

**REPORT OF COMMENDATION 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.**

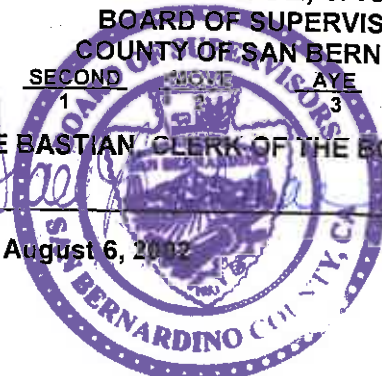
BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO

MOTION	<u>SECOND</u>	<u>MOVE</u>	<u>AYE</u>	<u>AYE</u>	<u>ABSENT</u>
	1	2	3	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 \_\_\_\_\_



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

ETIWANDA AVENUE  
ETIWANDA AVENUE  
ETIWANDA AVENUE

NAPA STREET	
FY 2002-03 Assessor's Parcel Numbers Located Within CFD No. 2002-2:	
0229-291-49-00	
0229-371-01-00	
0229-371-02-00	
0229-371-03-00	
0229-371-04-00	
0229-371-05-00	
0229-371-06-00	
0229-371-07-00	
0229-371-08-00	
0229-381-01-00	
0229-381-02-00	
0229-381-03-00	
0238-031-02-00	
0238-031-08-00	
0238-031-10-00	
0238-031-11-00	
0238-031-12-00	
0238-063-02-00	
SAN BERNARDINO AVENUE	

(1) Filed in the office of the Clerk of the Board of Supervisors of the County of San Bernardino this \_\_\_\_ day of \_\_\_\_\_, 2002.

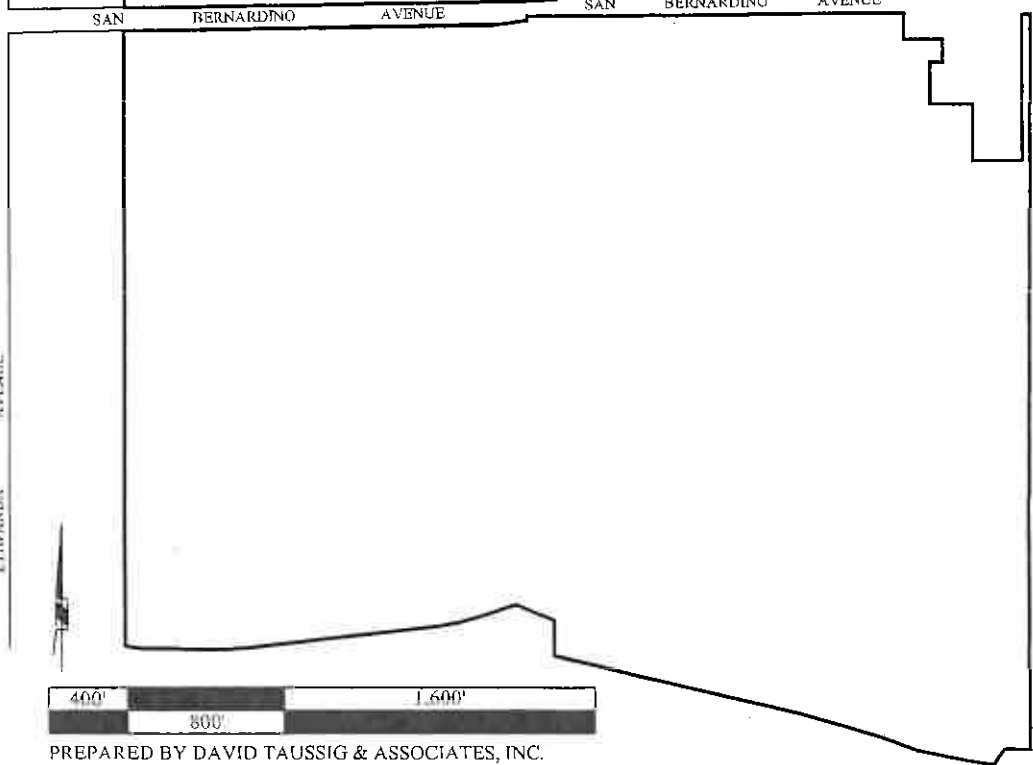
\_\_\_\_\_  
Renee Bastian  
Clerk of the Board, County of San Bernardino

(2) I hereby certify that the within map showing the proposed boundaries of Community Facilities District No. 2002-2, San Bernardino County, State of California, was approved by the Board of Supervisors of the County of San Bernardino at a regular meeting thereof, held on this \_\_\_\_ day of \_\_\_\_\_, 2002, by its Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
Renee Bastian  
Clerk of the Board, County of San Bernardino

(3) Filed this \_\_\_\_ day of \_\_\_\_\_, 2002, at the hour of \_\_\_\_ o'clock \_\_\_\_ m, in Book \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts at page \_\_\_\_ and as Instrument No. \_\_\_\_\_, in the office of the County Recorder of San Bernardino County, State of California.

\_\_\_\_\_  
County Recorder of San Bernardino County



Reference is hereby made to the Assessor maps of the County of San Bernardino for an exact description of the lines and dimensions of each lot and parcel.

LEGEND

_____	CFD No.
_____	2002-2
_____	Boundary

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.

