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the "Defeasance Amount").

11. Calculate the administrative fees and expenses of CFD No. 2022-1, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 2022-1, and the costs of recording any notices to evidence the prepayment and the redemption (the "Prepayment Administrative Fees").

12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement.

13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the "Capitalized Interest Credit").

14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the "Prepayment Amount").

15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2022-1.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of CFD No. 2022-1 Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to redeem CFD No. 2022-1 Bonds to be used with the next prepayment of CFD No. 2022-1 Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

### **B. Partial Prepayment**

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a building permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 6.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (P_E - A) \times F + A$$

These terms have the following meaning:

PP = the partial prepayment

$P_E$  = the Prepayment Amount calculated according to Section 6.A

F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation

A = the Prepayment Administrative Fees and Expenses from Section 6.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 6.A., and (ii) indicate in the records of CFD No. 2022-1 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage  $(1.00 - F)$  of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

### **7. TERM OF SPECIAL TAX**

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement for a period not to exceed fifty (50) Fiscal Years commencing with Fiscal Year 2022-23, provided however that the Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on CFD No. 2022-1 bonds have been paid.

## **8. EXEMPTIONS**

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property, (ii) Assessor's Parcels of Property Owner Association Property, or (iii) Assessor's Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Lower Income Households Welfare Exemption Property, and (vi) Assessor's Parcels of Developed Property classified as Non-Residential Property as determined reasonably by the CFD Administrator, provided that no such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or less than 10.64 Acres in Zone 2. Assessor's Parcels of Lower Income Households Welfare Exemption Property which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Welfare Property and will continue to be subject to the CFD No. 2021-1 Special Taxes accordingly. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD No. 2022-1 to less than 39.82 Acres in Zone 1 or 10.64 Acres in Zone 2 shall be classified as Provisional Property and will continue to be subject to the CFD No. 2022-1 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property, for each Zone.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 8 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

## **9. APPEALS**

Any landowner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

(i) Amend the Special Tax levy on the landowner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,

(ii) Require the CFD to reimburse the landowner for the amount of the overpayment to the extent of available CFD funds, or

(iii) Grant a credit against, eliminate or reduce the future Special Taxes on the landowner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the landowner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the

receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

The City Council or designee thereof shall interpret this Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any landowner appeals. The decision of the City Council or designee shall be final.



# CITY OF PERRIS

## CITY COUNCIL

### AGENDA SUBMITTAL

12.A.

**MEETING DATE:** March 8, 2022

**SUBJECT:** Mid-County Parkway (MCP) Project Update

**REQUESTED ACTION:** That the City Council: 1) receive and file presentation; and 2) discuss and provide input regarding the proposed interim alignment improvements for the Mid-County Parkway project within the City of Perris.

**CONTACT:** Clara Miramontes, City Manager *am*

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#### **BACKGROUND/DISCUSSION:**

The MCP is a 16-mile east-west highway that will stretch from State Route-9 in the Hemet Valley to I-215 at Placentia Avenue in the City of Perris. In 2020, RCTC approved a contract to start the first construction phase, the I-215/Placentia Interchange project which is scheduled for completion in September 2022. The MCP Construction phase 2 project is proposed to construct 3 miles of the 16-mile MCP project with a revised interim design that consists of one mixed-flow lane in each direction from Redlands Avenue to Wilson Avenue, and two lanes in each direction from Wilson Avenue to Ramona Expressway. The new facility will have 4-foot inside shoulders, a median barrier, and 2-foot paved outside shoulders, with wider dirt shoulders to accommodate disabled vehicles. Additionally, the project includes the construction of bridges over the Perris Valley Storm Drain and Evans Road. The parkway will terminate at Redlands Avenue and no longer connect directly onto Placentia Ave. The attached map shows the proposed interim design and the original ultimate design.

Staff is recommending that the City Council receive and file the presentation and provide input regarding the proposed interim improvements.

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#### **BUDGET (or FISCAL) IMPACT:**

The cost for staff preparation of this item is covered in the current budget.

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Prepared by: Clara Miramontes, Assistant City Manager

#### **REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_

Attachment: 1. Mid-County Parkway Proposed Interim Improvements

Consent:  
Public Hearing:  
Business Item: March 8, 2022

## **Attachment 1**

### **Mid-County Parkway Proposed Interim Improvements**





LEGEND  
 - - - - - 15' Right of Way  
 - - - - - 30' Right of Way  
 - - - - - 60' Right of Way  
 - - - - - 120' Right of Way

### Mid-County Parkway



UCP In-Place 60' Road Parkway  
 Construction Contract 2  
 Redlands Avenue to Riverside Expressway  
 Plan Table  
 1/18 County Parkway Project

	Original Ultimate Parkway Design
	Proposed Interim Parkway Design





# CITY OF PERRIS

## CITY COUNCIL AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** Introduction of Healthy Options at Check-out Campaign for a Healthy Perris by Public Health Advocates

**REQUESTED ACTION:** Review, Discuss and Provide Direction on the Healthy Options at Check-out Campaign for a Healthy Perris

**CONTACT:** Sabrina Chavez, Community Services Director *SC*

### BACKGROUND/DISCUSSION:

Public Health Advocates is an agency that brings a public health lens to today's most pressing issues, working with communities to reform systems and establish norms that foster justice, equity and health through the development and implementation of policies and campaigns. Through the efforts of Public Health Advocates and local organizations, in 2017, Perris became the first city in Southern California to approve an ordinance requiring that healthy drinks be the default beverage served with kids' meals at restaurants.

