

**CITY OF WILDOMAR  
CITY COUNCIL SPECIAL COUNCIL MEETING MINUTES  
JANUARY 25, 2011**

**CALL TO ORDER – CLOSED SESSION – 6:00 p.m.**

The closed session of January 25, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:00 p.m.

City Council Roll Call showed the following members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, and City Clerk Lee.

City Clerk Lee announced that the City Council will meet in closed session to confer with its legal counsel pursuant to the provisions of Government Code Section 54956.9(a) regarding the following matter of pending litigation:

Protect Our Wildomar v. City of Wildomar RIC 10023703

At 7:00 p.m. the City Council reconvened into open session, with all Council Members present, making no announcements.

There being no further business, at 7:00 p.m., Mayor Swanson adjourned the closed session.

**CALL TO ORDER – SPECIAL SESSION – 7:00 p.m.**

The special meeting of January 25, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 7:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director D'Zmura, Planning Director Bassi, Police Chief Fontneau, Community Services Director Willette, and City Clerk Lee.

The Flag Salute was led by Council Member Walker.

## **PRESENTATIONS**

Mayor Swanson presented a Certificate of Appreciation to Wildomar Deputy Richard Williams for his service to the City.

Mayor Swanson presented a Certificate of Congratulations to the Elsinore High School Football Team for winning the CIF title.

Mayor Swanson presented a Proclamation to the Wildomar Historical Society in honor of the inaugural Founder's Day Celebration, February 7 – 13, 2011.

Code Enforcement Officer Kowalski presented the monthly update.

## **PUBLIC COMMENTS**

Andy Morris, representing Wildomar Rotary, stated the next fundraiser scheduled is February 5, at Cal Oaks Bowl. The General Manager of the Bowling Alley is giving them the building at no cost for bowling and a poker tournament. He also stated the big BBQ event will be held on March 19 on Kevin Street.

## **APPROVAL OF THE AGENDA AS PRESENTED**

A MOTION was made by Council Member Moore, seconded by Mayor Pro Tem Benoit, to approve the agenda as presented.

MOTION carried, 5-0.

## **1.0 CONSENT CALENDAR**

A MOTION was made by Council Member Moore, seconded by Mayor Pro Tem Benoit, to approve the Consent Calendar as presented.

MOTION carried, 5-0

### **1.1 Reading of Ordinances**

Approved the reading by title only of all ordinances.

### **1.2 Warrant Registers**

Approved the following Warrant Registers:

1. Dated January 13, 2011, in the amount of \$41,222.45; and
2. Dated January 20, 2011, in the amount of \$37,277.11.

**1.3 Treasurer's Report**

Approved the Treasurer's Report for December, 2010.

**1.4 Appointments to the Public Agency Risk Sharing Authority of California (PARSAC)**

Adopted a Resolution entitled:

RESOLUTION NO. 2011 - 03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA (PARSAC) BOARD OF DIRECTORS

**1.5 Termination of Local Emergency Proclamation**

Adopted a Resolution entitled:

RESOLUTION NO. 2011 – 04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY UNDER GOVERNMENT CODE SECTION 8630 AND CHAPTER 2.08 OF THE WILDOMAR MUNICIPAL CODE

**2.0 PUBLIC HEARINGS**

There are no items to be heard.

**3.0 GENERAL BUSINESS**

**3.1 Resolution Designating Time, Date, and Location of City Council Regular Meetings**

City Clerk Lee introduced the item and presented the staff report stating that during the Norming Session the start time of Council meetings was brought up. It was decided to move the start time from 7:00 p.m. to 6:30 p.m. She then related the start time of the surrounding cities' Council meetings noting that 6:30 p.m. is in line with other cities.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Council

Member Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, DESIGNATING THE TIME, DATE, AND LOCATION OF  
CITY COUNCIL MEETINGS AND RESCINDING RESOLUTION NO. 08-  
05

MOTION carried, 5-0.

**3.2 Save Our Parks Update**

City Clerk Lee introduced the item.

Assistant City Manager Nordquist presented the staff report stating that he will address the Committee's proposal of a Community Facilities District under item #3.4. He then invited Chairman John Lloyd of the Blue Ribbon Committee to the podium to update the Council on the fundraising efforts.

Chairman Lloyd stated he urged the Council to adopt the Resolutions regarding the Community Facilities District. This proposal is a unanimous decision from the Committee. January 23 was the Bingo fundraiser which was a great success. They received over \$600 from winners donating all or a portion of their winnings. After costs, over \$1,600 was raised throughout the event. These monies will be put toward education of the community regarding the parks.

Council Member Moore read an email she received from Gary Andre who could not attend the meeting. When the parks were closed there were numerous complaints about kids hanging around neighborhoods or playing in yards or the streets. Since the parks re-opened, the complaints have dropped dramatically to almost none. Parks are essential to a community and everyone should vote yes for parks.

**3.3 Resolution Adopting the Local Goals & Policies and Appraisal Standards Concerning the Use of the Community Facilities Act of 1982**

City Clerk Lee introduced the item.

Assistant City Manager Nordquist presented the staff report stating that prior to forming a Community Facilities District (CFD), the Council must adopt local goals and policies and appraisal standards.

A MOTION was made by Council Member Moore, seconded by Council Member Walker, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 06  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, APPROVING LOCAL GOALS AND POLICIES AND  
APPRAISAL STANDARDS

MOTION carried, 5-0.

**3.4 Proposed City of Wildomar Community Facilities District No. 2011-1**

City Clerk Lee introduced the item.

City Attorney Biggs stated the date of the public hearing will need to be changed. The public hearing can be no earlier than 30 days from today, so the public hearing date would be February 24, and will be changed in all the documents before the Council at this meeting.

Assistant City Manager Nordquist presented the staff report stating these are the Resolutions of Intention needed for the public hearing on February 24, 2011, to establish the CFD for parks. This issue would then go to the voters for their consideration. He stated that in September, 2010, the Court ruled against the assessment that was in place at that time, so the City is not receiving any monies to maintain and run the parks. He showed the monies needed in order to keep the parks maintained as they presently are. The Blue Ribbon Committee was established to look at the parks issue and bring forth a recommendation to the Council for the parks. The Committee has been out in the community asking what they would like to see. What they are supporting is a CFD for the present parks, and for future parks. It is a special tax with two parts. Tax A would be for the maintenance of the existing parks, and Tax B would be for future parks. The maximum the two components would be is \$45 per year and it would be on every parcel in Wildomar, including commercial and vacant parcels. There is an exemption, which would need to be applied for, that is for seniors 62 years of age or older who are living on the property. He then related how the monies would be spent on the parks. Additionally, the City Council can lower the amount each year if the budget warrants.

Council Member Moore stated the \$28 and \$45 charges are exactly what the voters voted on last time. The \$45 would not happen until another park was built. Both amounts had the CPI built in, but the County never increased it in the four years in was in place.

Mayor Pro Tem Benoit inquired if the senior exemption would cover both Tax A and Tax B.

Assistant City Manager Nordquist answered yes, they would be exempt from paying anything.

Mayor Swanson asked if the 66.67% approval would be from all of the registered voters, or just those who vote.

Assistant City Manager Nordquist answered it would be 66.67% approval of those voting at the election.

Council Member Cashman inquired what is the logic for not taking Tax A and Tax B as separate items.

Assistant City Manager Nordquist answered Tax B is the bond issue. In order to have a bond you have to have a dedicated stream of revenue to pay that amount. The \$17 that Tax B would represent tells the bond holders that money will always be there to pay the bonds. It also aids the City in setting the bonding limits.

Council Member Cashman asked why does this need to be just one ballot proposition and not two.

Shane Spicer, Webb Associates, answered having one measure is cost effective and doing it simultaneously with a rate structure the voters are familiar with, that being the \$28 and \$45. The City could go with just Tax A, but if in the future you would want to look at going back to the voters with Tax B, it would be expensive to go through this entire process again, which is what you would have to do. Also if they were separate on one ballot, it is their experience that it is confusing to the voter.

Council Member Cashman stated he has a hard time with the idea that the City will foreclose on a house simply because they have not made their \$17 payment.

Mr. Spicer answered the City would have a fiduciary responsibility to the bond holders to ensure that indebtedness is made. However, the issue of foreclosing on a \$17 delinquency is unlikely. There are steps you must take for a foreclosure and if a property owner is delinquent on the \$17, they are also delinquent on the other taxes owed. If an action is taken to foreclose, there would be other taxes that would take priority over the \$17. This is why it is highly unlikely.

Mayor Swanson stated that even in this economy, there have not been any foreclosures by a CFD in Wildomar.

City Manager Oviedo related that in Northern California there were CFDs in the City he worked in. What you discover is if the homeowner cannot pay \$17, they have much bigger issues than just that because that is just a minor fraction of the tax bill.

A MOTION was made by Council Member Cashman, seconded by Council Member Walker, include the senior exemption, and to:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - 07  
RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE  
CITY OF WILDOMAR TO ESTABLISH COMMUNITY FACILITIES  
DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF  
WILDOMAR AND TO AUTHORIZE THE LEVY OF SPECIAL  
TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(WILDOMAR PARKS) OF THE CITY OF WILDOMAR

and;

2. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - 08  
RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE  
CITY OF WILDOMAR TO INCUR BONDED INDEBTEDNESS IN  
THE AMOUNT OF NOT TO EXCEED \$5,000,000 WITHIN  
PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(WILDOMAR PARKS) OF THE CITY OF WILDOMAR

and;

3. Set a date of February 24, 2011, at 6:30 p.m. (or as soon thereafter) for a public hearing on the matter.

MOTION carried, 5-0.

### **CITY MANAGER REPORT**

City Manager Oviedo reported that the February 24 public hearing will be a

Thursday. He inquired if the Council wishes to not have a regular meeting on February 23 and instead put all the items on February 24.

It was the consensus of the City Council to have all the items that would have been heard on February 23 to be put on the agenda for February 24.

City Manager Oviedo stated that as per the Resolution adopted at this meeting, the next Council meeting, and every one thereafter, will begin at 6:30 p.m. and not 7:00 p.m. He stated that he, Mayor Pro Tem Benoit, and Council Member Walker attended the new Council Member training that is presented by the League of California Cities in Sacramento. He felt it was an excellent training, and especially networking with Council Members from other cities.

### **CITY ATTORNEY REPORT**

There was nothing to report.

### **COUNCIL COMMUNICATIONS**

Council Member Walker stated the training was very good and he learned a great deal. He discovered that all the cities are facing difficult budgets as no one has money. Everyone is cutting, including Wildomar, and we have to do this as best we can and save our cities because Sacramento is spending too much and will be looking at cities and their redevelopment funds. The Governor stopped in and talked with everyone there trying to get support for the taking of redevelopment monies. The cities were not responding well to that idea.

Mayor Pro Tem Benoit stated he also felt the training was very good. He feels the Governor could look at other areas to cut rather than coming after local governments. All in all it was a great trip.

Council Member Cashman stated that he and Council Member Moore, who are the finance subcommittee, met to start looking over what the budget looks like. He felt it was a productive meeting. He is also excited about the inaugural founder's week, February 7-13.

Council Member Moore stated she and Mayor Swanson attended an event at Sycamore Academy. They spoke to the 5th and 6th grade students and then they all walked over to City Hall to talk with the City Manager. She also attended the Chamber Mixer, met with Senator Anderson, attended the Bingo fundraiser, and met with Council Member Cashman as the Finance Subcommittee. She

urged everyone to shop local as the City needs the tax dollars. Also, on January 22, the Wildomar Scouts received many awards at the annual dinner, and she would like to bring them to a future meeting to acknowledge them.

Mayor Swanson stated she was in Sacramento to attend the League's Policy Committee meeting. One of the speakers they had was from the FPPC and he was amazing. She urged everyone to get educated on the park issue and to help promote it.

### **FUTURE AGENDA ITEMS**

- \*\*Scouting awards winners (Moore)
- \*\*Review of City Attorney contract for possible cost savings (Benoit)
- \*\*Appointment to the Riverside County Free Library Advisory Committee (Moore)

### **ADJOURNMENT**

There being no further business, Mayor Swanson declared the meeting adjourned at 8:10 p.m.

Respectfully submitted,

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Debbie A. Lee, CMC  
City Clerk

**CITY OF WILDOMAR CITY COUNCIL**  
**Agenda Item #1.3**  
**CONSENT CALENDAR**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members

**FROM:** Gary Nordquist, Assistant City Manager

**SUBJECT:** Warrant Registers dated February 10, and February 17, 2011, and Payroll Register dated February 18, 2011.

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council approve:

1. Warrant Register dated February 10, 2011, in the amount of \$882,386.51;
2. Warrant Register dated February 17, 2011, in the amount of \$8,996.46; and
3. Payroll Register dated February 18, 2011, in the amount of \$17,606.77.

**BACKGROUND:**

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant and Payroll Registers are submitted for approval.

**FISCAL IMPACTS:**

These Warrant and Payroll Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2010-11 Budget.

Submitted by:

Approved by:

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Gary Nordquist  
Assistant City Manager

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Frank Oviedo  
City Manager

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02/10/2011 1:00:47PM

Voucher List  
City of Wildomar

Page: 1

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200285	2/10/2011	000210 ALBERT A. WEBB ASSOCIATES	110094		WILDOMAR FORMATION PARK MAI	16,860.30
					<b>Total :</b>	<b>16,860.30</b>
200286	2/10/2011	000033 AMERICAN FORENSIC NURSES	59431		BLOOD DRAW	112.16
					<b>Total :</b>	<b>112.16</b>
200287	2/10/2011	000034 BIO-TOX LABORATORIES	22792 22793		RC SHERIFF - LAB SERVICES	65.04
					RC SHERIFF - LAB SERVICES	395.86
					<b>Total :</b>	<b>460.90</b>
200288	2/10/2011	000028 CALPERS	120104 120110 120115		CONTRIBUTIONS 1/3/11 - 1/16/11	3,138.37
					CITY COUNCIL CONTRIBUTIONS J/	305.41
					CONTRIBUTIONS 1/17/11 - 1/30/11	3,138.37
					<b>Total :</b>	<b>6,582.15</b>
200289	2/10/2011	000211 CHANG & ADAMS CONSULTING	2011-111-A-001		CONSULTING SRVCS- ECONOMIC I	10,000.00
					<b>Total :</b>	<b>10,000.00</b>
200290	2/10/2011	000068 COUNTY OF RIVERSIDE, FIRE DEPARTM	230955		FIRE PROTECT SRVCS 10/1-12/31/	454,515.38
					<b>Total :</b>	<b>454,515.38</b>
200291	2/10/2011	000047 COUNTY OF RIVERSIDE, SHERIFF'S DE	SH0000015816 SH0000015911		CONTRACT LAW ENF 11/18-12/15/1	247,572.08
					BOOKING FEE DEC 2010	954.39
					<b>Total :</b>	<b>248,526.47</b>
200292	2/10/2011	000011 CR&R INC.	0249349		DUMP & RETURN 40YD BOX 1/26/11	306.33
					<b>Total :</b>	<b>306.33</b>
200293	2/10/2011	000036 DATAQUICK	B1-1901849		CODE ENF. SOFTWARE 1/1/11-1/31	136.65
					<b>Total :</b>	<b>136.65</b>
200294	2/10/2011	000058 DEPARTMENT OF JUSTICE	831190		RC SHERIFF BLOOD ALCOHOL AN/	105.00
					<b>Total :</b>	<b>105.00</b>
200295	2/10/2011	000022 EDISON	2211 2311A 2511		MARNA ELECTRICAL 1/1-2/1/11	34.66
					ZONE 73 ELECTRICAL 1/1-2/1/11	57.46
					CSA 22 ELECTRICAL 1/1-2/1/11	3,029.00

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Voucher List  
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200295	2/10/2011	000022 EDISON	(Continued) 2511A 2511B		CSA 103 ELECTRICAL 1/1-2/1/11 CITY LAMPS ELECTRICAL 1/1-2/1/11	13,279.92 380.04 <b>Total : 16,760.98</b>
200296	2/10/2011	000012 ELSINORE VALLEY MUNICIPAL, WATER	4794560 4794561 4794562 4794563 4794564 4794565		WINDSONG WATER SRVCS 12/16/11 HERITAGE WATER SRVCS 12/17/10 MARNA WATER SRVCS 12/16/10-1/11 MARNA WATER SRVCS 12/16/10-1/11 CSA 103 WATER SRVCS 12/17/10-1 CSA 103 WATER SRVCS 12/17/10-1	212.21 112.80 55.46 182.65 170.35 58.07 <b>Total : 791.54</b>
200297	2/10/2011	000060 FEDEX	7-383-86927		OVERNIGHT SHIPPING - CLERK'S C	32.10 <b>Total : 32.10</b>
200298	2/10/2011	000147 MARATHON REPROGRAPHICS	61273		SIDEWALKS TO SCHOOLS PLAN C	161.04 <b>Total : 161.04</b>
200299	2/10/2011	000084 MUNISERVICES, LLC	0000024073		SALES & USE TAX 3RD QTR 2010	382.50 <b>Total : 382.50</b>
200300	2/10/2011	000042 PV MAINTENANCE, INC.	005-117 005-117SR		GAS TAX/PUB WRKS SRVCS DEC 2 GAS TAX/PUB WRKS STORM SRVC	17,145.94 39,872.75 <b>Total : 57,018.69</b>
200301	2/10/2011	000228 REGISTRAR OF VOTERS	1066		ELECTION SRVCS / CANDIDATE S7	24,121.60 <b>Total : 24,121.60</b>
200302	2/10/2011	000023 UNUM LIFE INS CO OF AMERICA	0142710-0010 0142710-0010A		LIFE INSURANCE FEB 2011 LIFE INSURANCE MAR 2011	1,062.06 1,157.76 <b>Total : 2,219.82</b>
200303	2/10/2011	000055 WRCOG	21011 21011A		AMENDED TUMF FEE JULY-AUG 20 AMENDED TUMF FEE SEPT - OCT 2	34,399.90 8,873.00 <b>Total : 43,272.90</b>
<b>19 Vouchers for bank code : wf</b>					<b>Bank total :</b>	<b>882,386.51</b>

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Voucher List  
City of Wildomar

Page: 1

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200304	2/17/2011	000081 CALIFORNIA BUILDING STANDARDS, CC	21611		CA BSAF FEES 10/1-12/31/10	126.90
					Total :	126.90
200305	2/17/2011	000028 CALPERS	220013		CONTRIBUTIONS 1/31-2/13/11	3,138.37
					Total :	3,138.37
200306	2/17/2011	000082 DEPARTMENT OF CONSERVATION, DIVI:	21611		SMIP FEES 10/1-12/31/10	500.95
					Total :	500.95
200307	2/17/2011	000027 DIRECTTV	1448477843		CABLE SRVCS-CITY HALL 2/12-3/11	86.99
					Total :	86.99
200308	2/17/2011	000022 EDISON	21011		CSA142 ELECTRICAL 1/1-2/1/11	2,029.87
					Total :	2,029.87
200309	2/17/2011	000040 IMAGE PRINTING SYSTEMS	20113		BUSINESS CARDS	250.13
					Total :	250.13
200310	2/17/2011	000079 LAN WAN ENTERPRISE	39454 39455		TECH SUPPORT- CREATE LOGIN S TECH SUPPORT - REBUILD WRKS1	240.00 350.00
					Total :	590.00
200311	2/17/2011	000147 MARATHON REPROGRAPHICS	61410		FLOOD MAPS	30.99
					Total :	30.99
200312	2/17/2011	000182 MARTIN & CHAPMAN CO	2011020	0000006	2011 RESOLUTIONS, FORMS, NOTI	21.75
					Total :	21.75
200313	2/17/2011	000049 NORTH COUNTY TIMES	2282554		PUB HEAR NTCE - SRRE & HHWE	109.68
					Total :	109.68
200314	2/17/2011	000018 ONTRAC	7043489		OVERNIGHT DELIVERY SRVCS	52.78
					Total :	52.78
200315	2/17/2011	000185 PITNEY BOWES	21411		POSTAGE METER REFILL 1/21/11	500.00
					Total :	500.00

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Voucher List  
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200316	2/17/2011	000229 RIVERSIDE COUNTY FIRE DEPT.	10-83311		CITY BDAY 7/1/09 STANDBY SRVCS	214.75
					Total :	214.75
200317	2/17/2011	000094 STAUFFERS LAWN EQUIPMENT	150366		PUBLIC SAFETY SUPPLIES	525.72
					Total :	525.72
200318	2/17/2011	000129 US ELECTRIC COMPANY	5558		SERVICE CALL- TEST & REPAIR LI	190.00
					Total :	190.00
200319	2/17/2011	000020 VERIZON	20111 20111A		TELEPHONE CHRGS 2/1-2/28/11	35.69
					CITY HALL PHONE CHRGS 2/1-2/28	591.89
					Total :	627.58
16 Vouchers for bank code : wf						Bank total : 8,996.46
16 Vouchers in this report						Total vouchers : 8,996.46

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City of Wildomar  
Payroll Warrant Register  
February 18, 2011

<u>ACH Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
2/18/2011	Payroll People	1/29-2/11/11 Staff	17,606.77
		TOTAL	17,606.77

**CITY OF WILDOMAR – CITY COUNCIL**  
**Agenda Item #1.4**  
**CONSENT CALENDAR**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members  
**FROM:** Gary Nordquist, Assistant City Manager  
**SUBJECT:** Treasurer's Report

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council approve the Treasurer's Report for January, 2011.

**BACKGROUND:**

Attached is the Treasurer's Report for Cash and Investments for the month of January, 2011.

**FISCAL IMPACTS:**

None at this time.

Submitted by:

Approved by:

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Gary Nordquist  
Assistant City Manager

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Frank Oviedo  
City Manager

**ATTACHMENTS:**

Treasurer's Report

CITY OF WILDOMAR  
 TREASURER'S REPORT FOR  
 CASH AND INVESTMENT PORTFOLIO  
January 2011

CITY CASH

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
All	All	WELLS FARGO	\$ <u>2,661,091.42</u>	0.00%
		TOTAL	\$ <u>2,661,091.42</u>	

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
All	All	WELLS FARGO	\$ <u>3,199,018.55</u>	\$ <u>214,450.30</u>	\$ <u>(752,377.43)</u>	\$ <u>2,661,091.42</u>	0.000%
		TOTAL	\$ <u>3,199,018.55</u>	\$ <u>214,450.30</u>	\$ <u>(752,377.43)</u>	\$ <u>2,661,091.42</u>	

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
All	LOCAL AGENCY INVESTMENT FUND	\$ <u>1,528,060.08</u>	\$ <u>1,528,060.08</u>	\$ <u>1,528,060.08</u>	<u>100.00%</u>	0	0.538%
	TOTAL	\$ <u>1,528,060.08</u>	\$ <u>1,528,060.08</u>	\$ <u>1,528,060.08</u>	<u>100.00%</u>		

**CITY - TOTAL CASH AND INVESTMENT**      \$ 4,189,151.50

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
All	LOCAL AGENCY INVESTMENT FUNDS	\$ <u>1,526,306.96</u>	\$ <u>1,753.12</u>	\$ <u>0.00</u>	\$ <u>1,528,060.08</u>	0.538%
	TOTAL	\$ <u>1,526,306.96</u>	\$ <u>1,753.12</u>	\$ <u>0.00</u>	\$ <u>1,528,060.08</u>	

In compliance with the California Code Section 53646, as the Director of Finance/ City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.  
 I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

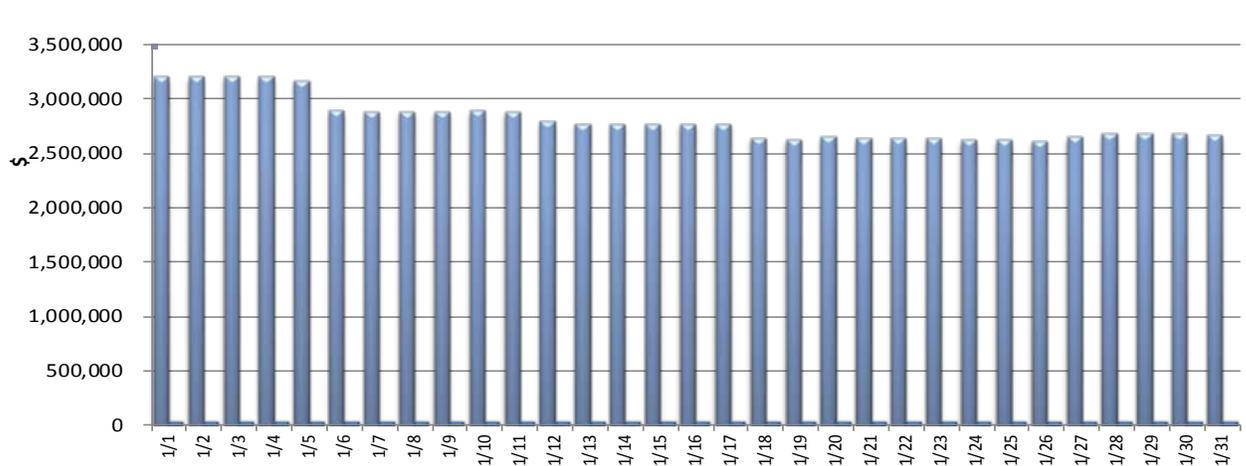
\_\_\_\_\_  
 Gary Nordquist  
 ACM Finance & Administration /  
 City Treasurer

\_\_\_\_\_  
 Date



# January 2011

## Daily Cash Balance All Funds Checking Only Pool Report Balance



Fiscal Year	Ending Balance	Monthly Net Activity
July 2008	\$ 20,855	\$ 20,855
Aug 2008	2,297,920	2,277,065
Sept 2008	2,402,083	104,163
Oct 2008	2,340,436	(61,647)
Nov 2008	2,203,169	(137,267)
Dec 2008	747,664	(1,455,505)
Jan 2009	826,502	78,838
Feb 2009	733,251	(93,251)
Mar 2009	571,857	(161,394)
April 2009	644,285	72,428
May 2009	687,746	43,461
June 2009	1,266,750	579,004
July 2009	2,027,072	760,322
Aug 2009	4,745,827	2,718,755
Sept 2009	4,201,825	(544,002)
Oct 2009	3,674,234	(527,592)
Nov 2009	3,098,110	(576,124)
Dec 2009	2,963,884	(710,350)
Jan 2010	2,801,810	(296,300)
Feb 2010	2,919,794	117,984
Mar 2010	2,397,718	(522,076)
April 2010	3,239,669	841,951
May 2010	3,200,801	(38,868)
June 2010	3,159,501	(41,300)
July 2010	3,008,802	(150,699)
Aug 2010	3,860,503	851,700
Sept 2010	3,069,412	(791,091)
Oct 2010	2,992,344	(77,068)
Nov 2010	2,365,924	(626,420)
Dec 2010	3,199,019	833,094
Jan 2011	2,661,091	(537,927)

January 2011		
Date	Ending Balance In Whole \$	Net Change from Prior Day
1/1	3,199,019	-
1/2	3,199,019	-
1/3	3,201,712	2,693
1/4	3,198,357	(3,355)
1/5	3,157,260	(41,097)
1/6	2,886,121	(271,139)
1/7	2,879,114	(7,007)
1/8	2,879,114	-
1/9	2,879,114	-
1/10	2,883,199	4,085
1/11	2,869,027	(14,172)
1/12	2,781,947	(87,080)
1/13	2,761,936	(20,011)
1/14	2,761,936	-
1/15	2,761,936	-
1/16	2,761,936	-
1/17	2,761,936	-
1/18	2,640,067	(121,869)
1/19	2,619,569	(20,498)
1/20	2,645,704	26,135
1/21	2,630,340	(15,364)
1/22	2,630,340	-
1/23	2,630,340	-
1/24	2,617,132	(13,207)
1/25	2,621,375	4,242
1/26	2,609,559	(11,815)
1/27	2,646,296	36,736
1/28	2,670,904	24,608
1/29	2,670,904	-
1/30	2,670,904	-
1/31	2,661,091	(9,812)

**CITY OF WILDOMAR – CITY COUNCIL**  
**Agenda Item #1.5**  
**CONSENT CALENDAR**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members  
**FROM:** Gary Nordquist, Assistant City Manager  
**SUBJECT:** Second Reading – Ordinance No. 59 Relating to Vehicle Impound Administrative Fee

**STAFF REPORT**

**RECOMMENDATION:**

That the City Council adopt an Ordinance entitled:

ORDINANCE NO. 59  
AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTER  
12.56 TO TITLE 12 (“VEHICLES AND TRAFFIC”) OF THE WILDOMAR MUNICIPAL  
CODE, ESTABLISHING A VEHICLE IMPOUND ADMINISTRATIVE FEE

**BACKGROUND:**

This item was introduced and approved for first reading on January 25, 2011.