\* \* \* \*



**COMMUNITY FACILITIES DISTRICT REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

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

**Prepared for**

**COUNTY OF SAN BERNARDINO**  
157 West 5<sup>th</sup> Street  
San Bernardino, CA 92415

**Prepared by**

**DAVID TAUSSIG & ASSOCIATES, INC.**  
1301 Dove Street, Suite 600  
Newport Beach, CA 92660

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**EXHIBITS**

- Exhibit A**      Rate and Method of Apportionment  
**Exhibit B**      Boundary Map

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## I. INTRODUCTION

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WHEREAS, the Board of Supervisors of the County of San Bernardino (hereinafter referred to as the "Board") did, 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 (hereinafter referred to as the "Act"), and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the legislative body of the proposed community facilities district. This community facilities district being Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services) shall hereinafter be referred to as:

"CFD No. 2002-2"; and

WHEREAS, the Resolution of Intention to Establish Community Facilities District and to Authorize Levy of a Special Tax and Issuance of Special Tax Bonds did direct that said Report generally contain the following:

1. A brief description of the services by type which will be required to adequately meet the needs of CFD No. 2002-2; and
2. An estimate of the cost of providing those services or incidental costs.

NOW, THEREFORE, David Taussig & Associates, Inc., as special tax consultant to the County of San Bernardino for CFD No. 2002-2, does hereby submit this Report.

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## II. PROJECT DESCRIPTION

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CFD No. 2002-2 encompasses approximately 580.77 gross acres of land. Of this acreage, approximately 458.08 net acres are expected to be developed into uses subject to the special tax. In addition, it is anticipated that other taxable property will annex into CFD No. 2002-2 in the future.

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### **III. DESCRIPTION AND ESTIMATED COST OF PROPOSED SERVICES**

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#### **A. Description of Proposed Public Services**

A community facilities district may finance any one or more of the following types of services: police protection services; fire protection and suppression services; ambulance and paramedic services; recreation program services, library services, maintenance services for elementary and secondary school sites and structures, operation and maintenance of museums and cultural facilities; maintenance of parks, parkways (including street lights), and open space; flood and storm protection services, including the operation and maintenance of storm drainage systems and sandstorm protection systems; services with respect to the removal or remedial action cleanup of hazardous substances. The authorized services may be financed only to the extent that such services are in addition to those services provided in the community facilities district prior to creation of the community facilities district.

#### **B. Estimated Cost of Proposed Bond Financed Public Improvements**

CFD No. 2002-2 is authorized to finance the costs of extended fire protection services, including staffing, training, equipment, and facilities maintenance and operation, primarily to serve the area within and annexable to CFD 2002-2. The total cost of providing these services to the property within and expected to be annexed to CFD No. 2002-2 is approximately \$1.4 million per year. However only a portion of such costs are expected to be generated from CFD No. 2002-1 special taxes. The services and the estimated costs herein are subject to review and confirmation.

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#### **IV. BONDED INDEBTEDNESS AND INCIDENTAL EXPENSES**

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##### **A. Projected Bond Sales**

CFD No. 2002-2 is not currently authorized to sell bonds.

##### **B. Incidental Expenses to be Included in the Annual Levv of Special Taxes**

Pursuant to Section 53340 of the Act, the proceeds of any special tax may only be used to pay, in whole or part, the cost of providing public facilities, services and incidental expenses. As defined by the Act, incidental expenses include, but are not limited to, the cost of planning and designing public facilities to be financed pursuant to the Act, including the cost of environmental evaluations of those facilities; 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; any other expenses incidental to the acquisition, construction, completion, and inspection of the authorized work; and the retirement of existing bonded indebtedness. While the actual cost of administering CFD No. 2002-2 may vary, it is anticipated that the amount of special taxes which can be collected will be sufficient to fund CFD No. 2002-2's annual administrative expenses.



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## V. RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX

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All of the property located within CFD No. 2002-2, unless exempted by law or by the Rate and Method of Apportionment, shall be taxed for the purpose of providing necessary facilities to serve CFD No. 2002-2. Pursuant to Section 53325.3 of the Act, the tax imposed "is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property." The Special Tax "may be based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or other reasonable basis as determined by the legislative body," although the Special Tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution.

As shown in Exhibit A, the Rate and Method of Apportionment provides information sufficient to allow each property owner within CFD No. 2002-2 to estimate the maximum annual Special Tax he or she will be required to pay. Sections A and B, below, provide additional information on the Rate and Method of Apportionment of the Special Tax<sup>1</sup> for CFD No. 2002-2.

### A. Explanation for Special Tax Apportionment

When a community facilities district is formed, a special tax may be levied on each parcel of taxable property within the CFD to pay for the construction, acquisition and rehabilitation of public facilities, to pay for authorized services or to repay bonded indebtedness or other related expenses incurred by the CFD. This special tax must be apportioned in a reasonable manner; however, the tax may not be apportioned on an ad valorem basis.

The major assumption inherent in the Special Tax rates set forth in the Rate and Method of Apportionment is that the level of benefit received from the services provided by CFD No. 2002-2 is a function of lot size. Larger lots will receive greater benefit from the services proposed by CFD No. 2002-2 than will smaller lots. Therefore, the Special Tax for a parcel of Developed Property is based on the acreage of such parcel. Based on the types of services that are proposed for CFD No. 2002-2, the Special Taxes are generally proportionate to the relative benefits received by them, and, accordingly, the Special Taxes in CFD No. 2002-2 can be considered to be fair and reasonable.

### B. Maximum Special Tax Rates

The fiscal year 2002-03 Maximum Special Tax that may be levied against Developed Property within CFD No. 2002-2 is \$565 per acre. There is no Special Tax that may be levied against Undeveloped Property. The Maximum Special Tax for Developed Property escalates at a rate of two percent (2%) each year.