Public Health Advocates will be introducing a presentation on the Healthy Options at Check-out Campaign and the steps that are needed to implement the proposed campaign in Perris. The Healthy Options at Check-out Campaign for Healthier Cities is a campaign throughout California focused on adopting healthy retail policies to address the burden of chronic diseases such as diabetes and obesity. The campaign focuses on making healthy food options the default choice for families by adding nutrition standards to checkout aisles at larger local retail stores. The nutrition standards would include replacing sugar-sweetened beverages and food items with more than 5 grams of added sugars and more than 250 mg of sodium, with healthier options such as water, 100% fruit or vegetable juice, yogurt, or trail mix. The City of Berkeley passed and implemented this ordinance in 2020 and Public Health Advocates is currently working in the cities of Stockton and Fresno, with Perris being the only southern California city.

Staff respectfully requests City Council to provide direction to staff to consider options on proceeding with the campaign. Should staff be directed to proceed, staff will return to present an update on data findings and the proposed draft ordinance.

### BUDGET (or FISCAL) IMPACT:

No fiscal impact.

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Prepared by: Crystal Lopez, Public Health Supervisor *cl*

**REVIEWED BY:**

City Attorney \_\_\_\_\_

Assistant City Manager \_\_\_\_\_

Deputy City Manager \_\_\_\_\_

Attachments: 1) Perris Data Infographic

Consent:

Public Hearing:

Business Item: X

Presentation:

Other:



**CITY OF PERRIS**  
COMMUNITY SERVICES

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**ATTACHMENT 1:**  
**Perris Data Infographic**

# Healthy Options at Checkout

FOR A HEALTHY PERRIS



Living close to healthy food retail is associated with **better eating habits** and decreased risk for obesity and diet-related diseases.<sup>1</sup>



**PERRIS RESIDENTS WANT  
CONVENIENCE AND GROCERY STORES  
TO OFFER HEALTHIER OPTIONS.**



More than **3 in 5** Perris residents know soda and junk food companies place marketing tactics and products at checkout to target kids, specifically.<sup>3</sup>



## WHY INCLUDE HEALTHIER FOOD OPTIONS AT CHECKOUT AREAS?



When residents shop locally for **healthy foods**, they support local businesses and the economic benefit stays closer to home.<sup>2</sup>



**77%** of Perris residents support the freedom to reach for healthy snacks when checking out.<sup>3</sup>



**4 in 5** Perris residents support restricting junk food to a designated aisle.<sup>3</sup>

## WHAT ARE PERRIS RESIDENTS SAYING ABOUT THE IMPLEMENTATION OF THE POLICY?



*As Perris residents we need to think ahead for the future of our children.<sup>3</sup>*

- Perris resident



*Too many sweets at the checkout line. I am diabetic and would prefer healthier choices.<sup>3</sup>*

- Perris resident



*Many times, I have to go out of Perris to buy healthy food.<sup>3</sup>*

- Perris resident



*Many young children, teenagers, and adults are overweight due to the consumption of junk foods. Hopefully this campaign can help make Perris a healthier and happier place.<sup>3</sup>*

- Perris resident



**JOIN THE HEALTHY OPTIONS AT CHECKOUT CAMPAIGN TO ADVOCATE FOR HEALTHY FOOD OPTIONS AT CHECKOUT!**



**SCAN THE QR CODE TO SHOW YOUR SUPPORT!**



*Make sure to add your contact information in the Support Cards to be entered into a raffle to win up to two \$50 gift cards!*



For more information please contact **MONICA ACEVEDO GUERRERO** at [MG@PHAdvocates.org](mailto:MG@PHAdvocates.org) or at 844.962.5900 ext 259



Love 4 Life



BOYS & GIRLS CLUBS  
OF INLAND VALLEY



PUBLIC HEALTH  
ADVOCATES

### References

1. Bell, J, Mora, G, Hagan, E, Rubin, Y, Karpyn, A. Access to Healthy Food and Why It Matters. A Review of the Research. PolicyLink, 2013. Accessed on January 22, 2015. [http://thefoodtrust.org/uploads/media\\_items/access-to\\_healthy\\_food\\_original.pdf](http://thefoodtrust.org/uploads/media_items/access-to_healthy_food_original.pdf)
2. The Food Trust. Healthy Corner Stores Issue Brief. Produced for the Healthy Corner Stores Network. Winter, 2011.
3. FMJ Public Opinion Poll



