

**MINUTES OF THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA**

Attachment B

December 19, 1995

ORDINANCE 3631: CORDA/CAO: REDEVELOPMENT PLAN FOR THE SAN SEVAINE
REDEVELOPMENT PROJECT: ADOPTED:

On motion by Supervisor Riordan, seconded by Supervisor Eaves, and carried, the Board adopts Ordinance 3631, the same as is set forth in full in Ordinance Book 56, and is entitled:

“AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE SAN SEVAINE REDEVELOPMENT PROJECT.”

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: Mikels, Riordan, Walker, Eaves, Turoci

NOES: None

ABSENT: None

12/19/95 lw #77

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE SAN SEVAINE REDEVELOPMENT PROJECT.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) The Redevelopment Agency (hereinafter the "Agency") of the County of San Bernardino (hereinafter the "County"), formulated and prepared the proposed Redevelopment Plan for the San Sevaime Redevelopment Project for the County (hereinafter the "Redevelopment Plan").

(b) The County Planning Commission submitted its report and recommendations on said proposed Redevelopment Plan, finding that the proposed Redevelopment Plan is in conformity with the General Plan, and recommending that the proposed Redevelopment Plan be approved and adopted.

(c) The Agency submitted to the County Board of Supervisors (hereinafter the "Board") said proposed Redevelopment Plan, accompanied by the Report to Board of Supervisors on said proposed Redevelopment Plan, which Report contains, among other things, the Planning Commission's report and recommendations, the Final Environmental Impact Report on said proposed Plan, the Report of the County Fiscal Officer and Analysis thereof by the Agency, and the Implementation Plan for the first five years of

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1 the San Sevaine Redevelopment Project (hereinafter the
2 "Project").

3 (d) The Agency adopted rules governing participation by and
4 reasonable preferences to owners and tenants in the Project Area.

5 (e) The Agency consulted with the taxing agencies which
6 levy taxes, or for which taxes are levied, on property in the
7 Project Area with respect to the Redevelopment Plan and to the
8 allocation of taxes pursuant to Section 33670 of the Health and
9 Safety Code.

10 (f) The Agency and the Board certified that the Final
11 Environmental Impact Report for the proposed Project was prepared
12 and completed in compliance with the California Environmental
13 Quality Act of 1970, and state and local regulations and
14 guidelines adopted pursuant thereto.

15 (g) After due notice, a joint public hearing was held by
16 the Board and the Agency to consider said proposed Redevelopment
17 Plan.

18 (h) After said joint public hearing, the Board heard and
19 passed upon all oral and written objections by overruling such
20 objections.

21 (i) All actions required by law have been taken by all
22 appropriate public agencies.

23 SECTION 2. The purposes and intent of the Board with
24 respect to the Project Area are to:

25 (a) Establish, by effective use of the redevelopment
26 process, a planning and implementation framework that will ensure
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1 the proper, long-term development of the Project Area to
2 economically productive and viable use.

3 (b) Eliminate and prevent the spread of blight and
4 deterioration; and conserve, rehabilitate and redevelop the
5 Project Area in accord with the General Plan, specific plans, the
6 Redevelopment Plan and County codes and ordinances.

7 (c) Facilitate planned growth by guiding revitalization
8 activities and new development in such fashion as to meet the
9 needs of the Project Area, the County and its citizens.

10 (d) Encourage business park, industrial, research and
11 development, and office types of uses in accord with the General
12 Plan, specific plans, the Redevelopment Plan and County codes and
13 ordinances.

14 (e) Consider design and development standards that will
15 enhance the Project Area's image and value.

16 (f) Replan, redesign and develop underdeveloped or poorly
17 developed areas that are improperly utilized.

18 (g) Promote new and continuing private sector investment
19 within the Project Area to prevent the loss of and to facilitate
20 the recapture of industrial growth and commercial sales activity.

21 (h) Encourage investment by the private sector in the
22 development and redevelopment of the Project Area by eliminating
23 impediments to such development and redevelopment.

24 (i) Expand and promote a diversified economic base for the
25 County to assist in achieving a balance between jobs and housing.

26 (j) Create and develop County job opportunities to enhance
27 the Project Area's employment base.
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1 (k) Retain as many existing businesses as practicable by
2 means of redevelopment and rehabilitation activities and by
3 encouraging and assisting the cooperation and participation of
4 owners, businesses and public agencies in the revitalization of
5 the Project Area.

6 (l) Eliminate or ameliorate certain infrastructure
7 deficiencies, including substandard vehicular circulation
8 systems; inadequate water, sewer, storm drainage, and regional
9 flood control systems; and other similar public improvements,
10 facilities and utilities deficiencies adversely affecting the
11 Project Area.

12 (m) Assemble land into parcels suitable for modern
13 industrial development.

14 (n) Encourage and facilitate remediation by responsible
15 parties of properties contaminated with hazardous substances.

16 (o) Expand the community's supply of housing, including
17 opportunities for low and moderate income households.

18 (p) Expand and upgrade housing opportunities in the
19 community to eliminate blight and improve the housing stock and
20 standards.

21 (q) Eliminate certain physical deficiencies, including land
22 use incompatibilities between conflicting land uses and the
23 remedying of obsolete site conditions.

24 SECTION 3. All written and oral objections to the
25 Redevelopment Plan are hereby overruled.

26 SECTION 4. The proposed Redevelopment Plan for the
27 Project is hereby approved and adopted and designated the
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1 official Redevelopment Plan for the San Sevaine Redevelopment
2 Project.

3 SECTION 5. The Redevelopment Plan for the San Sevaine
4 Redevelopment Project is hereby incorporated herein by reference
5 and made a part hereof as if fully set out at length herein.