**FISCAL IMPACTS:**

This ordinance will result in a net increase in City revenues to cover the actual costs necessary to administer the impounding of vehicles by the Police Department. Should the City participate in the impounding of 10 vehicles per month, this fee would recover approximately \$18,000.00 of City administrative costs.

Submitted by:

Approved by:

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Gary Nordquist  
Assistant City Manager

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Frank Oviedo  
City Manager

**ORDINANCE NO. 59**

**AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTER 12.56 TO TITLE 12 (“VEHICLES AND TRAFFIC”) OF THE WILDOMAR MUNICIPAL CODE, ESTABLISHING A VEHICLE IMPOUND ADMINISTRATIVE FEE**

**THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ORDAINS AS FOLLOWS:**

**SECTION 1:** That new Chapter 12.56 be, and the same is hereby, added to Title 12 of the Wildomar Municipal Code to read as follows:

**Chapter 12.56**

**Sections:**

- 12.56.010 Purpose and intent
- 12.56.020 Definitions
- 12.56.030 Establishment of Administrative Fee
- 12.56.040 Waiver of Administrative Fee

**12.56.010 Purpose and intent.**

It is the intent of this chapter and any subsequent amendments thereto to establish an administrative fee for impoundment of motor vehicles.

**12.56.020 Definitions.**

For purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given in this section:

"Chief" means the Chief of Police of the Police Department of the City of Wildomar.

"City" means the City of Wildomar.

"City Manager" means the City Manager of the City of Wildomar.

"Police Department" means the Police Department of the City of Wildomar.

**12.56.030 Establishment of Administrative Fee.**

- A. A fee to reimburse the City for costs incurred in removing, impounding,

storing, and releasing vehicles shall be charged by the Wildomar Police Department to the owner of a vehicle so removed, impounded, stored, or released pursuant to Sections 14602.6, 22651(h), 22651(o), 22651(p), or 22655.5 of the California Vehicle Code. These charges (the "impound fee") shall be in accordance with and by the authority of Section 22850.5 of the California Vehicle Code.

B. The Chief shall provide documentation of the costs on which the impound fee is based and the impound fee shall not go into effect until approved by resolution by the City Council. The impound fee shall not exceed an amount that covers the actual administrative costs incurred by the City relating to the removal, impoundment, storage, and release of the vehicle.

C The Chief, with the approval of the City Council, is hereby authorized to adopt such rules, regulations, and procedures as are necessary for the release of properly impounded vehicles and for the Police Department to impose, collect, and administer the impound fee by this section.

#### **12.56.040 Waiver of Administrative Fee.**

The Police Department may waive the impound fee due to extenuating circumstances. It is not the intention of the City nor the Police Department to penalize victims. Circumstances under which the administrative fee may be waived include:

1. The vehicle was towed and stored without authorization by any of the several provisions of the California Vehicle Code;
2. The vehicle was towed or stored as a recovered stolen vehicle.

#### **SECTION 2: Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

#### **SECTION 3: Effective Date.**

This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 4: Publication.**

The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

**PASSED, APPROVED, AND ADOPTED** this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

**CITY OF WILDOMAR CITY COUNCIL**  
**Agenda Item #1.6**  
**CONSENT CALENDAR**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members  
**FROM:** Tim D'Zmura, Director of Public Works  
**SUBJECT:** Second Reading – Ordinance No. 60 Relating to Security for Subdivision Improvement Agreements

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council adopt an Ordinance entitled:

ORDINANCE NO. 60  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
WILDOMAR, CALIFORNIA, AMENDING SECTIONS 16.60.010,  
16.60.020, AND ADDING A NEW 16.60.030 OF THE WILDOMAR  
MUNICIPAL CODE RELATING TO SECURITY FOR SUBDIVISION  
IMPROVEMENT AGREEMENTS

**BACKGROUND:**

This Ordinance was introduced at the City Council meeting of February 9, 2011.

**FISCAL IMPACTS:**

This ordinance will not require any additional expenditures by the City. The cost to prepare and process a lien agreement will be borne by the project requesting the lien agreement.

Submitted by:

Approved by:

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Tim D'Zmura  
Public Works Director

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Frank Oviedo  
City Manager

**ATTACHMENTS:**

Ordinance No. 60

**ORDINANCE NO. 60**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTIONS 16.60.010, 16.60.020, AND ADDING A NEW 16.60.030 OF THE WILDOMAR MUNICIPAL CODE RELATING TO SECURITY FOR SUBDIVISION IMPROVEMENT AGREEMENTS**

**THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. ENVIRONMENTAL FINDINGS.** The City Council hereby finds and determines that the project consists of a subdivision ordinance amendment related to implementation of the Subdivision Map Act and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 2. Ordinance Amendment.** Section 16.60.010.C is hereby amended to read as follows:

“C. The original period of the agreement and security shall be 24 months. Extensions of time may be granted at any time by the City Manager only upon terms and conditions approved by the City Council either at its own option, with or without notice to the land divider and surety, or at the written request of the land divider, with or without notice to the surety. Each extension shall be for a period not to exceed one year. In addition to the above, and as a further condition to granting an extension of time, the City Engineer may require additional agreements or security as necessary to guarantee the completion of the improvements.”

**SECTION 3. Ordinance Amendment.** Section 16.60.020.C of the Wildomar Municipal Code is hereby amended to read as follows:

“C. Acceptable forms of security for taxes shall be as provided in Section 16.60.010A for security for improvement; provided, however, that a cash bond shall be required to guarantee the payment of taxes in amounts less than \$2,500.00. The forms of security offered shall not have an expiration date prior to that of the expiration of the map.”

**SECTION 4. Addition of New Section.** A new section 16.60.030 is added to the Wildomar Municipal Code to read as follows:

**“16.60.030 LIEN AGREEMENT AS SECURITY**

- A. The land divider may, in lieu of posting a security described in Section 16.60.010, enter into an agreement with the City to construct the required improvements in the future, securing such performance by granting the City a lien on the real property to be divided. Such agreements shall be known as ‘lien agreements.’ The use of lien agreements shall only be allowed if all requirements of this Section are satisfied.
- B. Government Code section 66499(a)(4) authorizes the City to enter into lien agreements if it is found by the City that it would not be in the public interest to require the installation of the required improvements sooner than two years after the recordation of the map.
- C. Where the City finds that it would not be in the public interest to require that installation of the required improvements occur sooner than two years after recordation of the map, the land divider may execute a lien agreement with the City at the time the land divider enters into an agreement with the City to construct required improvements pursuant to Section 16.60.030.
- D. A lien agreement may be used to substitute for an existing security which was furnished under Section 16.60.010; provided, however, that use of a lien agreement as substitution for an existing security shall be at the City’s sole discretion. The City will not accept a lien agreement from any land divider, either at the time of execution of the agreement to construct improvements, or as a substitute for existing security, if any individual lots have been sold, if any construction permits, including but not limited to any grading or building permits, have been issued on any of the property, or if construction of any of the required improvements has begun. Notwithstanding the above, the City may accept a lien agreement from any land divider as a substitute for existing security if grading has commenced on the land to be divided so long as the grading is in strict accordance with a valid grading permit and all the following are met:
  - 1. There is no need for the City to construct the required improvements if the land divider’s project is abandoned or delayed for any period of time or for any other reason;
  - 2. The grading has no effect on the use, operation and maintenance of existing streets or highways, public or private;
  - 3. The grading has not caused the modification or closure of any public access points, existing streets or highways, public or private;
  - 4. Additional drainage improvement and/or erosion controls are not necessary and/or installed in the road right-of-way due to the grading;
  - 5. Delay of the construction of the land divider’s required improvements does not affect or delay the improvements of an adjacent land divider who had already commenced work on his or her required improvements.

6. The land is fully in compliance with storm water quality requirements and has established a program for maintenance of such requirements.

E. Lien agreements shall:

1. Be allowed only for Schedule "A", "B", and "E" maps.
2. Be allowed only where the land divider provides a title insurance policy and current title report from a title company approved by the City that documents that the land divider is the record owner of the real property to be divided and that the real property to be divided is not subject to any mortgages, deeds of trust, or judgment liens. The title insurance policy and title report shall be issued within the 60 days prior to the execution of the lien agreement.
3. Be in a form acceptable to and approved by City Attorney
4. Be used to secure future improvements that would be required for Schedule "A", "B", and "E" maps.
5. Be used only when a land divider would be required by Section 16.60.030 to construct or agree to construct the required improvements.
6. Contain an itemization of the required improvements and an estimate of costs approved by the City Engineer and shall specify that the land divider's or subsequent owner's obligation extends to the actual cost of construction of the required improvements if such costs exceed the estimate.
7. Be recorded with the County Recorder. The recorded lien agreement shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County.
8. Be approved concurrently with the approval of the subdivision improvement agreement and the final map with a note of the lien agreements existence placed on the map, except where the lien agreement is being substituted after final map approval for other security previously deposited pursuant to Section 16.60.010 in which case the lien agreement shall be signed and acknowledged by all parties having any record title interest in the property, as prescribed by Government Code Section 66436, consenting to the subordination of their interests to the lien agreement.

F. From the time of recordation of the lien agreement, a lien shall attach to the property and shall have the priority of a judgment lien in an amount necessary to complete the required improvements. Under no circumstances shall the City agree to subordinate the lien.

G. The lien agreement shall provide that the land divider shall substitute acceptable security for the lien agreement and commence to construct the improvements required pursuant to Section 16.60.030 within three years following recordation of the map, or in the case of a lien agreement which has been substituted for existing security pursuant to Section 16.60.010 within three years following recordation of the lien agreement.

- H. The time for substitution of acceptable security and commencement of construction of the required improvements in Subsection G above, may be extended up to three times, by the City Manager only upon forms and terms approved by the City Council. Each extension shall be for a period not to exceed one year. However, the City Council may grant additional time extensions, as it deems appropriate, for substitution of acceptable security and commencement of construction of the required improvements pursuant to agreements secured either by (i) lien agreements executed at the time of recordation of the map, or (ii) lien agreements substituted for an existing security furnished under Section 16.60.010. For each extension of time under this subsection, the land divider shall provide a title insurance policy and current title report from a title company approved by the City that the documents that the land divider is the record owner of the real property to be divided and the real property to be divided is not subject to any mortgages, deeds to trust, or judgment liens. The title insurance policy and title report shall be issued within the 60 days prior to request for an extension of time.
- I. No individual lots may be sold while the lien agreement is in place. However, fee title to the entire property encumbered by the lien agreement or to all lots designated on any individual final map which is encumbered by the lien agreement, may be sold in the aggregate to a single purchaser, provided that the proposed purchaser shall, prior to assuming title to the property, execute a new subdivision improvement agreement, and either (i) execute a new lien agreement in a form acceptable to the City which will encumber the property to be conveyed, specifying the respective obligations of the owner of property subject to the original and new lien agreement, or (ii) provide acceptable alternative security for the required improvements to be constructed as a condition to development of the property conveyed, pursuant to Section 16.60.010. Any new lien agreement must require that acceptable security be substituted therefore, and the improvements be substituted therefore, and the improvements secured thereby commenced by the same date provided in the lien agreement with the original owner, unless such date shall be extended by the City Council as provided in subsection H above.
- J. At the time the City Council approves a lien agreement, the land divider shall provide a cash deposit in the amount of \$12,000.00 to the City for the purpose of reverting the property to acreage if the land divider breaches the terms of the lien agreement. In addition, at such time as title to any property subject to a lien agreement shall be conveyed, the transferee thereof, if such transferee executes a new lien agreement to secure construction of the improvements imposed upon such property as described in Subsection I above, shall provide a substitute cash deposit in the amount of \$12,000.00 to the City for the purpose of reverting the property to acreage if the land divider breaches the terms of the lien agreement. Any unused portion of any such deposit shall be refunded to the land divider following completion of such reversion. If the cost of reverting the property to acreage exceed \$12,000.00, the land divider shall pay such additional costs to the City prior to recordation of the reversion to acreage map.

- K. The lien agreement shall only be released upon substitution of acceptable security for the lien agreement under Section 16.60.010 in order to begin construction of the required improvements, or upon recordation of a reversion to acreage map.
- L. In no instance shall the lien agreement compel the City to construct the required improvements.”

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 6. Effective Date.** This ordinance shall take effect thirty (30) days after its passage by the City Council.

**SECTION 7. Publication.** The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

**PASSED, APPROVED, AND ENACTED** this 24th day of February, 2011.

\_\_\_\_\_  
Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Julie Hayward Biggs  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

**CITY OF WILDOMAR – CITY COUNCIL**  
**Agenda Item #2.1**  
**PUBLIC HEARING**  
**Meeting Date: FEBRUARY 24, 2011**

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**TO:** Mayor and City Council Members  
**FROM:** Julie Hayward Biggs, City Attorney  
**SUBJECT:** An Ordinance and a Resolution Repealing the Robles Project

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Introduce and approve first reading of an Ordinance entitled:

ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, VACATING AND REPEALING ORDINANCE NO. 54  
APPROVING CHANGE OF ZONE 7440(CITY PROJECT NO. 08-0162) TO  
AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM  
RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A  
2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR  
STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

and

2. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, VACATING AND REPEALING RESOLUTION NO. 2010-59  
APPROVING PLOT PLAN 22249 (City Project No. 08-0162) FOR THE  
DEVELOPMENT OF A 17,288 SQUARE FOOT MULTI-TENANT AUTOMOTIVE  
REPAIR/RETAIL CENTER (ROBELS AUTOMOTIVE CENTER) ON A 2.28 ACRE  
SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND  
KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004) AND ALL OTHER  
RELATED ACTIONS

**BACKGROUND:**

As you are aware, the Robles Project which was approved originally approved by the County of Riverside Planning Commission, but that required final action by the City of Wildomar on the zone change that was part of the overall project. Council action taken on November 12, 2010 was challenged under the provisions of the California Environmental Protection Act by Martha Bridges, a citizen of Wildomar. The challenge

highlighted shortcomings in the County's processing of the request and presented credible arguments in support of Ms. Bridges' position. While the conditions of approval for that project required the landowner to defend and indemnify the City in the event that such a challenge was filed, it has become clear that the developer has neither the economic resources nor the commitment to provide funding for an adequate defense of the legal challenge that was filed. In the face of these obstacles, the City entered into a settlement agreement effective as of January 25, 2011 settling the litigation.

The settlement agreement requires the City to use its best efforts to pass legislation repealing Ordinance No. 54 and Resolution No. 2010 - 59. In accord with that directive, the attached documents (Ordinance No. \_\_\_\_\_ and Resolution No. 2011 - \_\_\_\_\_) are being presented for action by the City Council. To take effect, each must be adopted in the same manner that the original Ordinance and Resolution were acted upon at a public hearing on the matter. The Planning Director has handled publication and posting of the appropriate notices for these matters to be addressed by the City Council.

**ANALYSIS**

The proposed Ordinance and Resolution carry out the terms of the settlement Agreement and are appropriate for the Council to consider and adopt.

**FISCAL IMPACTS:**

If adopted, the Ordinance and Resolution will terminate the pending litigation and eliminate the incurring of any additional legal fees on this matter. Failure to adopt the Ordinance and Resolution would result in a resumption of that litigation to the economic detriment of the City.

Submitted by:

Approved by:

\_\_\_\_\_  
Julie Hayward Biggs  
City Attorney

\_\_\_\_\_  
Frank Oviedo  
City Manager

**ATTACHMENTS:**

1. Ordinance No. \_\_\_\_\_
2. Resolution No. 2011 - \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, VACATING AND REPEALING ORDINANCE NO. 54 APPROVING CHANGE OF ZONE 7440(CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)**

**WHEREAS**, on November 10, 2010 the City Council conducted a duly noticed public hearing and approved first reading of Ordinance No. 54; and

**WHEREAS**, at the City Council meeting of December 8, 2010, the City Council approved the second reading of Ordinance No. 54 approving Change of Zone #7440; and

**WHEREAS**, Petitioner Protect Our Wildomar, filed legal action against the City and Real Party in Interest Kenney Robles ("Robles"), challenging, among other things, the City's adoption of Ordinance No. 54 approving Zone Change #7440 and setting forth credible arguments and evidence in support of a challenge to Ordinance No. 54 under the California Environmental Quality Act (California Public Resource Code Sections 21000 *et seq.*) ("CEQA"); and

**WHEREAS**, Robles is currently in arrears with regard to applicable fees for the processing of Zone Change #7440 and has stated his unwillingness to comply with the indemnification provisions of the conditions of approval for Zone Change #7440; and

**WHEREAS**, on January 25, 2011, the City and Petitioner entered into a settlement agreement (the "Agreement") which was approved by the City Council that requires the City to vacate and repeal adoption of Ordinance No. 54 approving Change of Zone #7440 and to fully comply regard to any future development on this property with CEQA; and

**WHEREAS**, the City Council desires to vacate and repeal adoption of Ordinance No. 54 approving Zone Change #7440 in order to limit the costs and expenses to the City associated with these matters, including without limitation attorney fees; and

**WHEREAS**, the City gave public notice as required by California law of the holding of a public hearing for consideration of this Ordinance No. 54; and

**WHEREAS**, at the public hearing on February 24, 2011, the City Council heard and considered comments and testimony on the adoption of this Ordinance No. 54; and

**WHEREAS**, in order to comply with the provisions of the Agreement, to limit costs associated with continuing litigation with regard to Zone Change #7440, the City must adopt this ordinance vacating and repealing Ordinance No. 54.

**NOW, THEREFORE**, the City Council of the City of Wildomar does ordain as follows:

### **SECTION 1. FINDINGS**

1. Legal action has been filed against the City of Wildomar by petitioner with regard to processing of Zone Change #7440 that is credible and likely to result in a negative ruling against the City that could result in an award of attorney's fees and court costs in a substantial amount.

2. Robles, real party in interest, has affirmatively stated that he cannot and will not be able to cover the cost to the City of continued litigation and an award of attorney's fees in the event that an adverse ruling is entered against City.

3. The actual and anticipatory breach of Robles obligation to indemnify, protect, defend, and hold harmless the City in this litigation and to reimburse the City for the costs and expenses it has incurred in the course of its defense in these matters puts the City at significant risk.

4. The claimed legal fees for opposing counsel total \$26,108.30 and have been paid in full by the City pursuant to the Agreement approved by the City Council.

5. Vacating and repealing the adoption of Ordinance 54 is necessary to limit the City's immediate costs and expenses associated with this matter and to limit additional potential risk for additional attorney's fees incurred by the petitioner in these matters.

### **SECTION 2. CITY COUNCIL ACTION**

The City Council hereby ordains as follows:

1. **Ordinance No. 54:** The City Council hereby repeals Ordinance 54 approving Zone Change #7440, which is attached hereto as Exhibit "A".

**PASSED, APPROVED, AND ADOPTED** this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

RESOLUTION NO. 2011 - \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, VACATING AND REPEALING RESOLUTION NO. 2010 - 59 APPROVING PLOT PLAN 22249 (City Project No. 08-0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE FOOT MULTI-TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBELS AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004) AND ALL OTHER RELATED ACTIONS**

**WHEREAS**, on November 10, 2010 the City Council conducted a duly noticed public hearing and approved Resolution No. 2010-59; and

**WHEREAS**, Petitioner Protect Our Wildomar, filed legal action against the City and Real Party in Interest Kenney Robles ("Robles"), challenging, among other things, the City's adoption of Resolution No. 2010-59 approving Plot Plan #22249 and setting forth credible arguments and evidence in support of a challenge to Resolution No. 2010-59 under the California Environmental Quality Act (California Public Resource Code Sections 21000 *et seq.*) ("CEQA"); and

**WHEREAS**, Robles is currently in arrears with regard to applicable fees for the processing of Plot Plan #22249 and has stated his unwillingness to comply with the indemnification provisions of the conditions of approval for Plot Plan # 22249; and

**WHEREAS**, on January 25, 2011, the City and Petitioner entered into a settlement agreement (the "Agreement") approved by the City Council that requires the City to vacate and repeal adoption of Resolution No. 2010-59 approving Plot Plan #22249 and to fully comply with CEQA with regard to any future development on this property; and

**WHEREAS**, the City Council desires to vacate and repeal adoption of Resolution No. 2010-59 approving Plot Plan #22249 in order to limit the costs and expenses to the City associated with these matters, including without limitation attorney fees; and

**WHEREAS**, the City gave public notice as required by California law of the holding of a public hearing for consideration of this Resolution No. 2010-59; and

**WHEREAS**, at the public hearing on February 24, 2011, the City Council heard and considered comments and testimony on the adoption of this Resolution No. 2010-59; and

**WHEREAS**, in order to comply with the provisions of the Agreement, to limit costs associated with continuing litigation with regard to Plot Plan #22249, the City must adopt this resolution vacating and repealing Resolution No. 2010-59.

**NOW, THEREFORE**, the City Council of the City of Wildomar hereby resolves as follows:

### **SECTION 1. FINDINGS**

1. Legal action has been filed against the City of Wildomar by petitioner with regard to processing of Plot Plan #22249 that is credible and likely to result in a negative ruling against the City that could result in an award of attorneys fees and court costs in a substantial amount.

2. Robles, real party in interest, has affirmatively stated that he cannot and will not be able to cover the cost to the City of continued litigation and an award of attorney's fees in the event that an adverse ruling is entered against City.

3. The actual and anticipatory breach of Robles obligation to indemnify, protect, defend, and hold harmless the City in this litigation and to reimburse the City for the costs and expenses it has incurred in the course of its defense in these matters puts the City at significant risk.

4. The claimed legal fees for opposing counsel total \$26,108.30, and have been paid pursuant to the Agreement approved by the City Council.

5. Vacating and repealing the adoption of Resolution No. 2010-59 is necessary to limit the City's immediate costs and expenses associated with this matter and to limit additional potential risk for attorney's fees incurred by the petitioner in these matters.

### **SECTION 2. CITY COUNCIL ACTION**

The City Council hereby finds, determines and resolves as follows:

1. The City Council hereby repeals Resolution No. 2010-59 approving Plot Plan #22249, which is attached hereto as Exhibit "A".

2. The City Council hereby rescinds all other actions taken with regard to Plot Plan #22249 including without limitation any action directly or indirectly affirming or ratifying CEQA action taken by the County of Riverside prior to the incorporation of the City of Wildomar.

**PASSED, APPROVED, AND ADOPTED** this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

**CITY OF WILDOMAR – COUNCIL**  
**Agenda Item #2.2**  
**PUBLIC HEARING**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members

**FROM:** Gary Nordquist, Assistant City Manager

**SUBJECT:** City of Wildomar Community Facilities District No. 2011-1

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS; ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR; AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT; ESTABLISHING AN APPROPRIATIONS LIMIT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID COMMUNITY FACILITIES DISTRICT

2. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$5,000,000 WITHIN SAID COMMUNITY FACILITIES DISTRICT

And

3. Receive Community Facilities District Report dated February, 2011.

**DISCUSSION:**

At the January 25, 2011 City Council Meeting, the City Council adopted two resolutions of intention for CFD 2011-1 and set a Public Hearing date for February 24, 2011. These actions stem from the Court finding that invalidated the vote of August 30, 2006, in which 55.72% of the 6,858 residential parcels in the unincorporated area of Riverside County known as Wildomar, voted and approved an assessment, initially \$28.00 per year for maintenance services that would provide for the re-opening of the areas 3 parks. This assessment district was known as Landscape Maintenance District 2006-1. The base assessment of \$28 would increase to \$45 a year when a park was developed on the east side of the Interstate 15 freeway. The revenue generated from the residential parcel assessments (\$192,024) funded most of the maintenance costs for the approximately 15 acres of park land that serves a community of 31,000 residents.

July 1, 2008, the unincorporated area of Wildomar became incorporated as the City of Wildomar. June 30, 2009 the County of Riverside transferred the parks and LMD 2006-1 assets to the City. Prior to the transfer, the formation provisions of the district had been challenged in court and the ongoing representation of the district was handled by the County. On September 20, 2010, the California Courts declared the assessment was not valid and all appeals on behalf of the parks we exhausted. The City notified the County to remove the assessment from the tax bills and the source of funding for the City's park maintenance was gone.