# CITY OF PERRIS

## CITY COUNCIL AGENDA SUBMITTAL

**MEETING DATE:** March 8, 2022

**SUBJECT:** City of Perris General Plan Housing Element, 2021 Annual Progress Report

**REQUESTED ACTION:** 1) **Approve** the 2021 Annual Progress Report for the General Plan Housing Element.

**CONTACT:** Michele Ogawa, Economic Development and Housing Manager

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### BACKGROUND/DISCUSSION:

On August 27, 2013, the City Council adopted the General Plan Housing Element for the planning period 2014-2021. The Housing Element establishes policies, procedures and incentives in its land use planning and redevelopment activities to guide the development, redevelopment and preservation of a balanced housing supply to adequately accommodate households currently living and expected to live in Perris. The Housing Element also outlines the City's housing action plan, which is a series of actions and programs to be implemented through 2021 to meet its fair share contribution of housing needs for all income groups established by Regional Housing Needs Allocation (RHNA).

The City is required to prepare an annual report each year detailing the progress it has made during the prior calendar year in meeting its Housing Element goals, pursuant to State law (Government Code Section 65400(b)). This Annual Progress Report covers the period from January 1, 2021 through December 31, 2021, and must be submitted to the California State Department of Housing and Community Development (HCD) and to the Governor's Office of Planning and Research (OPR), by April 1, 2022. The City's 2021 Annual Progress Report is attached, which further details the goals, policies, programs, and implementation actions taken in that year. The Annual Progress Report covers the three areas of information outlined by HCD, which are listed as follows:

- 1) *Progress in meeting regional housing needs.* The City Council approved an Amended and Restated Exclusive Negotiation Agreement (ENA) with a developer for a mixed-use housing project on seven City-owned parcels in Downtown Perris, spanning two adjacent city blocks. The document is currently pending execution. APNs: 313-092-022, 313-092-007, 313-093-002, 313-093-003, 313-093-004, and 313-093-005. Moreover, the City's awarded Permanent Local Housing Allocation Program funds will be used as a contribution to the project as well as to provide gap financing for the development.

- 2) The effectiveness of the Housing Element in attainment of the community's goals and objectives. Attached Table C is a status report of goals and actions set forth within the Housing Element.
- 3) Progress towards mitigating governmental constraints identified in the Housing Element. The City of Perris 2014-2021 Housing Element was adopted in August 27, 2013. Measuring the effectiveness of programs is a continued implementation and is reported in attached Table C.

Staff recommends that the City Council review and approve the attached 2021 Annual Progress Report, and direct staff to submit the report to California Department of Housing and Community Development (HCD).

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**BUDGET (or FISCAL) IMPACT:** No budget impact.

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Prepared by: Rebecca Rivera, Principal Management Analyst

**REVIEWED BY:**

City Attorney \_\_\_\_\_  
Assistant City Manager \_\_\_\_\_  
Deputy City Manager \_\_\_\_\_

Attachments: 1. Table C  
2. 2021 Annual Element Progress Report

\*PDF File of the 2021 Annual Element Progress Report Tables can be viewed at the following link: <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:264aefd6-34dd-342a-8918-672afd5b8a56>

Consent:  
Public Hearing:  
Business Item: X  
Presentation:  
Other:

# ATTACHMENT ONE

## Table C



**Table C  
CITY OF PERRIS**

**ANNUAL PROGRESS REPORT FOR 2021  
ON IMPLEMENTATION OF THE HOUSING ELEMENT  
General Plan Report requirement pursuant to Section 65400 of the Government Code**

Housing Program	Program Action 2014-2021	Implementing Entity	Time Frame for Implementation	Status as of 2021
<b>Goal 1: Promote and maintain a variety of housing types for all economic segments of the City.</b>				
Action 1.1:	Review and update the General Plan periodically (if an update is needed) to ensure that growth trends are addressed.	Planning Department	Ongoing Implementation	No new updates are required at this time.
Action 1.2:	Encourage opportunities for development of housing in lower density land use designations through various Overlay Zone alternatives (Senior Housing, Planned Development, Downtown Design) or with the density bonus incentives.	Housing Authority / Planning Department	Ongoing Implementation	The City continues to promote lower density land use designations. No proposed projects requesting these incentives were submitted in 2021.
Action 1.3:	The Perris Housing Authority will utilize funding, if available, and/or CDBG allocations to provide the following incentives which may be applied to an affordable housing project: 1) Lease or purchase of City owned property at low rates; 2) Provision of off-site improvements.	Housing Authority	Ongoing	In 2021, Habitat for Humanity was awarded an additional \$75,000 for their Minor Home Repair Program. This program provides minor home repairs for its residents in the City of Perris that meet HUD Riverside County income limits of 80%. During this report year, 4 minor home repairs were conducted. The City will continue to provide incentives which may be applied to an affordable housing project. No proposed project requesting these incentives were submitted in 2021.
Action 1.4:	Require a mixture of diverse housing types and densities in new developments, guided by specific plans, around the downtown and throughout the City. Focus development activity within the Downtown Specific Plan area where suitably zoned underutilized land and the potential for mixed-use projects exists for the development of affordable housing.	Housing Authority / Planning Department	Continued Implementation	In 2021, the Building & Safety Division issued 795 permits to homeowners for the installation of solar panels on the roofs of their homes.
Action 1.5:	Support the use of innovative building techniques and construction materials for residential development, such as energy efficient buildings that utilize solar panels and sustainable building materials that are recyclable.	Housing Authority / Planning Department	Ongoing Implementation	No vacant infill lots acquired in 2021.
Action 1.6:	Work with Habitat for Humanity to identify and acquire vacant infill lots for single-family development to provide housing for lower and moderate-income families and individuals.	Housing Authority / Planning Department	Ongoing Implementation	

