

RESOLUTION NO. 2023-110

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO. 2018-1 (BEDFORD) OF THE CITY OF CORONA THE PROPOSITIONS OF (i) WHETHER THE AMOUNT OF THE AUTHORIZED BONDED INDEBTEDNESS IMPROVEMENT AREA NO. 3 OF SAID COMMUNITY FACILITIES DISTRICT SHOULD BE INCREASED FROM \$25,000,000 to \$37,000,000 AND (ii) WHETHER THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR IMPROVEMENT AREA NO. 3 AND IMPROVEMENT AREA NO. 4 OF SAID COMMUNITY FACILITIES DISTRICT SHOULD BE REVISED

WHEREAS, on September 20, 2023, the City Council of City of Corona (the “City Council”) adopted Resolution No. 2023-097, a resolution of consideration pursuant to Section 53334 of the California Government Code, commencing proceedings for the consideration of (i) an increase in the amount of the authorized bonded indebtedness that is allocated to Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona (the “Community Facilities District”) from \$25,000,000 to \$37,000,000 and (ii) the revision of the Rate and Method of Apportionment for Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District (each a “Rate and Method of Apportionment”); and

WHEREAS, Resolution No. 2023-097 scheduled a public hearing for 6:30 p.m. on November 1, 2023, which was continued to November 15, 2023, on the proposed increase in the amount of the authorized bonded indebtedness that may be incurred for the purpose of financing public facilities for Improvement Area No. 3 of the Community Facilities District and the proposed revision of the Rate and Method of Apportionment for Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District; and

WHEREAS, on September 20, 2023 the City Council adopted Resolution No. 2023-098 declaring the necessity for Improvement Area No. 3 of the Community Facilities District to incur a bonded indebtedness in an increased aggregate principal amount not to exceed \$37,000,000 for the purpose of providing public facilities for the Community Facilities District, scheduling a public hearing on such increased bonded indebtedness for 6:30 p.m. on November 1, 2023, which was continued to November 15, 2023, and determining that such hearing would be conducted concurrently with the hearing regarding the changes proposed by Resolution No. 2023-097; and

WHEREAS, on November 15, 2023, the City Council conducted said concurrent public hearings, after having been continued on November 1, 2023, and no written protests were filed; and

WHEREAS, pursuant to Section 53338 of the California Government Code, the City Council is therefore authorized:

(i) to submit to the qualified electors of Improvement Area No. 3 of the Community Facilities District:

- (a) the proposition regarding the proposed increase in the amount of the authorized bonded indebtedness of Improvement Area No. 3 of the Community Facilities District that may be incurred for financing public facilities of the Community Facilities District; and
- (b) the proposition regarding the proposed revision of the Rate and Method of Apportionment for Improvement Area No. 3 of the Community Facilities District, as provided in the proposed Amended and Restated Rate and Method of Apportionment for Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) Of the City of Corona (the “Amended Rate and Method of Apportionment for IA No. 3”); and

(ii) to submit to the qualified electors of Improvement Area No. 4 of the Community Facilities District the proposition regarding the proposed revision of the Rate and Method of Apportionment for Improvement Area No. 4 of the Community Facilities District, as provided in the proposed Amended and Restated Rate and Method of Apportionment for Improvement Area No. 4 of Community Facilities District No. 2018-1 (Bedford) Of the City of Corona (the “Amended Rate and Method of Apportionment for IA No. 4”); and

WHEREAS, on November 15, 2023, the City Council adopted a resolution determining the necessity for Improvement Area No. 3 of the Community Facilities District to incur a bonded indebtedness in an increased principal amount not to exceed \$37,000,000 for the purpose of financing public facilities for the Community Facilities District, calling a special election within and for Improvement Area No. 3 of the Community Facilities District on a proposition regarding Improvement Area No. 3 of the Community Facilities District incurring a bonded indebtedness in an aggregate principal amount not to exceed \$37,000,000 for the purpose of financing public facilities for the Community Facilities District for November 15, 2023, and ordering that such special election be consolidated with the special election called by this resolution.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:

SECTION 1. Findings. The City Council finds that:

(i) the foregoing recitals are true and correct;

(ii) the public hearing held by the City Council pursuant to Resolution No. 2023-097 has been properly conducted, and notice thereof was duly given, in compliance with all applicable requirements of Article 3 (commencing with Section 53330) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code;

(iii) no written protests were filed with the City Clerk prior to the conclusion of said public hearing and the City Council is therefore authorized, pursuant to Section 53338 of said Code, to:

(a) submit to the qualified electors of Improvement Area No. 3 of the Community Facilities District:

(1) the proposition on whether the aggregate principal amount of the authorized bonded indebtedness that may be incurred by Improvement Area No. 3 of the Community Facilities District for the purpose of financing public facilities for the Community Facilities District should be increased to \$37,000,000; and

(2) the proposition on whether the Rate and Method of Apportionment for Improvement Area No. 3 should be revised; and

(b) submit to the qualified electors of Improvement Area No. 4 of the Community Facilities District the proposition on whether the Rate and Method of Apportionment for Improvement Area No. 4 should be revised;