At the October 13, 2010 City Council Meeting, the Council directed staff to form a Blue Ribbon Committee of 15 members, representing the numerous community interests. The committee was selected with the mission of determining an acceptable funding source for the City's Parks. Through the numerous meetings and with consultation from Webb Associates, the committee recommends that a Community Facilities District (CFD 2011-1) be created and the following and attached documents provide further details concerning this process.

The Boundaries of proposed CFD No. 2011-1 are shown in the Attachments, and they are contiguous with the City of Wildomar city limits. A Community Facilities District is proposed because it offers greater flexibility regarding the maintenance of parks and related public services that may have some benefit to the general public as well as to property owners.

CFD No. 2011-1 is proposed to provide a revenue stream for the maintenance, operation and park expansion for the city.

The special tax rate would be set at \$28 per single family home with a maximum annual increase based on the local consumer price index (CPI). All parcels within the City would participate in this assessment at a rate not to exceed the equivalent of \$28 per dwelling unit. When a park facility is to be constructed on the east side of the I-15 freeway, the annual assessment would increase by a base maximum of \$17 per year. The increase is needed for debt service payment on constructing the new facility. The total assessment would then be set at a base of \$45 (\$28 + \$17) per year.

The proposed CFD special tax includes a provision to exempt a property owner who is 62 years of age or older, owns and occupies their Wildomar residence.

In order for this funding source, known as a special tax, to go into effect it must be approved by a two-thirds majority vote of the registered voters.

At this Public Hearing, testimony considering CFD No. 2011-1 will be heard and protests will be considered from voters residing within CFD No. 2011-1 and persons owning real property within CFD No. 2011-1. If 50% or more of the registered voters in the city of Wildomar or ½ or more of the land area owners within CFD No. 2011-1 file written protests against the establishment of the CFD, no further proceedings can be taken on this proposal for a mandated period of one year or as further extended by Council.

If there is not a majority protest, the Riverside County Registrar of Voters will provide election materials and ballots to each registered voter within CFD No. 2011-1 for the election to be held on June 7, 2011. At that time the Riverside County elections department will tabulate the ballots and post the results no more than 10 days after.

If the ballot measure receives a two-thirds majority in favor of levying the special tax then the City would be able to levy the special tax for CFD No. 2011-1 for Fiscal Year 2011-12.

**FISCAL IMPACT:**

The recommended actions could provide for a process leading to a dedicated and sustainable funding source for City parks. Should the parks funding program be denied and the parks are closed, the General Fund will be impacted approximately \$50,000 for closure, maintenance costs, vandalism repairs of the closed parks as required for public health and safety.

Submitted by:

Approved by:

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Gary Nordquist  
Assistant City Manager

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Frank Oviedo  
City Manager

**ATTACHMENTS:**

- A. Resolution No. 2011 - \_\_\_\_\_; Intent to form CFD 2011-1, Wildomar Parks and Exempt Sr. Citizens.
- B. Resolution No. 2011 - \_\_\_\_\_; Intent to Incur Indebtness for CFD Facilities.
- C. Community Facilities District Report dated February 2011.

# **Attachment A**

**ESTABLISHING  
COMMUNITY  
FACILITIES DISTRICT  
NO. 2011-1**

**RESOLUTION NO. 2011-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS; ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR; AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT; ESTABLISHING AN APPROPRIATIONS LIMIT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID COMMUNITY FACILITIES DISTRICT**

*WHEREAS*, the City Council (the "Council") of the City of Wildomar, California (the "City"), on January 25, 2011, has heretofore adopted Resolution No. 2011-07, entitled "A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR" (the "Resolution of Intention"), stating its intention to form Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar (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 rates and method of apportionment and manner of collection of the special taxes (the "Special Taxes"), consisting of "Special Tax A" and "Special Tax B" (as such terms are defined in Exhibit "A" attached hereto), to be levied within the proposed District is on file with the City Clerk and incorporated herein by reference; and

*WHEREAS*, a report by the City officer(s) who 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 February 24, 2011 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*, at said hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the services and facilities to be provided therein and the levy of the Special Taxes were heard, and a full and fair hearing was held; 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, THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

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

*Section 2.* The Council finds and determines (which finding and determination is final and conclusive in accordance with Government Code Section 53325.1) that all proceedings up to and including the adoption of this Resolution were and are valid and in conformity with the requirements of the Act, including, without limitation, the following:

Adoption of the Resolution of Intention to establish the District;

Adoption of Resolution No. 2011-08, entitled "A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA TO INCUR BONDED INDEBTEDNESS IN THE AMOUNT OF NOT TO EXCEED \$5,000,000 WITHIN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR" (the "Resolution of Intention to Incur Bonded Indebtedness");

Publication of notices of public hearing on the establishment of the District and of the proposed debt issue;

Conducting of a public hearing on the establishment of the District, the proposed public facilities and services and the incurring of the proposed debt, at which time all interested persons 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. 2011-1 (Wildomar Parks) of the City of Wildomar" ("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 the 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 75, page 2 of Maps of Assessment and Community Facilities Districts (Instrument No. 2011-0056897).

*Section 6.* The type of public facilities ("Facilities") and incidental expenses proposed to be financed by the District and pursuant to the Act consist of

those items listed as facilities in Exhibit "B" attached hereto and by this reference incorporated herein.

*Section 7.* The type of public services ("Services") and incidental expenses proposed to be financed by the District and pursuant to the Act consist of those items listed as services in Exhibit "B" attached hereto and by this reference incorporated herein.

*Section 8.* Except where funds are otherwise available, the Special Taxes, secured by recordation of a continuing lien against all nonexempt real property in the District, shall be levied annually within the District sufficient to pay for (i) the Services, Facilities and incidental expenses, and (ii) the principal and interest and other periodic costs on bonds issued to finance the Facilities and incidental expenses, including, but not limited to, the funding of reserve funds for the bonds, the financing of costs associated with the issuance of the bonds, and all other costs and expenses necessary to finance the Facilities which are permitted to be financed pursuant to the Act. The proposed rates and method of apportionment and manner of collection of the Special Taxes within the District (the "Rate and Method") is described in detail in Exhibit "A" attached hereto and by this reference incorporated herein. The Rate and Method allows each landowner within the District to estimate the maximum amount that may be levied against each parcel. In the first year in which such Special Taxes are levied, the levy shall include an amount sufficient to repay the District all amounts, if any, transferred to the District pursuant to Section 53314 of the Act and interest thereon.

*Section 9.* If Special Tax B for Facilities of the District is levied against any taxable parcel, (i) the maximum special tax rate applicable thereto shall be increased by an amount equal to 2% per year as provided in the Rate and Method; (ii) such Special Tax B shall not be levied or collected after Fiscal Year 2045-46, except that any such Special Tax B that was lawfully levied in or before Fiscal Year 2045-46 and that remains delinquent may be collected in subsequent years, as further described in the Rate and Method; and (iii) under no circumstances will the Special Tax B levied in any Fiscal Year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the District by more than 10% above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

*Section 10.* The Council hereby finds that the proposed Facilities are necessary to meet increased demands placed upon the City as a result of development occurring in the District.

*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 Taxes 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 City may accept advances of funds or work-in-kind from any sources, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying the cost incurred in the District. The District may enter into an agreement 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 Council, with or without interest.

*Section 13.* In accordance with the Act, an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby established at \$5,000,000 and said appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing said appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act.

*Section 14.* 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 15.* The proposed Special Taxes to be levied within the District have not been precluded by majority protest pursuant to Government Code Section 53324.

*Section 16.* The Office of the City Manager, 23873 Clinton Keith Road, Wildomar, California 92595, (951) 677-7751, 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 53340.2 of the Government Code. The City may contract with private consultants to provide this service in lieu of the Office of the City Manager.

*Section 17.* Pursuant to the provisions of the Act, the proposition of the levy of the Special Taxes, the incurring of bonded indebtedness, and the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council. The qualified electors for the election to be held in these proceedings shall be the registered voters within the District.

*Section 18.* The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

EXHIBIT "A"

**RATES AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR  
COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(WILDOMAR PARKS)  
OF THE CITY OF WILDOMAR**

The following sets forth the Rate and Method of Apportionment for the levy and collection of Special Tax A and Special Tax B (defined below) which shall be levied on and collected from each Assessor's Parcel (defined below) in Community Facilities District No. 2011-1 (Wildomar Parks), in each Fiscal Year, (defined below), commencing in the Fiscal Year beginning July 1, 2011, in an amount determined by the City Council of the City of Wildomar, acting ex officio as the legislative body of CFD No. 2011-1, by applying the rates and method of apportionment set forth below. All of the real property in CFD No. 2011-1, unless exempted by law or by the provisions herein, shall be taxed for the purposes, to the extent and in the manner provided herein.

**A. DEFINITIONS**

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code of the State of California.

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on any Assessor's Parcel Map, or if the land area is not shown on the Assessor's Parcel Map, the land area as shown on the applicable Final Map, or if the area is not shown on the applicable Final Map, the land area shall be calculated by the Administrator.

**"Administrative Expenses"** means any ordinary and necessary expenses allocable to the Special Tax A Requirement and to the Special Tax B Requirement which are incurred by the City on behalf of CFD No. 2011-1 related to the determination of the amount of the levy of Special Tax A and Special Tax B, the collection of Special Tax A and Special Tax B including the expenses of collecting delinquencies, the administration of Special Tax B bonds, the payment of salaries and benefits of any City employee whose duties are directly related to the administration of CFD No. 2011-1, and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2011-1.

**"Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax A Requirement and Special Tax B Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**"Approved Property"** means, in any Fiscal Year, all Assessor's Parcels of Taxable Property within CFD No. 2011-1 for which a Final Map was recorded prior to January 1 of any Fiscal Year, which are not yet Developed Property.

**“Assessor’s Parcel”** means a lot or parcel of land that is identifiable by an Assessor’s Parcel Number by the County Assessor of the County of Riverside.

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

**“Assessor’s Parcel Number”** means that identification number assigned to a parcel by the County Assessor of the County.

**"Assigned Special Tax A"** means the Special Tax A of that name described in Section C below.

**“Benefit Unit” (“BU”)** means a Single Family lot or dwelling unit or the equivalent. Single Family Property is assigned benefit units based on the number of Residential Units per Assessor’s Parcel with the basis being one (1) benefit unit per Residential Unit. Multi-Family Property is assigned one (1) benefit unit per Residential Unit. Non-Residential Property is assigned benefit units based on acreage with the basis being two (2) benefit units per Acre. Undeveloped is assigned units of benefit based upon acreage with the basis being one (1) benefit unit per Assessor’s Parcel.

**“CFD”** or **“CFD No. 2011-1”** means the City of Wildomar Community Facilities District No. 2011-1 (Wildomar Parks).

**“City”** means the City of Wildomar.

**“City Council”** or **“Council”** means the City Council of the City of Wildomar, acting as the legislative body of CFD No. 2011-1.

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

**“Developed Property”** means all Assessor’s Parcels of Taxable Property within CFD No. 2011-1 that: (i) are included in a Final Map that was recorded prior to January 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, and (ii) a building permit was issued on or before March 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Exempt Property”** means all Assessors’ Parcels within CFD No. 2011-1 designated as being exempt from the Special Tax as provided for in Section F.

**“Facilities”** means parks and park improvements and any other improvements or facilities designated by the City, with an estimated useful life of five (5) years or longer, which are eligible for financing under the Act.

**“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 1352 that creates individual lots for which building permits for residential or non-residential structures may be issued without further subdivision.

**“Fiscal Year”** means the period from and including July 1<sup>st</sup> of any year to and including the following June 30<sup>th</sup>.

**“Land Use Category”** means, individually, Single Family Property, Multi-Family Property, Non-Residential Property, or Undeveloped Property.

**“Lot”** means an individual legal lot created by a Final Map for which a building permit could be issued.

**“Maximum Special Tax”** means Maximum Special Tax A and/or Maximum Special Tax B as defined herein.

**“Maximum Special Tax A”** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor’s Parcel of Taxable Property to satisfy the Special Tax A Requirement. The Maximum Special Tax A shall be increased annually by the percentage increase in the Consumer Price Index (All Items) for Los Angeles – Riverside – Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year, on March 1, 2011 for Fiscal Year 2011-12 and on each subsequent March 1 for the Fiscal Year then commencing.

**“Maximum Special Tax B”** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor’s Parcel of Taxable Property to satisfy the Special Tax B Requirement. On July 1<sup>st</sup> of each Fiscal Year commencing July 1<sup>st</sup> of 2012, the Maximum Special Tax B shall be increased annually by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor’s Parcel for the prior Fiscal Year.

**“Multi-Family Property”** means, in any Fiscal Year, any Assessor’s Parcel of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls or any Assessor’s Parcel of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls. Such Residential Units include but are not limited to duplexes, triplexes, townhomes, condominiums, and apartment units.

**“Non-Residential Property”** means all Assessor’s Parcels of Developed Property within the boundaries of the CFD that are not Single Family Property, Multi-Family Property, Undeveloped Property, or Exempt Property.

**“Prepayment Amount”** means the amount required to prepay the Special Tax B obligation in full for an Assessor’s Parcel, as described in Section G.

**“Proportionately”** means, for: (i) Single Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor’s Parcels of Single Family Property, (ii) Multi-Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor’s Parcels of Multi-Family Property, (iii) Non-Residential Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit is the same for all such Assessor’s Parcels of Non-Residential Property, and (iv) Undeveloped Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit as applicable, is the same for all such Assessor’s Parcels of Undeveloped Property

**“Residential Property”** means all Assessor’s Parcels of Approved or Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been or will be issued for purposes of constructing or placing one or more residential dwelling units or upon which a residential dwelling unit has been constructed.

**“Residential Unit”** means, for each Fiscal Year, a building or portion thereof on an Assessor’s Parcel intended for use by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single family and multifamily dwellings. Residential Unit shall not include hotels or motels which shall be classified as Non-Residential Property.

**“Service(s)”** means those services authorized to be funded by CFD No. 2011-1 as set forth in the documents adopted by the City Council when the CFD was formed.

**“Single Family Property”** means, for any Fiscal Year, all Assessor’s Parcels of Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been issued for purposes of constructing a detached Residential Unit, or all Assessor’s Parcels of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for construction of a detached Residential Unit. Such Residential Unit does not or will not share a common wall with another Residential Unit.

**“Special Tax(es)”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property for Special Tax A and/or Special Tax B.

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

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

**“Special Tax A Requirement”** means the amount, after taking into consideration available funds, required in any Fiscal Year to pay: (1) costs related to the Services authorized by

the City to be funded and (2) Administrative Expenses attributable to said Services, as determined by the City.

**“Special Tax B Requirement”** means the amount required in any Fiscal Year after taking into consideration available funds pursuant to the bond indenture: (1) to pay principal of and interest on all Outstanding Bonds of CFD No. 2011-1, (2) to pay Administrative Expenses attributable to such bonds and the levy and collection of the Special Taxes, (3) to pay costs of credit enhancement for such bonds and any amount required to be rebated to the United States with respect to such bonds, (4) to replenish the reserve fund for such bonds, and (5) to provide any amounts which the City Council determines are necessary to pay the costs of the provision, construction and acquisition of the Facilities and/or accumulate funds therefor prior to bond sale.

**"Taxable Property"** means all Assessor's Parcels within CFD No. 2011-1, which are not Exempt Property.

**“Undeveloped Property”** means, for each Fiscal Year, all Assessor's Parcels of Taxable Property within the boundaries of CFD No. 2011-1 that are not classified as Developed Property or Approved Property, as determined by the Administrator.

## **B. ASSIGNMENT TO LAND USE CATEGORY**

On or about June 1 of each Fiscal Year the Administrator shall identify the current Assessor's Parcel Number assigned to all Assessor's Parcels of Taxable Property within CFD No. 2011-1.

The Administrator shall then determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property, Approved Property, or Undeveloped Property, using the definitions above; (ii) for Developed Property or Approved Property, which Assessor's Parcel are Single Family Property, Multi-Family Property, or Non-Residential Property, using the definitions above; (iii) for Developed Property and Approved Property that is Multi-Family Property, the number of Residential Units within each building based on reference to the building permit, site plan, condominium plan, or other development plan; and (iv) the Special Tax A Requirement and the Special Tax B Requirement. Developed Property, Approved Property and Undeveloped Property shall be subject to the Special Taxes pursuant to Sections C and D below.

## **C. SPECIAL TAX RATES**

### **Developed, Approved, and Undeveloped Property**

Upon determination that an Assessor's Parcel of Taxable Property is Approved Property, Developed Property, or Undeveloped Property the Special Tax rates shall be the amounts shown in Table 1 for Special Tax A and the amounts shown in Table 2 for Special Tax B according to the Land Use Category within CFD No. 2011-1.

**TABLE 1**  
**Special Tax A Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Assigned Special Tax A Rate</b>	<b>Maximum Special Tax A Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Multi Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Non-Residential Property	Two (2) BU per Acre	\$23 per BU	\$28 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$23 per BU	\$28 per BU

**TABLE 2**  
**Maximum Special Tax B Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Maximum Special Tax B Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$17 per BU
Multi Family Property	One (1) BU per Residential Unit	\$17 per BU
Non-Residential Property	Two (2) BU per Acre	\$17 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$17 per BU

**Exempt Property**

No Special Tax shall be levied on Exempt Property.

**Annual Escalation of Special Taxes**

For both Assigned Special Tax A and Maximum Special A Tax Rates, beginning March 1, 2012 and each March 1 thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the Maximum Special Taxes for the previous Fiscal Year increased by the percentage increase in the Consumer Price Index (All Items) for Los Angeles - Riverside - Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year.

For Maximum Special B Tax Rates, beginning July 1, 2012 and each March 1<sup>st</sup> thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the

Maximum Special Taxes for the previous Fiscal Year increased by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor's Parcel for the prior Fiscal Year.

#### **D. METHOD OF APPORTIONMENT OF ANNUAL SPECIAL TAX**

Commencing with the Fiscal Year in which the City Council determines that the levy of the Special Taxes shall commence and for each subsequent Fiscal Year, the Council shall determine the total amount of Special Taxes to be levied and collected in that Fiscal Year in order to satisfy the Special Tax A Requirement and the Special Tax B Requirement for such Fiscal Year. The Council shall levy the Special Taxes on all Assessor's Parcels of Taxable Property in the following priority until it has levied the amount necessary to satisfy both the Special Tax A Requirement and the Special Tax B Requirement for the Fiscal Year as follows:

(a) Special Tax A Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property, Developed Property and Undeveloped Property in equal percentages up to 100% of Assigned Special Tax A Rate set forth in Table 1; and

(2) Second: If additional funds are needed, the Special Tax A shall be levied on all Assessor's Parcels of Approved, Developed and Undeveloped Property in equal percentages up to 100% of the Maximum Special Tax A set forth in Table 1.

(b) Special Tax B Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Developed Property in equal percentages up to 100% of the applicable Maximum Special Tax B as set forth in Table 2; and

(2) Second: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property in equal percentages up to 100% of the Maximum Special Tax B for Approved Property; and

(3) Third: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Undeveloped Property in equal percentages up to 100% of the Maximum Special Tax B for Undeveloped Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any fiscal year against any Assessor's Parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within the CFD by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

#### **E. INTERPRETATIONS OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall

be left to the City's discretion. The City may make interpretations by ordinance or resolution for the purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment of Special Tax.

## **F. EXEMPTIONS**

The City shall classify as Exempt Property within CFD No. 2011-1, any Assessor's Parcel in any of the following categories; (i) Assessor's Parcels which are owned by, irrevocably offered for dedication to, encumbered by or restricted in use by any public entity; (ii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement; (iii) Assessor's Parcels which are privately owned but are encumbered by or restricted solely for public uses; (iv) any Assessor's Parcel which is in use in the performance of a public function as determined by the Administrator; or (v) Assessor's Parcel used as a place of worship or for other religious activities as determined by the Administrator.

### **Senior Citizen Exemptions from Special Tax**

A property owner may apply for a senior citizen exemption from the Special Tax which would provide a one-hundred percent (100%) exemption from the Special Tax on dwelling units owned and occupied by senior citizens. The property owner must meet certain qualifications and complete an application similar to "Exhibit A" attached hereto. Applications for the initial fiscal year exemption must be completed by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. The City reserves the right to make minor changes to the application or qualifications for exemption as the need arises which would require City Council approval.

## **G. PREPAYMENT OF SPECIAL TAX B**

The following definition applies to this Section G:

**"Outstanding Bonds"** means all previously issued bonds issued and secured by the levy of Special Tax B which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding bonds to be redeemed at a later date with the proceeds of prior prepayments of Maximum Special Tax B.

### **Prepayment**

The Special Tax B obligation of an Assessor's Parcel of Approved Property, an Assessor's Parcel of Developed Property, and an Assessor's Parcel of Undeveloped Property may be prepaid in full, provided that there are no delinquent Special Tax B taxes, penalties, or interest charges outstanding with respect to such Assessor's Parcel at the time the Special Tax B obligation would be prepaid. The Prepayment Amount for an Assessor's Parcel eligible for prepayment shall be determined as described below.

An owner of an Assessor's Parcel intending to prepay the Special Tax B obligation shall provide the City with written notice of intent to prepay, and within 5 days of receipt of such notice, the City shall notify such owner of the amount of the non-refundable deposit determined to cover the cost to be incurred by CFD No. 2011-1 in calculating the proper amount of a prepayment. Within 15 days of receipt of such non-refundable deposit, the City shall notify such owner of the prepayment amount of such Assessor's Parcel.

The Prepayment Amount for each applicable Assessor's Parcel shall be calculated according to the following formula (capitalized terms defined below):

$$\begin{array}{rcl} & & \text{Payoff Amount} \\ \text{plus} & & \text{Administrative Fee} \\ \text{equals} & & \text{Prepayment Amount} \end{array}$$

As of the date of prepayment, the Prepayment Amount shall be calculated as follows:

1. For an Assessor's Parcel of Developed Property and Approved Property, compute the Maximum Special Tax B applicable to the Assessor's Parcel. For an Assessor's Parcel of Undeveloped Property compute the Maximum Special Tax B as though it was already designated as Developed Property based upon the building permit issued or expected to be issued for that Assessor's Parcel.

For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property compute the present value of the remaining Maximum Special Tax B payments using a discount rate that is equal to the weighted average interest rate on the Outstanding Bonds and the remaining term of the Outstanding Bonds determined by a financial advisor selected by the City. For any prepayment that occurs prior to the issuance of Bonds, the discount rate used in this calculation shall be 6.5% and the term shall be the period in which the Special Tax B may be levied as provided in Section J less ten years. This is the "Payoff Amount."

2. For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property, divide the Maximum Special Tax B computed pursuant to the first paragraph in paragraph 1 of this Section G for such Assessor's Parcel by the sum of the estimated Maximum Special Tax B applicable to all Assessor's Parcels of Taxable Property at buildout, as reasonably determined by the City.

3. Multiply the quotient computed pursuant to paragraph 2 by the Outstanding Bonds. The product shall be the "Bond Redemption Amount".

4. Multiply the Bond Redemption Amount by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed with the proceeds of the Bond Redemption Amount. This product is the "Redemption Premium."

5. Compute the amount needed to pay interest on the Bond Redemption Amount to be redeemed with the proceeds of the Prepayment Amount until the earliest call date for the Outstanding Bonds.

6. Determine the amount of interest earnings to be derived from the reinvestment of the Bond Redemption Amount plus the Redemption Premium in State and Local Government Series Treasury Obligations until the earliest call date for the Outstanding Bonds.

7. Subtract the amount computed pursuant to paragraph 6 from the amount computed pursuant to paragraph 5. This difference is the "Defeasance Cost."

8. Estimate the administrative fees and expenses associated with the prepayment, including the costs of computation of the Prepayment Amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption. This amount is the "Administrative Fee."

9. Calculate the "Reserve Fund Credit" as the lesser of: (a) the expected reduction in the applicable reserve requirements, if any, associated with the redemption of Outstanding Bonds as a result of the prepayment, or (b) the amount derived by subtracting the new reserve requirements in effect after the redemption of Outstanding Bonds as a result of the prepayment from the balance in the applicable reserve funds on the prepayment date. Notwithstanding the foregoing, if the reserve fund requirement is satisfied by a surety bond or other instrument at the time of the prepayment, then no Reserve Fund Credit shall be given. Notwithstanding the foregoing, the Reserve Fund Credit shall in no event be less than zero.

10. The "Amount to Call Bonds" is equal to the sum of the Bond Redemption Amount, the Redemption Premium, and the Defeasance Cost, less the Reserve Fund Credit (the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds).

11. The Prepayment Amount is the sum of the Amount to Call Bonds and the Administrative Fee.

12. From the Prepayment Amount, the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds pursuant to the bond fiscal agent agreement or escrow agreement; the Administrative Fee will be transferred to the administrative fund or functionally equivalent fund or account pursuant to the fiscal agent agreement and used to pay administrative expenses; the remainder will be transferred to the Surplus Taxes Fund or functionally equivalent fund or account pursuant to the Fiscal agent agreement.

With respect to the Special Tax B obligation that is prepaid pursuant to this Section G, the City Council shall indicate in the records of CFD No. 2011-1 that there has been a prepayment of the Special Tax B obligation and shall cause a suitable notice to be recorded in compliance with the Act within thirty (30) days of receipt of such prepayment to indicate the prepayment of the Special Tax B obligation and the release of the Special Tax B lien on

such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay such Special Tax B shall cease.

Notwithstanding the foregoing, no prepayment will be allowed unless the total amount of Special Tax B that may be levied on Taxable Property after such full prepayment, net of Administrative Expenses, shall be at least 1.1 times the regularly scheduled annual interest and principal payments on all currently Outstanding Bonds in each future Fiscal Year as determined by the Administrator or, at the option of the Administrator, a financial advisor or special tax consultant.

## **H. APPEALS**

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the City not later than twelve months after having paid the first installment of the Special Tax that is disputed. A representative(s) of CFD No. 2011-1 shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the representative's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, a cash refund shall not be made, but an adjustment shall be made to the Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s).

## **I. MANNER OF COLLECTION**

The Special Taxes shall be collected in the same manner and at the same time as ad valorem property taxes and shall be subject to the same penalties, and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, that the City may collect Special Taxes at a different time or in a different manner, if necessary, to meet the financial obligations of CFD No. 2011-1.