Action 1.7:	Utilize the State HOME Investment Partnership Grant Program Funds to assist in rehabilitating lower-income households to correct code violations and make exterior improvements.	Housing Authority	Ongoing	In 2021, the City did not acquire HOME funds for rehabilitation of low-income household to correct violations and make exterior improvements. However, residents are referred to Habitat for Humanity's minor home repair program.
Action 1.8:	Continue to track affordable housing units city-wide. This includes monitoring the method by which units remain affordable to lower-income households (i.e., covenants, deed restrictions, loans, etc.).	Housing Authority / Planning Department	Ongoing	CC&Rs are recorded with the Riverside County Clerk's Office on properties that were funded through the Home Investment Partnership Grant Program's First Time Homebuyer Program (FTHB), Verano, Mercado, and Perris Station apartments. Staff maintains file of recorded documents for each property, including an affordable housing database monitored by Housing Authority Staff.
Action 1.9:	Provide a progress report on the 2014-2021 Housing Element programs and quantified objectives as part of the annual General Plan status reports to the State.	Planning Department	Annual reporting	The 2021 Annual Progress report was completed and will be submitted to HCD by April 1, 2022.
Action 1.10:	The Planning Division will utilize design, development, impact fee, processing and streamlining incentives, such as reductions in setbacks, parking requirements, and other standards, to encourage residential uses and to promote more intense residential development in the Downtown Specific Plan area. Information on these financial and regulatory incentives will be made available on the City's website and in public places at City Hall.	Housing Authority / Planning Department	Ongoing Implementation	City Municipal Code, General Plans, Specific Plans, development applications and fees are made available to the public at the department counter and City's website. The City will continue to encourage and promote residential development in downtown Perris.
Action 1.11:	Reduce parking standards for senior and affordable housing developments that are located in proximity to transit stops.	Housing Authority / Planning Department	Ongoing Implementation	In 2021, the City did not receive any applications for new housing development near transit stops.
Action 1.12:	To encourage the development of residential and mixed-use projects within the Downtown Specific Plan area, the City will offer incentives such as a reduction in development standards (i.e. lot size, parking, and open space requirements) and with assistance from the Perris Housing Authority, subsidize a portion of development fees to encourage lot consolidation and to promote more intense residential and mixed-use development on vacant and underutilized sites within the Downtown Specific Plan area. While the City is more than able to accommodate the remaining RHNA allocation for the planning period on sites larger than one acre, this program allows for the City to begin planning for the future by encouraging property owners to consolidate adjacent properties to develop larger projects.	Housing Authority / Planning Department	Ongoing Implementation	Development Plan Review 16-00014 – A proposal to construct a three-story multi-use commercial & residential building with a footprint of 10,834 sq. ft., located within the Urban Village Zone of the Downtown Perris Specific Plan (DTSP). The proposal consists of five (5) commercial suites and fifteen (15) residential dwelling units. Amenities include a community room, courtyard with benches, tot-lot, and barbecue area. The project is located at the southwesterly corner of 10th Street and S. "D" Street.
<b>Goal 2: Promote and preserve suitable and affordable housing for persons with special needs, including lower income households, large families, single parent households, the disabled, senior citizens, and shelter for the homeless.</b>				
Action 2.1:	Utilize resources such as HOME funds, California Housing Finance Agency single-family and multi-family programs, HUD Section 208/811 loans, and HOPE II and III Homeownership programs to stimulate private developer and non-profit entity efforts in the development and financing of housing for lower and moderate-income households.	Housing Authority	Ongoing	The City Council approved an Amended and Restated Exclusive Negotiation Agreement (ENA) with a developer for a mixed-use housing project on seven City-owned parcels in Downtown Perris, spanning two adjacent city blocks. The document is currently pending execution. APNs: 313-092-022, 313-092-007, 313-093-002, 313-093-003, 313-093-004, and 313-093-005. Moreover, the City's awarded Permanent Local Housing Allocation Program funds will be used