6 SECTION 6. The Board hereby finds and determines that:

7 (a) The Project Area is a blighted area, the redevelopment
8 of which is necessary to effectuate the public purposes declared
9 in the Community Redevelopment Law of the State of California.

10 (b) The Redevelopment Plan will redevelop the Project Area
11 in conformity with the Community Redevelopment Law of the State
12 of California and in the interests of the public peace, health,
13 safety and welfare.

14 (c) The adoption and carrying out of the Redevelopment Plan
15 is economically sound and feasible.

16 (d) The Redevelopment Plan conforms to the County General
17 Plan, including, but not limited to, the County's Housing
18 Element, which substantially complies with the requirements of
19 Article 10.6 of Chapter 3 of Division 1 of Title 7 of the
20 Government Code.

21 (e) The carrying out of the Redevelopment Plan will promote
22 the public peace, health, safety and welfare of the County and
23 will effectuate the purposes and policies of the Community
24 Redevelopment Law of the State of California.

25 (f) The condemnation of real property, as provided for in
26 the Redevelopment Plan, is necessary to the execution of the
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1 Redevelopment Plan and adequate provisions have been made for
2 payment for property to be acquired as provided by law.

3 (g) The Agency has a feasible method or plan for the
4 relocation of families and persons who may be temporarily or
5 permanently displaced from housing facilities in the Project
6 Area.

7 (h) There are, or shall be provided, in areas not generally
8 less desirable in regard to public utilities and public and
9 commercial facilities and at rents or prices within the financial
10 means of the families and persons who may be displaced from the
11 Project area, decent, safe and sanitary dwellings equal in number
12 to the number of and available to such displaced families and
13 persons and reasonably accessible to their places of employment.

14 (i) Families and persons shall not be displaced prior to
15 the adoption of a relocation plan pursuant to Health and Safety
16 Code Sections 33411 and 33411.1. Dwelling units housing persons
17 and families of low or moderate income shall not be removed or
18 destroyed prior to the adoption of a replacement housing plan
19 pursuant to Health and Safety Code Sections 33334.5, 33413 and
20 33413.5.

21 (j) Inclusion within the Project Area of any lands,
22 buildings or improvements which are not detrimental to the public
23 health, safety or welfare is necessary for the effective
24 redevelopment of the area of which they are a part; any such area
25 included is necessary for effective redevelopment and is not
26 included for the purposes of obtaining the allocation of tax
27 increment revenues from such area pursuant to Section 33670 of
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1 the Community Redevelopment Law without other substantial
2 justification for its inclusion.

3 (k) The elimination of blight and the redevelopment of the
4 Project Area cannot be reasonably expected to be accomplished by
5 private enterprise acting alone without the aid and assistance of
6 the Agency.

7 (l) The Project Area is predominately urbanized.

8 (m) The time limitation on the dollars to be allocated to
9 the Agency that is contained in the Redevelopment Plan is
10 reasonably related to the proposed projects to be implemented in
11 the Project Area and to the ability of the Agency to eliminate
12 blight within the Project Area.

13 SECTION 7. The Board is satisfied permanent housing
14 facilities will be available within three (3) years from the time
15 occupants of the Project Area are displaced and that, pending the
16 development of such facilities, there will be available to such
17 displaced occupants adequate temporary housing facilities at
18 rents comparable to those in the County at the time of their
19 displacement. No persons or families of low and moderate income
20 shall be displaced from residences unless and until there is a
21 suitable housing unit available and ready for occupancy by such
22 displaced person or family at rents comparable to those at the
23 time of their displacement. Such housing units shall be suitable
24 to the needs of such displaced persons or families and must be
25 decent, safe, sanitary and otherwise standard dwellings. The
26 Agency shall not displace such person or family until such
27 housing units are available and ready for occupancy.
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1 SECTION 8. In order to implement and facilitate the
2 effectuation of the Redevelopment Plan hereby approved and
3 adopted, it is found and determined that certain official actions
4 may be required to be taken by the Board with reference, among
5 other things, to changes in zoning, the vacating and removal of
6 streets, alleys, and other public ways, the establishment of new
7 street patterns, the location and relocation of sewer and water
8 mains and other public facilities, and other public action, and
9 accordingly, the Board hereby:

10 (a) Declares its intention to undertake and complete
11 any proceedings necessary to be carried out by the
12 County under the provisions of the Redevelopment
13 Plan.

14 (b) Requests the various officials, departments,
15 boards, commissions and agencies of the County
16 having administrative responsibilities in the
17 premises likewise to cooperate to such end and to
18 exercise their respective functions and powers in
19 a manner consistent with such Redevelopment Plan.

20 SECTION 9. The County Clerk is hereby directed to send
21 a certified copy of this ordinance to the Agency, and the Agency
22 is hereby vested with the responsibility for carrying out the
23 Redevelopment Plan, subject to the provisions of the
24 Redevelopment Plan.

25 SECTION 10. The County Clerk is hereby directed to
26 record with the County Recorder a description of the land within
27 the Project Area and a statement that the proceedings for the
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redevelopment of the Project Area have been instituted under the California Redevelopment Law. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code to the extent applicable.

SECTION 11. The County Building Department is hereby directed for a period of two (2) years after the effective date of this ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

SECTION 12. The County Clerk is hereby directed to transmit a copy of the description and statement recorded by the County pursuant to Section 10 of this ordinance, a copy of this ordinance, and a map or plat showing the boundaries of the Project Area to the County Auditor/Controller-Recorder and Assessor, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project Area, and to the State Board of Equalization.

SECTION 13. This ordinance shall be in full force and effect ninety (90) days from the date of adoption.