## **J. TERM OF SPECIAL TAX**

All Assessor's Parcels of Taxable Property shall continue to be subject to the levy and collection of the Special Tax A to satisfy the Special Tax A Requirement as long as the City provides the Services within and for the benefit of the residents within CFD No. 2011-

Pursuant to Section 53321(d) of the Government Code of the State of California, the tax year after which no further Special Tax B shall be levied or collected with respect to any Assessor's Parcel within CFD No. 2011-1 to satisfy the Special Tax B Requirement shall be Fiscal Year 2045-46.



**Exhibit "A"**

**COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS)  
SENIOR CITIZEN CFD NO. 2011-1 TAX EXEMPTION APPLICATION**

Applications must be filed annually by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. In accordance with the provisions of the resolution adopting and imposing this CFD No. 2011-1 Tax, failure to file by the previously stated deadlines will automatically invalidate the CFD No. 2011-1 Tax exemption for that tax year. No exceptions can be granted to the closing date.

This application is for a senior citizen tax exemption with respect to the special tax (the "CFD No. 2011-1 Tax") imposed on the Community Facilities District No. 2011-1 (Wildomar Parks) by the City Council of the City of Wildomar (the "City") pursuant to Resolution No. \_\_\_\_\_. The application is made with respect to:

Assessor's Parcel No: \_\_\_\_\_

Property Address: \_\_\_\_\_  
(hereinafter referred to as the dwelling unit).

The property owner or the property authorized legal representative must provide the following information:

1. Name of property owner(s) and eligible spouse, if any, and date of birth (please type or print):

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Eligible Spouse

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

2. The property owner and/or eligible spouse must submit with this application a copy of a birth certificate, driver's license, or other official document showing date of birth. To be eligible for the reduction in the CFD No. 2011-1 Tax, the property owner or eligible spouse must be at least 62 years of age by July 1, 2011.
3. The property owner must also provide evidence of ownership of the dwelling unit. Such evidence may consist of a copy of the county tax bill for the property, a copy of a title report or title policy issued in the last year, a copy of a recorded deed, or other official document acceptable to the City. If the property owner is claiming the reduction in CFD No. 2011-1 Tax through a spouse who is not an owner of the property, the property owner and spouse hereto certify that the dwelling unit is their primary residence.
4. Each property owner certifies that he/she understands that: (a) the application is for a reduction in the CFD No. 2011-1 Tax of one hundred percent (100%); and (b) for the reduction to continue beyond one year, the City will review the updated property records and will verify that no changes of ownership or residency have occurred at the property. If the property ownership and residency are the same as in the previous fiscal year, the property owner will continue to receive the exemption from the tax.
5. Each property owner certifies that the dwelling unit is the primary residence of the property owner.
6. I/we certify that this is the only application reduction in the Tax that I/we have filed for the 2011/2012 CFD No. 2011-1 Tax year.
7. If there is more than one property owner, each such owner must sign this application. If the exemption is being claimed through a spouse who is not a property owner, the spouse must sign this application.
8. This application may be executed in several counterparts, each of which shall be an original and all of which shall constitute both one and the same application.

I/we declare under penalty of perjury, under the laws of the State of California, that the foregoing and the documentary evidence submitted herewith are true and correct.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_, 2011.

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

If signing in a representative capacity on behalf of the property owner or spouse, a copy of the document authorizing you to sign in representative capacity must be submitted herewith.

The City will not be responsible for returning the original or copies of documents submitted with this application. Copies must be legible. Failure to provide all the required information and documentation by June 1, 2011 will constitute cause for denying the tax exemption.

If you have any questions about this form: Please contact City of Wildomar, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595. Telephone: (951) 677-7751, ext. \_\_\_\_.

EXHIBIT "B"

TYPES OF SERVICES AND FACILITIES TO BE FINANCED BY  
COMMUNITY FACILITIES DISTRICT NO. 2011-1

A. The services which may be funded with proceeds of Special Tax A of Community Facilities District No. 2011-1 are as follows:

(1) Within the boundaries of parks within the City of Wildomar: (1) maintenance and repair of parks, including without limitation, (a) maintenance and repair of playground or recreation program equipment or facilities; (b) maintenance and repair of parkways, streets, roads and open space; (c) maintenance and repair of lighting, including furnishing of electrical power to lights and repair and replacement of damaged or inoperative light bulbs, fixtures and standards; (d) maintenance and repair of irrigation facilities and replacement of landscaping and vegetation; (e) maintenance and repair of public signage; (f) graffiti removal.

(2) Recreational programs and services.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in Exhibit C to this resolution of intention.

B. The facilities which may be funded with proceeds of Special Tax B of Community Facilities District No. 2011-1 are as follows:

(1) facilities

The types of facilities to be financed by the Community Facilities District are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(2) facilities to be purchased

The types of facilities to be purchased as completed facilities are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(3) incidental expenses

The incidental expenses proposed to be incurred include the following:

(a) the cost of planning, designing, construction inspection, construction management, and environmental expenses associated with the public facilities to be financed, including the cost of environmental evaluations of those facilities, legal services, materials testing, coordination, surveying, and any and all work relating to the foregoing;

(b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and

(c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

This description of the facilities is general in nature. The final nature and location of 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 Report.

# **Attachment B**

**A RESOLUTION  
DETERMINING THE  
NECESSITY TO INCUR  
BONDED INDEBTEDNESS**

**RESOLUTION NO. 2011 - \_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$5,000,000 WITHIN SAID COMMUNITY FACILITIES DISTRICT**

*WHEREAS*, the City Council (the "Council") of the City of Wildomar, California (the "City"), on January 25, 2011, has heretofore adopted Resolution No. 2011-07, entitled "A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR" (the "Resolution of Intention"), stating its intention to form Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar (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 rates and method of apportionment and manner of collection of the special taxes to be levied within the District, is on file with the City Clerk and incorporated herein by reference; and

*WHEREAS*, the Council of the City, on January 25, 2011, has heretofore adopted Resolution No. 2011-08, entitled "A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA TO INCUR BONDED INDEBTEDNESS IN THE AMOUNT OF NOT TO EXCEED \$5,000,000 WITHIN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR" (the "Resolution of Intention to Incur Bonded Indebtedness"), stating its intention to incur bonded indebtedness in an amount of not to exceed \$5,000,000 within the proposed District; and

*WHEREAS*, a copy of the Resolution of Intention to Incur Bonded Indebtedness is on file with the City Clerk; and

*WHEREAS*, on January 24, 2011, this Council held a noticed hearing as required by law relative to the proposed formation of the District; and

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

*WHEREAS*, this Council adopted its resolution determining the validity of prior proceedings, establishing the District, authorizing the levy of special taxes within the boundaries of the District, establishing an appropriations limit, and taking certain other actions relating to said District (the “Resolution of Formation”); and

*WHEREAS*, the proposed special taxes 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 a majority protest pursuant to Government Code Section 53324; and

*WHEREAS*, this Council wishes to present to the qualified electors of the District a combined proposition (the “Proposition”) to: (1) levy special taxes on property within the District; (2) incur bonded indebtedness; and (3) establish an appropriations limit for the District.

*NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:*

*Section 1.* 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 (as defined below) and more particularly described as set forth in that certain Report filed with the City Council for the District.

*Section 2.* 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 (collectively, the “Facilities”) and (2) the incidental expenses to be incurred in financing the Facilities and forming and administering the District.

*Section 3.* Except for property within the District that is exempt, wholly or partially, from the levy of Special Tax B (as such term is defined and specified in the Rates 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 Special Tax B authorized by the Resolution of Formation.

*Section 4.* The maximum term of the bonds or any series thereof to be issued shall in no event exceed forty (40) years.

*Section 5.* The bonds or any series thereof shall bear interest at a maximum interest rate not in excess of 12.0 percent per annum or such rate not in

excess of the maximum rate permitted by law at the time the bonds are issued, payable annually or semiannually, with the actual rates and times of payment to be determined at the time of sale thereof.

*Section 6.* The Proposition shall be submitted to the registered voters in the District at a special District election to be consolidated with the general election to be held on June 7, 2011, on which date the polls will be open between the hours of 7:00 am and 8:00 pm, all as more particularly specified by a separate resolution of this Council adopted on the date hereof

*Section 7.* The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2011.

---

Marsha Swanson

APPROVED AS TO FORM:

ATTEST:

---

Julie Hayward Biggs  
City Attorney

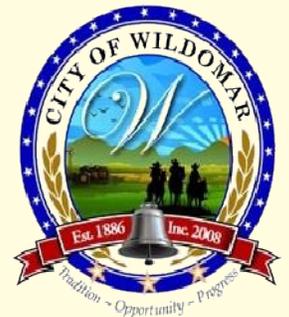
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Debbie A. Lee, CMC  
City Clerk

*Community Facilities District Report*

City of Wildomar  
Community Facilities District No. 2011-1  
(Wildomar Parks)

*Prepared for*



February 2011

ALBERT A.  
**WEBB**  
ASSOCIATES

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T: 760.568.5005 | F: 760.568.3443

## A. Background

On January 25, 2011, the City Council of the City of Wildomar adopted a Resolution of Intention to form Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar, Resolution No. 2011-07, (the "Resolution of Intention"), pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, (the "Act").

The City of Wildomar Community Facilities District No. 2011-1 (Wildomar Parks) (the "CFD No. 2011-1") is a citywide district comprised of all parcels within the boundaries of the City of Wildomar, California. For a map showing the boundaries of CFD No. 2011-1 please see Appendix "A".

The formation of CFD 2011-1 is to provide funding for the maintenance services within the boundaries of the parks, for recreational programs and services, to finance the purchase and acquisition of park facilities and land, including rights-of-way and easements necessary for such facilities, and incidental expenses in connection with said services and facilities (the "Services and Facilities"). The City of Wildomar parks include: i) Marna O'Brien Park, located at 2505 Palomar Street, Wildomar, CA; Assessor's Parcel Nos. 368-230-001, 368-240-003, and 368-240-004 (Grant Deed Doc # 2009-0608940), ii) Regency Heritage Park located at 20171 Autumn Oaks Place, Wildomar, CA, Assessor's Parcel No. 370-500-020 (Grant Deed Doc # 2009-0608938); iii) Windsong Park located at 35459 Prairie Road, Wildomar, CA, Assessor's Parcel Nos. 376-261-001, 376-261-002, and 376-281-001 (Grant Deed Doc # 2009-0608939); and iv) a future park located at the southwest corner of Peggy Lane and Susan Road, Wildomar, CA, Assessor's Parcel Nos. 376-350-013 and 376-350-014.

At the request and direction of the officers having responsibility for the types of Facilities and Services proposed to be provided by CFD No. 2011-1, the Special Tax Consultant has prepared and submits this Community Facilities District Report (the "Report") on behalf of those officers pursuant to the Resolution of Intention.

## B. Purpose of Community Facilities District Report

This Report is submitted pursuant to Section 53321.5 of the Act, as well as the Resolution of Intention ordering said Report. The Act and the Resolution of Intention directs that said Report generally contain a description of the types of Services and Facilities that are proposed by to be provided by CFD No. 2011-1 and funded with the proceeds of special taxes issued by CFD No. 2011-1 as permitted under the Mello-Roos Community Facilities Act of 1982. The general description of Services and Facilities are in Section 2 of this Report.

For particulars, reference is made to the Resolution of Intention as previously approved and adopted.

NOW, THEREFORE, the undersigned, authorized representative of ALBERT A. WEBB ASSOCIATES, the appointed responsible officer, or person directed to prepare the Report, does hereby submit the following data:

A. Description of Services

The types of Services that are proposed by to be provided by CFD No. 2011-1 and funded with the proceeds of special taxes issued by CFD No. 2011-1 consist of services permitted under the Mello-Roos Community Facilities Act of 1982 including, without limitation;

(1) Within the boundaries of parks within the City of Wildomar: (1) maintenance and repair of parks, including without limitation, (a) maintenance and repair of playground or recreation program equipment or facilities; (b) maintenance and repair of parkways, streets, roads and open space; (c) maintenance and repair of lighting, including furnishing of electrical power to lights and repair and replacement of damaged or inoperative light bulbs, fixtures and standards; (d) maintenance and repair of irrigation facilities and replacement of landscaping and vegetation; (e) maintenance and repair of public signage; (f) graffiti removal.

(2) Recreational programs and services.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in Exhibit C to the Resolution of Intention.

The above Services shall be limited to those provided within the boundaries of CFD No. 2011-1 or for the benefit of the properties within the boundaries of CFD No. 2011-1, and said Services may be financed by proceeds of the special tax of CFD No. 2011-1 only to the extent that they are in addition to those provided in the territory of CFD No. 2011-1 before CFD No. 2011-1 was created.

B. Description of the Facilities

The types of Facilities that are proposed by to be provided by CFD No. 2011-1 and funded with the proceeds of special taxes issued by CFD No. 2011-1 consist of Facilities permitted under the Mello-Roos Community Facilities Act of 1982 including, without limitation; The Facilities which may be funded with proceeds of Special Tax B of Community Facilities District No. 2011-1 are as follows:

(1) facilities

The types of Facilities to be financed by the Community Facilities District are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(2) facilities to be purchased

The types of facilities to be purchased as completed facilities are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(3) incidental expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning, designing, construction inspection, construction management, and environmental expenses associated with the Facilities to be financed, including the cost of environmental evaluations of those facilities, legal services, materials testing, coordination, surveying, and any and all work relating to the foregoing;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

This description of the Facilities is general in nature. The final nature and location of 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 Report.

It is my opinion that the above described Services and Facilities are those that are necessary to meet increased demands placed upon the City of Wildomar as a result of the existing and future demand of parks and recreational programs within the City boundaries and occurring within the CFD No. 2011-1.

Executed this 16<sup>TH</sup> day of FEBRUARY '011

ALBERT A. WEBB ASSOCIATES



SHANE SPICER  
SPECIAL TAX CONSULTANT  
CITY OF WILDOMAR  
STATE OF CALIFORNIA

### C. Boundaries of the Community Facilities District

The boundaries of CFD No. 2011-1 are those properties and parcels where services are authorized to be provided and upon which special taxes may be levied in order to pay for the costs and expenses of said Services and Facilities. A general description of the area within the boundaries of the CFD No. 2011-1 is attached as Appendix "A".

### D. Cost Estimate – Services

The estimated annual cost of providing such services, based upon current dollars, which is subject to escalation, is as follows: \$290,000 is the estimated cost for Fiscal Year 2011-12 for providing the services described herein. The estimate is based on the cost of actual services provided by the City of Wildomar.

This annual cost estimate is also based on the estimated cost per Benefit Unit (a Single-Family Residential Property or equivalent – as defined in the Rates and Method of Apportionment of Special Tax). The annual cost of providing such services will also increase due to inflation in costs of energy, material, supplies, and labor.

1. Marna O'Brien Park - located at 20505 Palomar Street, Wildomar, CA, is a recreation area and sports park that consists of three baseball fields with player and spectator benches, a full basketball court and 2 large multi-use soccer fields along with sports field lighting. The park also includes shelters, a granite walking trail with a fitness course stations, new tot-lot, restroom, and a concession stand.

#### Marna O'Brien Park Cost Estimate

Services	Cost
Utilities	
Water	\$43,109
Electrical	\$23,100
Telephone	\$610
Contracts	
Landscaping Contract	\$24,000
Maintenance Contract	\$29,280
Security Contract	\$1,700
Janitorial Contract	\$6,900
Materials	
Maintenance & Repairs	\$4,500
Doggie Bags	\$300
Backflow Certification	\$40
Bathroom Essentials	\$600
Marna O'Brien Total	\$134,139

2. Regency Heritage Park - located at 20171 Autumn Oaks Place, Wildomar, CA, is a neighborhood park with a kid's play area and a tot lot. The park is also encompassed by two basketball courts, a granite walkway, picnic shelters and park benches. Regency Heritage Park will also include a dog park with a fenced walkway. The estimated cost for services is as follows:

Regency Heritage Park  
Cost Estimate

Services	Cost
Utilities	
Water	\$14,300
Electrical	
Telephone	
Contracts	
Landscaping Contract	\$11,400
Maintenance Contract	\$10,560
Security Contract	\$1,700
Janitorial Contract	
Materials	
Maintenance & Repairs	\$2,000
Doggie Bags	\$300
Backflow Certification	\$40
Bathroom Essentials	
Regency Heritage Park Total	\$40,300

3. Windsong Park - located at 35459 Prairie Road, Wildomar, CA is a neighborhood park that includes a walkway, around the perimeter, picnic tables, pavilions, tot-lot and basketball court. The estimated cost for services is as follows:

#### Windsong Park Cost Estimate

Services	Cost
Utilities	
Water	\$14,300
Electrical	\$2,400
Telephone	
Contracts	
Landscaping Contract	\$10,200
Maintenance Contract	\$8,160
Security Contract	\$1,700
Janitorial Contract	
Materials	
Maintenance & Repairs	\$2,000
Doggie Bags	\$300
Backflow Certification	\$40
Bathroom Essentials	
<b>Windsong Park Total</b>	<b>\$39,100.00</b>

#### Cost Estimate Summary

Marna O'Brien Park Total	\$134,139
Regency Heritage Park Total	\$40,300
Windsong Park Total	\$39,100
Subtotal	\$213,539
Department Services Staffing	\$16,000
Administration	\$20,000
Park Programs	\$40,000
<b>Total</b>	<b>\$289,539</b>

#### E. Cost Estimate – Facilities

The estimated total cost of the facilities for the future park, to be funded by the levy of Special Tax B of the issuance of bonds by CFD 2011-1 is estimated at \$1,950,000.00.

The types of Facilities envisioned for the future park site would be various state of the art sports fields, basketball courts, tennis courts, field and court lighting for night play, jogging trails, a tot-lot, picnic and barbeque areas, passive recreational areas, snack bars and restrooms.

## F. Rates and Method of Apportionment of Special Tax

1. The Resolution of Intention generally sets forth the rates and method of apportionment of the special tax to allow each landowner or resident within the District to estimate the annual amount of special tax that will be required.

2. The rates and methods of apportioning special taxes (Special Tax A for Services and Special Taxes B for facilities) that will be levied on parcels of taxable property within CFD No. 2011-1 and that will fund the Special Tax A Requirement, the Special Tax B Requirement, as those terms are defined in the Rate and Method of Apportionment of Special Taxes were incorporated in the Resolution of Intention and are also part of the Resolution forming CFD No. 2011-1. The rates and methods of apportionment of the special tax allow each property owner within CFD No. 2011-1 to estimate the maximum annual special tax on a given parcel of property.

### Special Tax A Rates Community Facilities District No. 2011-1 (Wildomar Parks)

Land Use Category	Benefit Unit Assignment	Assigned Special Tax A Rate	Maximum Special Tax A Rate
Single Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Multi Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Non-Residential Property	Two (2) BU per Acre	\$23 per BU	\$28 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$23 per BU	\$28 per BU

Special Tax A is to pay for the cost of maintenance services. The Maximum Rate for Tax A is \$28 per BU, which is a \$5 increase above the assigned Special Tax A, and would be levied once the future park has been equipped for use by the community. Special Tax A will escalate by the increase of CPI, Consumer Price Index. Special Tax A will be levied for as long as services are provided.

**Maximum Special Tax B Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

Land Use Category	Benefit Unit Assignment	Maximum Special Tax B Rate
Single Family Property	One (1) BU per Residential Unit	\$17 per BU
Multi Family Property	One (1) BU per Residential Unit	\$17 per BU
Non-Residential Property	Two (2) BU per Acre	\$17 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$17 per BU

Special Tax B is to pay for facilities for the future park. The Maximum Rate for Special Tax B is \$17 per BU and will be levied to pay for any bonds issued as part of CFD No. 2011-1. Special Tax B will escalate at 2% per year starting Fiscal Year 2012-13 and can be levied until FY 2045-46.

**G. Senior Citizen Exemption from Special Tax**

A property owner may apply for a senior citizen exemption from the Special Tax which would provide a one-hundred percent (100%) exemption from the Special Tax on dwelling units owned and occupied by senior citizens. The property owner must meet certain qualifications and complete an application similar to "Exhibit A" attached hereto. Applications for the initial fiscal year exemption must be completed by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. The City reserves the right to make minor changes to the application or qualifications for exemption as the need arises which would require City Council approval.

**H. Prepayment of Special Tax B**

The Special Tax B obligation of a parcel of property within CFD No. 2011-1 may be prepaid under the terms and conditions set forth in the rates and methods of apportionment of special tax incorporated within the Resolution of Intention.

**I. Manner of Collection**

The special tax shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties and interest, in any case of delinquency, as applicable for ad valorem taxes.

For particulars as to the rates and method of apportionment, see Appendix "C".

It is my opinion that the special tax rates and method of apportionment, as above set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Executed this 16<sup>TH</sup> day of FEBRUARY, 2011

ALBERT A. WEBB ASSOCIATES



SHANE SPICER  
SPECIAL TAX CONSULTANT  
CITY OF WILDOMAR  
STATE OF CALIFORNIA

Appendix A

Proposed Boundary Map

A L B E R T A .

**WEBB**

A S S O C I A T E S

75/2

City of

SHEET OF 1 SHEET

# PROPOSED BOUNDARY MAP

## COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS), CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF WILDOMAR AT A SPECIAL MEETING THEREOF HELD ON 25th DAY OF Jan., 2011.  
BY ITS RESOLUTION NO. 2011-07

*Devin A. Lee*  
CITY CLERK  
CITY OF WILDOMAR

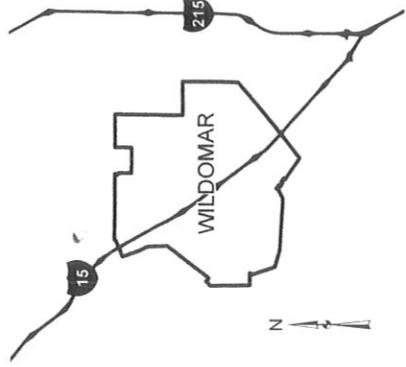
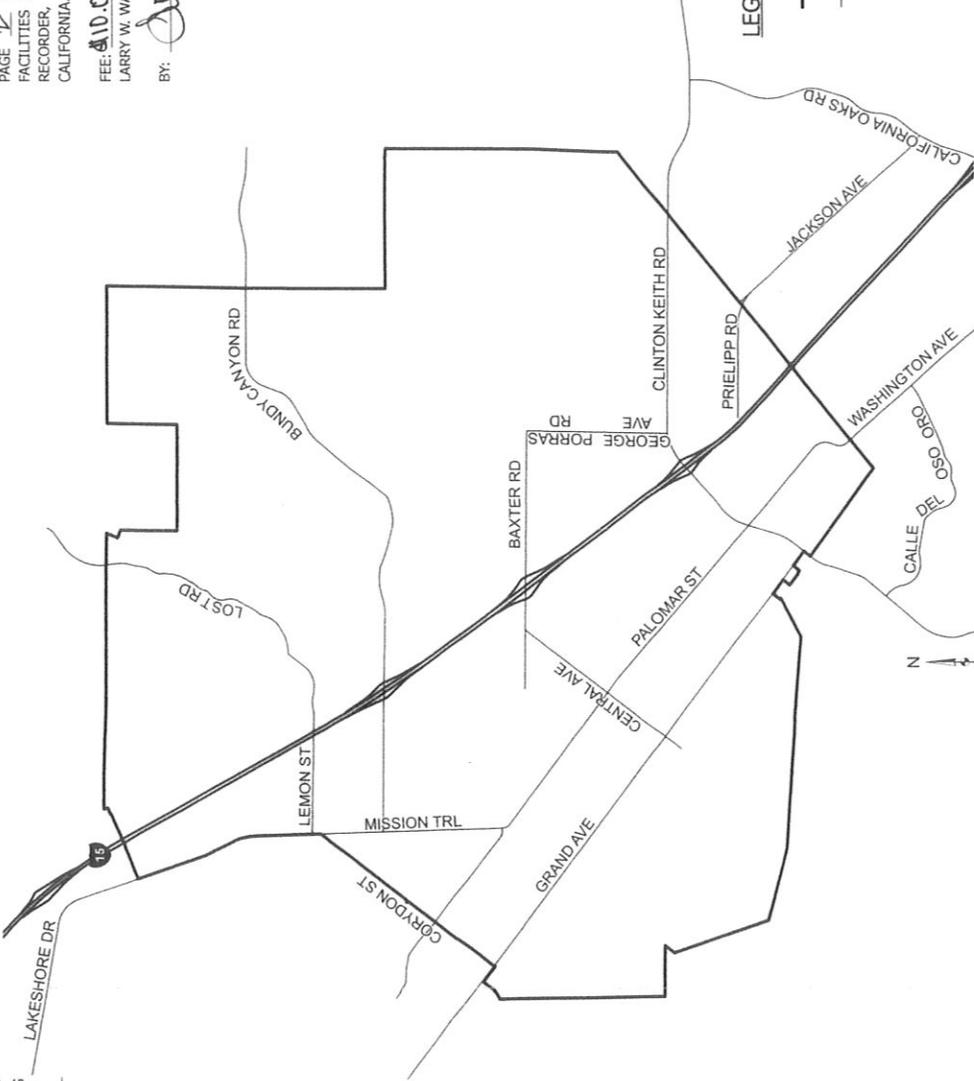
FILED IN THE OFFICE OF THE CITY CLERK, CITY OF WILDOMAR,  
THIS 25th DAY OF Jan., 2011.  
BY ITS RESOLUTION NO. 2011-07

*Devin A. Lee*  
CITY CLERK  
CITY OF WILDOMAR

RECORDED THIS 4th DAY OF February, 2011  
AT THE HOUR OF 9:17 O'CLOCK A.M. IN BOOK 15  
PAGE 2 OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY  
RECORDER, IN THE COUNTY OF RIVERSIDE, STATE OF  
CALIFORNIA.

FEES: \$10.00 INSTRUMENT NO.: 2011-0056897  
LARRY W. WARD, ASSESSOR, COUNTY CLERK, RECORDER

BY: *Devin A. Lee*  
DEPUTY



THIS BOUNDARY MAP CORRECTLY SHOWS THE BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. FOR DETAILS CONCERNING THE LINES AND DIMENSIONS OF LOTS OR PARCELS REFER TO THE COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2010-2011.