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<sup>1</sup> All capitalized terms used herein, unless otherwise indicated, shall have the meanings defined in the Rate and Method of Apportionment for CFD No. 2002-2.

Each year the Special Tax shall be levied subject to the methodology and Maximum Special Taxes set forth in the Rate and Method of Apportionment for CFD No. 2002-2 in an amount sufficient to meet the appropriate Special Tax Requirement.

**C. Accuracy of Information**

In order to establish the Special Taxes for CFD No. 2002-2 as set forth in the Rate and Method of Apportionment, David Taussig and Associates, Inc. has relied on information including, but not limited to, absorption and net taxable acreage which were provided to David Taussig and Associates, Inc. by others. David Taussig and Associates, Inc. has not independently verified such data and disclaims responsibility for the impact of inaccurate data provided by others, if any, on the Rate and Method of Apportionment for CFD No. 2002-2, including the inability to meet the financial obligations of CFD No. 2002-2.

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**VI. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT**

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The boundaries of CFD No. 2002-2 include all land on which the Special Taxes may be levied. A map of the area included within CFD No. 2002-2 is provided as Exhibit B.

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## **VII. GENERAL TERMS AND CONDITIONS**

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### **A. Substitution Services**

The description of the public services, as set forth herein, are general in their nature. The final nature and location of the specific services to be funded by CFD No. 2002-2 will be determined on an annual basis. The actual services funded may show substitutes, in lieu or modifications to the proposed services that benefit CFD No. 2002-2, and any such substitution shall not be a change or modification in the proceedings as long as the services provided are of a type substantially similar to that as set forth in this Report.

### **B. Appeals and Interpretations**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the clerk of the Board, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

### **C. Prepayment of Special Tax**

The Special Tax applicable to an Assessor's Parcel of Developed Property for which a building permit has been issued may be prepaid according to the prepayment provisions in the Rate and Method of Apportionment.

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**EXHIBIT B**

**BOUNDARY MAP**

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

NAPA STREET

AVENUE

ETIWANDA

AVENUE

ETIWANDA

AVENUE

ETIWANDA

FY 2002-03  
Assessor's Parcel  
Numbers Located  
Within CFD No.  
2002-2:  
0229-291-49-00  
0229-371-01-00  
0229-371-02-00  
0229-371-03-00  
0229-371-04-00  
0229-371-05-00  
0229-371-06-00  
0229-371-07-00  
0229-371-08-00  
0229-381-01-00  
0229-381-02-00  
0229-381-03-00  
0238-031-02-00  
0238-031-08-00  
0238-031-10-00  
0238-031-11-00  
0238-031-12-00  
0238-063-02-00

(1) Filed in the office of the Clerk of the Board of Supervisors of the County of San Bernardino this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Renee Bastian  
Clerk of the Board, County of San Bernardino

(2) I hereby certify that the within map showing the proposed boundaries of Community Facilities District No. 2002-2, San Bernardino County, State of California, was approved by the Board of Supervisors of the County of San Bernardino at a regular meeting thereof, held on this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by its Resolution No. \_\_\_\_\_.

Renee Bastian  
Clerk of the Board, County of San Bernardino

(3) Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2002, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m, in Book \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts at page \_\_\_\_\_ and as Instrument No. \_\_\_\_\_, in the office of the County Recorder of San Bernardino County, State of California.




County Recorder of San Bernardino County

SAN BERNARDINO AVENUE

SAN BERNARDINO AVENUE

Reference is hereby made to the Assessor maps of the County of San Bernardino for an exact description of the lines and dimensions of each lot and parcel.

LEGEND

-  CFD No.
-  2002-2
-  Boundary



**EXHIBIT A**

**RATE AND METHOD OF APPORTIONMENT FOR  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

**RATE AND METHOD OF APPORTIONMENT FOR  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services) ("CFD No. 2002-2") and collected each Fiscal Year commencing in Fiscal Year 2002-03, in an amount determined by the Board, through the application of the Rate and Method of Apportionment as described below. All of the real property in CFD No. 2002-2, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map. Notwithstanding the foregoing, the Acreage of an Assessor's Parcel that is coterminous with parcel 10 or parcel 12 of Parcel Map No. 15118 shall be the amount shown in the table below under the heading Taxable Acreage. If the Assessor's Parcel for parcel 10 and/or 12 is not coterminous with such parcel, the CFD Administrator shall allocate the Acreage indicated in the table to all applicable Assessor's Parcels, with the intent of excluding from taxation that portion of such parcels that are not buildable.

PARCEL	MAP NO.	PARCEL SIZE	NON-BUILDABLE AREA	TAXABLE ACREAGE
10	15118	9.77 acres	4.65 acres	5.12 Acres
12	15118	18.93 acres	0.33 acres	18.60 Acres

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2002-2: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the County or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the County, CFD No. 2002-2 or any designee thereof of complying with County, CFD No. 2002-2 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the County, CFD No. 2002-2 or any designee thereof related to an appeal of the Special Tax; and the County's



annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD No. 2002-2 for any other administrative purposes of CFD No. 2002-2, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

**"Board"** means the Board of Supervisors of the County.

**"CFD Administrator"** means the Director of the Special Districts Department, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD No. 2002-2"** means the County of San Bernardino Community Facilities District No. 2001-2 (Central Valley FPD--Fire Protection Services).

**"County"** means the County of San Bernardino.

**"Developed Property"** means, for each Fiscal Year, all Taxable Property, for which a building permit for new construction was issued after January 1, 2001 and prior to March 1 of the prior Fiscal Year.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Maximum Special Tax"** means the Maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on any Assessor's Parcel within CFD No. 2002-2.