Marsha Turoci

MARSHA TUROCI, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

EARLENE SPROAT, Clerk of the
Board of Supervisors

Earlene Sproat

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, EARLENE SPROAT, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 19th day of December, 1995, at which meeting were present Supervisors: Jon D. Mikels, Barbara Cram Riordan, Larry Walker, Jerry Eaves, Marsha Turoci

and the clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS: Mikels, Riordan, Walker, Eaves, Turoci

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 19th day of December, 1995.

EARLENE SPROAT, Clerk of the Board of Supervisors of the County of San Bernardino, State of California

[Signature]
Deputy Clerk

APPROVED AS TO FORM
11/28/95
COUNTY COUNSEL
SAN BERNARDINO COUNTY, CALIFORNIA
[Signature] DEPUTY

CLERK OF THE COUNTY OF SAN BERNARDINO
COUNTY GOVERNMENT CENTER
385 NORTH ARROWHEAD AVENUE
SAN BERNARDINO, CA 92415-0140

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

SDD – CFD #2002-02

August 6, 2002

FROM: Emil A. Marzullo, Director
Special Districts Department

SUBJECT: **ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM
COMMUNITY FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE
PROTECTION DISTRICT)**

RECOMMENDATION: Acting as the governing body of County Service Area 70, conduct a public hearing to consider the formation of Community Facilities District No. 2002-02 (Central Valley Fire Protection District) and adopt the following resolutions and approve the following ordinance:

- 1) Resolution No. 2002-235 approving the boundary map for Community Facilities District No. 2002-02.
- 2) Resolution No. 2002-236 declaring the Board's intention to establish Community Facilities District No. 2002-02, to authorize the levy of a special tax.
- 3) Resolution No. 2002-237 ordering the formation of Community Facilities District No.2002-02.
- 4) Resolution No. 2002-238 calling for a special mailed ballot election.
- 5) Resolution No.2002-239 declaring the results of the special mailed ballot election.
- 6) Read title only of proposed ordinance authorizing the levy of the special tax for fiscal year 2003-04 and each year thereafter; waive reading of entire text and CONTINUE TO TUESDAY AUGUST 13, 2002 AT 10:00 AM for adoption.

BACKGROUND INFORMATION: Pursuant to the Mello-Roos Community Facilities Act of 1982, the above actions are required to authorize proceedings to form a Community Facilities District. At the request of the Board of Supervisors, the Special Districts Department has been working with the Catellus Corporation to review and evaluate their request for the formation of a Community Facilities District to finance public improvements for the Kaiser Commerce Center project located on the old Kaiser Steel site. This is being considered under a separate Community Facilities District action (Community Facilities District 2002-01). One of the conditions on the Kaiser Commerce Center project was to insure that there would be in place a financing mechanism to provide fire protection services. During the review of the project it was determined that fire protection services for this area was a larger issue than just the project site. Therefore it

cc: SDD – Marzullo
Central Valley Fire Protection District
Bond Counsel c/o SDD
Planning
Treasurer/Tax Collector
Assessor
County Counsel – Blakemore
CAO – Thies
File

mo

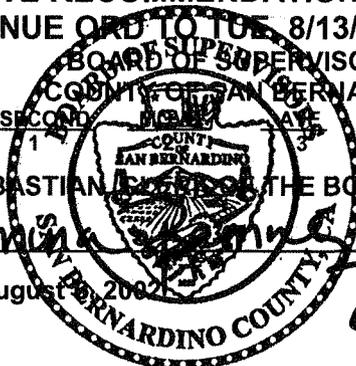
**APPROVE RECOMMENDATIONS #1- 5 AND
CONTINUE ORD TO TUE 8/13/02 @ 10 A.M.**

MOTION	SECOND	AYE	ABSENT
1	1	4	5

J. RENEE BASTIAN, CLERK OF THE BOARD

BY 

DATED: August 6, 2002



ITEM 083

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM COMMUNITY
FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)
AUGUST 6, 2002
PAGE 2**

was determined by staff and consultants to handle the fire protection requirement under a separate Community Facilities District (Community Facilities District 2002-02).

The proposal to fund fire protection services in this area of the Central Valley Fire Protection District is to levy a special tax in the amount of \$565 per developed acre (new development only). The tax is necessary due to the San Savine RDA that overlays this area which causes the taxes generated in this area that would have gone to the Central Valley Fire Protection District to go to the RDA. The special tax only replaces the amount of property taxes that would have gone to the Central Valley Fire Protection District had the RDA not been in place. It is estimated that the special tax will generate approximately \$500,000 annually after the entire area is fully developed.

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Michelle Blakemore) on July 25, 2002, the County's Debt Advisory Committee and the County Administrative Office (Wayne Thies, Administrative Analyst) on July 25, 2002.

FINANCIAL IMPACT: All cost associated with Community Facilities District 2002-02 has been borne by the developer. If Community Facilities District 2002-02 is approved, the special tax will be applied to the 2003-04 tax roll, and becomes a supplemental revenue source to fund fire protection services.

SUPERVISORIAL DISTRICT(S): Second

PRESENTER: EMIL A. MARZULLO 387-5950

RESOLUTION NO. 2002-235
RESOLUTION APPROVING BOUNDARY MAP

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

On Tuesday, August 6, 2002, on motion of Supervisor Mikels, seconded by Supervisor Postmus and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, a proposed boundary map (the "Boundary Map") entitled "Proposed Boundaries of Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services), County of San Bernardino, State of California" has been filed with the Clerk of the Board of Supervisors (the "Clerk") of the County of San Bernardino (the "County"); and

WHEREAS, in connection with the intention of this Board of Supervisors (this "Board") to initiate proceedings under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act"), this Board wishes to approve the Boundary Map as the means of describing the boundaries of the proposed Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2");

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board approves the Boundary Map and adopts the boundaries shown thereon as describing the extent of the territory to be included in a proposed community facilities district to be known as "Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services), County of San Bernardino, State of California."

