

**RESOLUTION NUMBER 2903**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO 93-1 (MAY RANCH) OF THE CITY OF PERRIS AUTHORIZING AND DIRECTING THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PRINCIPAL AMOUNT OF ITS 2002 SPECIAL TAX REFUNDING BONDS, SERIES A, THE APPROVAL OF A PURCHASE CONTRACT FOR THE PURCHASE THEREOF, AND AUTHORIZING CERTAIN OTHER OFFICIAL ACTIONS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO**

**WHEREAS**, the City Council (the “Council”) of the City of Perris (the “City”) received a petition (the “Petition”) requesting the institution of proceedings to (i) amend the existing boundary of Community Facilities District No. 93-1 (May Ranch) of the City of Perris (the “District”), (ii) alter the rate and method of apportionment of the existing special tax levied within District, and (iii) revoke the remaining bond authorization in the District; all 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**, at its meeting of July 31, 2001, the Council adopted its resolution of consideration (the “Resolution of Consideration”) as provided in Section 53334 of the Act to commence proceedings to amend the existing boundary of the District, alter the rate and method of the special tax levied within the District and revoke the remaining bond authorization in the District; and

**WHEREAS**, the Council, in its capacity as the legislative body of the District, called and duly held an election in the District pursuant to Resolution No. 2874 for the purpose of presenting to the qualified electors within the District, a proposition to (i) amend the existing boundary of the District, (ii) alter the rate and method of apportionment of the existing special tax levied within District, and (iii) revoke the remaining bond authorization in the District; all such actions subject to the issuance of refunding bonds and in accordance with the rate and method of apportionment set forth in Exhibit “A” to Resolution No. 2874; and

**WHEREAS**, pursuant to the terms of the Resolution No. 2874 and the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), the special election was held on December 10, 2001; and

**WHEREAS**, the results of the election were certified, presented to and adopted by the Council, said results evidencing that the proposition presented to the voters received an affirmative vote of no less than 2/3rds of the voters voting in the election; and

**WHEREAS**, the City Council is authorized under the Act and pursuant to Ordinance No. 1093 to levy special taxes to pay for the costs of facilities provided by the District; and

**WHEREAS**, the District now proposes to issue its Special Tax Refunding Bonds, 2002 Series A (the “2002 Bonds”), for the purpose of (i) prepaying the \$6,338,889.05 Community Facilities District No. 93-1 of the City of Perris (May Ranch) Special Tax Bonds, 1993 Series A (the “1993 Series A Bonds”) and (ii) refunding the \$7,015,000 Perris Public Financing Authority Local Agency Revenue Bonds, 1993 Series B (the “1993 Series B Bonds”); and

**WHEREAS**, in connection with the marketing of the 2002 Bonds, it is now necessary and desirable to approve the form of the Fiscal Agent Agreement, the Escrow Deposit and Trust Agreement, and the Preliminary Official Statement with respect to the 2002 Bonds, and take certain other action with regard to the marketing of the 2002 Bonds.

**NOW, THEREFORE**, the City Council of the City of Perris does resolve, determine and order as follows:

**Section 1.** The above recitals are true and correct.

**Section 2.** Pursuant to the Law, the District hereby approves the issuance of the 2002 Bonds in an aggregate principal amount of not to exceed \$14,000,000.

**Section 3.** That the form of the Fiscal Agent Agreement, dated as of February 1, 2002, by and among Wells Fargo Bank, National Association, as fiscal agent (the “Fiscal Agent”), and the District, a copy of which is on file with the City Clerk, be and is hereby approved in substantially the form thereof or with such changes as may be approved by the Mayor or Mayor Pro Tem or City Manager or Treasurer, said Mayor’s or Mayor Pro Tem’s or City Manager’s or Treasurer’s execution thereof to constitute conclusive evidence of said officer’s approval of all such changes, and the Mayor or Mayor Pro Tem or City Manager or Treasurer be and is hereby authorized, together or alone, to execute and deliver said Agreement.