**"Proportionately"** means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property.

**"Property Owner Association Property"** means, for each Fiscal Year, any property within the boundaries of CFD No. 2002-2 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**"Public Property"** means, for each Fiscal Year, any property within CFD No. 2002-2 that is owned by, irrevocably offered for dedication to, or dedicated to the federal government, the State, the County, or any other public agency as of June 30 of the prior Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use. To ensure that property is classified as Public Property in the first Fiscal Year after it is acquired by, irrevocably offered for dedication to, or dedicated to a public agency, the property owner

shall notify the CFD Administrator in writing of such acquisition, offer, or dedication not later than June 30 of the Fiscal Year in which the acquisition, offer, or dedication occurred.

"**Special Tax**" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property within CFD No. 2002-2 to fund the Special Tax Requirement.

"**Special Tax Requirement**" means that amount required in any Fiscal Year for CFD No. 2002-2 to: (i) pay for the costs of extended fire protection services, including staffing, training, equipment, and facilities maintenance and operation, primarily to serve the area within and annexable to CFD 2002-2; (ii) pay Administrative Expenses; (iii) pay for reasonably anticipated Special Tax delinquencies based on the historical delinquency rate for CFD No. 2002-2 as determined by the CFD Administrator; less (iv) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

"**State**" means the State of California.

"**Taxable Property**" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-2 which are not exempt from the Special Tax pursuant to law or Section E below.

"**Undeveloped Property**" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Taxable Property within CFD No. 2002-2 shall be classified as Developed Property or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX**

**1. DEVELOPED PROPERTY**

The Fiscal Year 2002-03 Maximum Special Tax shall equal \$565 per Acre. On each July 1, commencing July 1, 2003 the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.

**2. UNDEVELOPED PROPERTY**

The Special Tax shall not be levied on Undeveloped Property.

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

Commencing with Fiscal Year 2002-03 and for each following Fiscal Year, the Board shall determine the Special Tax Requirement and shall levy the Special Tax Proportionately on

each Assessor's Parcel of Developed Property at up to 100% of the Maximum Special Tax as needed to satisfy the Special Tax Requirement.

**E. EXEMPTIONS**

No Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS AND INTERPRETATIONS**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the clerk of the Board, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

**G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2002-2 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. PREPAYMENT OF SPECIAL TAX**

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid and permanently satisfied as described herein; provided that a prepayment may be made only for Assessor's Parcels of Developed Property or Undeveloped Property for which a building permit has been issued, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor's Parcel. The CFD Administrator may charge a reasonable fee for providing this service.

The Special Tax Prepayment Amount is defined as follows:

$$P = PVT + F$$

The variables are defined as follows:

P = Special Tax Prepayment Amount  
PVT = Present Value of Special Tax  
F = Administrative Fees and Expenses

**"Present Value of Special Tax"** means the sum of the present values of the Special Tax applicable to the subject Assessor's Parcel in the current Fiscal Year not yet received by the County plus the Maximum Special Tax applicable to the subject Assessor's Parcel in each remaining Fiscal Year subsequent to the Fiscal Year in which the prepayment is made through the term of the Special Tax, using a discount rate equivalent to the current interest rate being paid to public agencies by LAIF. In the event that this fund no longer exists, then the CFD Administration shall determine a reasonably comparable discount rate.

**"LAIF"** means the State of California's Local Agency Investment Fund.

**"Administrative Fees and Expenses"** means the costs of computing the Special Tax Prepayment Amount, the costs of investing the prepayment proceeds, and the costs of recording any notices to evidence the prepayment and the redemption, as calculated by the CFD Administrator.

The Special Tax Prepayment Amount less the Administrative Fees and Expenses shall be deposited into the appropriate fund as determined by the CFD Administrator.

With respect to any Assessor's Parcel that is prepaid in accordance with this Section, the Board shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

**J. TERM OF SPECIAL TAX**

The Special Tax shall be levied for a period not to exceed fifty years commencing with Fiscal Year 2002-03.

EXHIBIT C

ADMINISTRATIVE EXPENSES

The expenses of certain recurring services pertaining to CFD No. 2002-02 may be included in each annual special tax levy. These include:

- Bond transfer agent, fiscal agent, registrar and paying agent services
- Rebate calculation services and periodic arbitrage rebate payments
- Special tax administrator services
- Other necessary consultant services incidental to  
the administration of CFD No. 2002-02
- Posting, collecting and enforcing payment of the special taxes,  
including but not limited to foreclosure attorneys' services
- Personnel and administrative services provided by County personnel
- Continuing disclosure services

The foregoing enumeration shall not be regarded as exclusive and shall be deemed to include any other incidental expenses of a like nature which may be incurred from time to time with respect to CFD No. 2002-02.

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.

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**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

**RATE AND METHOD OF APPORTIONMENT FOR  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD—FIRE PROTECTION SERVICES)**

**RATE AND METHOD OF APPORTIONMENT FOR  
 COUNTY OF SAN BERNARDINO  
 COMMUNITY FACILITIES DISTRICT NO. 2002-2  
 (CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services) ("CFD No. 2002-2") and collected each Fiscal Year commencing in Fiscal Year 2002-03, in an amount determined by the Board, through the application of the Rate and Method of Apportionment as described below. All of the real property in CFD No. 2002-2, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map. Notwithstanding the foregoing, the Acreage of an Assessor's Parcel that is coterminous with parcel 10 or parcel 12 of Parcel Map No. 15118 shall be the amount shown in the table below under the heading Taxable Acreage. If the Assessor's Parcel for parcel 10 and/or 12 is not coterminous with such parcel, the CFD Administrator shall allocate the Acreage indicated in the table to all applicable Assessor's Parcels, with the intent of excluding from taxation that portion of such parcels that are not buildable.