2. This Board finds that the Boundary Map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code, as required by Section 53328.5 of the California Government Code.

3. This Board directs the Clerk to certify the adoption of this resolution on the face of the Boundary Map and to file a copy of thereof with the San Bernardino County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts.

* * * *

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Postmus, Mikels, Hansberger, Aguiar
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Eaves

STATE OF CALIFORNIA)
)
) ss.
COUNTY OF SAN BERNARDINO)

I, **J. RENEE BASTIAN**, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Board at it's meeting of August 6, 2002, Item #83, mo.

J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County
By  

RESOLUTION NO. 2002-236

RESOLUTION OF INTENTION
TO ESTABLISH COMMUNITY FACILITIES DISTRICT
AND TO AUTHORIZE LEVY OF A SPECIAL TAX
AND ISSUANCE OF SPECIAL TAX BONDS

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

On Tuesday, August 6, 2002, on motion of Supervisor Mikels, seconded by Supervisor Postmus and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, in response to a request submitted to this Board by CCG Ontario, LLC (“CCG Ontario”), as an owner of more than ten percent (10%) of the privately-owned real property shown on an exhibit map attached to the Petition, this Board proposes to establish a community facilities district within the County of San Bernardino (the “County”) under the terms of the Mello-Roos Community Facilities Act of 1982 (the “Act”), and the boundaries of the proposed community facilities district are shown on the boundary map (the “Boundary Map”) which is on file with the Clerk of this Board (the “Clerk”) and which has been approved by resolution of this Board previously adopted this same date; and

WHEREAS, by said resolution approving the Boundary Map, this Board has established that the name of the proposed community facilities district shall be “Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services), County of San Bernardino, State of California” (“CFD No. 2002-2”); and

WHEREAS, Section 53321 of the Act provides that legal proceedings for the establishment of a community facilities district pursuant to the Act shall be instituted by the adoption of a resolution of this Board declaring its intention as provided hereafter in this

resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board hereby finds that any property included within the boundary of CFD No. 2002-2 which is currently in agricultural use will nonetheless be benefited by the proposed facilities.

2. The types of services proposed to be provided within or adjacent to CFD No. 2002-2 are fire protection services.

3. The types of incidental expenses proposed to be incurred and authorized to be paid from the proceeds of the special tax are set forth in the definition of "Administrative Expenses," as set forth in Exhibit A attached to this resolution.

4. Except where funds are otherwise available, a special tax sufficient to pay for all such fire protection services and related Administrative Expenses, will be annually levied within CFD No. 2002-2. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property within CFD No. 2002-2, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until levy and collection of the tax by the County ceases. The rate and method of apportionment of the special tax is set forth in Exhibit A attached to this Resolution.

5. Advances of funds or contributions of work in kind from any lawful source, specifically including but not limited to the County and owners of property within CFD No. 2002-2, may be reimbursed from special tax revenue to the extent of the lesser of the value or

cost of the contribution, but any agreement to do so shall not constitute a debt or liability of the County.

6. On the basis of written consent and waiver forms submitted to and on file with the Clerk of this Board by or on behalf of 100% of the landowners within CFD No. 2002-2, this Board hereby sets Tuesday, July 30, 2002, at 10:00 a.m. or as soon thereafter as the matter may be heard, in the Board Chambers on the First Floor of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, California, as the time and place for the public hearing on the establishment of CFD No. 2002-2. At the hearing, testimony of all interested persons and taxpayers for or against establishment of CFD No. 2002-2, the extent of CFD No. 2002-2, the proposed fire protection services to be authorized, the rate and method of apportionment of the special tax, or any other aspect of the proposed CFD No. 2002-2 will be heard and protests will be considered from both registered voters, if any, residing within CFD No. 2002-2 and persons owning real property within CFD No. 2002-2. As provided by the Act, written protests by a majority of the registered voters, if any, but including a minimum of six registered voters, or by the owners of a majority in area of the land within the proposed CFD No. 2002-2 will constitute a "majority protest" and will require the suspension of proceedings for at least one year. Written protests must be filed with the Clerk at or before the time fixed for the hearing. If such majority protests are directed only against certain elements of the proposed services or proposed special tax, only those elements shall be deleted from the proceedings.

8. It is anticipated that the special tax will be billed as a separate line item on the regular property tax bill of the County of San Bernardino. However, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the County, including, but not limited to,

direct billing by the County to the property owners and supplemental billing.

9. David Taussig & Associates, Inc., as special tax consultant to the County for CFD No. 2002-2, is directed to study CFD No. 2002-2 and to cause the preparation and filing of the report required by Section 53321.5 of the Act (the "Hearing Report") prior to the time of the public hearing.

10. On the basis of the information set forth in that certain certificate entitled "Certificate re Landowners," on file with the Clerk of this Board, in the event that an election is held in these proceedings, it is the intention of this Board that the electors will be the landowner(s) within proposed CFD No. 2002-2 in accordance with Section 53326 of the Act.

11. This Board also intends to establish the annual appropriations limit of CFD No. 2002-2 at \$1.0 million for the 2002-2003 fiscal year.

13. This Board ratifies the publication by the Clerk of a notice of hearing, containing the matters specified by Section 53322 of the Act, one time in a newspaper in general circulation in the area of CFD No. 2002-2, said publication having occurred no later than July 23, 2002, said date being seven days prior to the date of the public hearing.