			<p>as a contribution to the project as well as to provide gap financing for the development.</p> <p>City will continue to provide incentives to encourage affordable housing to meet the City's fair share housing needs.</p>	
Action 2.2:	Ongoing	Housing Authority	<p>The Perris Housing Authority should facilitate discussions between developers and local banks to meet their obligations pursuant to the California Community Reinvestment Act (CCRA) providing favorable financing to developers involved in projects designed to provide lower and moderate-income housing opportunities.</p>	
Action 2.3:	Ongoing	Housing Authority	<p>Consider pursuing a program through the Perris Housing Authority, if funding is available, or through interested CHDO's and/or non-profit organizations, to purchase affordability covenants on existing multi-family units, subject to restrictions that the affordability covenants would be in effect for not less than 30 years, and that at least 20 percent of the units would be affordable to extremely low- and very low-income households.</p>	<p>No proposed program was provided in 2021.</p> <p>City will continue to require that multi-family complexes consist of units with affordability covenants ensuring that the units remain affordable.</p>
Action 2.4:	Ongoing Implementation	Housing Authority	<p>To comply with Senate Bill 2, the City has amended Zoning Code Section 19.44, Industrial Zones, to permit emergency shelters by right in the General Industrial (GI) zone, excluding Specific Plan areas, without a conditional use permit or other discretionary permit. The City will continue to monitor the inventory of sites appropriate to accommodate emergency shelters and will work with appropriate organizations to ensure the needs of the homeless population whenever possible.</p>	<p>No sites for emergency shelters were identified in 2021. However, the City continues to work with Social Work Action Group (SWAG). SWAG is the City's contract homeless service agency that provides supportive services to the homeless population within the City's limits.</p> <p>To educate the public on the City of Perris homeless efforts, The City's Housing Authority continues to promote its Perris Cares Homelessness Awareness Campaign and host bi-monthly Homelessness Taskforce committing meeting that are attended by city staff, two City of Perris council members and is open to the public.</p> <p>The City continues its Temporary Hotel Voucher Program. This program allows an individual who is experience homeless a hotel voucher for 2-weeks while he or she is awaiting housing or treatment program. During this period, the city assisted 28 persons with temporary hotel vouchers.</p>
Action 2.5:	Ongoing	Housing Authority	<p>The City will maintain a list of mortgage lenders participating in the California Housing Finance Agency (CalHFA) program and refer the program to builders or corporations interested in developing housing in the City.</p>	<p>The City of Perris maintains a list of CalHFA mortgage lenders for Riverside County on Housing Authority webpage: <a href="http://www.cityofperris.org/departments/affordable-housing.html">http://www.cityofperris.org/departments/affordable-housing.html</a></p>
Action 2.6:	Ongoing	Housing Authority and Riverside County Housing Authority	<p>Continue cooperation with the Riverside County Housing Authority to provide Section 8 rental assistance and work with property owners to encourage expansion of rental projects participating in the program, as well as provision of at least 20 units of public housing within the City.</p>	<p>The City will continue to support the Riverside County Housing Authority to provide rental assistance in Perris. In 2021, 539 families were assisted with the Housing Choice Voucher Program (section 8). Out of the 539 families 139 were disabled, 100 were elderly, 10 were veterans, and 290 were neither elderly nor disabled.</p>

				<p>The City of Perris Housing Authority continues its Rental and Mortgage Assistance Program. This program provides up to \$1,200 for up to 6 consecutive months of rental or mortgage assistance for household that have suffered a loss of income or reduction in hours due to COVID-19. Household cannot exceed Riverside County 80% income limits and must live within the City of Perris jurisdiction. In 2021, a total of 27 applicants were approved.</p> <p>The City of Perris Housing Authority continues its Utility Assistance Program. This program provides up to \$300 for up to 3 consecutive months of utility assistance for household that have suffered a loss of income or reduction in hours due to COVID-19. Household cannot exceed Riverside County 80% income limits and must live within the City of Perris jurisdiction. In 2021, a total of 223 applicants were approved.</p> <p>The City of Perris continues its HOME Tenant-Based Rental Assistance Program provides rental assistance for City of Perris households that have suffered a loss of income or reduction in hours due to COVID-19. Household. Household cannot exceed HOME Riverside County 60% Income Limits.</p> <p>The City will continue to provide density bonus to housing projects in accordance with Municipal Development Code, Chapter 19.57.</p>
Action 2.7:	Provide incentives for development of lower income housing through the density bonus program. Actively promote its use in conjunction with mixed-use projects in the Downtown, for senior housing, and within Specific Plans.	Planning Department/Housing Authority	Continued Implementation	
Action 2.8:	Continue to support the City's effort of encouraging multi-family developments with affordability covenants on units through offering development incentives. These incentives could include reduction in development standards, and expedited permit processing.	Housing Authority	Continued Implementation	City will continue to provide development incentives to encourage multi-family developments that include affordability covenants on units.
Action 2.9:	Pursuant to Government Code Section 65583, the City of Perris is obligated to remove potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities. To address the needs of this population, the City amended the Zoning Code to adopt formal reasonable accommodation procedures. Reasonable accommodation provides a basis for residents with disabilities to request flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements from the local government to ensure equal access to housing opportunities. The City will provide information regarding the City's reasonable accommodation ordinance and make information on the program more widely available to residents.	Planning Department	Continued Implementation	City will continue to support reasonable accommodation procedures through the Senior Housing Overlay Zone.