(iv) there are no registered voters within either Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District and pursuant to Section 53326 of the California Government Code, the vote in said election will, therefore, be by the owners of the taxable property within Improvement Area No. 3 and Improvement Area No. 4, respectively, of the Community Facilities District whose property would be subject to such special taxes if they were levied at the time of said election, with each owner having one vote for each acre or portion of an acre of land that he or she owns within the Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District;

(v) Arantine Hills Holdings LP, a Delaware limited partnership, the owner of all of the taxable property within Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District, has by written consent:

(a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this resolution and the election on the proposition of Improvement Area No. 3 of the Community Facilities District incurring bonded indebtedness, which pursuant to Section 4 hereof is consolidated with the election called hereby;

(b) consented to the holding of the consolidated special elections on November 15, 2023;

(c) waived notice and mailed notice of the time and date of the consolidated special elections; and

(d) waived an impartial analysis of the ballot propositions pursuant to Section 9314 of the California Elections Code and arguments and rebuttals pursuant to Sections 9315 to 9317, inclusive, and Section 9295 of said Code, mailing of a

statement pursuant to Section 9401 of that Code, and receipt of a ballot pamphlet as required by Section 3023 of that Code; and

(vi) the City Clerk has consented to the holding of the consolidated special elections on November 15, 2023.

SECTION 2. Increase of Bonded Indebtedness. It is necessary that the authorized bonded indebtedness to be incurred by Improvement Area No. 3 of the Community Facilities District for the purpose of financing public facilities for the Community Facilities District be increased to \$37,000,000.

Pursuant to Section 53350 of the Government Code, all proceedings for purposes of a bond election with respect to the portion of the bonded indebtedness to be incurred by Improvement Area No. 3 of the Community Facilities District for the purpose of financing public facilities, as specified above, and for the purpose of levying special taxes for the payment of the principal of and interest on the bonds that may be issued and sold to represent such bonded indebtedness and to finance or contribute to the financing of the design, construction and acquisition of the public facilities for Improvement Area No. 3 of the Community Facilities District shall apply only to Improvement Area No. 3 of the Community Facilities District.

SECTION 3. Revision of Rate and Method of Apportionment. It is necessary that the Rate and Method of Apportionment for Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District be revised in the form of the Amended Rate and Method of Apportionment that are attached as Exhibit “A” and Exhibit “A-1” to Resolution No. 2023-097.

SECTION 4. Election. The City Council hereby calls and schedules a special election for November 15, 2023, immediately following the adoption of this resolution:

(i) for Improvement Area No. 3 of the Community Facilities District on:

(a) the proposition increasing the authorized bonded indebtedness to be incurred by Improvement Area No. 3 of the Community Facilities District to \$37,000,000; and

(b) the proposition regarding the revision of the Rate and Method of Apportionment for Improvement Area No. 3; and

(ii) for Improvement Area No. 4 of the Community Facilities District on:

(a) the proposition regarding the revision of the Rate and Method of Apportionment for Improvement Area No. 4.

SECTION 5. Propositions.

(i) The propositions to be submitted to the voters of Improvement Area No. 3 of Community Facilities District at such special election shall be as follows:

PROPOSITION A: Shall Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California, subject to accountability measures required pursuant to Government Code Section 53410 and 53411, incur a bonded indebtedness for Improvement Area No. 3 in an amount not to exceed \$37,000,000 for the specific purposes set forth in the Resolution No. 2023-098, adopted by the City Council of City of Corona on September 20, 2023?

PROPOSITION B: Shall the Rate and Method of Apportionment of Special Tax for Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California be revised at the special tax rates and pursuant to the method of apportioning the special tax, as set forth in the Amended and Restated Rate and Method of Apportionment for Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, which is attached as Exhibit “A” to Resolution No. 2023-097, adopted by the City Council of the City of Corona on September 20, 2023?

(ii) The propositions to be submitted to the voters of Improvement Area No. 4 of Community Facilities District at such special election shall be as follows:

PROPOSITION C: Shall the Rate and Method of Apportionment of Special Tax for Improvement Area No. 4 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California be revised at the special tax rates and pursuant to the method of apportioning the special tax, as set forth in the Amended and Restated Rate and Method of Apportionment for Improvement Area No. 4 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, which is attached as Exhibit “A-1” to Resolution No. 2023-097, adopted by the City Council of the City of Corona on September 20, 2023?

SECTION 6. Conduct of Election. Except as otherwise provided in Section 8 hereof, the consolidated special elections shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000) of that Code, insofar as they may be applicable. The ballots for said election shall be in the forms attached hereto as Exhibit “A” hereto.