PARCEL	MAP NO.	PARCEL SIZE	NON-BUILDABLE AREA	TAXABLE ACREAGE
10	15118	9.77 acres	4.65 acres	5.12 Acres
12	15118	18.93 acres	0.33 acres	18.60 Acres

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2002-2: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the County or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the County, CFD No. 2002-2 or any designee thereof of complying with County, CFD No. 2002-2 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the County, CFD No. 2002-2 or any designee thereof related to an appeal of the Special Tax; and the County's

annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD No. 2002-2 for any other administrative purposes of CFD No. 2002-2, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

**"Board"** means the Board of Supervisors of the County.

**"CFD Administrator"** means the Director of the Special Districts Department, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD No. 2002-2"** means the County of San Bernardino Community Facilities District No. 2001-2 (Central Valley FPD--Fire Protection Services).

**"County"** means the County of San Bernardino.

**"Developed Property"** means, for each Fiscal Year, all Taxable Property, for which a building permit for new construction was issued after January 1, 2001 and prior to March 1 of the prior Fiscal Year.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Maximum Special Tax"** means the Maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on any Assessor's Parcel within CFD No. 2002-2.

**"Proportionately"** means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property.

**"Property Owner Association Property"** means, for each Fiscal Year, any property within the boundaries of CFD No. 2002-2 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**"Public Property"** means, for each Fiscal Year, any property within CFD No. 2002-2 that is owned by, irrevocably offered for dedication to, or dedicated to the federal government, the State, the County, or any other public agency as of June 30 of the prior Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use. To ensure that property is classified as Public Property in the first Fiscal Year after it is acquired by, irrevocably offered for dedication to, or dedicated to a public agency, the property owner

shall notify the CFD Administrator in writing of such acquisition, offer, or dedication not later than June 30 of the Fiscal Year in which the acquisition, offer, or dedication occurred.

"**Special Tax**" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property within CFD No. 2002-2 to fund the Special Tax Requirement.

"**Special Tax Requirement**" means that amount required in any Fiscal Year for CFD No. 2002-2 to: (i) pay for the costs of extended fire protection services, including staffing, training, equipment, and facilities maintenance and operation, primarily to serve the area within and annexable to CFD 2002-2; (ii) pay Administrative Expenses; (iii) pay for reasonably anticipated Special Tax delinquencies based on the historical delinquency rate for CFD No. 2002-2 as determined by the CFD Administrator; less (iv) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

"**State**" means the State of California.

"**Taxable Property**" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-2 which are not exempt from the Special Tax pursuant to law or Section E below.

"**Undeveloped Property**" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Taxable Property within CFD No. 2002-2 shall be classified as Developed Property or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX**

**1. DEVELOPED PROPERTY**

The Fiscal Year 2002-03 Maximum Special Tax shall equal \$565 per Acre. On each July 1, commencing July 1, 2003 the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.

**2. UNDEVELOPED PROPERTY**

The Special Tax shall not be levied on Undeveloped Property.

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

Commencing with Fiscal Year 2002-03 and for each following Fiscal Year, the Board shall determine the Special Tax Requirement and shall levy the Special Tax Proportionately on

each Assessor's Parcel of Developed Property at up to 100% of the Maximum Special Tax as needed to satisfy the Special Tax Requirement.

**E. EXEMPTIONS**

No Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS AND INTERPRETATIONS**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the clerk of the Board, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

**G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2002-2 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. PREPAYMENT OF SPECIAL TAX**

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid and permanently satisfied as described herein; provided that a prepayment may be made only for Assessor's Parcels of Developed Property or Undeveloped Property for which a building permit has been issued, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor's Parcel. The CFD Administrator may charge a reasonable fee for providing this service.

The Special Tax Prepayment Amount is defined as follows:

$$P = PVT + F$$

The variables are defined as follows:

P = Special Tax Prepayment Amount  
PVT = Present Value of Special Tax  
F = Administrative Fees and Expenses

**"Present Value of Special Tax"** means the sum of the present values of the Special Tax applicable to the subject Assessor's Parcel in the current Fiscal Year not yet received by the County plus the Maximum Special Tax applicable to the subject Assessor's Parcel in each remaining Fiscal Year subsequent to the Fiscal Year in which the prepayment is made through the term of the Special Tax, using a discount rate equivalent to the current interest rate being paid to public agencies by LAIF. In the event that this fund no longer exists, then the CFD Administration shall determine a reasonably comparable discount rate.

**"LAIF"** means the State of California's Local Agency Investment Fund.

**"Administrative Fees and Expenses"** means the costs of computing the Special Tax Prepayment Amount, the costs of investing the prepayment proceeds, and the costs of recording any notices to evidence the prepayment and the redemption, as calculated by the CFD Administrator.

The Special Tax Prepayment Amount less the Administrative Fees and Expenses shall be deposited into the appropriate fund as determined by the CFD Administrator.

With respect to any Assessor's Parcel that is prepaid in accordance with this Section, the Board shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

J. **TERM OF SPECIAL TAX**

The Special Tax shall be levied for a period not to exceed fifty years commencing with Fiscal Year 2002-03.

