

**RESOLUTION NUMBER 5777**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2021-1 (AVION POINTE/ACACIA) OF THE CITY OF PERRIS, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$5,000,000 OF SAID DISTRICT; AND CALLING A SPECIAL ELECTION WITHIN THE DISTRICT***

**WHEREAS**, on February 9, 2021, the City Council (the “Council”) of the City of Perris, California (the “City”), has heretofore adopted its Resolution No. 5756 (the “Resolution of Intention”) stating its intention to form Community Facilities District No. 2021-1 (Avion Pointe/Acacia) 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 February 9, 2021, the Council has heretofore adopted its Resolution No. 5757 to incur bonded indebtedness (the “Resolution to Incur Bonded Indebtedness”) stating its intention to incur bonded indebtedness in an amount not to exceed \$5,000,000 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 30, 2021, 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**, 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. 2021-1 (Avion Pointe/Acacia) 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 \$5,000,000 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 \$5,000,000; 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 \$5,000,000 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 30, 2021.

**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 30th day of March, 2021. 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 30th, 2021.

**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 30th day of March, 2021.

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

ATTEST:

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

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 5777 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 30th day of March, 2021, and that it was so adopted by the following vote:

AYES: CORONA, RABB, ROGERS, MAGAÑA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

By: \_\_\_\_\_  
Nancy Salazar, City Clerk

**EXHIBIT "A"**

**OFFICIAL BALLOT**

**COMMUNITY FACILITIES DISTRICT NO. 2021-1 (AVION POINTE/ACACIA)  
OF THE CITY OF PERRIS**

**SPECIAL BOND, TAX AND APPROPRIATIONS LIMIT ELECTION  
March 30, 2021**

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 D.R. Horton Los Angeles Holding Company, Inc., a California Corporation, as sole owner or authorized representative of such sole owner of 22.70 acres of land within Community Facilities District No. 2021-1 (Avion Pointe/Acacia) of the City of Perris and represents 23 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 A: Shall the measure entitled Proposition A authorizing Community Facilities District No. 2021-1 (Avion Pointe/Acacia) of the City of Perris (the "CFD") to incur an indebtedness and issue bonds in the maximum aggregate principal amount of \$5,000,000 at interest rates not to exceed the maximum rate permitted by law to finance the authorized facilities and incidental expenses; levy a special tax of up to \$2,446 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 \$231,188 annually, plus permitted adjustments, for forty (40) 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 \$5,000,000, all as specified in the City of Perris' Resolution Nos. 5756 and 5757 adopted on February 9, 2021 and Resolution calling the election adopted on March 30, 2021 be adopted?

YES

NO

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name