

RESOLUTION NUMBER 4522

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 93-2 (PERRIS PLAZA) OF THE CITY OF PERRIS DECLARING THE RESULTS OF A SPECIAL ELECTION ON CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES ON PROPERTY WITHIN THE REVISED DISTRICT, THE ISSUANCE OF BONDED INDEBTEDNESS, AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

The City Council of the City of Perris, California (“City Council”), in its capacity as the legislative body (“Legislative Body”) of the Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris (“Original District”), does hereby resolve as follows:

WHEREAS, the City Council called and duly held an election within the Revised District, in accordance with provisions Sections 53326, 53327, 53327.5, and all other applicable Sections of the Mello-Roos Community Facilities Act of 1982 (“Act”), pursuant to Resolution No. 4510 adopted on June 12, 2012 titled a Resolution of the City Council of the City of Perris as the Legislative Body of Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris Approving of the Revised Boundaries, Special Taxes and Determining the Necessity to Incur Bonded Indebtedness in an Amount not to Exceed \$5,000,000 within the Revised District; and Calling a Special Election in Connection Therewith (“Resolution Calling Election”) for the purpose of presenting to the qualified electors within the District, a proposition for changing the rate and method of apportionment of special taxes within the district in accordance with amended and restated rate and method of apportionment set forth in Exhibit A to the Resolution Calling Election, the issuance of bonded indebtedness in the maximum aggregate amount of \$5,000,000, and the establishment of an appropriations limit of \$5,000,000 (all contained in a single Proposition A); and

WHEREAS, the notice of election was published in the Perris Progress and the Perris City News on the 20th of June, 2012, including the full text of the Resolution Calling Election; and

WHEREAS, the changed name of the Original District shall be Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris, Revised (“Revised District”); and

WHEREAS, pursuant to the terms of the Resolution Calling Election adopted on June 12, 2012 and the provisions the special election was held on October 9, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Perris does hereby resolve as follows:

Section 1. The above recitals are true and correct.

Section 2. The canvass of the votes cast in the Revised District at the special election held in the Revised District on October 9, 2012, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

Section 3. Proposition A presented to the qualified electors of the Revised District for receipt by the Election Official on October 9, 2012, has received at least two-thirds (2/3) of the qualified electors voting at said election, and Proposition A has carried. The Legislative Body is hereby authorized to take the necessary steps to levy the special tax authorized by Proposition A on the property within the Revised District (“Property”), and to issue, from time to time as it determines appropriate, bonds for the benefit of the Revised District secured by such special tax, subject to the conditions specified in Proposition A.

Section 4. Pursuant to the Resolution Calling Election, the purpose of the proposed bonded indebtedness is generally described as follows: to facilitate the refinancing and/or cancellation of the outstanding Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris Special Tax Bonds, 1995 Series A ("93-2 Bonds"), issued to finance and/or refinance (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto (collectively, “Facilities”), which Facilities have a useful life of five years or longer; and (2) the incidental expenses to be incurred in connection with financing the Facilities and forming and administering the District, including the revisions to the District (“Incidental Expenses”).

Section 5. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 4 above:

- A. Such Special Tax shall be levied for the specific purposes set forth in Section 4 hereof.
- B. The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 4 hereof and Proposition A referred to therein, including to pay debt service on bonded indebtedness to fund the purposes described above.
- C. The CFD shall establish an account or accounts into which the proceeds of such Special Tax shall be deposited.
- D. The City Manager, Assistant City Manager or Finance Director, or his or her designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

Section 6. The City Clerk is hereby directed to enter the title of this Resolution on the minutes of the Legislative Body and to indicate the official declaration of the result of such special election.

Section 7. This Resolution shall take effect immediately upon its adoption.

Section 8. 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 9th day of October, 2012.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney, CMC

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF PERRIS)

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4522 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9th day of October 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Judy L. Haughney, CMC

EXHIBIT A

**CITY OF PERRIS, CALIFORNIA
COMMUNITY FACILITIES DISTRICT NO. 93-2 (PERRIS PLAZA)
OF THE CITY OF PERRIS, REVISED**

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

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF PERRIS)

I, JUDY L. HAUGHNEY, City Clerk in my capacity as Elections Official in the City of PERRIS, California, in its capacity as the legislative body of the Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris, Revised DO HEREBY CERTIFY, that pursuant to the provisions of Section 53325.4 of the Government Code and the Elections Code of the State of California, I did canvass the return of the votes cast at the Special Tax Election on October 9, 2012, held in

**COMMUNITY FACILITIES DISTRICT NO. 93-2 (PERRIS PLAZA)
OF THE CITY OF PERRIS, REVISED**

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

WITNESS my hand and Official Seal this 9 day of October, 2012.

CITY OF PERRIS, CALIFORNIA, acting as the
LEGISLATIVE BODY OF THE COMMUNITY
FACILITIES DISTRICT NO. 93-2 (PERRIS
PLAZA) OF THE CITY OF PERRIS, REVISED

By: _____
City Clerk, Judy L. Haughney, CMC

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 93-2 (PERRIS PLAZA)
OF THE CITY OF PERRIS, REVISED**

**STATEMENT OF ALL VOTES CAST
SPECIAL TAX ELECTION
OCTOBER 9, 2012**

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris, Revised Special Election October 9, 2012				

MEASURE SUBMITTED TO VOTERS-

PROPOSITION A: Shall Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris, Revised ("Revised District") incur (1) the Changes, including changes to the rate and method of apportionment of special taxes on property within the Revised District, all as described and defined in Resolution No. 4510, adopted by the City Council on June 12, 2012 ("Resolution"), (2) incur bonded indebtedness in the maximum aggregate principal amount of \$5,000,000 as described in the Resolution and (3) establish an appropriations limit as defined by the California Constitution, for the District at \$5,000,000, all subject to the conditions in the Resolution, including a refunding and/or cancellation of the outstanding Community Facilities District No. 93-2 (Perris Plaza) of the City of Perris Special Tax Bonds, 1995 Series A?

YES

NO

Dated: October 9, 2012

City Clerk and Election Officer