**Section 4.** That the form of Escrow Deposit and Trust Agreement, dated as of February 1, 2002, by and between Wells Fargo Bank, National Association, as Escrow Bank, and the District, a copy of which is on file with the City Clerk, be and is hereby approved in substantially the form thereof or with such changes as may be approved by the Mayor or Mayor Pro Tem or City Manager or Treasurer, said Mayor’s or Mayor Pro Tem’s or City Manager’s or Treasurer’s execution thereof to constitute conclusive evidence of said officer’s approval of all such changes, and the Mayor or Mayor Pro Tem or City Manager or Treasurer be and is hereby authorized, together or alone, to execute and deliver said Agreement.

**Section 5.** That the form of Contract of Purchase relating to the purchase of the 2002 Bonds by O’Connor SWS Securities, LLC, a copy of which is on file with the

City Clerk, be and is hereby approved in the form thereof, or with such changes as may be approved by the Mayor or Mayor Pro Tem or City Manager or Treasurer, said Mayor's or Mayor Pro Tem's or City Manager's or Treasurer's execution thereof to constitute conclusive evidence of said officer's approval of all such changes, and the Mayor or Mayor Pro Tem or City Manager or Treasurer be and is hereby authorized, together or alone, to execute and deliver said Agreement and to insert in each of the aforesaid Agreement the dollar amount which reflects the provisions of said Contract of Purchase. Provided, however, that (1) the aggregate principal amount of the 2002 Bonds shall not exceed \$14,000,000; and (2) the District shall have received from O'Connor SWS Securities, LLC, prior to the sale of the 2002 Bonds, its written confirmation that the 2002 Bonds will have a True Interest Cost of not more than 7%, with an initial underwriter's discount of no more than 2 1/2%.

**Section 6.** That the Preliminary Official Statement relating to the 2002 Bonds is approved for distribution by the underwriter, to municipal bond broker-dealers, to banking institutions, and to members of the general public who may be interested in purchasing the 2002 Bonds. The City Manager or Treasurer is authorized to approve the amendment of the Preliminary Official Statement, from time to time, pending distribution of the Preliminary Official Statement as shall be required to cause such Preliminary Official Statement to contain any further information necessary to accurately describe the 2002 Bonds and the City Manager or Treasurer is authorized to deem final the Preliminary Official Statement as of its date for the purpose of Rule 15c2-12 under the Securities Exchange Act of 1934 as amended. The final Official Statement relating to the 2002 Bonds shall be submitted to the City Manager or Treasurer for approval.

**Section 7.** That the form of the Continuing Disclosure Agreement, dated as of February 1, 2002, executed and delivered by the District and Wells Fargo Bank, National Association, as Fiscal Agent and acting in its capacity as Dissemination Agent thereunder, a copy of which is on file with the City Clerk, be and is hereby approved in substantially the form thereof, or with such changes as may be approved by the Mayor or Mayor Pro Tem or City Manager or Treasurer, said Mayor's or Mayor Pro Tem's or City Manager's or Treasurer's execution thereof to constitute conclusive evidence of said officer's approval of all such changes, and the Mayor or Mayor Pro Tem or City Manager or Treasurer be and is hereby authorized, together or alone, to execute and deliver said Agreement.

**Section 8.** The financing consultant firm of Rod Gunn Associates, Inc. Seal Beach, California, is hereby appointed as financial advisor to the District with respect to the 2002 Bonds.

**Section 9.** The law firm of Burke, Williams & Sorensen, LLP, Irvine, California, is hereby appointed as Bond Counsel with respect to the 2002 Bonds.

**Section 10.** The law firm of Fulbright & Jaworski, LLP, Los Angeles, California, is hereby appointed as Underwriter's Counsel with respect to the 2002 Bonds.

**Section 11.** That the Mayor, Mayor Pro Tem, City Manager, City Clerk, Treasurer and other authorized officers of the District be and are hereby each authorized to execute and deliver such certificates, requests, statements, agreements and other documents and to take such other action as may be necessary to consummate the transactions contemplated by each aforesaid Agreement.

**Section 12.** This resolution shall take effect and be enforceable immediately upon its adoption.

**Section 13.** 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 8<sup>th</sup> day of January, 2002.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 2093 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 8<sup>th</sup> day of January, 2002, and that it was so adopted by the following called vote:

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

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City Clerk, Margaret Rey