* * * *

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

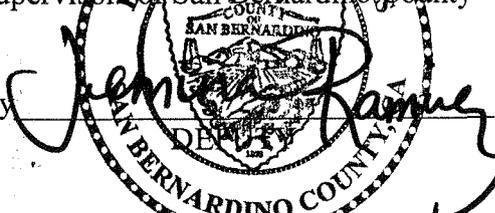
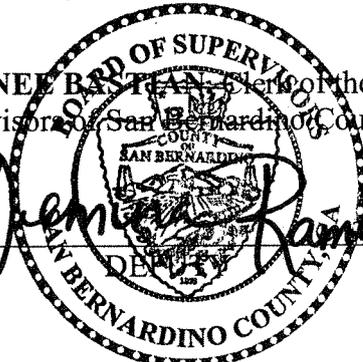
AYES: SUPERVISORS: Postmus, Mikels, Hansberger, Aguiar

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Eaves

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **J. RENEE BASTIAN**, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Board at it's meeting of August 6, 2002, Item #83, mo.

J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County
By  

RESOLUTION NO. 2002-237

RESOLUTION OF FORMATION

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

On Tuesday, August 6, 2002, on motion of Supervisor Mikels, seconded by Supervisor Postmus and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, reference is made to the Resolution of Intention, adopted by this Board of Supervisors (this "Board") this same date, for the description of the authorized fire protection services contemplated by these proceedings; and

WHEREAS, at the time set for the public hearing on this date, this Board conducted the public hearing, and at the close of the public hearing, this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. There is hereby formed a community facilities district by the County of San Bernardino (the "County") under the terms of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Division 2 of Title 5 of the California Government Code, commencing with Section 53311. The boundaries of the community facilities district are shown on the boundary map approved by the Resolution Approving Boundary Map, adopted by this Board on this same date. A copy of the recorded boundary map is on file with the Clerk of this Board (the "Clerk").

3. The name of the community facilities district is “Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services), County of San Bernardino, State of California” (“CFD No. 2002-2”).

4. The services proposed to be financed by CFD No. 2002-2 are fire protection services.

5. The types of incidental expenses proposed to be incurred are set forth in the definition of “Administrative Expenses” in Exhibit A attached to this Resolution.

6. Except where funds are otherwise available, a special tax sufficient to pay for such fire protection services will be annually levied within CFD No. 2002-2. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property within CFD No. 2002-2, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until collection of the tax by the County ceases. The rate and method of apportionment of the special tax (the “Rate and Method of Apportionment”) is set forth in Exhibit A attached to this resolution. The authority to levy the special tax in CFD No. 2002-2 will expire as provided in the Rate and Method of Apportionment.

7. Advances of funds or contributions of work in kind from any lawful source, specifically including owners of property within CFD No. 2002-2, may be reimbursed from special tax revenue to the extent of the lesser of the value or cost of the contribution, but any agreement to do so shall not constitute a debt or liability of the County.

8. The Director of the Special Districts Department of the County (the “Director”) is designated as the person responsible for preparing or causing the preparation

annually a current roll of special tax levy obligations by assessor's parcel number, and for responding to inquiries regarding estimates of future special tax levies. The County may contract with private consultants to provide this service in lieu of the Director.

9. The special tax will be collected and enforced as a separate line item on the regular property tax bill. However, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the County, including, but not limited to, direct billing by the County to the property owners and supplemental billing.

10. This Board hereby establishes the annual appropriations limit of CFD No. 2002-2 at \$1.0 million for the 2002-2003 fiscal year.

11. Based upon the Certificate Re Landowners on file with the Clerk and presented to this Board, the qualified electors for the election to be held in these proceedings shall be the landowners owning land within CFD No. 2002-2. The election will be conducted as a mailed-ballot election, and this Board hereby designates the Clerk as the official to conduct the mailed-ballot election.

12. This Board now finds and determines that all proceedings up to and including the adoption of this Resolution were and are valid and in conformity with the requirements of the Mello-Roos Community Facilities Act. This determination and finding is final and conclusive in accordance with Government Code Section 53325.1(b).

14. This resolution shall take effect from and after its adoption.

* * *

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Postmus, Mikels, Hansberger, Aguiar

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Eaves

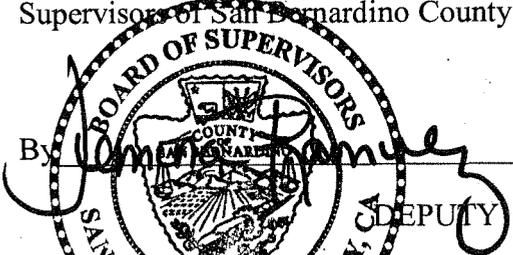
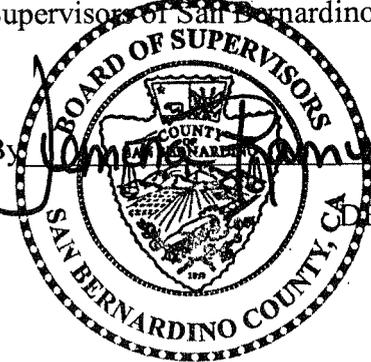
STATE OF CALIFORNIA)

) **ss.**

COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Board at it's meeting of August 6, 2002, Item #83, mo.

J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County

By )
) **DEPUTY**

RESOLUTION NO. 2002-238

RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

On Tuesday, August 6, 2002, on motion of Supervisor Mikels, seconded by Supervisor Postmus and carried, the following resolution is adopted by the County of San Bernardino, State of California.