SECTION 7. Election Procedures. The procedures to be followed in conducting the special elections of the Community Facilities District on (i) the proposition with respect to increasing the amount of the authorized bonded indebtedness that is allocated to Improvement Area No. 3 of the Community Facilities District, (ii) the proposition with respect to the revision of the Rate and Method of Apportionment for Improvement Area No. 3, and (iii) the proposition with respect to the revision of the Rate and Method of Apportionment for Improvement Area No. 4 (together, the “Special Elections”) shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the Consolidated Special Elections shall be distributed to the qualified electors of the Improvement

Area No. 3 and Improvement Area No. 4, as applicable, of the Community Facilities District by the City Clerk by mail or personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to elections conducted by mail, the City Clerk shall mail or deliver to each qualified elector an official ballot in the forms attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors of Improvement Area No. 3 and Improvement Area No. 4 of the Community Facilities District a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots and a copy of the Resolution No. 2023-097 adopted by the City Council on September 20, 2023.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the applicable improvement area of the Community Facilities District.

(d) The return identification envelope to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The instruction to voter form to be mailed or delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:00 p.m. on the date of the Special Elections; provided that if all qualified electors of the Community Facilities District have voted, the elections shall be closed with the concurrence of the City Clerk.

(f) Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the elections, the City Clerk shall canvass the votes cast in the

Special Elections, and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

SECTION 8. Accountability Measures. Pursuant to Section 53410 of the California Government Code, if the voters approve the proposition contained in the official ballot for the Special Elections with respect to Improvement Area No. 3 of the Community Facilities District incurring bonded indebtedness for Improvement Area No. 3 of the Community Facilities District thereof for the purposes for which such indebtedness is to be incurred (the “Bond Proposition”) and bonds of Improvement Area No. 3 of the Community Facilities District are to be issued, the incurring of such bonded indebtedness and the issuance of bonds of the Community Facilities District shall be subject to the following accountability measures:

(a) The Bond Proposition shall identify the specific purposes for which the bonds are to be issued;

(b) The proceeds of the bonds shall be applied only for the specific purposes identified in the Bond Proposition;

(c) An account or accounts shall be created pursuant to the fiscal agent agreement for such bonds into which the proceeds of the sale of such bonds shall be deposited; and

(d) The City Manager, or designee, shall file a report with the City Council which shall contain the information required by Section 53411 of the California Government Code.

The City Council finds that the Bond Proposition for Improvement Area No. 3 of the Community Facilities District, which is set forth in the official ballot for the Special Elections, which is attached as Exhibit “A” hereto, identifies the specific purposes for which the Community Facilities District will incur bonded indebtedness and issue bonds.

SECTION 9. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

SECTION 10. The Mayor shall sign this Resolution and the City Clerk shall attest thereto, and this Resolution shall take effect and be in force on the date of its adoption.

PASSED, APPROVED AND ADOPTED this ___(th) day of _____, ____.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the ___(th) day of _____, ____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this ___(th) day of _____, _____.

City Clerk of the City of Corona, California

[SEAL]

EXHIBIT “A”

FORM OF OFFICIAL BALLOT

**CONSOLIDATED SPECIAL ELECTIONS FOR
IMPROVEMENT AREA NO. 3
COMMUNITY FACILITIES DISTRICT NO. 2018-1 (BEDFORD)
OF THE CITY OF CORONA
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA**

November 15, 2023

This ballot is entitled to ___ votes.

To vote, mark a cross (+ or x) in the voting square after the word “YES” or after the word “NO.” All marks otherwise made are forbidden.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk and obtain another.

PROPOSITION A: Shall Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California, subject to accountability measures required pursuant to Government Code Section 53410 and 53411, incur a bonded indebtedness for such improvement area in an amount not to exceed \$37,000,000 for the specific purposes set forth in the Resolution No. 2023-098, adopted by the City Council of City of Corona on September 20, 2023?

Yes

No

PROPOSITION B: Shall the Rate and Method of Apportionment of Special Tax for Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California be revised at the special tax rates and pursuant to the method of apportioning the special tax, as set forth in the Amended and Restated Rate and Method of Apportionment for Improvement Area No. 3 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, which is attached as Exhibit “A” to Resolution No. 2023-097, adopted by the City Council of the City of Corona on September 20, 2023?

Yes

No

PROPOSITION A IS SUBJECT TO THE ACCOUNTABILITY MEASURES PRESCRIBED IN SECTION 50075 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

FORM OF OFFICIAL BALLOT

CONSOLIDATED SPECIAL ELECTIONS FOR
IMPROVEMENT AREA NO. 4
COMMUNITY FACILITIES DISTRICT NO. 2018-1 (BEDFORD)
OF THE CITY OF CORONA
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

November 15, 2023

This ballot is entitled to ___ votes.

To vote, mark a cross (+ or x) in the voting square after the word “YES” or after the word “NO.” All marks otherwise made are forbidden.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk and obtain another.

PROPOSITION C: Shall the Rate and Method of Apportionment of Special Tax for Improvement Area No. 4 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, County of Riverside, State of California be revised at the special tax rates and pursuant to the method of apportioning the special tax, as set forth in the Amended and Restated Rate and Method of Apportionment for Improvement Area No. 4 of Community Facilities District No. 2018-1 (Bedford) of the City of Corona, which is attached as Exhibit “A-1” to Resolution No. 2023-097, adopted by the City Council of the City of Corona on September 20, 2023?

Yes

No