

RESOLUTION NUMBER 2935

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING RESOLUTION NUMBER 2912 WITH RESPECT TO THE SPECIAL ELECTION FOR THE COMMUNITY FACILITIES DISTRICT NUMBER 2001-3 ON THE PROPOSITION OF AUTHORIZING THE LEVY OF A SPECIAL TAX ON THE PROPERTY AND ESTABLISHING AN APPROPRIATIONS LIMIT WITHIN SAID DISTRICT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID DISTRICT

WHEREAS, the City Council (the “Council”) of the City of Perris, California (the “City”), on December 11, 2001, has heretofore adopted its resolution of intention (the “Resolution of Intention”) stating its intention to form Community Facilities District Number 2001-3 (North Perris Public Safety) of the City of Perris (the “District”) 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, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries 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 proposed District is on file with the City Clerk and incorporated herein by reference with such changes to the terms thereof, including but not limited to, revisions to the rate and method of apportionment of the special tax as have been made and submitted with this Resolution; 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, the Resolution of Intention set January 8, 2002, as the date of the public hearing on the formation of the District and this Council held the said public hearing as required by law; and

WHEREAS, said hearing was continued to January 29, 2002, at which date all persons not exempt from the special tax desiring to be heard on all matters pertaining to the formation of the District were heard and a full and fair hearing was held; and

WHEREAS, at the conclusion of the hearing on January 29, 2002, the Council adopted its Resolution Number 2912, a Resolution of Formation, providing for, among other actions, the setting of a special election; and

WHEREAS, the Council has determined that additional time is necessary prior to the election to resolve matters relating to development of real property within the District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

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

Section 2. That Section 17 of Resolution Number 2912 is hereby amended to read as follows:

“The special election for the District on the proposition of authorizing the levy of the special tax on the Property and establishing an appropriations limit shall be held on June 10, 2002.”

Section 3. That Section 18 of Resolution Number 2912 is hereby amended to read as follows:

“It is hereby found that there were fewer than twelve (12) registered voters that resided within the territory of the proposed District during each of the ninety (90) days preceding the closing of the January 29, 2002, public hearing regarding the levy of the special tax on the territory within the District and establishing an appropriations limit therein and, pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed by personal service, or by mail, with return postage repaid, by the Election Official, to the landowners of record within the District as of the close of the public hearing. Each landowner shall have one (1) vote for each acre or portion thereof that he or she owns within the District, as provided in Section 53326 of the Act and may return the ballot by mail or in person to the Election Official not later than 8:00 p.m. on June 10, 2002, or 5:00 p.m. on another election day mutually agreed to by the Election Official and the landowners. In accordance with Section 53326 (d) of the Act, the election shall be closed and the results certified by the Election Official as soon as all qualified electors have voted.”

Section 4. Exhibit “C” to Resolution Number 2912, the form of the Official Ballot is hereby amended as shown on Exhibit A hereto and incorporated herein by this reference.

Section 5. The City Clerk is hereby directed to publish a correction to the notice of election previously published pursuant Resolution Number 2912 and to notify the landowners within the District of the changed date of the election.

Section 6. Except as expressly modified and amended by this Resolution, all provisions of Resolution Number 2912 shall remain in full force and effect.

Section 7. The City Clerk as directed to certify and attest to this Resolution.

Section 8. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and **APPROVED** this 9th day of April, 2002.

Mayor, Daryl R. Busch

ATTEST:

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 2935 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 9th day of April, 2002, and that it was so adopted by the following called vote:

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

City Clerk, Margaret Rey

EXHIBIT "A"
(RESOLUTION NUMBER 2935)

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2001-3 (NORTH PERRIS PUBLIC SAFETY)
OF THE CITY OF PERRIS

SPECIAL TAX AND APPROPRIATIONS LIMIT ELECTION
June 10, 2002

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 owner or authorized representative of such sole owner of ___ acres of land within Community Facilities District No. 2001-3 (North Perris Public Safety) 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 A: Shall a Special Tax be levied within Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris to pay for the provision of fire protection and suppression services, and ambulance and paramedic services including all furnishings, equipment and supplies related thereto; and police protection services, including but not limited to criminal justice services, including all furnishings, equipment and supplies related thereto, as authorized in the Resolution; and shall an appropriations limit be established for Community Facilities District No. 2001-3 (North Perris Public Safety) of the City of Perris pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes population?

YES

NO