WHEREAS, reference is made to the Resolution of Intention, adopted by this Board of Supervisors (this "Board") adopted on August 6, 2002, for the description of the authorized fire protection services and incidental expenses and the financing contemplated by these proceedings; and

WHEREAS, on August 6, 2002, at the time set for the public hearing by the Resolution of Intention, this Board conducted the public hearing, and at the close of the public hearing this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing; and

WHEREAS, at the conclusion of the public hearing, this Board adopted its Resolution of Formation pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed Community Facilities District No. 2002-2 ("CFD No. 2002-2"); and

WHEREAS, in order to proceed with the levy of the special tax and establishment of an appropriations limitation for CFD No. 2002-2, as provided by the Resolution of Formation, the two matters must be submitted to an election of the qualified electors of CFD No. 2002-2; and

WHEREAS, the two ballot questions just described may be combined into a single ballot measure pursuant to Section 53353.5 of the Government Code, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, a Certificate Re Landowners has been filed with the Clerk of this Board (the "Clerk"), certifying that at no time during the ninety days preceding the close of the protest hearing on August 6, 2002, were there ever twelve or more persons registered to vote within the territory of CFD No. 2002-2, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors of CFD No. 2002-2 for the proposed special election shall be the landowners of CFD No. 2002-2;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. This Board accepts the Certificate Re Landowners heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been fewer than twelve registered voters residing within the boundaries of CFD No. 2002-2. Accordingly, under Section 53326 of the Government Code, the qualified electors of CFD No. 2002-2 for the proposed special election shall be the landowners of CFD No. 2002-2.
3. This Board further finds and determines that the landowners of record owning property within CFD No. 2002-2 are those persons set forth in the attachment to the Certificate Re Landowners (the "Ownership List") and that the Ownership List correctly sets

forth the amount of property owned by such landowner, the number of votes to which such landowner is entitled pursuant to said Section 53326 being said number of acres rounded up to the nearest whole integer.

4. This Board further finds and determines that an authorized representative of each of said landowners has filed with the Clerk (a) the special election ballot pertaining to such landowner's property and (b) a waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.

5. Pursuant to Sections 53326 and 53351 of the Government Code, this Board hereby calls an election, to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date. Pursuant to Section 53326 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the ballots is permitted under the terms of the waiver and consent on file with the Clerk and shall therefore be permitted and ratified. The action of the Clerk in having made personal service of the ballots, in the form of Exhibit A, to each of said landowners is hereby ratified.

6. The measure to be submitted to the qualified electors of CFD No. 2002-2 shall be as set forth in Exhibit A.

7. The Clerk, having received each of the eligible ballots prior to adoption of this resolution, shall immediately close the election and declare the results to this Board.

8. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Postmus, Mikels, Hansberger, Aguiar
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Eaves

STATE OF CALIFORNIA)

) **ss.**

COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Board at it's meeting of August 6, 2002, Item #83, mo.

J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County

By
DEPUTY

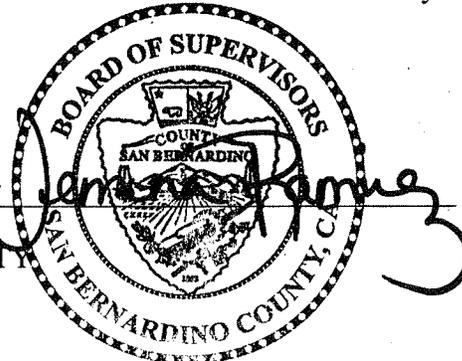


EXHIBIT A

(Form of Special Election Ballot)

COUNTY OF SAN BERNARDINO
COMMUNITY FACILITIES DISTRICT NO. 2002-2
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)

SPECIAL ELECTION BALLOT

(Mailed-Ballot Election)

This ballot is for the use of the authorized representative of the following owner of land within the County of San Bernardino Community Facilities District No. 2002-2 ("CFD No. 2002-2"):

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
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[Insert Information Here for Specific Landowner]

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Board of Supervisors (the "Board") of the County of San Bernardino (the "County"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner.

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, either by mail or in person, prior to 10:00 a.m. on August 6, 2002 (the "Election Date"), or as soon thereafter as the matter of the special election for CFD No. 2002-2 shall be considered by the Board at its meeting on said date, to:

Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead
San Bernardino, CA 94215

Mailing on the Election Date will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT.

BALLOT MEASURE

Shall the Board of Supervisors of the County of San Bernardino be authorized to levy a special tax upon the Taxable Property within its Community Facilities District No. 2002-2 ("CFD No. 2002-2") and finance fire protection services and incidental expenses by and through the proceeds of the special tax, all as specified in its resolutions pertaining thereto, adopted on the Election Date; and shall the appropriations limit for CFD 2002-2 for fiscal year 2002-2003 be established at \$1.0 million in accordance therewith?

MARK "YES" OR "NO"
WITH AN "X":

YES

NO

Certification for Special Election Ballot

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on August ____, 2002.

Signature

Print Name

RESOLUTION NO. 2002-239

RESOLUTION DECLARING ELECTION RESULTS

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

On Tuesday, August 6, 2002, on motion of Supervisor Mikels, seconded by Supervisor Postmus and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, on August 6, 2002, at the time set for the public hearing in the matter of Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2") by its Resolution of Intention, this Board of Supervisors (this "Board"), this Board conducted the public hearing, and at the close of the public hearing, this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing; and

WHEREAS, at the conclusion of the public hearing, this Board adopted its Resolution of Formation pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of CFD No. 2002-2; and

WHEREAS, in order to proceed with the levy of the special tax and establishment of an appropriations limitation for CFD No. 2002-2, as provided by the Resolution of Formation, the two matters must be submitted to an election of the qualified electors of CFD No. 2002-2; and

WHEREAS, by separate resolution adopted by this Board on this same date, the special mailed-ballot election has been called for this date;

WHEREAS, by said resolution calling the special mailed-ballot election, the two ballot questions just described were combined into a single ballot measure pursuant to Section 53353.5

of the Government Code, as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Clerk re Receipt of Property Owner Waiver and Consent Forms and Ballots and Declaring Election Results, dated August 6, 2002 (the "Clerk's Certificate"), executed by the Clerk of this Board (the "Clerk"), has been filed with this Board, certifying that a completed ballot has been returned to the Clerk for each landowner-voter eligible to cast a ballot in said special, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed; and

WHEREAS, this Board has received, reviewed and hereby accepts the Clerk's Certificate and wishes by this resolution to declare the results of the special mailed-ballot election;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. This Board hereby finds and determines and declares that the ballot measure submitted to the qualified electors of CFD No. 2002-2 has been passed and approved by those qualified electors in accordance with Sections 53328(a) and 53355 of the Government Code.
3. This Board hereby authorizes and directs the Clerk to cause the preparation and recordation with the County Recorder of the County of San Bernardino of a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and

Highways Code and Section 53328.3 of the Government Code. Said notice shall be recorded in said County Recorder's office within fifteen days of today's date.