ALBERT A. WEBB  
ASSOCIATES  
PLANNING CONSULTANTS

NOT TO SCALE

VICINITY MAP  
NOT TO SCALE

### LEGEND

- CFD BOUNDARY
- STREETS

Appendix B

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Rates and Method of Apportionment

**RATES AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR  
COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(WILDOMAR PARKS)  
OF THE CITY OF WILDOMAR**

The following sets forth the Rate and Method of Apportionment for the levy and collection of Special Tax A and Special Tax B (defined below) which shall be levied on and collected from each Assessor's Parcel (defined below) in Community Facilities District No. 2011-1 (Wildomar Parks), in each Fiscal Year, (defined below), commencing in the Fiscal Year beginning July 1, 2011, in an amount determined by the City Council of the City of Wildomar, acting ex officio as the legislative body of CFD No. 2011-1, by applying the rates and method of apportionment set forth below. All of the real property in CFD No. 2011-1, unless exempted by law or by the provisions herein, shall be taxed for the purposes, to the extent and in the manner provided herein.

**A. DEFINITIONS**

**“Act”** means the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code of the State of California.

**“Acre or Acreage”** means the land area of an Assessor's Parcel as shown on any Assessor's Parcel Map, or if the land area is not shown on the Assessor's Parcel Map, the land area as shown on the applicable Final Map, or if the area is not shown on the applicable Final Map, the land area shall be calculated by the Administrator.

**“Administrative Expenses”** means any ordinary and necessary expenses allocable to the Special Tax A Requirement and to the Special Tax B Requirement which are incurred by the City on behalf of CFD No. 2011-1 related to the determination of the amount of the levy of Special Tax A and Special Tax B, the collection of Special Tax A and Special Tax B including the expenses of collecting delinquencies, the administration of Special Tax B bonds, the payment of salaries and benefits of any City employee whose duties are directly related to the administration of CFD No. 2011-1, and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2011-1.

**“Administrator”** means an official of the City, or designee thereof, responsible for determining the Special Tax A Requirement and Special Tax B Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**“Approved Property”** means, in any Fiscal Year, all Assessor's Parcels of Taxable Property within CFD No. 2011-1 for which a Final Map was recorded prior to January 1 of any Fiscal Year, which are not yet Developed Property.

**“Assessor's Parcel”** means a lot or parcel of land that is identifiable by an Assessor's Parcel Number by the County Assessor of the County of Riverside.

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

**“Assessor’s Parcel Number”** means that identification number assigned to a parcel by the County Assessor of the County.

**"Assigned Special Tax A"** means the Special Tax A of that name described in Section C below.

**“Benefit Unit” (“BU”)** means a Single Family lot or dwelling unit or the equivalent. Single Family Property is assigned benefit units based on the number of Residential Units per Assessor’s Parcel with the basis being one (1) benefit unit per Residential Unit. Multi-Family Property is assigned one (1) benefit unit per Residential Unit. Non-Residential Property is assigned benefit units based on acreage with the basis being two (2) benefit units per Acre. Undeveloped is assigned units of benefit based upon acreage with the basis being one (1) benefit unit per Assessor’s Parcel.

**“CFD”** or **“CFD No. 2011-1”** means the City of Wildomar Community Facilities District No. 2011-1 (Wildomar Parks).

**“City”** means the City of Wildomar.

**“City Council”** or **“Council”** means the City Council of the City of Wildomar, acting as the legislative body of CFD No. 2011-1.

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

**“Developed Property”** means all Assessor’s Parcels of Taxable Property within CFD No. 2011-1 that: (i) are included in a Final Map that was recorded prior to January 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, and (ii) a building permit was issued on or before March 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Exempt Property”** means all Assessors’ Parcels within CFD No. 2011-1 designated as being exempt from the Special Tax as provided for in Section F.

**“Facilities”** means parks and park improvements and any other improvements or facilities designated by the City, with an estimated useful life of five (5) years or longer, which are eligible for financing under the Act.

**“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 1352 that creates individual lots for which building permits for residential or non-residential structures may be issued without further subdivision.

**“Fiscal Year”** means the period from and including July 1<sup>st</sup> of any year to and including the following June 30<sup>th</sup>.

**“Land Use Category”** means, individually, Single Family Property, Multi-Family Property, Non-Residential Property, or Undeveloped Property.

**"Lot"** means an individual legal lot created by a Final Map for which a building permit could be issued.

**"Maximum Special Tax"** means Maximum Special Tax A and/or Maximum Special Tax B as defined herein.

**"Maximum Special Tax A"** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor's Parcel of Taxable Property to satisfy the Special Tax A Requirement. The Maximum Special Tax A shall be increased annually by the percentage increase in the Consumer Price Index (All Items) for Los Angeles – Riverside – Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year, on March 1, 2011 for Fiscal Year 2011-12 and on each subsequent March 1 for the Fiscal Year then commencing.

**"Maximum Special Tax B"** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor's Parcel of Taxable Property to satisfy the Special Tax B Requirement. On July 1<sup>st</sup> of each Fiscal Year commencing July 1<sup>st</sup> of 2012, the Maximum Special Tax B shall be increased annually by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor's Parcel for the prior Fiscal Year.

**"Multi-Family Property"** means, in any Fiscal Year, any Assessor's Parcel of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls or any Assessor's Parcel of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls. Such Residential Units include but are not limited to duplexes, triplexes, townhomes, condominiums, and apartment units.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property within the boundaries of the CFD that are not Single Family Property, Multi-Family Property, Undeveloped Property, or Exempt Property.

**"Prepayment Amount"** means the amount required to prepay the Special Tax B obligation in full for an Assessor's Parcel, as described in Section G.

**"Proportionately"** means, for: (i) Single Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor's Parcels of Single Family Property, (ii) Multi-Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor's Parcels of Multi-Family Property, (iii) Non-Residential Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit is the same for all such Assessor's Parcels of Non-Residential Property, and (iv) Undeveloped Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit as applicable, is the same for all such Assessor's Parcels of Undeveloped Property

**“Residential Property”** means all Assessor’s Parcels of Approved or Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been or will be issued for purposes of constructing or placing one or more residential dwelling units or upon which a residential dwelling unit has been constructed.

**“Residential Unit”** means, for each Fiscal Year, a building or portion thereof on an Assessor’s Parcel intended for use by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single family and multifamily dwellings. Residential Unit shall not include hotels or motels which shall be classified as Non-Residential Property.

**“Service(s)”** means those services authorized to be funded by CFD No. 2011-1 as set forth in the documents adopted by the City Council when the CFD was formed.

**“Single Family Property”** means, for any Fiscal Year, all Assessor’s Parcels of Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been issued for purposes of constructing a detached Residential Unit, or all Assessor’s Parcels of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for construction of a detached Residential Unit. Such Residential Unit does not or will not share a common wall with another Residential Unit.

**“Special Tax(es)”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property for Special Tax A and/or Special Tax B.

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

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

**“Special Tax A Requirement”** means the amount, after taking into consideration available funds, required in any Fiscal Year to pay: (1) costs related to the Services authorized by the City to be funded and (2) Administrative Expenses attributable to said Services, as determined by the City.

**“Special Tax B Requirement”** means the amount required in any Fiscal Year after taking into consideration available funds pursuant to the bond indenture: (1) to pay principal of and interest on all Outstanding Bonds of CFD No. 2011-1, (2) to pay Administrative Expenses attributable to such bonds and the levy and collection of the Special Taxes, (3) to pay costs of credit enhancement for such bonds and any amount required to be rebated to the United States with respect to such bonds, (4) to replenish the reserve fund for such bonds, and (5) to provide any amounts which the City Council determines are necessary to pay the costs of the provision, construction and acquisition of the Facilities and/or accumulate funds therefor prior to bond sale.

**"Taxable Property"** means all Assessor’s Parcels within CFD No. 2011-1, which are not Exempt Property.

**“Undeveloped Property”** means, for each Fiscal Year, all Assessor’s Parcels of Taxable Property within the boundaries of CFD No. 2011-1 that are not classified as Developed Property or Approved Property, as determined by the Administrator.

**B. ASSIGNMENT TO LAND USE CATEGORY**

On or about June 1 of each Fiscal Year the Administrator shall identify the current Assessor’s Parcel Number assigned to all Assessor’s Parcels of Taxable Property within CFD No. 2011-1.

The Administrator shall then determine: (i) whether each Assessor’s Parcel of Taxable Property is Developed Property, Approved Property, or Undeveloped Property, using the definitions above; (ii) for Developed Property or Approved Property, which Assessor’s Parcel are Single Family Property, Multi-Family Property, or Non-Residential Property, using the definitions above; (iii) for Developed Property and Approved Property that is Multi-Family Property, the number of Residential Units within each building based on reference to the building permit, site plan, condominium plan, or other development plan; and (iv) the Special Tax A Requirement and the Special Tax B Requirement. Developed Property, Approved Property and Undeveloped Property shall be subject to the Special Taxes pursuant to Sections C and D below.

**C. SPECIAL TAX RATES**

**Developed, Approved, and Undeveloped Property**

Upon determination that an Assessor’s Parcel of Taxable Property is Approved Property, Developed Property, or Undeveloped Property the Special Tax rates shall be the amounts shown in Table 1 for Special Tax A and the amounts shown in Table 2 for Special Tax B according to the Land Use Category within CFD No. 2011-1.

**TABLE 1  
Special Tax A Rates  
Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Assigned Special Tax A Rate</b>	<b>Maximum Special Tax A Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Multi Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Non-Residential Property	Two (2) BU per Acre	\$23 per BU	\$28 per BU
Undeveloped Property	One (1) BU per Assessor’s Parcel	\$23 per BU	\$28 per BU

**TABLE 2**  
**Maximum Special Tax B Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Maximum Special Tax B Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$17 per BU
Multi Family Property	One (1) BU per Residential Unit	\$17 per BU
Non-Residential Property	Two (2) BU per Acre	\$17 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$17 per BU

**Exempt Property**

No Special Tax shall be levied on Exempt Property.

**Annual Escalation of Special Taxes**

For both Assigned Special Tax A and Maximum Special A Tax Rates, beginning March 1, 2012 and each March 1 thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the Maximum Special Taxes for the previous Fiscal Year increased by the percentage increase in the Consumer Price Index (All Items) for Los Angeles - Riverside - Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year.

For Maximum Special B Tax Rates, beginning July 1, 2012 and each March 1<sup>st</sup> thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the Maximum Special Taxes for the previous Fiscal Year increased by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor's Parcel for the prior Fiscal Year.

**D. METHOD OF APPORTIONMENT OF ANNUAL SPECIAL TAX**

Commencing with the Fiscal Year in which the City Council determines that the levy of the Special Taxes shall commence and for each subsequent Fiscal Year, the Council shall determine the total amount of Special Taxes to be levied and collected in that Fiscal Year in order to satisfy the Special Tax A Requirement and the Special Tax B Requirement for such Fiscal Year. The Council shall levy the Special Taxes on all Assessor's Parcels of Taxable Property in the following priority until it has levied the amount necessary to satisfy both the Special Tax A Requirement and the Special Tax B Requirement for the Fiscal Year as follows:

(a) Special Tax A Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property, Developed Property and Undeveloped Property in equal percentages up to 100% of Assigned Special Tax A Rate set forth in Table 1; and

(2) Second: If additional funds are needed, the Special Tax A shall be levied on all Assessor's Parcels of Approved, Developed and Undeveloped Property in equal percentages up to 100% of the Maximum Special Tax A set forth in Table 1.

(b) Special Tax B Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Developed Property in equal percentages up to 100% of the applicable Maximum Special Tax B as set forth in Table 2; and

(2) Second: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property in equal percentages up to 100% of the Maximum Special Tax B for Approved Property; and

(3) Third: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Undeveloped Property in equal percentages up to 100% of the Maximum Special Tax B for Undeveloped Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any fiscal year against any Assessor's Parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within the CFD by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

## **E. INTERPRETATIONS OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. The City may make interpretations by ordinance or resolution for the purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment of Special Tax.

## **F. EXEMPTIONS**

The City shall classify as Exempt Property within CFD No. 2011-1, any Assessor's Parcel in any of the following categories; (i) Assessor's Parcels which are owned by, irrevocably offered for dedication to, encumbered by or restricted in use by any public entity; (ii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement; (iii) Assessor's Parcels which are privately owned but are encumbered by or restricted solely for public uses; (iv) any Assessor's Parcel which is in use in the performance of a public function as determined by the Administrator; or (v) Assessor's Parcel used as a place of worship or for other religious activities as determined by the Administrator.

### **Senior Citizen Exemptions from Special Tax**

A property owner may apply for a senior citizen exemption from the Special Tax which would provide a one-hundred percent (100%) exemption from the Special Tax on dwelling units

owned and occupied by senior citizens. The property owner must meet certain qualifications and complete an application similar to “Exhibit A” attached hereto. Applications for the initial fiscal year exemption must be completed by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. The City reserves the right to make minor changes to the application or qualifications for exemption as the need arises which would require City Council approval.

**G. PREPAYMENT OF SPECIAL TAX B**

The following definition applies to this Section G:

**“Outstanding Bonds”** means all previously issued bonds issued and secured by the levy of Special Tax B which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding bonds to be redeemed at a later date with the proceeds of prior prepayments of Maximum Special Tax B.

**Prepayment**

The Special Tax B obligation of an Assessor's Parcel of Approved Property, an Assessor's Parcel of Developed Property, and an Assessor's Parcel of Undeveloped Property may be prepaid in full, provided that there are no delinquent Special Tax B taxes, penalties, or interest charges outstanding with respect to such Assessor’s Parcel at the time the Special Tax B obligation would be prepaid. The Prepayment Amount for an Assessor’s Parcel eligible for prepayment shall be determined as described below.

An owner of an Assessor’s Parcel intending to prepay the Special Tax B obligation shall provide the City with written notice of intent to prepay, and within 5 days of receipt of such notice, the City shall notify such owner of the amount of the non-refundable deposit determined to cover the cost to be incurred by CFD No. 2011-1 in calculating the proper amount of a prepayment. Within 15 days of receipt of such non-refundable deposit, the City shall notify such owner of the prepayment amount of such Assessor’s Parcel.

The Prepayment Amount for each applicable Assessor's Parcel shall be calculated according to the following formula (capitalized terms defined below):

$$\begin{array}{rcl} & & \text{Payoff Amount} \\ \text{plus} & & \text{Administrative Fee} \\ \text{equals} & & \text{Prepayment Amount} \end{array}$$

As of the date of prepayment, the Prepayment Amount shall be calculated as follows:

1. For an Assessor’s Parcel of Developed Property and Approved Property, compute the Maximum Special Tax B applicable to the Assessor’s Parcel. For an Assessor’s Parcel of Undeveloped Property compute the Maximum Special Tax B as though it was already

designated as Developed Property based upon the building permit issued or expected to be issued for that Assessor's Parcel.

For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property compute the present value of the remaining Maximum Special Tax B payments using a discount rate that is equal to the weighted average interest rate on the Outstanding Bonds and the remaining term of the Outstanding Bonds determined by a financial advisor selected by the City. For any prepayment that occurs prior to the issuance of Bonds, the discount rate used in this calculation shall be 6.5% and the term shall be the period in which the Special Tax B may be levied as provided in Section J less ten years. This is the "Payoff Amount."

2. For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property, divide the Maximum Special Tax B computed pursuant to the first paragraph in paragraph 1 of this Section G for such Assessor's Parcel by the sum of the estimated Maximum Special Tax B applicable to all Assessor's Parcels of Taxable Property at buildout, as reasonably determined by the City.

3. Multiply the quotient computed pursuant to paragraph 2 by the Outstanding Bonds. The product shall be the "Bond Redemption Amount".

4. Multiply the Bond Redemption Amount by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed with the proceeds of the Bond Redemption Amount. This product is the "Redemption Premium."

5. Compute the amount needed to pay interest on the Bond Redemption Amount to be redeemed with the proceeds of the Prepayment Amount until the earliest call date for the Outstanding Bonds.

6. Determine the amount of interest earnings to be derived from the reinvestment of the Bond Redemption Amount plus the Redemption Premium in State and Local Government Series Treasury Obligations until the earliest call date for the Outstanding Bonds.

7. Subtract the amount computed pursuant to paragraph 6 from the amount computed pursuant to paragraph 5. This difference is the "Defeasance Cost."

8. Estimate the administrative fees and expenses associated with the prepayment, including the costs of computation of the Prepayment Amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption. This amount is the "Administrative Fee."

9. Calculate the "Reserve Fund Credit" as the lesser of: (a) the expected reduction in the applicable reserve requirements, if any, associated with the redemption of Outstanding Bonds as a result of the prepayment, or (b) the amount derived by subtracting the new reserve requirements in effect after the redemption of Outstanding Bonds as a result of the prepayment from the balance in the applicable reserve funds on the prepayment date. Notwithstanding the foregoing, if the reserve fund requirement is satisfied by a surety bond or other instrument at the time of the prepayment, then no Reserve Fund Credit shall be given. Notwithstanding the foregoing, the Reserve Fund Credit shall in no event be less than zero.

10. The “Amount to Call Bonds” is equal to the sum of the Bond Redemption Amount, the Redemption Premium, and the Defeasance Cost, less the Reserve Fund Credit (the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds).

11. The Prepayment Amount is the sum of the Amount to Call Bonds and the Administrative Fee.

12. From the Prepayment Amount, the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds pursuant to the bond fiscal agent agreement or escrow agreement; the Administrative Fee will be transferred to the administrative fund or functionally equivalent fund or account pursuant to the fiscal agent agreement and used to pay administrative expenses; the remainder will be transferred to the Surplus Taxes Fund or functionally equivalent fund or account pursuant to the Fiscal agent agreement.

With respect to the Special Tax B obligation that is prepaid pursuant to this Section G, the City Council shall indicate in the records of CFD No. 2011-1 that there has been a prepayment of the Special Tax B obligation and shall cause a suitable notice to be recorded in compliance with the Act within thirty (30) days of receipt of such prepayment to indicate the prepayment of the Special Tax B obligation and the release of the Special Tax B lien on such Assessor’s Parcel, and the obligation of such Assessor’s Parcel to pay such Special Tax B shall cease.

Notwithstanding the foregoing, no prepayment will be allowed unless the total amount of Special Tax B that may be levied on Taxable Property after such full prepayment, net of Administrative Expenses, shall be at least 1.1 times the regularly scheduled annual interest and principal payments on all currently Outstanding Bonds in each future Fiscal Year as determined by the Administrator or, at the option of the Administrator, a financial advisor or special tax consultant.

## **H. APPEALS**

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the City not later than twelve months after having paid the first installment of the Special Tax that is disputed. A representative(s) of CFD No. 2011-1 shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the representative’s decision requires that the Special Tax for an Assessor’s Parcel be modified or changed in favor of the property owner, a cash refund shall not be made, but an adjustment shall be made to the Special Tax on that Assessor’s Parcel in the subsequent Fiscal Year(s).

## **I. MANNER OF COLLECTION**

The Special Taxes shall be collected in the same manner and at the same time as ad valorem property taxes and shall be subject to the same penalties, and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, that the

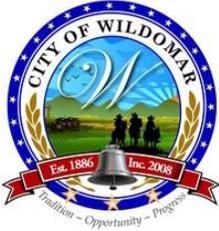
City may collect Special Taxes at a different time or in a different manner, if necessary, to meet the financial obligations of CFD No. 2011-1.

**J. TERM OF SPECIAL TAX**

All Assessor's Parcels of Taxable Property shall continue to be subject to the levy and collection of the Special Tax A to satisfy the Special Tax A Requirement as long as the City provides the Services within and for the benefit of the residents within CFD No. 2011-1.

Pursuant to Section 53321(d) of the Government Code of the State of California, the tax year after which no further Special Tax B shall be levied or collected with respect to any Assessor's Parcel within CFD No. 2011-1 to satisfy the Special Tax B Requirement shall be Fiscal Year 2045-46.

# EXHIBIT A



## COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) SENIOR CITIZEN CFD NO. 2011-1 TAX EXEMPTION APPLICATION

Applications must be filed annually by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. In accordance with the provisions of the resolution adopting and imposing this CFD No. 2011-1 Tax, failure to file by the previously stated deadlines will automatically invalidate the CFD No. 2011-1 Tax exemption for that tax year. No exceptions can be granted to the closing date.

This application is for a senior citizen tax exemption with respect to the special tax (the "CFD No. 2011-1 Tax") imposed on the Community Facilities District No. 2011-1 (Wildomar Parks) by the City Council of the City of Wildomar (the "City") pursuant to Resolution No. \_\_\_\_\_. The application is made with respect to:

Assessor's Parcel No: \_\_\_\_\_

Property Address: \_\_\_\_\_  
(hereinafter referred to as the dwelling unit).

The property owner or the property authorized legal representative must provide the following information:

1. Name of property owner(s) and eligible spouse, if any, and date of birth (please type or print):

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Eligible Spouse  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

2. The property owner and/or eligible spouse must submit with this application a copy of a birth certificate, driver's license, or other official document showing date of birth. To be eligible for the reduction in the CFD No. 2011-1 Tax, the property owner or eligible spouse must be at least 62 years of age by July 1, 2011.
3. The property owner must also provide evidence of ownership of the dwelling unit. Such evidence may consist of a copy of the county tax bill for the property, a copy of a title report or title policy issued in the last year, a copy of a recorded deed, or other official document acceptable to the City. If the property owner is claiming the reduction in CFD No. 2011-1 Tax through a spouse who is not an owner

of the property, the property owner and spouse hereto certify that the dwelling unit is their primary residence.

4. Each property owner certifies that he/she understands that: (a) the application is for a reduction in the CFD No. 2011-1 Tax of one hundred percent (100%); and (b) for the reduction to continue beyond one year, the City will review the updated property records and will verify that no changes of ownership or residency have occurred at the property. If the property ownership and residency are the same as in the previous fiscal year, the property owner will continue to receive the exemption from the tax.
5. Each property owner certifies that the dwelling unit is the primary residence of the property owner.
6. I/we certify that this is the only application reduction in the Tax that I/we have filed for the 2011/2012 CFD No. 2011-1 Tax year.
7. If there is more than one property owner, each such owner must sign this application. If the exemption is being claimed through a spouse who is not a property owner, the spouse must sign this application.
8. This application may be executed in several counterparts, each of which shall be an original and all of which shall constitute both one and the same application.

I/we declare under penalty of perjury, under the laws of the State of California, that the foregoing and the documentary evidence submitted herewith are true and correct.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_, 2011.

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

If signing in a representative capacity on behalf of the property owner or spouse, a copy of the document authorizing you to sign in representative capacity must be submitted herewith.

The City will not be responsible for returning the original or copies of documents submitted with this application. Copies must be legible. Failure to provide all the required information and documentation by June 1, 2011 will constitute cause for denying the tax exemption.

If you have any questions about this form: Please contact City of Wildomar, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595. Telephone: (951) 677-7751, ext. \_\_\_\_.

Appendix C

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Resolution of Intention No. 2011-07

**RESOLUTION NO. 2011 - 07**

**A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF  
THE CITY OF WILDOMAR, CALIFORNIA, TO ESTABLISH  
COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR  
PARKS) OF THE CITY OF WILDOMAR AND TO AUTHORIZE  
THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY  
FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF  
THE CITY OF WILDOMAR**

**WHEREAS**, the City Council (the "Council") of the City of Wildomar (the "City") intends to institute proceedings to establish a community facilities district pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), commencing with Section 53311 of the California Government Code (the "Government Code"), and to authorize the levy of special taxes (the "Special Taxes"), consisting of "Special Tax A" and "Special Tax B" (as such terms are defined in Exhibit "C" attached hereto) within Community Facilities District No. 2011-1; and

**WHEREAS**, the Council desires to adopt this resolution of intention as provided in Section 53321 of the Act to establish a community facilities district consisting of the territory described in Exhibit "A" attached hereto and incorporated herein by this reference, which community facilities district shall be known as "Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar" ("Community Facilities District No. 2011-1" or "District") pursuant to the Act to finance (1) the cost of providing proposed services (the "Services") to Community Facilities District No. 2011-1, which Services are described in Exhibit "B" hereto and incorporated herein by this reference, and (2) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property described in Exhibit "B", including all furnishings, equipment and supplies related thereto (collectively, the "Facilities"), which proposed Facilities have a useful life of five years or longer; and

**WHEREAS**, it is the further intention of the Council to consider financing the Facilities and incidental expenses relating thereto through the formation of Community Facilities District No. 2011-1 and the sale of bonded indebtedness in an amount not to exceed \$5,000,000 within Community Facilities District No. 2011-1 and the levy of Special Tax B therein to pay for the Facilities and such incidental expenses relating thereto and to pay debt service on the bonded indebtedness incurred by Community Facilities District No. 2011-1, provided that the bond sales and Special Tax B levies are approved at an election to be held within Community Facilities District No. 2011-1.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES**

**HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

The above recitals are true and correct.

The Council hereby declares that it proposes and intends to establish a community facilities district pursuant to the provisions of the Act, in the manner described below.

The proposed boundaries of the community facilities district shall be as described on the boundary map (the "Boundary Map") set forth in Exhibit "A" hereto, which boundaries shall, upon recordation of the Boundary Map for Community Facilities District No. 2011-1, include the entirety of any parcel subject to taxation by Community Facilities District No. 2011-1. The proposed boundaries of Community Facilities District No. 2011-1 are depicted on the Boundary Map of the proposed Community Facilities District No. 2011-1 which is on file in the office of the City Clerk entitled "Proposed Boundary Map, Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar, County of Riverside, State of California" which Boundary Map indicates by a boundary line the extent of the territory included in the proposed community facilities district and shall govern for all details as to the extent of Community Facilities District No. 2011-1. On the original and one copy of the Boundary Map of such Community Facilities District No. 2011-1 on file in the City Clerk's office, the City Clerk shall endorse the certificate evidencing the date and adoption of this Resolution. The City Clerk shall file the original of such Boundary Map in the office of the City Clerk, and, within fifteen (15) days after the adoption of this Resolution, the City Clerk shall file a copy of such Boundary Map so endorsed in the records of the County Recorder, County of Riverside, State of California and cause the Recorder certificate on such Boundary Map to be completed and executed by a representative of the Recorder's staff.

The name of the proposed community facilities district shall be "Community Facilities District No. 2011-1 (Wildomar Parks) of the City of Wildomar".

