

# **Heber Public Utility District Heber Community Facilities District 2005-1**

**MEETING DATE:** June 19, 2014

**FROM:** Laura Fischer, General Manager

**SUBJECT:** Adopt Resolution Number 2014-5 Determining and Levying the Special Tax in Community Facilities District No. 2005-1 (Heber Meadows)

**ISSUE:**

Shall the Heber Public Utility Board of Directors taking action as the Heber Community Facilities District 2005-1 approve Resolution 2014-5 Determining and Levying the Special Tax in Community Facilities District No. 2005-1 (Heber Meadows)?

**GENERAL MANAGER RECOMMENDATION:**

Approve Resolution Number 2014-5 Determining and Levying the Special Tax in Community Facilities District No. 2005-1 (Heber Meadows).

**FISCAL IMPACT:**

Adopting this Resolution gives HPUD and the ability to levy the Special Tax in the Community Facilities District No. 2005-1, which allows for the continued payment of the debt and any associated HPUD services and administrative expenses.

**DISCUSSION**

The un-paid report for FY 2013-2014 totals only \$2,648.50 and the paid amount is \$200,380.50.

Currently there is enough balance in the CFD fund to cover the debt payment (principal and interest) for FY 2014-15 which is \$158,617.50 and to pay HPUD services and the administration and legal expenses.

**CONCLUSION**

An approval of Resolution 2014-5 authorizes HPUD to levy the Special Taxes as necessary and required for the 2005-1 CFD for Heber Meadows.

Respectfully Submitted,

Laura Fischer, General Manager

Attachment: Resolution 2014-5

## **RESOLUTION 2014-5**

### **A RESOLUTION OF THE HEBER PUBLIC UTILITY DISTRICT, CALIFORNIA, DETERMINING AND LEVYING THE SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (HEBER MEADOWS)**

**WHEREAS**, The Board of the Heber Public Utility District (the "Board") is the legislative body of Community Facilities District No. 2005-1 (Heber Meadows) (the "District"), which District was established pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act");

**WHEREAS**, on September 14, 2005, the Board adopted Ordinance No. 223 establishing the District, and providing for the Special Tax in accordance with Section 53340 of the Act authorizing the levy of the Special Tax on the property located within the District; and

**NOW THEREFORE BE IT RESOLVED** by the Board of the Heber Public Utility District as follows:

Section 1: the preceding recitals are true and correct.

Section 2: Heber Public Utility District hereby determined to Levy the Special Taxes to be levied in each Fiscal Year (and in each subsequent Fiscal Year until 2035-2036) in the District and to each parcel therein.

Section 3: The rate of each Special Tax utilized in the preparation of the Report does not exceed the amount previously authorized by Ordinance and is not in excess of that approved by the qualified electors of the District.

Section 4: The proceeds of the Special Tax shall be used to pay, in whole or in part, the approved costs for the subject fiscal year as provided in the Heber Public Utility District Community Facilities District No. 2005-1 Ordinance and once issued, Fiscal Agents Agreement (the "Fiscal Agents Agreement"):

- A. The Administrative costs and other incidental expenses of the District.
- B. The interest scheduled for collection on the outstanding bonded indebtedness related to the District;
- C. The principal scheduled for collection on the outstanding term;
- D. The sinking payments scheduled for collection on the outstanding term;
- E. Amounts, if any, needed to replenish the applicable Reserve Account of the Bond Fund to the level of the Reserve Requirement;

- F. Amounts, if any, required to bring the amount on deposit in the Rebate Fund to the required level; and
- G. Amounts, if any, needed to accumulated funds for the acquisition or construction of facilities.

Section 5: The Auditor-Controller of the County of Imperial is hereby directed to apply the real property statement for each parcel in the District for the current fiscal year listing the Special Tax due opposite each parcel of land affected, in a line item designated "CFD 2005-1" or any other suitable designation, in accordance with this resolution.

Section 6: All applicable Special Taxes collected will be paid to the trustee for deposit in the applicable Special Tax Fund upon receipt by the Heber Public Utility District from the Auditor-Controller pursuant to the terms of the Indenture of Trust.

Section 7: The Auditor-Controller shall, at the close of the tax collection period, promptly render to the District General Manager a detailed report showing the amounts of the Special Tax installments, penalties, interest, and fees collected, and from which properties collected. Any expenses to be paid to the Auditor-Controller for carrying out the forgoing responsibilities shall be in accordance with a contract, if any, entered into between the district and the Auditor-Controller, pursuant to Section 29304 of the Government Code of the State of California or as otherwise provided by law.

Section 8: This resolution shall take effect immediately upon its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this 19th day of June 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Margarita K. Lizarraga.  
President of the Board

ATTEST:

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Rafaela M. Sanchez  
Clerk of the Board of Directors