4. This resolution shall take effect from and after its adoption.

* * *

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Postmus, Mikels, Hansberger, Aguiar

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Eaves

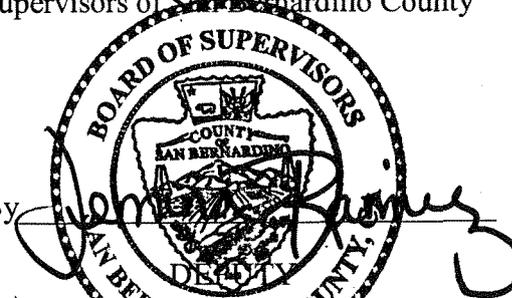
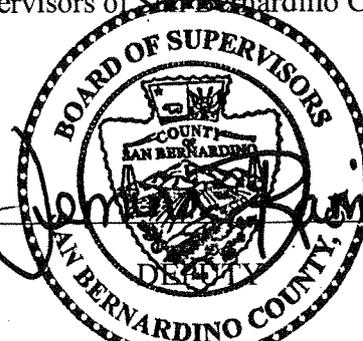
STATE OF CALIFORNIA)

) **ss.**

COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County, California, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Board at it's meeting of August 6, 2002, Item #83 mo.

J. RENEE BASTIAN, Clerk of the Board of Supervisors of San Bernardino County

By  

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

August 13, 2002

FROM: Emil A. Marzullo, Director
Special Districts Department

SUBJECT: **ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM
COMMUNITY FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE
PROTECTION DISTRICT)**

RECOMMENDATION: Acting as the governing body of County Service Area 70, conduct a public hearing to consider the formation of Community Facilities District No. 2002-02 (Central Valley Fire Protection District) and adopt the following resolutions and approve the following ordinance:

- 1) Resolution No. ___ approving the boundary map for Community Facilities District No. 2002-02.
- 2) Resolution No. ___ declaring the Board's intention to establish Community Facilities District No. 2002-02, to authorize the levy of a special tax.
- 3) Resolution No. ___ ordering the formation of Community Facilities District No.2002-02.
- 4) Resolution No. ___ calling for a special mailed ballot election.
- 5) Resolution No. ___ declaring the results of the special mailed ballot election.
- 6) **Ordinance No. SD 02-___ authorizing the levy of the special tax for fiscal year 2003-04 and each year thereafter.**

****Notification as required has been made by publication in The Sun and the Fontana Herald News.**

****On call of the Chairman, no further testimony is taken and the hearing is closed.**

BACKGROUND INFORMATION: Pursuant to the Mello-Roos Community Facilities Act of 1982, the above actions are required to authorize proceedings to form a Community Facilities District. At the request of the Board of Supervisors, the Special Districts Department has been working with the Catellus Corporation to review and evaluate their request for the formation of a Community Facilities District to finance public improvements for the Kaiser Commerce Center project located on the old Kaiser Steel site. This is being considered under a separate Community Facilities District action (Community Facilities District 2002-01). One of the conditions on the

Page 1 of 2

cc: SDD-Marzullo
County Counsel-Blakemore
DAC c/o CAO
ED/PSG-Thies
ED/PSG-Goss
File

nh

Record of Action of the Board of Supervisors

CONTINUED TO THE, 8/27/02 @ 10 A.M.

MOTION	AYE	AYE	MOVE
	3	4	5

J. RENEE BASHOR, CLERK OF THE BOARD

BY

DATED: August 13, 2002

ITEM 073

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM COMMUNITY
FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)
AUGUST 6, 2002
PAGE 2 of 2**

Kaiser Commerce Center project was to insure that there would be in place a financing mechanism to provide fire protection services. During the review of the project it was determined that fire protection services for this area was a larger issue than just the project site. Therefore it was determined by staff and consultants to handle the fire protection requirement under a separate Community Facilities District (Community Facilities District 2002-02).

The proposal to fund fire protection services in this area of the Central Valley Fire Protection District is to levy a special tax in the amount of \$565 per developed acre (new development only). The tax is necessary due to the San Savine RDA that overlays this area which causes the taxes generated in this area that would have gone to the Central Valley Fire Protection District to go to the RDA. The special tax only replaces the amount of property taxes that would have gone to the Central Valley Fire Protection District had the RDA not been in place. It is estimated that the special tax will generate approximately \$500,000 annually after the entire area is fully developed.

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Michelle Blakemore) on July 25, 2002, the County's Debt Advisory Committee and the County Administrative Office (Wayne Thies, Administrative Analyst) on July 25, 2002.

FINANCIAL IMPACT: All cost associated with Community Facilities District 2002-02 has been borne by the developer. If Community Facilities District 2002-02 is approved, the special tax will be applied to the 2003-04 tax roll, and becomes a supplemental revenue source to fund fire protection services.