The Services and Facilities proposed to be provided and financed by Community Facilities District No. 2011-1 are described on Exhibit "B" attached hereto. The cost of providing the Services and Facilities includes "incidental expenses," which include expenses to be incurred in connection with the determination of the amount of the levy of Special Tax A and Special Tax B, the collection of Special Tax A and Special Tax B including the expenses of collecting delinquencies, the issuance and administration of Special Tax B bonds, the payment of salaries and benefits of any City employee whose duties are directly related to the administration of the District, and costs otherwise incurred in order to carry out the authorized purposes of the District. The Council hereby finds and determines that the description of the Services and Facilities herein is sufficiently informative to allow taxpayers within the proposed District to understand what the funds may be used to finance. The Council hereby finds that the proposed Facilities are necessary to meet increased demands placed upon the City as a result of development occurring in Community Facilities District No. 2011-1. The Facilities may be acquired from one or more of the property owners as completed public improvements or may be constructed from bond or special tax proceeds. All or a portion of the Facilities may be purchased with District funds as completed public facilities pursuant to Section 53314.9 of

the Act. Any portion of the Facilities may be financed through a lease or lease-purchase arrangement if Community Facilities District No. 2011-1 hereafter determines that such arrangement is of benefit to Community Facilities District No. 2011-1.

Except where funds are otherwise available, the special taxes, secured by recordation of a continuing lien against all nonexempt real property in Community Facilities District No. 2011-1, will be levied annually within Community Facilities District No. 2011-1 sufficient to pay for the Services and Facilities (including incidental expenses). The proposed rate and method of apportionment and manner of collection of the special taxes within Community Facilities District No. 2011-1 (the "Rate and Method") is described in detail in Exhibit "C" attached hereto and incorporated herein by this reference. The Rate and Method allows each landowner within Community Facilities District No. 2011-1 to estimate the maximum amount that may be levied against each parcel. In the first year in which such special taxes are levied, the levy shall include an amount sufficient to repay Community Facilities District No. 2011-1 all amounts, if any, transferred to Community Facilities District No. 2011-1 pursuant to Section 53314 of the Act and interest thereon.

If Special Tax B for Facilities of Community Facilities District No. 2011-1 is levied against any taxable parcel, (i) the maximum special tax rate applicable thereto shall be increased by an amount equal to 2% per year as provided in the Rate and Method; (ii) such Special Tax B shall not be levied or collected after Fiscal Year 2045-46, except that any such Special Tax B that was lawfully levied in or before Fiscal Year 2045-46 and that remains delinquent may be collected in subsequent years, as further described in the Rate and Method; and (iii) under no circumstances will the Special Tax B levied in any Fiscal Year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within Community Facilities District No. 2011-1 by more than 10% above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults..

A public hearing (the "Hearing") on the establishment of Community Facilities District No. 2011-1, the proposed Rate and Method, and the proposed issuance of bonds by Community Facilities District No. 2011-1 to finance the Facilities (including incidental expenses related thereto) shall be held on February 24, 2011, at 6:30 o'clock p.m., or as soon thereafter as practicable, at the chambers of the City Council of the City of Wildomar, 23873 Clinton Keith Road, Wildomar, California 92595. Should the Council determine to form Community Facilities District No. 2011-1, a special election will be held within Community Facilities District No. 2011-1 to authorize the issuance of bonds and the levy of the special taxes in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election will be a vote of the registered voters within Community Facilities District No. 2011-1 at a general election to be held on June 7, 2011.

At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed District, may appear and be heard.

Each City officer who is or will be responsible for providing one or more of the proposed types of public services or facilities to be financed by Community Facilities District No. 2011-1, if it is established, is hereby directed to study the proposed community facilities district and, at or before the time of the above-mentioned Hearing, file a report (the "Report") with the City Council, which is to be made a part of the record of the Hearing, containing a brief description of the public services and facilities by type that will in his or her opinion be required to adequately meet the needs of Community Facilities District No. 2011-1 and an estimate of the cost of providing those public services and facilities, including an estimate of the fair and reasonable cost of any incidental expenses to be incurred.

The City may accept advances of funds or work-in-kind from any sources, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying the cost incurred in creating Community Facilities District No. 2011-1. The District may enter into an agreement 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 Council, with or without interest.

The City Clerk is hereby directed to publish, or cause to be published, a notice of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of Community Facilities District No. 2011-1. Such notice shall contain the information prescribed by Section 53322 of the Act. Such publication shall be completed at least 7 days prior to the date of the Hearing.

Except to the extent limited in any bond resolution or trust indenture related to the issuance of bonds, the Council hereby reserves to itself all rights and powers set forth in Section 53344.1 of the Act (relating to tenders in full or partial payment).

**PASSED, APPROVED AND ADOPTED** this 25th day of January, 2011.



Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs  
City Attorney



Debbie A. Lee, CMC  
City Clerk

# EXHIBIT "A"

## COMMUNITY FACILITIES DISTRICT NO. 2011-1 BOUNDARY

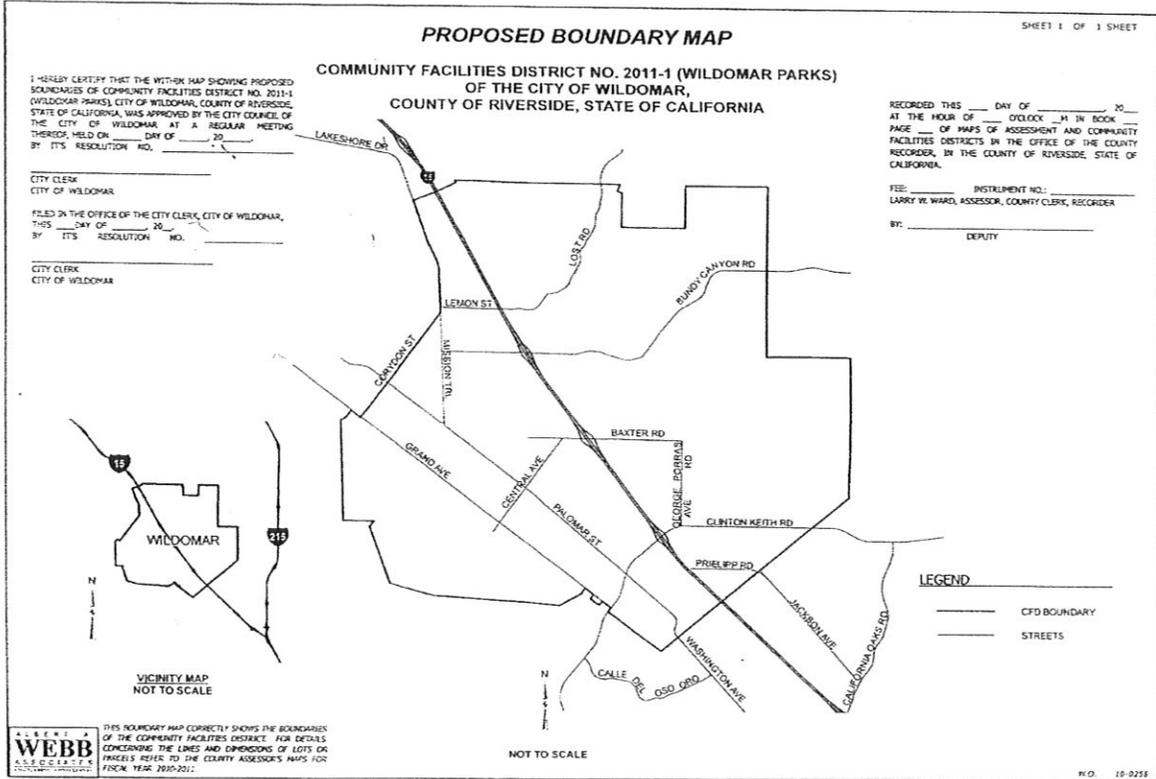


EXHIBIT "B"

TYPES OF SERVICES AND FACILITIES TO BE FINANCED BY  
COMMUNITY FACILITIES DISTRICT NO. 2011-1

A. The services which may be funded with proceeds of Special Tax A of Community Facilities District No. 2011-1 are as follows:

(1) Within the boundaries of parks within the City of Wildomar: (1) maintenance and repair of parks, including without limitation, (a) maintenance and repair of playground or recreation program equipment or facilities; (b) maintenance and repair of parkways, streets, roads and open space; (c) maintenance and repair of lighting, including furnishing of electrical power to lights and repair and replacement of damaged or inoperative light bulbs, fixtures and standards; (d) maintenance and repair of irrigation facilities and replacement of landscaping and vegetation; (e) maintenance and repair of public signage; (f) graffiti removal.

(2) Recreational programs and services.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in Exhibit C to this resolution of intention.

B. The facilities which may be funded with proceeds of Special Tax B of Community Facilities District No. 2011-1 are as follows:

(1) Facilities

The types of facilities to be financed by the Community Facilities District are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(2) Facilities to be purchased

The types of facilities to be purchased as completed facilities are park facilities and land, rights-of-way and easements necessary for any of such facilities and any and all appurtenant facilities and appurtenant work relating to the foregoing;

(3) Incidental expenses

The incidental expenses proposed to be incurred include the following:

(a) the cost of planning, designing, construction inspection, construction

management, and environmental expenses associated with the public facilities to be financed, including the cost of environmental evaluations of those facilities, legal services, materials testing, coordination, surveying, and any and all work relating to the foregoing;

- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

This description of the facilities is general in nature. The final nature and location of 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 Report.

## EXHIBIT C

### RATES AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR

The following sets forth the Rate and Method of Apportionment for the levy and collection of Special Tax A and Special Tax B (defined below) which shall be levied on and collected from each Assessor's Parcel (defined below) in Community Facilities District No. 2011-1 (Wildomar Parks), in each Fiscal Year, (defined below), commencing in the Fiscal Year beginning July 1, 2011, in an amount determined by the City Council of the City of Wildomar, acting ex officio as the legislative body of CFD No. 2011-1, by applying the rates and method of apportionment set forth below. All of the real property in CFD No. 2011-1, unless exempted by law or by the provisions herein, shall be taxed for the purposes, to the extent and in the manner provided herein.

#### A. DEFINITIONS

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code of the State of California.

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on any Assessor's Parcel Map, or if the land area is not shown on the Assessor's Parcel Map, the land area as shown on the applicable Final Map, or if the area is not shown on the applicable Final Map, the land area shall be calculated by the Administrator.

**"Administrative Expenses"** means any ordinary and necessary expenses allocable to the Special Tax A Requirement and to the Special Tax B Requirement which are incurred by the City on behalf of CFD No. 2011-1 related to the determination of the amount of the levy of Special Tax A and Special Tax B, the collection of Special Tax A and Special Tax B including the expenses of collecting delinquencies, the administration of Special Tax B bonds, the payment of salaries and benefits of any City employee whose duties are directly related to the administration of CFD No. 2011-1, and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2011-1.

**"Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax A Requirement and Special Tax B Requirement and providing for the levy and collection of the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**“Approved Property”** means, in any Fiscal Year, all Assessor’s Parcels of Taxable Property within CFD No. 2011-1 for which a Final Map was recorded prior to January 1 of any Fiscal Year, which are not yet Developed Property.

**“Assessor’s Parcel”** means a lot or parcel of land that is identifiable by an Assessor’s Parcel Number by the County Assessor of the County of Riverside.

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

**“Assessor’s Parcel Number”** means that identification number assigned to a parcel by the County Assessor of the County.

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

**“Benefit Unit” (“BU”)** means a Single Family lot or dwelling unit or the equivalent. Single Family Property is assigned benefit units based on the number of Residential Units per Assessor’s Parcel with the basis being one (1) benefit unit per Residential Unit. Multi-Family Property is assigned one (1) benefit unit per Residential Unit. Non-Residential Property is assigned benefit units based on acreage with the basis being two (2) benefit units per Acre. Undeveloped is assigned units of benefit based upon acreage with the basis being one (1) benefit unit per Assessor’s Parcel.

**“CFD”** or **“CFD No. 2011-1”** means the City of Wildomar Community Facilities District No. 2011-1 (Wildomar Parks).

**“City”** means the City of Wildomar.

**“City Council”** or **“Council”** means the City Council of the City of Wildomar, acting as the legislative body of CFD No. 2011-1.

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

**“Developed Property”** means all Assessor’s Parcels of Taxable Property within CFD No. 2011-1 that: (i) are included in a Final Map that was recorded prior to January 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied, and (ii) a building permit was issued on or before March 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied.

**“Exempt Property”** means all Assessors’ Parcels within CFD No. 2011-1 designated as being exempt from the Special Tax as provided for in Section F.

**“Facilities”** means parks and park improvements and any other improvements or facilities designated by the City, with an estimated useful life of five (5) years or longer, which are eligible for financing under the Act.

**“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 1352 that creates individual lots for which building permits for residential or non-residential structures may be issued without further subdivision.

**“Fiscal Year”** means the period from and including July 1<sup>st</sup> of any year to and including the following June 30<sup>th</sup>.

**“Land Use Category”** means, individually, Single Family Property, Multi-Family Property, Non-Residential Property, or Undeveloped Property.

**“Lot”** means an individual legal lot created by a Final Map for which a building permit could be issued.

**“Maximum Special Tax”** means Maximum Special Tax A and/or Maximum Special Tax B as defined herein.

**“Maximum Special Tax A”** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor’s Parcel of Taxable Property to satisfy the Special Tax A Requirement. The Maximum Special Tax A shall be increased annually by the percentage increase in the Consumer Price Index (All Items) for Los Angeles – Riverside – Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year, on March 1, 2011 for Fiscal Year 2011-12 and on each subsequent March 1 for the Fiscal Year then commencing.

**“Maximum Special Tax B”** means the maximum amount of Special Tax, determined pursuant to Section C, that can be levied by the City Council in any Fiscal Year on an Assessor’s Parcel of Taxable Property to satisfy the Special Tax B Requirement. On July 1<sup>st</sup> of each Fiscal Year commencing July 1<sup>st</sup> of 2012, the

Maximum Special Tax B shall be increased annually by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor's Parcel for the prior Fiscal Year.

**"Multi-Family Property"** means, in any Fiscal Year, any Assessor's Parcel of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls or any Assessor's Parcel of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more Residential Units that share common walls. Such Residential Units include but are not limited to duplexes, triplexes, townhomes, condominiums, and apartment units.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property within the boundaries of the CFD that are not Single Family Property, Multi-Family Property, Undeveloped Property, or Exempt Property.

**"Prepayment Amount"** means the amount required to prepay the Special Tax B obligation in full for an Assessor's Parcel, as described in Section G.

**"Proportionately"** means, for: (i) Single Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor's Parcels of Single Family Property, (ii) Multi-Family Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit, as applicable, is the same for all such Assessor's Parcels of Multi-Family Property, (iii) Non-Residential Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit is the same for all such Assessor's Parcels of Non-Residential Property, and (iv) Undeveloped Property, that the ratio of the actual Special Tax levy per Benefit Unit to the Assigned Special Tax A or Maximum Special Tax per Benefit Unit as applicable, is the same for all such Assessor's Parcels of Undeveloped Property

**"Residential Property"** means all Assessor's Parcels of Approved or Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been or will be issued for purposes of constructing or placing one or more residential dwelling units or upon which a residential dwelling unit has been constructed.

**"Residential Unit"** means, for each Fiscal Year, a building or portion thereof on an Assessor's Parcel intended for use by one (1) family and containing but one (1)

kitchen, which is designed primarily for residential occupancy including single family and multifamily dwellings. Residential Unit shall not include hotels or motels which shall be classified as Non-Residential Property.

**“Service(s)”** means those services authorized to be funded by CFD No. 2011-1 as set forth in the documents adopted by the City Council when the CFD was formed.

**“Single Family Property”** means, for any Fiscal Year, all Assessor’s Parcels of Developed Property within the boundaries of CFD No. 2011-1 for which a building permit has been issued for purposes of constructing a detached Residential Unit, or all Assessor’s Parcels of Approved Property within the boundaries of CFD No. 2011-1 for which a building permit may be issued for construction of a detached Residential Unit. Such Residential Unit does not or will not share a common wall with another Residential Unit.

**“Special Tax(es)”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property for Special Tax A and/or Special Tax B.

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

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

**“Special Tax A Requirement”** means the amount, after taking into consideration available funds, required in any Fiscal Year to pay: (1) costs related to the Services authorized by the City to be funded and (2) Administrative Expenses attributable to said Services, as determined by the City.

**“Special Tax B Requirement”** means the amount required in any Fiscal Year after taking into consideration available funds pursuant to the bond indenture: (1) to pay principal of and interest on all Outstanding Bonds of CFD No. 2011-1, (2) to pay Administrative Expenses attributable to such bonds and the levy and collection of the Special Taxes, (3) to pay costs of credit enhancement for such bonds and any amount required to be rebated to the United States with respect to such bonds, (4) to replenish the reserve fund for such bonds, and (5) to provide any amounts which the City Council determines are necessary to pay the costs of the provision, construction and acquisition of the Facilities and/or accumulate funds therefore prior to bond sale.

**"Taxable Property"** means all Assessor's Parcels within CFD No. 2011-1, which are not Exempt Property.

**"Undeveloped Property"** means, for each Fiscal Year, all Assessor's Parcels of Taxable Property within the boundaries of CFD No. 2011-1 that are not classified as Developed Property or Approved Property, as determined by the Administrator.

## **B. ASSIGNMENT TO LAND USE CATEGORY**

On or about June 1 of each Fiscal Year the Administrator shall identify the current Assessor's Parcel Number assigned to all Assessor's Parcels of Taxable Property within CFD No. 2011-1.

The Administrator shall then determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property, Approved Property, or Undeveloped Property, using the definitions above; (ii) for Developed Property or Approved Property, which Assessor's Parcel are Single Family Property, Multi-Family Property, or Non-Residential Property, using the definitions above; (iii) for Developed Property and Approved Property that is Multi-Family Property, the number of Residential Units within each building based on reference to the building permit, site plan, condominium plan, or other development plan; and (iv) the Special Tax A Requirement and the Special Tax B Requirement. Developed Property, Approved Property and Undeveloped Property shall be subject to the Special Taxes pursuant to Sections C and D below.

## **C. SPECIAL TAX RATES**

### **Developed, Approved, and Undeveloped Property**

Upon determination that an Assessor's Parcel of Taxable Property is Approved Property, Developed Property, or Undeveloped Property the Special Tax rates shall be the amounts shown in Table 1 for Special Tax A and the amounts shown in Table 2 for Special Tax B according to the Land Use Category within CFD No. 2011-1.

**TABLE 1**  
**Special Tax A Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Assigned Special Tax A Rate</b>	<b>Maximum Special Tax A Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Multi Family Property	One (1) BU per Residential Unit	\$23 per BU	\$28 per BU
Non-Residential Property	Two (2) BU per Acre	\$23 per BU	\$28 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$23 per BU	\$28 per BU

**TABLE 2**  
**Maximum Special Tax B Rates**  
**Community Facilities District No. 2011-1 (Wildomar Parks)**

<b>Land Use Category</b>	<b>Benefit Unit Assignment</b>	<b>Maximum Special Tax B Rate</b>
Single Family Property	One (1) BU per Residential Unit	\$17 per BU
Multi Family Property	One (1) BU per Residential Unit	\$17 per BU
Non-Residential Property	Two (2) BU per Acre	\$17 per BU
Undeveloped Property	One (1) BU per Assessor's Parcel	\$17 per BU

**Exempt Property**

No Special Tax shall be levied on Exempt Property.

**Annual Escalation of Special Taxes**

For both Assigned Special Tax A and Maximum Special A Tax Rates, beginning March 1, 2012 and each March 1 thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the Maximum Special Taxes for the

previous Fiscal Year increased by the percentage increase in the Consumer Price Index (All Items) for Los Angeles - Riverside - Orange County (1982-84 = 100) since the beginning of the preceding Fiscal Year.

For Maximum Special B Tax Rates, beginning July 1, 2012 and each March 1<sup>st</sup> thereafter, the Maximum Special Taxes that may be levied on each Assessor's Parcel shall be the Maximum Special Taxes for the previous Fiscal Year increased by two percent (2.00%) of the Maximum Special Tax B in effect for said Assessor's Parcel for the prior Fiscal Year.

#### **D. METHOD OF APPORTIONMENT OF ANNUAL SPECIAL TAX**

Commencing with the Fiscal Year in which the City Council determines that the levy of the Special Taxes shall commence and for each subsequent Fiscal Year, the Council shall determine the total amount of Special Taxes to be levied and collected in that Fiscal Year in order to satisfy the Special Tax A Requirement and the Special Tax B Requirement for such Fiscal Year. The Council shall levy the Special Taxes on all Assessor's Parcels of Taxable Property in the following priority until it has levied the amount necessary to satisfy both the Special Tax A Requirement and the Special Tax B Requirement for the Fiscal Year as follows:

(a) Special Tax A Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property, Developed Property and Undeveloped Property in equal percentages up to 100% of Assigned Special Tax A Rate set forth in Table 1; and

(2) Second: If additional funds are needed, the Special Tax A shall be levied on all Assessor's Parcels of Approved, Developed and Undeveloped Property in equal percentages up to 100% of the Maximum Special Tax A set forth in Table 1.

(b) Special Tax B Requirement.

(1) First: The Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Developed Property in equal percentages up to 100% of the applicable Maximum Special Tax B as set forth in Table 2; and

(2) Second: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Approved Property in equal percentages up to 100% of the Maximum Special Tax B for Approved Property; and

(3) Third: If additional funds are needed, the Special Tax shall be levied on all Assessor's Parcels of Taxable Property that are Undeveloped Property in equal

percentages up to 100% of the Maximum Special Tax B for Undeveloped Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any fiscal year against any Assessor's Parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within the CFD by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

#### **E. INTERPRETATIONS OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. The City may make interpretations by ordinance or resolution for the purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment of Special Tax.

#### **F. EXEMPTIONS**

The City shall classify as Exempt Property within CFD No. 2011-1, any Assessor's Parcel in any of the following categories; (i) Assessor's Parcels which are owned by, irrevocably offered for dedication to, encumbered by or restricted in use by any public entity; (ii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement; (iii) Assessor's Parcels which are privately owned but are encumbered by or restricted solely for public uses; (iv) any Assessor's Parcel which is in use in the performance of a public function as determined by the Administrator; or (v) Assessor's Parcel used as a place of worship or for other religious activities as determined by the Administrator.

##### **Senior Citizen Exemptions from Special Tax**

A property owner may apply for a senior citizen exemption from the Special Tax which would provide a one-hundred percent (100%) exemption from the Special Tax on dwelling units occupied by senior citizens. The property owner must meet certain qualifications and complete an application similar to "Exhibit D" attached hereto. Applications for the initial fiscal year exemption must be completed by July 1, 2011 with applications for all subsequent fiscal years being filed by March 1 of such fiscal year. The City reserves the right to make minor changes to the application or

qualifications for exemption as the need arises which would require City Council approval.

## G. PREPAYMENT OF SPECIAL TAX B

The following definition applies to this Section G:

**“Outstanding Bonds”** means all previously issued bonds issued and secured by the levy of Special Tax B which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding bonds to be redeemed at a later date with the proceeds of prior prepayments of Maximum Special Tax B.

### **Prepayment**

The Special Tax B obligation of an Assessor's Parcel of Approved Property, an Assessor's Parcel of Developed Property, and an Assessor's Parcel of Undeveloped Property may be prepaid in full, provided that there are no delinquent Special Tax B taxes, penalties, or interest charges outstanding with respect to such Assessor's Parcel at the time the Special Tax B obligation would be prepaid. The Prepayment Amount for an Assessor's Parcel eligible for prepayment shall be determined as described below.

An owner of an Assessor's Parcel intending to prepay the Special Tax B obligation shall provide the City with written notice of intent to prepay, and within 5 days of receipt of such notice, the City shall notify such owner of the amount of the non-refundable deposit determined to cover the cost to be incurred by CFD No. 2011-1 in calculating the proper amount of a prepayment. Within 15 days of receipt of such non-refundable deposit, the City shall notify such owner of the prepayment amount of such Assessor's Parcel.

The Prepayment Amount for each applicable Assessor's Parcel shall be calculated according to the following formula (capitalized terms defined below):

		Payoff Amount
plus		Administrative Fee
equals		Prepayment Amount

As of the date of prepayment, the Prepayment Amount shall be calculated as follows:

1. For an Assessor's Parcel of Developed Property and Approved Property, compute the Maximum Special Tax B applicable to the Assessor's Parcel. For an Assessor's Parcel of Undeveloped Property compute the Maximum Special Tax B as though it was already designated as Developed Property based upon the building permit issued or expected to be issued for that Assessor's Parcel.

For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property compute the present value of the remaining Maximum Special Tax B payments using a discount rate that is equal to the weighted average interest rate on the Outstanding Bonds and the remaining term of the Outstanding Bonds determined by a financial advisor selected by the City. For any prepayment that occurs prior to the issuance of Bonds, the discount rate used in this calculation shall be 6.5% and the term shall be the period in which the Special Tax B may be levied as provided in Section J less ten years. This is the "Payoff Amount."

2. For each Assessor's Parcel of Approved Property, Developed Property, or Undeveloped Property, divide the Maximum Special Tax B computed pursuant to the first paragraph in paragraph 1 of this Section G for such Assessor's Parcel by the sum of the estimated Maximum Special Tax B applicable to all Assessor's Parcels of Taxable Property at build out, as reasonably determined by the City.

3. Multiply the quotient computed pursuant to paragraph 2 by the Outstanding Bonds. The product shall be the "Bond Redemption Amount".

4. Multiply the Bond Redemption Amount by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed with the proceeds of the Bond Redemption Amount. This product is the "Redemption Premium."

5. Compute the amount needed to pay interest on the Bond Redemption Amount to be redeemed with the proceeds of the Prepayment Amount until the earliest call date for the Outstanding Bonds.

6. Determine the amount of interest earnings to be derived from the reinvestment of the Bond Redemption Amount plus the Redemption Premium in State and Local Government Series Treasury Obligations until the earliest call date for the Outstanding Bonds.

7. Subtract the amount computed pursuant to paragraph 6 from the amount computed pursuant to paragraph 5. This difference is the "Defeasance Cost."

8. Estimate the administrative fees and expenses associated with the prepayment, including the costs of computation of the Prepayment Amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption. This amount is the "Administrative Fee."