<p>Action 2.10:</p>	<p>Prioritize resources such as HOME funds, California Housing Finance Agency single-family and multi-family programs, HUD Section 208/811 loans, and HOPE II and III Homeownership programs for the development of rental projects that provide units with two or three bedrooms.</p>	<p>Planning Department/Housing Authority</p>	<p>Ongoing</p>	<p>In 2021, the City of Perris launched its HOME First Time Homebuyer Program (FTHB) which included lender training. There were zero (0) application received during this reporting period. However, the City staff continues its marketing efforts for this program.</p>
<p>Action 2.11:</p>	<p>To facilitate development of affordable housing to accommodate the 1,707 lower-income RHNA, the City adopted the Downtown Specific Plan in 2012 and identified approximately 95 acres of underutilized and vacant land. The Downtown Specific Plan utilizes a form-based approach to regulate land uses. This form-based Regulating Code focuses attention on the form, placement, and appropriate use of buildings (i.e. mass, height, site lay out) rather than traditional development standards such as minimum and maximum densities. Its design standards and guidelines promote an attractive and pedestrian-oriented environment.</p> <p>To demonstrate adequate sites for the City's 4th cycle housing element update, the City included an adequate sites program (Action 2.11) to rezone sites within the Downtown Specific Plan for higher density residential uses. As these sites were to be rezoned to accommodate the City's lower-income need the rezoned sites were required to be consistent with Sections 65583.2(h) and (i) and 65583(c)(1) (AB 2348) as follows: Require a minimum density of 20 units per acre; Ensure at least 50 percent of the lower-income need accommodated on sites designated for residential use only; and Permit owner-occupied and rental multifamily uses by-right, without a conditional use or other discretionary review or approval.</p> <p>While sites were rezoned, not all of statutory requirements of the adequate sites program requirements were addressed. To comply with AB 2348, at least 50 percent of the remaining lower income need (854 units) will be accommodated on sites designated for exclusively residential uses allowing a minimum 20 dwelling units per acre. To address this requirement the City has identified approximately 45 acres within the Urban Village district which can accommodate approximately 1,575 units and will be zoned exclusively for residential uses as identified in Appendix A, Map 4. To address minimum density requirements the City will ensure sites A through L, as identified in Section VII Housing Resources, as well as exclusively residential Urban Village district sites identified in Map 4 of Appendix A, are developed at a minimum density of 20 units per acre. If a parcel is developed at less than 20 units per acre, pursuant to Government Code Section 56863, the City will immediately identify and zone an alternative site with established minimum density requirements consistent with GC Section 65583.2(h) and (i). The City will report on the progress of development in the Downtown Specific Plan area in its annual progress reports required pursuant to Government Code Section 65400 and due on April 1st of each year. The inventory of available</p>	<p>Planning Department</p>	<p>Continued Implementation</p>	<p>In 2021, the City of Perris Planning Department received an awarded \$300,000 for the 2020 Local Early Action Planning (LEAP) Grants Program. The funding will be used for to prepare a supplemental sentimentral impact report (SEIR) for the City of Perris Downtown Specific Plan Residential and Mixed-Use Zoning Districts. Currently the City requested an amendment to cover additional items:</p> <p><b>Land Use Regulations Amendments.</b> The city will analyze existing residential and mixed-use zoning ordinances and specific plans to identify constraints to affordable housing development. Once identified appropriate ordinance and specific plan amendments will be proposed for adoption including but not limited to revised findings for residential development and public hearing requirements for residential developments.</p> <p><b>Overlay Zone for Housing Opportunity Sites.</b> LEAP Grant funds will be used to prepare the Overlay Zone for Housing Opportunity Sites described in the Housing Element. Once adopted by the City Council, a property owner or developer could choose to develop at the densities permitted by the underlying zoning or to activate the Overlay zone which would allow 30 or more units. Although projects would be subject to design review, a higher density affordable project could be processed without a zone change.</p> <p><b>Objective Design Standards Residential Development.</b> Objective design standards, required by State Law, decrease ambiguity, and expedite development by providing design standards which allow a by-right, ministerial approval process for residential and mixed-use development.</p>