SUPERVISORIAL DISTRICT(S): Second

PRESENTER: EMIL A. MARZULLO 387-5950

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

August 27, 2002

FROM: Emil A. Marzullo, Director
Special Districts Department

SUBJECT: ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM
COMMUNITY FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE
PROTECTION DISTRICT)

RECOMMENDATION: (Ordinance Continued for adoption from 8/6/02 and 8/13/02)

Acting as the governing body of County Service Area 70, conduct a public hearing to consider the formation of Community Facilities District No. 2002-02 (Central Valley Fire Protection District) and adopt the following ordinance:

- 8) Ordinance No. SD 02-09 authorizing the levy of the special tax for fiscal year 2003-04 and each year thereafter.

****ON AUGUST 27, 2002, THE BOARD OF SUPERVISORS ADOPTS ORDINANCE NO. SD 02-08, the same as is set forth in full in Special Districts Book #70, and is entitled:**

**“AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SAN BERNARDINO LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2002-
2003 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO
COMMUNITY FACILITIES DISTRICT NO. 2002-2 (CENTRAL VALLEY FPD –
FIRE PROTECTION SERVICES)”**

BACKGROUND INFORMATION: Pursuant to the Mello-Roos Community Facilities Act of 1982, the above actions are required to authorize proceedings to form a Community Facilities District. At the request of the Board of Supervisors, the Special Districts Department has been working with the Catellus Corporation to review and evaluate their request for the formation of a Community Facilities District to finance public improvements for the Kaiser Commerce Center project located on the old Kaiser Steel site. This is being considered under a separate Community Facilities District action (Community Facilities District 2002-01). One of the conditions on the Kaiser Commerce Center project was to insure that there would be in place a financing mechanism to provide fire protection services. During the review of the project it was determined that fire protection services for this area was a larger issue than just the project site. Therefore it was determined by staff and consultants to handle the fire protection requirement under a separate Community Facilities District (Community Facilities District 2002-02).

The proposal to fund fire protection services in this area of the Central Valley Fire Protection District is to levy a special tax in the amount of \$565 per developed acre (new development only).

cc: Special Districts – Marzullo
Auditor – Sandra Kelly
Debt Advisory Committee c/o Special
Districts - Marzullo
County Counsel – Blakemore
CAO - Thies
File

mo

Record of Action of the Board of Supervisors

**APPROVED BOARD OF SUPERVISORS
SAND BERNARDINO COUNTY**

MOTION

PRESENT 12 AYE

AYE 4

SECOND 5

J. RENEE BASTIEN, CLERK OF THE BOARD

BY

DATED: August 27, 2002

ITEM 081

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
ADOPT VARIOUS RESOLUTIONS FOR THE PROCEEDINGS TO FORM COMMUNITY
FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)
AUGUST 27, 2002
PAGE 2 of 2**

The tax is necessary due to the San Savine RDA that overlays this area which causes the taxes generated in this area that would have gone to the Central Valley Fire Protection District to go to the RDA. The special tax only replaces the amount of property taxes that would have gone to the Central Valley Fire Protection District had the RDA not been in place. It is estimated that the special tax will generate approximately \$500,000 annually after the entire area is fully developed

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Michelle Blakemore) on July 25, 2002, the County's Debt Advisory Committee and the County Administrative Office (Wayne Thies, Administrative Analyst) on July 25, 2002.

FINANCIAL IMPACT: All cost associated with Community Facilities District 2002-02 has been borne by the developer. If Community Facilities District 2002-02 is approved, the special tax will be applied to the 2003-04 tax roll, and becomes a supplemental revenue source to fund fire protection services.

SUPERVISORIAL DISTRICT(S): Second

PRESENTER: EMIL A. MARZULLO 387-5950

ORDINANCE NO. SD 02-09

**ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO LEVYING A SPECIAL TAX
FOR THE FISCAL YEAR 2002-2003 AND FOLLOWING FISCAL YEARS
SOLELY WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT
NO. 2002-2 (CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
SAN BERNARDINO:**

1. Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax (the "Rate and Method of Apportionment") as set forth in Exhibit A to Resolution No. 2002-237, entitled "Resolution of Formation of Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services)," adopted by the this Board of Supervisors (this "Board") on August 6, 2002 (the "Resolution"), a special tax is hereby levied on all taxable property within the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2") for the 2002-2003 fiscal year and for all subsequent fiscal years in the amount of the maximum authorized tax, provided that this amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of this Board.

2. The Director of the Special Districts Department (the "Director") of the County of San Bernardino (the "County"), is authorized and directed, with the aid of the appropriate officers and agents of the County, to determine each year, without further action of this Board, the Special Tax (as that term is defined in the applicable Rate and Method of Apportionment) for each parcel of Taxable Property within CFD No. 2002-2, to prepare the annual Special Tax roll in the amount of the Special Tax in accordance with the applicable Rate and Method of Apportionment and, without further action of this Board, to provide all necessary and appropriate information to the San Bernardino County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the Special Tax on the secured property tax roll of the County of San Bernardino (the "County"); provided that, as provided in the Resolution and Government Code Section 53340, this Board reserves the right to utilize any method of collecting the Special Tax which it shall, from time to time, determine to be in the best interests of the County, including but not limited to, direct billing by the County to the property owners and supplemental billing.

3. The appropriate officers and agents of the County are authorized to make adjustments to the Special Tax roll prior to the final posting of the Special Taxes to the secured property tax roll of the County each fiscal year, as may be necessary to achieve a correct match of the Special Tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

4. Taxpayers who have requested changes or corrections of the Special Tax pursuant to Section F of the applicable Rate and Method of Apportionment and who are not satisfied with the decision of the CFD Administrator may appeal to the CFD Administrator's decision to this Board. The appeal must be in writing, must fully explain the grounds of appeal, and must be based solely on the correction of mistakes in the levy based upon the status of the property. No other appeals will be allowed. The CFD Administrator shall schedule the appeal for consideration within a reasonable time at a meeting of this Board.