9. Calculate the "Reserve Fund Credit" as the lesser of: (a) the expected reduction in the applicable reserve requirements, if any, associated with the redemption of Outstanding Bonds as a result of the prepayment, or (b) the amount derived by subtracting the new reserve requirements in effect after the redemption of Outstanding Bonds as a result of the prepayment from the balance in the applicable reserve funds on the prepayment date. Notwithstanding the foregoing, if the reserve fund requirement is satisfied by a surety bond or other instrument at the time of the prepayment, then no Reserve Fund Credit shall be given. Notwithstanding the foregoing, the Reserve Fund Credit shall in no event be less than zero.

10. The "Amount to Call Bonds" is equal to the sum of the Bond Redemption Amount, the Redemption Premium, and the Defeasance Cost, less the Reserve Fund Credit (the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds).

11. The Prepayment Amount is the sum of the Amount to Call Bonds and the Administrative Fee.

12. From the Prepayment Amount, the Amount to Call Bonds will be transferred to the debt service fund and used to defease or call bonds pursuant to the bond fiscal agent agreement or escrow agreement; the Administrative Fee will be transferred to the administrative fund or functionally equivalent fund or account pursuant to the fiscal agent agreement and used to pay administrative expenses; the remainder will be transferred to the Surplus Taxes Fund or functionally equivalent fund or account pursuant to the Fiscal agent agreement.

With respect to the Special Tax B obligation that is prepaid pursuant to this Section G, the City Council shall indicate in the records of CFD No. 2011-1 that there has been a prepayment of the Special Tax B obligation and shall cause a suitable notice to be recorded in compliance with the Act within thirty (30) days of receipt of such prepayment to indicate the prepayment of the Special Tax B obligation and the release of the Special Tax B lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay such Special Tax B shall cease.

Notwithstanding the foregoing, no prepayment will be allowed unless the total amount of Special Tax B that may be levied on Taxable Property after such full prepayment, net of Administrative Expenses, shall be at least 1.1 times the regularly scheduled annual interest and principal payments on all currently Outstanding

Bonds in each future Fiscal Year as determined by the Administrator or, at the option of the Administrator, a financial advisor or special tax consultant.

#### **H. APPEALS**

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the City not later than twelve months after having paid the first installment of the Special Tax that is disputed. A representative(s) of CFD No. 2011-1 shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the representative's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, a cash refund shall not be made, but an adjustment shall be made to the Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s).

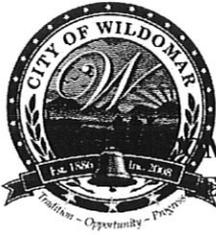
#### **I. MANNER OF COLLECTION**

The Special Taxes shall be collected in the same manner and at the same time as ad valorem property taxes and shall be subject to the same penalties, and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, that the City may collect Special Taxes at a different time or in a different manner, if necessary, to meet the financial obligations of CFD No. 2011-1.

#### **J. TERM OF SPECIAL TAX**

All Assessors' Parcels of Taxable Property shall continue to be subject to the levy and collection of the Special Tax A to satisfy the Special Tax A Requirement as long as the City provides the Services within and for the benefit of the residents within CFD No. 2011-1.

Pursuant to Section 53321(d) of the Government Code of the State of California, the tax year after which no further Special Tax B shall be levied or collected with respect to any Assessor's Parcel within CFD No. 2011-1 to satisfy the Special Tax B Requirement shall be Fiscal Year 2045-46.



**Exhibit D**

**COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS)  
SENIOR CITIZEN CFD NO. 2011-1 TAX EXEMPTION APPLICATION**

Applications must be filed annually between May 1 and June 1. In accordance with the provisions of the resolution adopting and imposing this CFD No. 2011-1 Tax, failure to file between May 1 and June 1 will automatically invalidate the CFD No. 2011-1 Tax exemption for that tax year. No exceptions can be granted to the closing date.

This application is for a senior citizen tax exemption with respect to the special tax (the "CFD No. 2011-1 Tax") imposed on the Community Facilities District No. 2011-1 (Wildomar Parks) by the City Council of the City of Wildomar (the "City") pursuant to Resolution No. \_\_\_\_\_. The application is made with respect to:

Assessor's Parcel No: \_\_\_\_\_

Property Address: \_\_\_\_\_  
(hereinafter referred to as the dwelling unit).

The property owner or the property authorized legal representative must provide the following information:

- 1. Name of property owner(s) and eligible spouse, if any, and date of birth (please type or print):

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(MO/DAY/YR)

Eligible Spouse  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

(MO/DAY/YR)

2. The property owner and/or eligible spouse must submit with this application a copy of a birth certificate, driver's license, or other official document showing date of birth. To be eligible for the reduction in the CFD No. 2011-1 Tax, the property owner or eligible spouse must be at least 62 years of age by July 1, 2011.
3. The property owner must also provide evidence of ownership of the dwelling unit. Such evidence may consist of a copy of the county tax bill for the property, a copy of a title report or title policy issued in the last year, a copy of a recorded deed, or other official document acceptable to the City. If the property owner is claiming the reduction in CFD No. 2011-1 Tax through a spouse who is not an owner of the property, the property owner and spouse hereto certify that the dwelling unit is their primary residence.
4. Each property owner certifies that he/she understands that: (a) the application is for a reduction in the CFD No. 2011-1 Tax of one hundred percent (100%); and (b) for the reduction to continue beyond one year, the City will review the updated property records and will verify that no changes of ownership or residency have occurred at the property. If the property ownership and residency are the same as in the previous fiscal year, the property owner will continue to receive the exemption from the tax.
5. Each property owner certifies that the dwelling unit is the primary residence of the property owner.
6. I/we certify that this is the only application reduction in the Tax that I/we have filed for the 2011/2012 CFD No. 2011-1 Tax year.
7. If there is more than one property owner, each such owner must sign this application. If the exemption is being claimed through a spouse who is not a property owner, the spouse must sign this application.
8. This application may be executed in several counterparts, each of which shall be an original and all of which shall constitute both one and the same application.

I/we declare under penalty of perjury, under the laws of the State of California, that the foregoing and the documentary evidence submitted herewith are true and correct.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_, 2011.

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

By: (signature) \_\_\_\_\_ as property owner.

Print Name: \_\_\_\_\_

If signing in a representative capacity on behalf of the property owner or spouse, a copy of the document authorizing you to sign in representative capacity must be submitted herewith.

The City will not be responsible for returning the original or copies of documents submitted with this application. Copies must be legible. Failure to provide all the required information and documentation by June 1, 2011 will constitute cause for denying the tax exemption.

If you have any questions about this form: Please contact City of Wildomar, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595. Telephone: (951) 677-7751, ext. \_\_\_\_.

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF WILDOMAR )

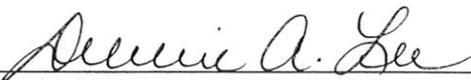
I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2011 - 07 was duly adopted at a special meeting held on January 25, 2011, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, Walker

NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk  
City of Wildomar



**CITY OF WILDOMAR – COUNCIL**  
**Agenda Item #3.1**  
**GENERAL BUSINESS**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members  
**FROM:** Debbie A. Lee, City Clerk  
**SUBJECT:** Council Sponsored Measure for June 7, 2011 Special Municipal Election – Formation of Community Facilities District No. 2011-1

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2011, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 AND REQUESTING THE COUNTY TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE

And

2. Adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING AND SETTING PRIORITIES FOR FILING OF WRITTEN ARGUMENTS REGARDING THE BALLOT MEASURE TO BE PLACED ON THE BALLOT FOR THE JUNE 7, 2011 SPECIAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND REPEALING RESOLUTION NO. 09-53

**DISCUSSION:**

When the funding for the parks was legally stopped, the City Council appointed a Blue Ribbon Committee to recommend a funding mechanism for the purpose of park maintenance. The Committee has given their recommendation to the City Council, and the Council has taken the steps necessary to start the formation of a Community Facilities District (CFD) and is now ready to present this proposal to the voters.

In order to complete the process of getting the Measure on the June 7, 2011 ballot, the Council will need to call the election. The Resolution in Attachment A provides for the calling of said election, requesting consolidation of the election with the state-wide election, and requesting the County of Riverside Registrar of Voters to conduct the election.

The Resolution in attachment B authorizes and sets the priorities for filing of written arguments regarding the measure. In reviewing it, Section 3 referred only to specific Council Members, one of which is no longer on the Council. This Section was rewritten to allow a subcommittee comprised of “two Council Members”, which therefore allows the Council to make a separate Motion appointing the Members of the subcommittee.

Additionally, there will be deadlines which concern the City Attorney’s impartial analysis of the Measure, and the arguments that may be submitted. Those deadlines are as follows:

- City Attorney’s impartial analysis – Monday, March 21, 2011, 5:00 p.m.
- Primary arguments - Monday, March 21, 2011, 5:00 p.m.
- Rebuttal arguments - Thursday, March 31, 2011, 5:00 p.m.

Primary Arguments shall not exceed 300 words, and rebuttals shall not exceed 250, and both shall be accompanied by a Statement of Authors form which is available at the City Clerk’s Office. No more than five authors may sign the statement.

Submitted by:

Approved by:

\_\_\_\_\_  
Debbie Lee  
City Clerk

\_\_\_\_\_  
Frank Oviedo  
City Manager

**ATTACHMENTS:**

1. A - Resolution No. 2011 - \_\_\_\_\_; Calling the Election
2. B - Resolution No. 2011 - \_\_\_\_\_; Priorities for Written Arguments

# ATTACHMENT A

## Calling for the holding of a Special Municipal Election

**RESOLUTION NO. 2011 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2011, FOR THE SUBMISSION TO  
THE VOTERS A QUESTION RELATING TO FORMATION OF COMMUNITY  
FACILITIES DISTRICT NO. 2011-1 AND REQUESTING THE COUNTY TO  
CONSOLIDATE THE ELECTION WITH THE STATEWIDE ELECTION TO BE HELD  
ON THAT DATE**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election shall be held on June 7, 2011, for the submission to the voters at the election a question relating to formation of Community Facilities District 2011-1; and

**WHEREAS**, it is desirable that the special election be consolidated with the general election to be held on the same date (June 7, 2011) and that within the City the precincts, polling places and election officers of the elections be the same, and that the county election department of the County of Riverside canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

**WHEREAS**, the City Council requests the Registrar of Voters, County of Riverside, to consolidate this Special Election with the Statewide General Election to be held on June 7, 2011 and conduct the Special Consolidated Election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Wildomar, California, on Tuesday, June 7, 2011, a Special Municipal Election for the purpose of submitting to the voters the following question:

Shall Community Facilities District 2011-1 (Wildomar Parks) of the City of Wildomar be formed and authorized to: levy Special Tax A at a maximum rate of \$28 per benefit unit to provide park maintenance services; incur bonded indebtedness not exceeding \$5,000,000 to finance the purchase of park facilities and land; levy Special Tax B at a maximum rate of \$17 per benefit unit to finance that indebtedness; establish a District appropriations limit of \$5,000,000?	<b>Y E S</b>
	<b>N O</b>

**SECTION 2.** That the proposed complete text of the measure submitted to the voters is attached as Exhibit A.

**SECTION 3.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 4.** That the County of Riverside Registrar of Voters is requested and authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed

matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 5.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

**SECTION 6.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 7.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 9.** The City Council authorizes the County of Riverside Registrar of Voters to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill by the County of Riverside.

**PASSED, APPROVED AND ADOPTED** this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

# ATTACHMENT B

Setting priorities for  
filing of written  
arguments

RESOLUTION NO. 2011 - \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING AND SETTING PRIORITIES FOR FILING OF WRITTEN ARGUMENTS REGARDING THE BALLOT MEASURE TO BE PLACED ON THE BALLOT FOR THE JUNE 7, 2011 SPECIAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND REPEALING RESOLUTION NO. 09-53**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a Special Election shall be held in the City of Wildomar, California, on June 7, 2011, at which there will be submitted to the voters the following measure:

**MEASURE \_\_\_\_\_**

Shall Community Facilities District 2011-1 (Wildomar Parks) of the City of Wildomar be formed and authorized to: levy Special Tax A at a maximum rate of \$28 per benefit unit to provide park maintenance services; incur bonded indebtedness not exceeding \$5,000,000 to finance the purchase of park facilities and land; levy Special Tax B at a maximum rate of \$17 per benefit unit to finance that indebtedness; establish a District appropriations limit of \$5,000,000?	YES
	NO

**WHEREAS**, pursuant to the provisions of Elections Code 9282, the City Council wishes to establish priorities for the selection of ballot arguments to be placed on the ballot at any special or general election and to direct the City Attorney to prepare impartial analyses of each Measure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.**

No more than one argument for or against any measure placed on the ballot by the City Council shall appear in the ballot materials at any special or general election.

## **SECTION 2.**

- A. The order of selection of arguments for or against City measures placed on the ballot at any special or general election shall be as follows:
1. Arguments or rebuttal arguments authorized by the City Council on behalf of the City;
  2. Arguments or rebuttal arguments submitted by members of the City Council on their own behalf;
  3. Arguments or rebuttal arguments submitted by bona fide community organizations or groups of citizens in Wildomar;
  4. Arguments or rebuttal arguments submitted by any bona fide community organization or group of citizens and other individual voters within the City of Wildomar;
  5. Arguments or rebuttal arguments submitted by any voter eligible to vote on any ballot measure.
- B. Arguments for or against any measure shall not exceed 300 words in length.

## **SECTION 3.**

On behalf of the entire City Council, a subcommittee comprised of two Council Members can be designated to prepare and file a written argument, accompanied by the printed names and signatures submitting it, in accordance with article 4, Chapter 3, Division 9 of the elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

## **SECTION 4.**

The arguments shall be filed with the City Clerk, signed, with the printed names and signatures of the authors submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement to Be Filed by Author.

## **SECTION 5.**

The City Council Directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The Impartial Analysis shall be filed by the date set by the City Clerk for the filing of the primary arguments.

**SECTION 6.**

Resolution No. 09-53 is hereby repealed in its entirety.

**SECTION 7.**

The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED AND ADOPTED** this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

**CITY OF WILDOMAR – COUNCIL**  
**Agenda Item #3.2**  
**GENERAL BUSINESS**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council  
**FROM:** Gary Nordquist, Assistant City Manager  
**SUBJECT:** Save Our Parks Update

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council receive report and Blue Ribbon Committee written recommendation for park funding.

**DISCUSSION:**

The Committee met on Tuesday, February 15, 2011. The meeting focused on the CFD Public Hearing and the written recommendation from the Committee to the City Council for Park Funding.

Blue Ribbon Subcommittees/Chairs:

**Blue Ribbon Logo:** Chair John Lloyd

**Education:** Co-chairs, Irene Gallegos, Tracy Lobo, and George Taylor

**Sponsorship:** Henry Silvestre

**Utilities:** Co Chairs, Susan Lane and John Lloyd

**Cost Cutting and Park Closures:** Gary Nordquist and Paula Willette

***Fund Raising Efforts: \$15,726.69***

Since, the last SOP Report to City Council the following events have occurred:

- Bracelets inscribed with “Save Our Parks” are available at City Hall for a donation of \$3.00 for one bracelet or 4 bracelets for \$10.00 continue to sell.

Upcoming events are:

Marna Obrien Park...

- Community Meeting, March 5, 11am
- Teen Fundraiser, May 6, 6pm-9pm

Additional updates, not ready at the time of this reports release, will also be present by staff at the City Council meeting.

Submitted and Approved by:

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Gary Nordquist  
Assistant City Manager

Attachments:

- A) 2-15-2011 Blue Ribbon Committee Meeting Agenda
- B) 2-3-2011 Blue Ribbion Committee Meeting minutes
- C) 2-24-2011 Blue Ribbon Committee Recommendaiton

# Attachment A

2-15-2011

## Blue Ribbon Committee Meeting Agenda

City of Wildomar  
**Save Our Parks**  
Blue Ribbon Committee  
Meeting No. 10, February 15 2011

**Agenda**

1. Opening Remarks... John Lloyd Chairperson
2. Minutes Review Approval
3. Funding and Event Updates.... Paula Willette
  - a. \$15,762.69
  - b. Calendar of events
    - i. Community Meeting, March 5, 11am
    - ii. Teen Fundraiser, May 6, 6pm-9pm
4. Update: Blue Ribbon Committee Final Report to City Council
5. Committee Updates
  - a. Fundraising / Events – Chair, Tim Underdown
  - b. Education – Co-Chairs, Irene Gallegos, Tracy Lobo, & George Taylor
  - c. Sponsorship – Henry Silvestre
  - d. Utility – Co-Chairs, John Lloyd and Susan Lane
  - e. Cost Cutting & Park Closures – Gary Nordquist and Paula Willette
6. Roundtable
7. Next Meeting...

# Attachment B

2-3-2011 Blue  
Ribbon Committee  
Meeting minutes

City of Wildomar  
Save our Parks  
Blue Ribbon Committee  
Meeting No 9 February 3 2011  
MEETING MINUTES

Meeting start: 7:15pm

1. Opening Remarks – Jon Lloyd, Chairperson: *None*
2. Minutes review Approval: *Minutes passed.*
3. Funding and Event Updates – Paula Willette
  - a. \$13,469.69 (*some of this money is from the bowling but bingo is not included in this number*)
  - b. Calendar of events
    - i. Bowling – Rotary – Brunswick Bowl, Murrieta – Feb 5
4. CFD Training by Gary

*The committee members went over the intent to set up the CFD document. Public meeting will be on the 24<sup>th</sup> of February.*

*The proposal: Loss of funding for park maintenance, landscaping.  
\$28/\$45 assessment per residential parcel in district  
Revenue generated in FY 2009-10 = \$179,968  
Park costs in FY 2009-10= \$225,094*

*The boundary limits of the CFD are within the city limits. The funds from the bond CANNOT BE USED outside of the CFD boundaries, which ARE in the city limits.*

*The CFD, or community facilities district requires 66% voter approval. All eligible voters in Wildomar will be voting on this. This provides for:  
“A” Maintenance, landscaping and operations: \$28 plus annual CPI 1<sup>st</sup> year = \$361,585  
“B” park construction/expansion: Maximum \$17 plus annual CPI \$219,534/year for debt payment (\$2.1Mbond). This “B” will not start without the city voting to issue the bond. And the intent of the bond is to be used for parks only. The assessment starts after park is operational. B cannot be used for maintenance.*

*Why does the price go up: Because of the cost price index (cost of living) which is not to exceed the CPI on special tax A and 2% on special tax B, which is determined and voted on annually by city council.*

*What parcels pay: All of them but those tax exempt (e.g., churches/schools). Commercial/retail/industrial = \$28 per each ½ acre;  
Multi-family = \$28 per each apt  
Residential = \$28*

*1<sup>st</sup> year could generate \$361,585 but because we don't need that much we will charge \$23 the 1<sup>st</sup> year only.*

5. Community Town hall Meeting – March 5 at Marna O'Brien Park

*Put in a FAQ presentation*

*Put in the newspaper prior to Marna presentation*

*Call to the community to sign up to help*

*A band will present*

*Food will be for sale – volunteers are going to be needed.*

6. Committee Updates

a. Fundraising/Events – Chair, Tim Underdown:

*Tim looking into Fantastic Sam's for an event & potential fundraiser*

*Tim also working on a potential fundraiser in March, as well as*

*working with the Elks lodge with potential grants.*

b. Education – Co-Chairs, Irene Gallegos, Tracy Lobo, & George Taylor

i. Little League opening ceremonies Feb 26

*George to write an article to the paper before the meeting on Feb 24<sup>th</sup>.*

c. Sponsorship – Henry Silvestre – no update

d. Utility – Co-Chairs, John Lloyd and Susan Lane

*Pepsi refresh project opening again on Apr 1<sup>st</sup>. zero landscaping; new dog park are potential ideas as they would cut costs with utilities/maintenance*

e. Cost Cutting & Park closures – Gary Nordquist & Paula Willette

*Parks are still open*

7. Rountable: *Due to a conflict with the Butterfield Trails bylaws, George Taylor will be resigning his representation as a committee member representing Butterfield Trails and will now be representing 'Wildomar Citizen at Large'.*

# Attachment C

2-24-2011 Blue  
Ribbon Committee  
Recommendation

**City of Wildomar**  
**Save Our Parks**  
**Blue Ribbon Committee**  
**Parks Funding Recommendation**  
**February 24, 2011**

**TO:** Mayor and City Council Members

**FROM:** John Lloyd, Committee Chairperson

On behalf of the City of Wildomar's Save Our Parks Blue Ribbon Committee members, it is our pleasure to provide you with a summary of the committee's activities and recommendations for funding the operation, maintenance and expansion of the City's Parks.

As you know the September 20, 2010 State Supreme Court decision to not hear an appeal to reinstate the assessment tax to fund the City's parks was setback to the newly formed City and the basis for this Blue Ribbon Committee inception. At the October 13, 2010 meeting, the City Council provided City Staff with direction to proceed with the **Save Our Parks** Strategy which included the establishment of a Blue Ribbon Committee to recommend an acceptable funding method to keep the parks open **Now and Forever**.

The Blue Ribbon Committee members were selected from various interests within the City and the Blue Ribbon Committee and held its first meeting on Tuesday October 19, 2010 and will conclude with its 10<sup>th</sup> meeting on March 1, 2011. The members, all volunteering their time, came from "All Walks of Wildomar Life." The Blue Ribbon Committee currently consists of the following members:

<i><b>Represented Group</b></i>	<i><b>First Name</b></i>	<i><b>Last Name</b></i>	<i><b>Position</b></i>
<b>Baseball</b>	Tim	Underdown	President for Little League and Girls Softball
<b>Resident</b>	George	Taylor	Committee Member/Sr./Farm
<b>Chamber of Commerce</b>	Henry	Selvestre	Board Member
<b>Civic Group</b>	Mike	Shehean	VFW Commander/Sr.
<b>Football</b>	Juan	Coria	President of League
<b>PTA</b>	Irene	Gallegos	PTA Member
<b>Resident</b>	Susan	Lane	Former County Parks Committee Member
<b>Seniors</b>	Tracy	Lobos	President of Wildomar Seniors
<b>Soccer</b>	Adam	Wilson	Board Member
<b>WCC</b>	John	Lloyd	Former County Parks Committee Chair
<b>Youth</b>	Mekenna	Olsen	Active EHS Student

The initial committee meeting was held on Tuesday October 19, 2010 with eight of the members and focused on the committee organization and structure, overview of the parks funding issues and discussion of various funding options for the parks. The committee met 8 more times since that meeting to prepare the necessary information for a park funding recommendation to the City Council.

2. October 26, 2010 : Set up the Committee Organization, Mission, Fund Raising (8)
3. November 3, 2010: Government Funding Education, Strategy (7)
4. November 16, 2010: Funding and Cost Cutting Session (7)
5. November 30, 2010: Assessment Engineer RFP Review and Selection (9)
6. December 14, 2010: Engineering Firm Presentation of Funding Options (9)
7. January 11, 2011: Updates and Review of Funding Methods and Costs (7)
8. February 3, 2011: Wildomar CFD Review and Discussion (6)
9. February 15, 2011: Focus on CFD Community Education and Final Report (5)

In addition to recommending a new funding source, the committee also focused on Fund Raising, Cost Cutting and Education.

***Fund Raising Efforts: To Date.....\$15,762.69***

A significant goal of the committee was to set up the framework for fund raising activities to keep the parks open until a recurring funding decision has been made. It was estimated that approximately \$62,000 was needed to keep the parks open until June 2011 when a vote of the residents could determine whether Wildomar will become a "Town Without Parks" or not. Some of the fund raisers were:

- Spaghetti Dinner and Art Show, Friday October 15, 2010 at the Fire House. This well attended event provided dinners for 292 residents (\$1,460.00 gross) and the Art works provided by Sycamore Academy School and other donations raised \$832.00.
- Awareness Race held October 9, 2010, sponsored by the Elsinore High School Football Boosters, and donated \$300.00 to the SOP program.
- Wildomar's Chamber of Commerce Mixer held October 21, 2010, collected \$311.00 in donations to the SOP program.
- Pepper Tree Manor Haunt---\$231.00.
- Harvest House at Marna Obrien--\$435.00, 10-29-2010.
- Softball Tournament Donation \$882.00, 10-23 & 24-2010.
- Bracelets inscribed with "Save Our Parks" are available at City Hall for a donation of \$3.00 for one bracelet or 4 bracelets for \$10.00.
- Bingo at the Elks Lodge, January 23, 2011
- "Battle of the Bowlers" at Brunswick Bowl, February 5, 2011.
- Teens....Unlimited Play at Marna Obrien Park---May 6, 2011

## **Cost Cutting Ideas.....\$8,000+**

Many ideas were presented to the committee from members of the community and continue to be reviewed for possible applications. One idea that was immediately acted upon was the review of the electricity rate structure which will yield an annual reduction of over \$8,000 based on last year's usage. Ideas such as self-sufficient utilities, different turfs, recycling, concessions/sponsorships will continue to be explored.