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## EXHIBIT B

### ADMINISTRATIVE EXPENSES

The expenses of certain recurring services pertaining to CFD No. 2002-02 may be included in each annual special tax levy. These include:

- Bond transfer agent, fiscal agent, registrar and paying agent services
- Rebate calculation services and periodic arbitrage rebate payments
- Special tax administrator services
- Other necessary consultant services incidental to  
the administration of CFD No. 2002-02
- Posting, collecting and enforcing payment of the special taxes,  
including but not limited to foreclosure attorneys' services
- Personnel and administrative services provided by County personnel
- Continuing disclosure services

The foregoing enumeration shall not be regarded as exclusive and shall be deemed to include any other incidental expenses of a like nature which may be incurred from time to time with respect to CFD No. 2002-02.



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

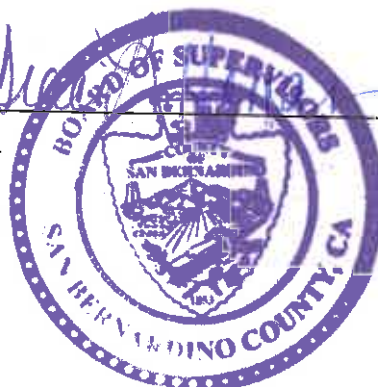


EXHIBIT A

(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>
--------------------------	------------------------------	--------------------

[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

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

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?

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

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   




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

NAPA STREET

ETIWANDA AVENUE

ETIWANDA AVENUE

ETIWANDA AVENUE

SAN BERNARDINO AVENUE

SAN BERNARDINO AVENUE

FY 2002-03  
Assessor's Parcel  
Numbers Located  
Within CFD No.  
2002-2:  
0229-291-49-00  
0229-371-01-00  
0229-371-02-00  
0229-371-03-00  
0229-371-04-00  
0229-371-05-00  
0229-371-06-00  
0229-371-07-00  
0229-371-08-00  
0229-381-01-00  
0229-381-02-00  
0229-381-03-00  
0238-031-02-00  
0238-031-08-00  
0238-031-10-00  
0238-031-11-00  
0238-031-12-00  
0238-063-02-00

(1) Filed in the office of the Clerk of the Board of Supervisors of the County of San Bernardino this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Renee Bastian  
Clerk of the Board, County of San Bernardino

(2) I hereby certify that the within map showing the proposed boundaries of Community Facilities District No. 2002-2, San Bernardino County, State of California, was approved by the Board of Supervisors of the County of San Bernardino at a regular meeting thereof, held on this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by its Resolution No. \_\_\_\_\_

Renee Bastian  
Clerk of the Board, County of San Bernardino

(3) Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2002, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m, in Book \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts at page \_\_\_\_\_ and as Instrument No. \_\_\_\_\_, in the office of the County Recorder of San Bernardino County, State of California.

County Recorder of San Bernardino County

Reference is hereby made to the Assessor maps of the County of San Bernardino for an exact description of the lines and dimensions of each lot and parcel.

LEGEND

CFD No.  
2002-2  
Boundary



EXHIBIT A

**RATE AND METHOD OF APPORTIONMENT FOR  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

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**RATE AND METHOD OF APPORTIONMENT FOR  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services) ("CFD No. 2002-2") and collected each Fiscal Year commencing in Fiscal Year 2002-03, in an amount determined by the Board, through the application of the Rate and Method of Apportionment as described below. All of the real property in CFD No. 2002-2, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map. Notwithstanding the foregoing, the Acreage of an Assessor's Parcel that is coterminous with parcel 10 or parcel 12 of Parcel Map No. 15118 shall be the amount shown in the table below under the heading Taxable Acreage. If the Assessor's Parcel for parcel 10 and/or 12 is not coterminous with such parcel, the CFD Administrator shall allocate the Acreage indicated in the table to all applicable Assessor's Parcels, with the intent of excluding from taxation that portion of such parcels that are not buildable.

PARCEL	MAP NO.	PARCEL SIZE	NON-BUILDABLE AREA	TAXABLE ACREAGE
10	15118	9.77 acres	4.65 acres	5.12 Acres
12	15118	18.93 acres	0.33 acres	18.60 Acres

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2002-2: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the County or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the County, CFD No. 2002-2 or any designee thereof of complying with County, CFD No. 2002-2 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the County, CFD No. 2002-2 or any designee thereof related to an appeal of the Special Tax; and the County's

annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD No. 2002-2 for any other administrative purposes of CFD No. 2002-2, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

**"Board"** means the Board of Supervisors of the County.

**"CFD Administrator"** means the Director of the Special Districts Department, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD No. 2002-2"** means the County of San Bernardino Community Facilities District No. 2001-2 (Central Valley FPD--Fire Protection Services).

**"County"** means the County of San Bernardino.

**"Developed Property"** means, for each Fiscal Year, all Taxable Property, for which a building permit for new construction was issued after January 1, 2001 and prior to March 1 of the prior Fiscal Year.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Maximum Special Tax"** means the Maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on any Assessor's Parcel within CFD No. 2002-2.

**"Proportionately"** means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property.

**"Property Owner Association Property"** means, for each Fiscal Year, any property within the boundaries of CFD No. 2002-2 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**"Public Property"** means, for each Fiscal Year, any property within CFD No. 2002-2 that is owned by, irrevocably offered for dedication to, or dedicated to the federal government, the State, the County, or any other public agency as of June 30 of the prior Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use. To ensure that property is classified as Public Property in the first Fiscal Year after it is acquired by, irrevocably offered for dedication to, or dedicated to a public agency, the property owner

shall notify the CFD Administrator in writing of such acquisition, offer, or dedication not later than June 30 of the Fiscal Year in which the acquisition, offer, or dedication occurred.