	<p>sites will also be made available to the development community through various outreach methods.</p>			
<p><b>Goal 3: Removal or mitigation of constraints to the maintenance, improvement, and development of affordable housing, where appropriate and legally possible.</b></p> <p><b>Action 3.1:</b></p>	<p>The City shall expedite and prioritize development processing time of applications for new construction or rehabilitation of housing for lower and moderate-income households and seniors. Expedited permit processing would allow complete development applications to be reviewed at an accelerated rate by City Staff to ensure that permit processing times do not create a potential constraint on the development of affordable units by adding to the overall cost of the project.</p>	<p>Planning Department</p>	<p>Continued Implementation</p>	<p>City staff currently maintains expedited review for all housing projects and affordable housing.</p>
<p><b>Action 3.2:</b></p>	<p>Extremely low-income households and households with special needs have limited housing options. Housing types appropriate for these groups include transitional and supportive housing. To accommodate this population and comply with Senate Bill 2, the City amended Zoning Code Chapters 19.21 through 19.28, R-20,000 through MFR-22 and Section 19.34, R-5 Districts (Mobilehome Subdivisions), to allow transitional and supportive housing as a permitted use without a conditional use permit or other discretionary permit, subject only to those regulations that apply to other residential uses of the same type in the same zone. To ensure consistency with the Perris Valley Airport Land Use Compatibility Plan, areas designated Airport Area I and II and within Compatibility Zones A, B1, B2 and C of the Airport Influence Area as mapped at <a href="http://www.rcaluc.org">www.rcaluc.org</a>, will allow transitional and supportive housing subject to all applicable restrictions places on other residential uses permitted within those areas. The City will continue to monitor the inventory of sites appropriate to accommodate transitional and supportive housing and will work with the appropriate organizations to ensure the needs of extremely low-income residents are met. The City is committed to prioritizing funding and other available incentives for projects that provide housing for extremely low-income residents whenever possible.</p>	<p>Planning Department</p>	<p>Ongoing Implementation</p>	<p>The City will continue to monitor the inventory of sites appropriate to accommodate transitional and supportive housing and will work with the appropriate organizations to ensure the needs of extremely low-income residents are met.</p>
<p><b>Action 3.3:</b></p>	<p>To accommodate the needs of extremely low-income households and households with special needs and comply with Senate Bill 2, the City amended Zoning Code Section 19.21 through 19.28, R-20,000 through MFR-22 and Section 19.34, R-5 Districts (Mobilehome Subdivisions), all residential zones of the City, to allow Single Room Occupancy (SRO) housing as a permitted use without a conditional use permit or other discretionary permit, except within Airport Area I as mapped at <a href="http://www.rcaluc.org">www.rcaluc.org</a> and within Compatibility Zones A, B1, and B2 of the Airport Influence Area of Perris Valley Airport, in effect as of July 1, 2011. The City will continue to monitor the inventory of sites appropriate to accommodate single-room occupancy units and will work with the appropriate organizations to ensure the needs of extremely low-income residents are met.</p>	<p>Planning Department</p>	<p>Ongoing</p>	<p>The City will continue to monitor the inventory of sites appropriate to accommodate transitional and supportive housing and will work with the appropriate organizations to ensure the needs of extremely low-income residents are met.</p>
<p><b>Action 3.4:</b></p>	<p>Continue to permit manufactured housing on permanent foundations in residential zones if it meets compatibility criteria.</p>	<p>Planning Department</p>	<p>Continued Implementation</p>	<p>According to Building Department permit activity database for 2021, there were 2 permits issued to install permanent foundations to mobile homes.</p>

Action 3.5:	In accordance with Government Code Section 65589.7 as revised in 2005, immediately following City Council adoption, the City must deliver a copy of the 2014-2021 Housing Element to all public agencies or private entities that provide water or sewer services to properties within the City of Perris.	Planning Department	Completed in 2015	
<b>Goal 4: Provide increased opportunities for homeownership.</b>				
Action 4.1:	Continue to provide favorable home purchasing options to lower and moderate-income households, when funds are available, through the County of Riverside's First Time Homebuyers Down Payment Assistance Program and homeownership assistance with the County Mortgage Credit Certificate (MCC) program.	Housing Authority/ Planning Department	Closed	During this reporting year, the California Debt Limit Allocation Committee (CDLAC) has decided to allocate all funding for development of rental affordable housing projects; therefore, has not made funding available for homeownership through Mortgage Credit Certificates (MCC). No projects with Habitat for Humanity were conducted in 2021.
Action 4.2:	Continue to work with Habitat for Humanity in the development of single-family homes for lower income families. Continue to work with the Workforce Investment Act (WIA), formerly known as the Jobs Training Partnership Act (JTPA), in the provision of single-family homes for lower income households.	Housing Authority	Continued Implementation	
Action 4.3:	The Perris Housing Authority shall provide support to the California Housing Finance Agency (CalHFA) program, which supports construction of new owner-occupied units in conjunction with non-profit organizations and/or private developers through advertisement and referral to the program.	Housing Authority	Ongoing Implementation	City will continue to support CalHFA and encourage construction of residential developments. Information website link for CalHFA can be found on the City's Housing page under the resources section: <a href="https://www.cityofperris.org/departments/housing-authority">https://www.cityofperris.org/departments/housing-authority</a>
Action 4.4:	The City shall establish relationships with local lenders, developers, and other constituencies such as realtors, and non-profit organizations through community outreach workshops that emphasize specific ideas, issues, and expectations for future development in Perris.	Housing Authority	Ongoing Program	The City refers potential homebuyers to Riverside Fair Housing Council for HUD-approved homebuyer education workshops at no charge to the public.
<b>Goal 5: Enhance the quality of existing residential neighborhoods in Perris, through maintenance and preservation, while minimizing displacement impacts.</b>				
Action 5.1:	As a means of further leveraging housing assistance, the City will cooperate with the Riverside County Housing Authority to promote resident awareness and application for County-run housing assistance programs. These programs include: 1) Home Improvement Program; 2) Rental Rehabilitation Program; 3) Enhanced Senior Home Repair Program and 4) Department of Community Action (DCA) Utilities and Weatherization Program. The County offers a variety of housing assistance programs that can supplement the City's current housing programs. As the City has little control over how the County's programs are administered the City will be responsible for providing program information on the City's website, in the City's newsletter and at City Hall.	Housing Authority/ County of Riverside Housing Authority	Ongoing	The City of Perris continues to provide information to individuals requesting information about Riverside County Housing Authority programs such as Housing Choice Voucher (Section 8). Informational brochure with Riverside County information are available at City of Perris Housing Authority webpage, and at City of Perris public counters.
Action 5.2:	Maintain code compliance to ensure building safety and integrity of residential neighborhoods. Enforce the building code through	Planning Division and Building Division	Ongoing Implementation	The City continues to maintain code compliance by ensuring building safety and integrity of residential neighborhoods.