## **Education.....**

Several articles and interviews have been provided to the media as well as extensive and sometimes "painful" training sessions have been offered to the committee for "word of mouth" passing of the "Facts"

## **The Recommendation for Recurring Park Funding and Park Expansion**

*The Committee considered a number of ideas, factors and inputs from their constituents and framed the funding recommendation around the following principals:*

- *The new funding source is a replacement for the previous park assessment and should not exceed those original assessment levels of \$28 and \$45 per year. Any amounts higher than the original would be considered a "new tax".*
- *The new funding source should pay for existing parks to stay open Now and Forever...No One-time Funding Gimmicks.*
- *The General Fund is not capable of providing a recurring source of funds for the park system.*
  - *The financial basis of the City's incorporation included Parks funding from sources other than the General Fund.*
  - *Additionally, the City's current General Fund revenues are 57% of the pre-incorporation financial plan.*
- *The new funding source should pay for recreation programs in addition to landscaping and maintenance services.*
- *The new funding source should provide for future park system growth as the city has less than 15 acres of park land for 31,000 residents. At minimum standard the City should have 90 acres of park land for its 31,000 residents.*
- *The new funding source should provide for an "Even Level" of parks in the City. A "Dedicated" funding source to build parks, first one being on the on the east side of town, is needed.*
- *Everyone benefits from Parks in the City. Increased property values, Quality of Life, Lower Crime rates and General Fund costs, increased sales from park participants.*
- *Everyone should pay for the benefits... Single Family, Multi-Family, Commercial, Industrial and undeveloped parcels.*
- *The new funding source should have a provision for those on retirement fixed incomes, thus Wildomar Senior Citizens, 62 years of age or greater who occupy and own their Wildomar residence can apply for "Exemption" from the annual tax.*

***The Committee then met numerous times with experts in public finance to develop such a funding source and recommends the following:***

1. The name of the new funding source would be Community Facilities District 2011-1 Wildomar Parks (CFD 2011-1).
2. This CFD-2011-1 is referred to as a "Special Tax" and takes 66.67% of Registered Voters in the City of Wildomar (who vote on the election day) to approve the tax.
3. Base Maximum Assessments of \$28.00 per "**Benefit Unit**" and if the City "Bonds" for park expansion (get's a loan to buy land and build park facilities) the Base Maximum Assessment could increase by \$17.00 to \$45.00 per "Benefit Unit".
4. The \$28.00 would pay for maintenance and recreation program costs. Increasing the rate to \$45.00 would pay for maintenance / recreation programs **and** the annual payment on any debt that was used to build new parks.
5. A Resolution of Intent was provided to "Incur Indebtedness". This would be used only when the City decides to expanded the Park system. The maximum amount of Debt this CFD could use is set at \$5,000,000 and could not pay more than 12 percent interest on the loaned money ("Bonds" are sold to the public to raise this money). The debt amount and interest rate are "Maximums" that are required to be set. There is no immediate plan to get a \$5,000,000 loan at 12% as the City currently only "Qualifies" for approximately \$1.9 million in bond funding. (Currently CFD interest rates are about 6.8%)
6. The assessment for the maintenance portions of the tax (\$28.00) can change each year by the rate of the Consumer Price Index (C.P.I.) for the local region. This is meant to keep up with any utility costs, etc. increases over time. It would be up to the City Council to increase the assessment every year, not to exceed these limits.
7. Single family residential parcels (properties) are assessed at "1" benefit unit \$28.00 per year.
8. Multi-family parcels are assessed "1" benefit unit per living unit. For example, a parcel with 10 apartments would be assessed 10 benefit units and the annual tax would be \$280.00 per year (\$28.00 per benefit unit times 10 apartments).
9. Commercial Parcels are assessed at the rate of 2 benefit units per acre. For example, a 5 acre shopping center would be assessed "10" benefit units and charged \$280.00 per year. Commercial properties benefit from parks in many ways, land value increase, access for employees, sales to park event participants, company picnics, sporting events after work, etc.
10. Vacant Parcels are assessed "1" benefit unit per parcel, regardless of number of acres. A vacant parcel of 160 acres would be assessed "1" benefit unit of \$28.00 per year.
11. "Exempt" parcels which currently do not pay any property tax by law, are not assessed a benefit unit, i.e. churches, schools, public lands (County, BLM).
12. Senior Citizens, age 62 or greater, who are the owner and occupy the parcel, could apply for an annual exemption from the tax. The seniors would file a form with the City every year, requesting the exemption.
13. As more parcels are participating in this CFD (12,502 parcels) than the previous assessment (6,858) the funds generated to pay for existing park maintenance and planned recreation programs would require a current assessment of \$23.00 per benefit unit. The maximum should be set at the recommended \$28.00 per BU but the City Council would

have the choice.....in the future to annually "Levy" an amount less than the maximum \$28.00. When the park is built on the east side, all of the maximum assessment would be needed.

***In Conclusion....***

After 10 formal meetings, numerous fund raisers, discussions and debates, we as a committee recognize the economic times we are experiencing and also recognize the benefits \$28.00 a year can bring or take way from our community. The recommendation from this committee seeks to replace what has been taken away from our community.

Speaking on behalf of the Committee, it has truly been a pleasure to be a part of this committee and to have been able to participate in such a noble activity that can have generational impacts on the "Quality of Life" in our newly incorporated City.

**CITY OF WILDOMAR – COUNCIL**  
**Agenda Item #3.3**  
**GENERAL BUSINESS**  
**Meeting Date: February 24, 2010**

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**TO:** Mayor and City Council Members  
**FROM:** Frank Oviedo, City Manager  
**SUBJECT:** Western Riverside Council of Governments (WRCOG) AB 811  
Augmentation of Financing Program Authorization

**STAFF REPORT**

**RECOMMENDATION:**

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2011 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, MODIFYING ITS CONSENT TO THE INCLUSION OF PROPERTIES  
WITHIN THE CITY'S INCORPORATED AREA IN THE WESTERN RIVERSIDE  
COUNCIL OF GOVERNMENTS CONTRACTUAL ASSESSMENT PROGRAM TO  
CONSENT TO THE ADDITION OF WATER EFFICIENCY IMPROVEMENTS TO THE  
IMPROVEMENTS AUTHORIZED TO BE FINANCED THROUGH SUCH PROGRAM

**BACKGROUND:**

At the August 26, 2009 Council meeting, the City Council approved Resolution No. 09-60 including the City of Wildomar in the WRCOG agreement to assist in the financing of energy efficient improvements to properties in the City of Wildomar as part of a larger program throughout our region.

The Council however did not take action to approve the implementation agreement for the implementation of distributed generation renewable energy sources. This resolution and agreement was modified by WRCOG to allow inclusion of water efficiency improvements and WRCOG has asked member agencies to make the same amendment to the resolution and agreements they approved earlier. There is no cost to the City to make this amendment as these program will be financed through WRCOG's efforts at financing each of the types of improvements that will help the City comply with AB 811 requirements.

Initially, up to \$25M will be offered for large commercial solar projects, and up to \$100M will be offered for residential projects. Funding will be provided from Structured Finance for the commercial solar implementation, and from Renovate America for the residential projects. Additional financing will be sought based on demand from Western Riverside County property owners, perhaps through the issuance of bonds.

It is anticipated that applications from property owners will be accepted in May or June 2011. This Program is a win-win for everyone in the sub-region. It will create jobs, reduce energy use and water usage, lower utility bills, and improve air quality.

Summary of Benefits of WRCOG's Energy and Water Efficiency Retrofit Program include:

**For Property Owners**

1. Does not require "up-front" costs to be borne by the property owner
2. Provides no-money-down means of financing energy efficiency improvements
3. Provides fixed-rate financing and repayment process via property taxes
4. Provides access to financing that may not readily be available through traditional means, such as home equity loans
5. Investment is recaptured through savings from reduced utility bills

**For Western Riverside County**

1. Creates jobs (estimated 1,350 jobs) from a \$125 million investment
2. Provides a mechanism to retrofit thousands of properties and achieve significant energy savings
3. Reduces / delays the need for costly infrastructure investments for energy production and transmission
4. Results in air quality improvements and greenhouse gas emission reductions

**FISCAL IMPACT:**

There is no direct fiscal impact to the City as a result of this program. The program costs

Submitted and Approved By:

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Frank Oviedo  
City Manager

**RESOLUTION NO. 2011 - \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,  
CALIFORNIA, MODIFYING ITS CONSENT TO THE INCLUSION OF PROPERTIES  
WITHIN THE CITY'S INCORPORATED AREA IN THE WESTERN RIVERSIDE  
COUNCIL OF GOVERNMENTS CONTRACTUAL ASSESSMENT PROGRAM TO  
CONSENT TO THE ADDITION OF WATER EFFICIENCY IMPROVEMENTS TO THE  
IMPROVEMENTS AUTHORIZED TO BE FINANCED THROUGH SUCH PROGRAM**

WHEREAS, this City Council of the City of Wildomar did, by the adoption of Resolution No. 09 – 60 (“Resolution Granting Consent”), grant its consent to the inclusion of all properties in the incorporated area with the City in the Western Riverside Council of Governments (“WRCOG”) contractual assessment program (the “Program”) to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently affixed to their properties; and

WHEREAS, WRCOG is proposing to establish and implement the Program pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the “Act”); and

WHEREAS, subsequent to the adoption of the Resolution Granting Consent, AB 474 was enacted into law and amended the Act to add water efficiency improvements to the improvements authorized to be financed through a contractual assessment program; and

WHEREAS, WRCOG has proposed to add water efficiency improvements to the improvements authorized to be financed through the Program; and

WHEREAS, this City Council has determined that the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council hereby finds and declares that property in the City’s incorporated area will be benefited by the ability to finance the installation of water efficiency improvements to their properties and, therefore, this City Council hereby consents to the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

2. Except as provided paragraph 1 above, all other provisions of the Resolution Granting Consent shall remain in full force and effect.

3. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the WRCOG Executive Committee.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2011.

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Marsha Swanson  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

**IMPLEMENTATION AGREEMENT  
BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS  
AND THE CITY OF WILDOMAR TO IMPLEMENT A CONTRACTUAL ASSESSMENT  
PROGRAM TO FINANCE THE INSTALLATION OF  
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES  
OR ENERGY OR WATER EFFICIENCY IMPROVEMENTS**

This Implementation Agreement (“Agreement”) is entered into as of February 24, 2011, between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”), a joint powers authority formed under Government Code sections 6500 et seq., and the City of Wildomar (“Member Agency”), a public agency formed under the laws of the State of California. WRCOG and the Member Agency are sometimes collectively referred to in this Agreement as the “Parties” or individually as a “Party.”

**RECITALS**

**WHEREAS**, various cities within Riverside County and the County of Riverside entered into a Joint Powers Agreement on April 1, 1991, as amended from time to time, to create WRCOG (“JPA”); and

**WHEREAS**, Member Agency is a signatory to the JPA; and

**WHEREAS**, Article VIII of JPA permits any WRCOG member agency, when authorized by the Executive Committee, to execute an Implementation Agreement for the purpose of authorizing WRCOG to implement, manage and administer area-wide and regional programs in the interest of the local public welfare; and

**WHEREAS**, the JPA permits WRCOG, when authorized by an Implementation Agreement, to make and enter into such contracts, incur such debts and obligations, assess contributions from the members, and perform such other acts as are necessary to the accomplishment of the purposes of such agreement; and

**WHEREAS**, on June 30, 2008, the State Legislature enacted Assembly Bill 811 to amend Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (commencing with Section 5898.12) (“Chapter 29”) to permit cities and counties to assist property owners who desire to undertake energy-efficient improvements, such as high-efficiency air conditioners, or install renewable energy projects, such as solar panels; and

**WHEREAS**, on September 10, 2009, the State Legislature, intending to address chronic water needs throughout California by permitting voluntary individual efforts to improve water efficiency, enacted Assembly Bill No. 474, which became effective on January 1, 2010, to further amend Chapter 29 to authorize Chapter 29 to be used to finance the installation of water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property, including but not limited to, recycled water connections, synthetic turf, cisterns for storm water recovery, and permeable pavement; and

**WHEREAS**, WRCOG member agencies have the common power to implement and administer contractual assessment programs pursuant to Chapter 29 (the “Program”) to finance installation of distributed generation renewable energy sources or energy or water efficiency improvements within their jurisdictions; and

**WHEREAS**, WRCOG and Member Agency desire to enter into this Agreement in order to authorize WRCOG to implement and administer the Program on behalf of Member Agency; and

**WHEREAS**, the Executive Committee has authorized Member Agency to enter into this Agreement.

**NOW, THEREFORE**, the Parties hereby understand and agree as follows:

## **AGREEMENT**

### **Section 1: Establishing the Program**

WRCOG will undertake proceedings pursuant to AB 811 to establish the Program to make contractual assessment financing available to eligible property owners within the jurisdictional boundary of Member Agency.

### **Section 2: Establishing Eligible Improvements**

WRCOG shall identify the kinds of distributed generation renewable energy sources or energy or water efficiency improvements that may be financed (“Eligible Improvements”) under the Program.

### **Section 3: Boundary of Program**

WRCOG, in coordination with Member Agency, shall describe the boundaries of the area within which contractual assessments under the Program may be entered into, which may include the entire jurisdictional area of Member Agency or a lesser portion thereof.

### **Section 4: Financing the Installation of Eligible Improvements**

WRCOG shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the Program.

### **Section 5: Ongoing Administration**

WRCOG shall be responsible for the ongoing administration of the Program, including but not limited to producing education plans to raise public awareness of the Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the Program, establishing contracts for residential and commercial property owners participating in Program, establishing and collecting assessments due under the Program, and providing reports as required by Chapter 29. The Program will be administered in accordance with WRCOG JPA.

## **Section 6: Phased Implementation**

The Parties recognize and agree that implementation of the Program as a whole can and may be phased as other WRCOG member agencies execute similar Implementation Agreements. The Member Agency entering into this Agreement will obtain the benefits of and incur the obligations imposed by this Agreement in its jurisdictional area, irrespective of whether other WRCOG member agencies enter into similar Implementation Agreements.

## **Section 7: Term**

The term of this Agreement shall be for twenty (20) years unless modified or extended pursuant to this Agreement.

## **Section 8: Termination**

Upon ninety (90) days written notice, either Party may terminate this Agreement. Termination shall not relieve the Party of its proportionate share of any debts or other liabilities incurred under this Agreement prior to the effective date of the Party's notice of termination.

## **Section 9: Environmental Review**

WRCOG shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the Program under this Agreement.

## **Section 10: Cooperative Effort**

Member Agency shall cooperate with WRCOG by providing information and other assistance in order for WRCOG to meet its obligations hereunder. Member Agency recognizes that one of its responsibilities related to the Program will include any permitting or inspection requirements as established by the Member Agency.

## **Section 11: Miscellaneous Provisions**

11.1 Notice. Any and all communications and/or notices in connection with this Agreement shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

WRCOG:

Western Riverside Council of Governments  
4080 Lemon Street, 3rd Floor. MS1032  
Riverside, CA 92501-3609  
Att: Executive Director

MEMBER AGENCY:  
City of Wildomar  
23873 Clinton Keith Road, Suite 201  
Wildomar CA 92595  
ATTN: City Manager

11.2 Entire Agreement. This Agreement, together with the JPA and WRCOG By-laws, constitutes the entire agreement among the Parties. This Agreement supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

11.3 Successors and Assigns. This Agreement and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this Agreement with prior written approval of the other Party, which approval shall not be unreasonably withheld.

11.4 Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

11.5 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, as applicable.

11.6 No Third Party Beneficiaries. This Agreement shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this Agreement to maintain a suit for personal injuries or property damages under the provisions of this Agreement. The duties, obligations, and responsibilities of the Parties to this Agreement with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11.7 Severability. In the event one or more of the provisions contained in this Agreement is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this Agreement and the remaining parts of this Agreement shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this Agreement.

11.8 Headings. The paragraph headings used in this Agreement are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

11.9 Amendment. This Agreement may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this Agreement shall be of no effect.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Agreement to be in effect as of the date last signed below.

By: \_\_\_\_\_  
Executive Committee Chair  
Western Riverside Council of Governments

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Marsha Swanson, Mayor  
City of Wildomar

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Debbie A. Lee, CMC, City Clerk

Date: \_\_\_\_\_

**CITY OF WILDOMAR – CITY COUNCIL**  
**Agenda Item #3.4**  
**GENERAL BUSINESS**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and Council Members

**FROM:** Tim D’Zmura, Director of Public Works

**SUBJECT:** Award a Construction Contract for Sidewalks to Schools Improvement Project (CIP 09-0014)

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council authorize the City Manager to execute a construction contract with STI in the amount of \$198,987.55 for the Sidewalks to Schools Improvement Project, Central Street Area Improvements (CIP 09-0014). Staff further recommends the City Council authorize the City Engineer to approve change orders not to exceed 10% of the contract amount.

**BACKGROUND:**

The City was previously awarded 589,960 for the Project from Caltrans’ Safe Routes to School Program (\$403,200) and Riverside County Transportation Commission’s SB 821 Bicycle and Pedestrian Facilities Program (\$186,760). Each grant serves as the “local match” for the other, and as a result, the City can deliver the Project without additional investment of local revenue sources.

The Project will construct new curb, gutter and sidewalks within the proximity of Wildomar Elementary School. More specifically, pedestrian improvements will be constructed along Central Street, Palomar Street, and Illinois Street. Attached for reference is the title sheet of the improvement plans, including a vicinity map.

The original project scope also included sidewalk improvements along George Avenue/Porrás Road, near Ronald Reagan Elementary School. During engineering design, it was determined that additional right of way is required to install the planned improvements along George Avenue/Porrás Road. In order to minimize delay to Project delivery, staff bid the Project without the improvements along George Avenue/Porrás Road. While the improvements near Wildomar Elementary are being constructed, staff will continue working to acquire the right of way necessary to construct these improvements.

The Project was determined to be categorically exempt from further environmental review required by the California Environmental Quality Act, and a Notice of Exemption was filed on March 23, 2010.

**DISCUSSION:**

The project was advertised for bids on January 3, 2011. The City Clerk received ten bids on Tuesday, February 15, 2011 as follows:

<b>Contractor Name</b>	<b>Bid Amount</b>
STI	\$198,987.55
Mamco	\$218,218.18
B&T Works	\$228,735.45
Martinez Concrete	\$258,449.50
Black Rock	\$262,962.25
Lee & Stires	\$266,144.80
West Coast	\$269,300.00
NPG	\$277,018.56
Rossi Concrete	\$318,576.83
EBS Inc.	\$368,287.60

The Engineer's Opinion of Construction Costs for this project was \$279,291.50.

Staff has reviewed the bids determined that STI is the lowest responsible bidder submitting the lowest responsive bid.

STI holds a valid Class A General Contractor's license in the State of California, with no enforcement actions listed. Their license expires in August 2012. The Experience/Qualifications Statement that was submitted with the bid documents indicate that STI has engaged in contracting under the current name for four years, and has never failed to satisfactorily complete a contract. STI listed three street, sidewalk, curb and gutter projects completed since 2006 ranging in value from \$1.1 million to \$7.5 million. These projects were completed for the Cities of Corona, Rialto, and Riverside.

The contract allows 40 working days to complete the required work. Based on construction starting within 18 working days after this award, construction would start on March, 22, 2011 and the contract time will expire on May 16, 2011.

**FISCAL IMPACTS:**

The Project is funded by \$403,200 from the Caltrans Safe Routes to School Program and \$186,760 from the RCTC SB 821 Bicycle and Pedestrian Facilities Program. The grants will fund the total expenditures of the Wildomar Sidewalk Improvements to School Project.

The Project expenditure summary is provided in the table below.

<b>Project Expenditures</b>	
Preliminary Engineering	\$ 65,000
Environmental	\$ 5,000
Right-of-Way Acquisition	\$ 60,000
Construction Management	\$ 60,000
Construction	\$ 399,960
<b>Total</b>	<b>\$ 589,960</b>

There is no fiscal impact to the City's General Fund.

Submitted by:

Approved by:

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Tim D'Zmura  
Director of Public Works

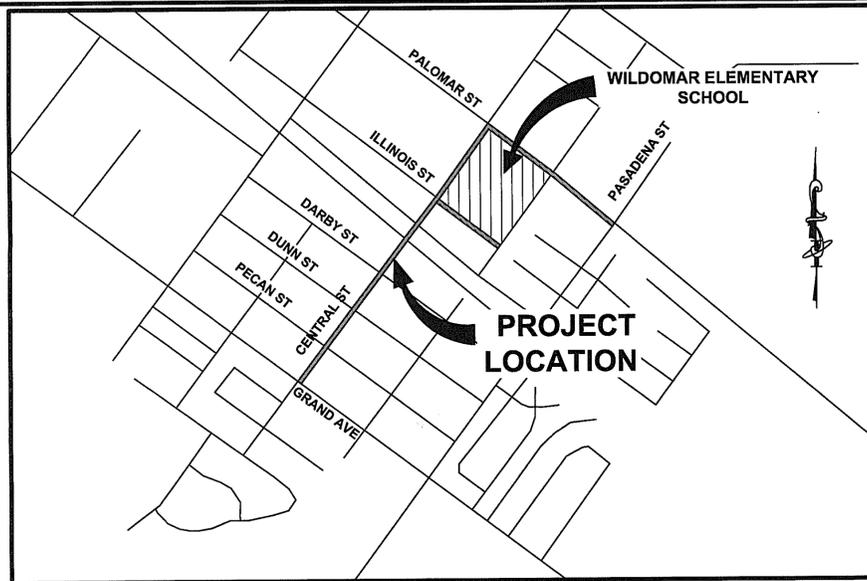
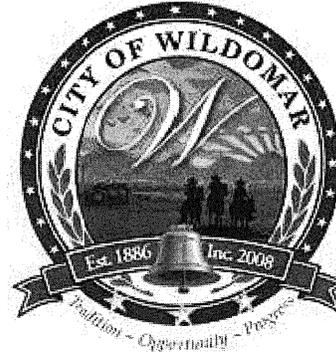
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Frank Oviedo  
City Manager

**ATTACHMENTS:**

1. Improvement Plan Title Sheet

CITY OF WILDOMAR  
 23873 CLINTON KEITH ROAD, SUITE 201  
 WILDOMAR, CALIFORNIA 92595



VICINITY MAP  
 NOT TO SCALE

PROJECT PLANS FOR  
**CENTRAL STREET SIDEWALK IMPROVEMENTS**  
 IN THE CITY OF WILDOMAR  
 ROADWAY WIDENING AND INSTALLATION OF CURB, GUTTER AND SIDEWALKS  
 ALONG CENTRAL AVENUE BETWEEN GRAND AVENUE AND PALOMAR STREET  
 AND  
 INSTALLATION OF SIDEWALK AND REPLACEMENT OF CURB RAMPS ALONG  
 PALOMAR STREET BETWEEN CENTRAL STREET AND PASADENA STREET

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1 .....	TITLE SHEET
2 .....	GENERAL NOTES
3 .....	TYPICAL SECTIONS
4-6 .....	DEMOLITION PLAN
7-11 .....	PLAN & PROFILE/GRADING PLAN
12-14 .....	CONSTRUCTION DETAILS

**CONTACTS:**

**DESIGN**  
 INTERWEST CONSULTING GROUP  
 ROBERT ALMIRALL (970) 674-3300

**WATER & SANITARY SEWER**  
 EL SINORE VALLEY MUNICIPAL WATER DISTRICT  
 IMAD BAIYASI (951) 674-3146

**FIRE**  
 RIVERSIDE COUNTY FIRE DEPARTMENT / CALFIRE  
 STEVEN BEACH (951) 246-2337

**DRAINAGE**  
 CITY OF WILDOMAR  
 JON CRAWFORD (951) 677-7751  
 RCFCWCD (WILDOMAR CHANNEL) (951) 955-1289

**ELECTRICITY**  
 SOUTHERN CALIFORNIA EDISON  
 KATIE PARSELL (951) 249-8353

**GAS**  
 SOUTHERN CALIFORNIA GAS COMPANY  
 ROD PACULBA (909) 335-7558

**TELEPHONE**  
 VERIZON  
 KRISTIN MALDONADO (951) 925-5319

**TIME WARNER**  
 XOCHITL ORTEGA (951) 830-0419

**UNDERGROUND SERVICE ALERT**  
 (800) 227-2600

**BID SET**  
 AUGUST 23, 2010

**APPROVALS:**

CITY OF WILDOMAR



*[Signature]*  
 CITY ENGINEER

9-2-2010  
 DATE

REVISIONS			
NO.	DESCRIPTION	DATE	BY

**BENCHMARK**  
 ELEV. = 1255.3263  
 DESCRIPTION: RIVERSIDE COUNTY #E-21-A U.S.G.S. 3-1/2" BRASS DISK STAMPED "1254 RESET 1964", AT WILDOMAR, IN THE SOUTHWEST CORNER OF THE INTERSECTION OF CENTRAL STREET, 79 FEET WEST OF THE CENTERLINE OF PALOMAR STREET, 142 FEET NORTHEAST OF THE WILDOMAR SCHOOL AND ABOUT 125 FEET SOUTH OF THE OLD POST OFFICE. A STANDARD DISK SET IN DRILL HOLE IN THE BASE OF THE WILDOMAR SCHOOL BELL TOWER, 6 INCHES WEST OF THE NORTHWEST CORNER OF THE TOWER.

PROJECT NAME:  
**WILDOMAR SAFE  
 SIDEWALKS TO SCHOOLS**  
 PROJECT NO. 09-0014

DESIGNED BY: S. BROWER  
 DATE: AUGUST 20, 2010  
 CHECKED BY: R. ALMIRALL  
 DATE: AUGUST 20, 2010



**CITY OF WILDOMAR**  
 DEPARTMENT OF PUBLIC WORKS  
**TITLE SHEET**

SHEET  
 1  
 OF  
 14

**CITY OF WILDOMAR – COUNCIL**  
**Agenda Item #3.5**  
**GENERAL BUSINESS**  
**Meeting Date: February 24, 2011**

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**TO:** Mayor and City Council Members

**FROM:** Gary Nordquist, Assistant City Manager

**SUBJECT:** Proposal to Provide Interim Management Services to the Wildomar Cemetery District

**STAFF REPORT**

**RECOMMENDATION:**

Staff recommends that the City Council authorize the City Manager to enter into an agreement and sign the required documents for the City to Provide Management Services on an Interim Basis to the Wildomar Cemetery District.

**DISCUSSION:**

During the past year the City and the Wildomar Cemetery District have working together, through the Local Agency Formation Council (LAFCO) process, to merge organizations. This process of annexing the Cemetery District to the City will take several more months to complete.

Recently, the Wildomar Cemetery District has experienced a change in personnel and in lieu of contracting for temporary staff, investing time and money in training, the District and the City have discussed the City fulfilling this immediate staffing issue.

City staff, with the support of the City's Intergovernmental Relations Ad-Hoc Sub Committee, presented a proposal to District Trustees on February 7, 2011. The proposal included the City providing services to the District in the following areas:

***Administration:***

1. Human Resources
2. Board Meetings, report preparation and presentations
3. Finance: Budget, Financial Analysis, Financial Reporting, Accounting Review, and Fiscal Policies.
4. Contract Administration/Purchasing

5. Provide Assessment and Plan for Consolidation of Tasks with other resources.

**Operations:**

1. Daily on site supervision review.
2. Work schedule review, Monthly Work plan and Capital Improvement Program reporting.

The proposal was accepted and approved by the Trustees with a request to provide services as soon as the approvals are obtained.

**FISCAL IMPACT:**

The initial cost for these services as proposed by the City is \$4,000 per month. Performance reviews are recommended at 30, 90 and 180 day periods with reports to both the Trustees of the District and City Council members. It is planned that this consolidation of services will provide cost savings for both organizations.

**ALTERNATIVES:**

1. Deny the recommended actions.
2. Modify the recommended actions.
3. Provide other Direction to staff.

Submitted by:

Approved by:

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Gary Nordquist  
Assistant City Manager

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Frank Oviedo  
City Manager