"**Special Tax**" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property within CFD No. 2002-2 to fund the Special Tax Requirement.

"**Special Tax Requirement**" means that amount required in any Fiscal Year for CFD No. 2002-2 to: (i) pay for the costs of extended fire protection services, including staffing, training, equipment, and facilities maintenance and operation, primarily to serve the area within and annexable to CFD 2002-2; (ii) pay Administrative Expenses; (iii) pay for reasonably anticipated Special Tax delinquencies based on the historical delinquency rate for CFD No. 2002-2 as determined by the CFD Administrator; less (iv) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

"**State**" means the State of California.

"**Taxable Property**" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-2 which are not exempt from the Special Tax pursuant to law or Section E below.

"**Undeveloped Property**" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Taxable Property within CFD No. 2002-2 shall be classified as Developed Property or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX**

**1. DEVELOPED PROPERTY**

The Fiscal Year 2002-03 Maximum Special Tax shall equal \$565 per Acre. On each July 1, commencing July 1, 2003 the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.

**2. UNDEVELOPED PROPERTY**

The Special Tax shall not be levied on Undeveloped Property.

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

Commencing with Fiscal Year 2002-03 and for each following Fiscal Year, the Board shall determine the Special Tax Requirement and shall levy the Special Tax Proportionately on

each Assessor's Parcel of Developed Property at up to 100% of the Maximum Special Tax as needed to satisfy the Special Tax Requirement.

**E. EXEMPTIONS**

No Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS AND INTERPRETATIONS**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the clerk of the Board, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

**G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2002-2 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. PREPAYMENT OF SPECIAL TAX**

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid and permanently satisfied as described herein; provided that a prepayment may be made only for Assessor's Parcels of Developed Property or Undeveloped Property for which a building permit has been issued, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor's Parcel. The CFD Administrator may charge a reasonable fee for providing this service.

The Special Tax Prepayment Amount is defined as follows:

$$P = PVT + F$$

The variables are defined as follows:

P = Special Tax Prepayment Amount  
PVT = Present Value of Special Tax  
F = Administrative Fees and Expenses

**"Present Value of Special Tax"** means the sum of the present values of the Special Tax applicable to the subject Assessor's Parcel in the current Fiscal Year not yet received by the County plus the Maximum Special Tax applicable to the subject Assessor's Parcel in each remaining Fiscal Year subsequent to the Fiscal Year in which the prepayment is made through the term of the Special Tax, using a discount rate equivalent to the current interest rate being paid to public agencies by LAIF. In the event that this fund no longer exists, then the CFD Administration shall determine a reasonably comparable discount rate.

**"LAIF"** means the State of California's Local Agency Investment Fund.

**"Administrative Fees and Expenses"** means the costs of computing the Special Tax Prepayment Amount, the costs of investing the prepayment proceeds, and the costs of recording any notices to evidence the prepayment and the redemption, as calculated by the CFD Administrator.

The Special Tax Prepayment Amount less the Administrative Fees and Expenses shall be deposited into the appropriate fund as determined by the CFD Administrator.

With respect to any Assessor's Parcel that is prepaid in accordance with this Section, the Board shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

**J. TERM OF SPECIAL TAX**

The Special Tax shall be levied for a period not to exceed fifty years commencing with Fiscal Year 2002-03.

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## EXHIBIT C

### ADMINISTRATIVE EXPENSES

The expenses of certain recurring services pertaining to CFD No. 2002-02 may be included in each annual special tax levy. These include:

- Bond transfer agent, fiscal agent, registrar and paying agent services
- Rebate calculation services and periodic arbitrage rebate payments
- Special tax administrator services
- Other necessary consultant services incidental to  
the administration of CFD No. 2002-02
- Posting, collecting and enforcing payment of the special taxes,  
including but not limited to foreclosure attorneys' services
- Personnel and administrative services provided by County personnel
- Continuing disclosure services

The foregoing enumeration shall not be regarded as exclusive and shall be deemed to include any other incidental expenses of a like nature which may be incurred from time to time with respect to CFD No. 2002-02.



EXHIBIT A

**RATE AND METHOD OF APPORTIONMENT FOR  
COMMUNITY FACILITIES DISTRICT NO. 2002-2**  

---

**(CENTRAL VALLEY FPD—FIRE PROTECTION SERVICES)**

4412

**RATE AND METHOD OF APPORTIONMENT FOR  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services) ("CFD No. 2002-2") and collected each Fiscal Year commencing in Fiscal Year 2002-03, in an amount determined by the Board, through the application of the Rate and Method of Apportionment as described below. All of the real property in CFD No. 2002-2, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map. Notwithstanding the foregoing, the Acreage of an Assessor's Parcel that is coterminous with parcel 10 or parcel 12 of Parcel Map No. 15118 shall be the amount shown in the table below under the heading Taxable Acreage. If the Assessor's Parcel for parcel 10 and/or 12 is not coterminous with such parcel, the CFD Administrator shall allocate the Acreage indicated in the table to all applicable Assessor's Parcels, with the intent of excluding from taxation that portion of such parcels that are not buildable.

PARCEL	MAP NO.	PARCEL SIZE	NON-BUILDABLE AREA	TAXABLE ACREAGE
10	15118	9.77 acres	4.65 acres	5.12 Acres
12	15118	18.93 acres	0.33 acres	18.60 Acres

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2002-2: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the County or designee thereof or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs to the County, CFD No. 2002-2 or any designee thereof of complying with County, CFD No. 2002-2 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the County, CFD No. 2002-2 or any designee thereof related to an appeal of the Special Tax; and the County's

annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the County or CFD No. 2002-2 for any other administrative purposes of CFD No. 2002-2, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County designating parcels by Assessor's parcel number.