	issuance of a permit prior to construction, repair, addition to, or relocation of any residential structure.		Housing Authority	Continued Implementation	According to the building and safety activity summary, in 2021, there were zero (0) demolished buildings for fire damage, abandoned, or unsafe conditions.
<b>Action 5.3:</b>	Monitor the substandard dwellings which cannot be economically repaired and remove when necessary and feasible.				
<b>Goal 6: Encourage energy conservation activities in all neighborhoods.</b>					
<b>Action 6.1:</b>	Encourage maximum utilization of Federal, State, and local government programs, such as the County of Riverside Home Weatherization Program and Western Riverside Council of Governments HERO program and assist homeowners in providing energy conservation measures.		Housing Authority/Riverside County Home Weatherization Program	Ongoing Implementation	The City Housing Authority Webpage Resources section provides information links to WRCOG HERO and GRID Alternative. <a href="https://www.cityofperris.org/departments/housing-authority">https://www.cityofperris.org/departments/housing-authority</a>
<b>Action 6.2:</b>	Maintain and distribute literature on energy conservation, including solar power, additional insulation, and subsidies available from utility companies, and encourage homeowners and landlords to incorporate these features into construction and remodeling projects.		Planning Division	Ongoing Implementation	The City continues to provide its residents with information about energy conservation such as solar power. Information website link for Grid Alternatives can be found on the City's Housing page under the resources section: <a href="https://www.cityofperris.org/departments/housing-authority">https://www.cityofperris.org/departments/housing-authority</a>
<b>Action 6.3:</b>	Facilitate sustainable development in the City by enforcing the goals, policies, and implementation measures established in the Sustainable Community section in the Conservation Element.		Planning Division/Building Division	Ongoing Implementation	All buildings within the City are required to have a multitude of sustainable measures as required by incumbent CAL Green building code.
<b>Action 6.4:</b>	The City shall develop a local action plan for reduction of greenhouse gas emissions.		Planning/Development Services Department	Completed 2016	
<b>Goal 7: Equal housing opportunity for all residents of Perris, regardless of race, religion, sex, marital status, ancestry, national origin, color, or handicap.</b>					
<b>Action 7.1:</b>	The City, in conjunction with the Riverside County Fair Housing Council, shall support efforts dedicated to working towards the elimination of the discrimination of housing by actively pursuing any complaints of housing discrimination within the City. Information detailing fair housing practices will be made available at City Hall and on the City's website. Additionally, the City will participate with the Riverside County Fair Housing Council to conduct workshops and seminars about landlord and tenant responsibilities and rights.		Housing Authority/Riverside County Fair Housing Council	Ongoing Implementation	City supports the activities of Fair Housing Council of Riverside County, and activities are contracted through the CDBG program.  In addition, during this reporting year, the City of Perris hosted with Fair Housing Council of Riverside County a virtual townhall meeting to discuss tenants' rights, eviction moratorium, and housing assistance programs. Also, the City hosted a total of nine (9) Housing Pop-up events to promote tenants' rights, housing discrimination, and housing assistance programs.
<b>Action 7.2:</b>	The housing needs of persons with developmental disabilities are typically not addressed by Title 24 Regulations, and requires in addition to basic affordability, slight modifications to existing units, and in some instances, a varying range of supportive housing facilities. To accommodate residents with developmental disabilities, the City will seek State and Federal monies, as funding becomes available, in support of housing construction and rehabilitation targeted for persons with developmental disabilities. Perris will also provide regulatory incentives, such as expedited permit processing,		Housing Division/Development Services Department	Ongoing Implementation	



and fee waivers and deferrals, to projects targeted for persons with developmental disabilities. To further facilitate the development of units to accommodate persons with developmental disabilities, the City shall reach out annually to developers of supportive housing to encourage development of projects targeted for special needs groups. Finally, as housing is developed or identified, Perris will work with the Inland Regional Center to implement an outreach program informing families within the City of housing and services available for persons with developmental disabilities. Information will be made available on the City's website.

# **ATTACHMENT TWO**

## **2021 Annual Element Progress Report**

**\*PDF file of the 2021 Annual Element Progress Report Tables can be viewed at the following link:**

**<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:264aefd6-34dd-342a-8918-672afd5b8a56>**

12.D.

# **VERBAL PRESENTATION**

Police Department Annual Update