**"Board"** means the Board of Supervisors of the County.

**"CFD Administrator"** means the Director of the Special Districts Department, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD No. 2002-2"** means the County of San Bernardino Community Facilities District No. 2001-2 (Central Valley FPD--Fire Protection Services).

**"County"** means the County of San Bernardino.

**"Developed Property"** means, for each Fiscal Year, all Taxable Property, for which a building permit for new construction was issued after January 1, 2001 and prior to March 1 of the prior Fiscal Year.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Maximum Special Tax"** means the Maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on any Assessor's Parcel within CFD No. 2002-2.

**"Proportionately"** means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property.

**"Property Owner Association Property"** means, for each Fiscal Year, any property within the boundaries of CFD No. 2002-2 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**"Public Property"** means, for each Fiscal Year, any property within CFD No. 2002-2 that is owned by, irrevocably offered for dedication to, or dedicated to the federal government, the State, the County, or any other public agency as of June 30 of the prior Fiscal Year; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use. To ensure that property is classified as Public Property in the first Fiscal Year after it is acquired by, irrevocably offered for dedication to, or dedicated to a public agency, the property owner

shall notify the CFD Administrator in writing of such acquisition, offer, or dedication not later than June 30 of the Fiscal Year in which the acquisition, offer, or dedication occurred.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property within CFD No. 2002-2 to fund the Special Tax Requirement.

"Special Tax Requirement" means that amount required in any Fiscal Year for CFD No. 2002-2 to: (i) pay for the costs of extended fire protection services, including staffing, training, equipment, and facilities maintenance and operation, primarily to serve the area within and annexable to CFD 2002-2; (ii) pay Administrative Expenses; (iii) pay for reasonably anticipated Special Tax delinquencies based on the historical delinquency rate for CFD No. 2002-2 as determined by the CFD Administrator; less (iv) a credit for funds available to reduce the annual Special Tax levy, as determined by the CFD Administrator.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-2 which are not exempt from the Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Taxable Property within CFD No. 2002-2 shall be classified as Developed Property or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX**

**1. DEVELOPED PROPERTY**

The Fiscal Year 2002-03 Maximum Special Tax shall equal \$565 per Acre. On each July 1, commencing July 1, 2003 the Maximum Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year.

**2. UNDEVELOPED PROPERTY**

The Special Tax shall not be levied on Undeveloped Property.

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

Commencing with Fiscal Year 2002-03 and for each following Fiscal Year, the Board shall determine the Special Tax Requirement and shall levy the Special Tax Proportionately on

each Assessor's Parcel of Developed Property at up to 100% of the Maximum Special Tax as needed to satisfy the Special Tax Requirement.

**E. EXEMPTIONS**

No Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS AND INTERPRETATIONS**

Any taxpayer may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Board by filing a written notice of appeal with the clerk of the Board, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for its disagreement with the CFD Administrator's determination.

**G. MANNER OF COLLECTION**

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2002-2 may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. PREPAYMENT OF SPECIAL TAX**

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid and permanently satisfied as described herein; provided that a prepayment may be made only for Assessor's Parcels of Developed Property or Undeveloped Property for which a building permit has been issued, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor's Parcel. The CFD Administrator may charge a reasonable fee for providing this service.

The Special Tax Prepayment Amount is defined as follows:

$$P = PVT + F$$

The variables are defined as follows:

P = Special Tax Prepayment Amount  
PVT = Present Value of Special Tax  
F = Administrative Fees and Expenses

"**Present Value of Special Tax**" means the sum of the present values of the Special Tax applicable to the subject Assessor's Parcel in the current Fiscal Year not yet received by the County plus the Maximum Special Tax applicable to the subject Assessor's Parcel in each remaining Fiscal Year subsequent to the Fiscal Year in which the prepayment is made through the term of the Special Tax, using a discount rate equivalent to the current interest rate being paid to public agencies by LAIF. In the event that this fund no longer exists, then the CFD Administration shall determine a reasonably comparable discount rate.

"**LAIF**" means the State of California's Local Agency Investment Fund.

"**Administrative Fees and Expenses**" means the costs of computing the Special Tax Prepayment Amount, the costs of investing the prepayment proceeds, and the costs of recording any notices to evidence the prepayment and the redemption, as calculated by the CFD Administrator.

The Special Tax Prepayment Amount less the Administrative Fees and Expenses shall be deposited into the appropriate fund as determined by the CFD Administrator.

With respect to any Assessor's Parcel that is prepaid in accordance with this Section, the Board shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

**J. TERM OF SPECIAL TAX**

The Special Tax shall be levied for a period not to exceed fifty years commencing with Fiscal Year 2002-03.

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EXHIBIT B

ADMINISTRATIVE EXPENSES

The expenses of certain recurring services pertaining to CFD No. 2002-02 may be included in each annual special tax levy. These include:

Bond transfer agent, fiscal agent, registrar and paying agent services  
Rebate calculation services and periodic arbitrage rebate payments  
Special tax administrator services  
Other necessary consultant services incidental to  
    the administration of CFD No. 2002-02  
Posting, collecting and enforcing payment of the special taxes,  
    including but not limited to foreclosure attorneys' services  
Personnel and administrative services provided by County personnel  
Continuing disclosure services

The foregoing enumeration shall not be regarded as exclusive and shall be deemed to include any other incidental expenses of a like nature which may be incurred from time to time with respect to CFD No. 2002-02.