

## **RESOLUTION NO. TPFA 2021-**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMECULA PUBLIC FINANCING AUTHORITY CALLING SPECIAL ELECTION WITHIN COMMUNITY FACILITIES DISTRICT NO. 20-01 (HEIRLOOM FARMS)**

THE BOARD OF DIRECTORS OF THE TEMECULA PUBLIC FINANCING AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. On this date, this Board of Directors adopted a resolution entitled “A Resolution of the Board of Directors of the Temecula Public Financing Authority of Formation of Temecula Public Financing Authority Community Facilities District No. 20-01 (Heirloom Farms), Authorizing the Levy of a Special Tax Within the District, and Preliminarily Establishing an Appropriations Limit for the District” (the “Resolution of Formation”), ordering the formation of the Temecula Public Financing Authority Community Facilities District No. 20-01 (Heirloom Farms) (the “District”), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District.

Section 2. On this date, this Board of Directors also adopted a resolution entitled “A Resolution of the Board of Directors of the Temecula Public Financing Authority Determining the Necessity to Incur Bonded Indebtedness of the Temecula Public Financing Authority Community Facilities District No. 20-01 (Heirloom Farms)” (the “Resolution to Incur Indebtedness”), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$17,000,000 upon the security of the special tax to be levied within the District.

Section 3. Pursuant to Sections 53325.7, 53326 and 53351 of the California Government Code (the “Law”), the issues of the levy of said special tax, the incurring of bonded indebtedness and the establishment of said appropriations limit shall be submitted to the qualified electors of the District at an election called therefor as provided below.

Section 4. As authorized by Section 53353.5 of the Law, the three propositions described in Section 3 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A and by this reference incorporated herein. The form of ballot is hereby approved.

Section 5. This Board of Directors hereby finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by this Board of Directors for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, this Board of Directors finds that for purposes of these proceedings the sole qualified elector is the owner of all of the land within the District and that the vote shall be by said landowner or its authorized representative, having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearings.

Section 6. This Board of Directors hereby calls a special election to consider the measure described in Section 4 above, which election shall be held immediately following adoption of this Resolution in the meeting place of the Board of Directors of the Temecula Public Financing Authority (the "Authority"). The Secretary is hereby designated as the official to conduct said election. It is hereby acknowledged that the Secretary has on file the Resolution of Formation, a map of the proposed boundaries of the District, and a sufficient description to allow the Secretary to determine the boundaries of the District.

Section 7. Pursuant to Section 53327 of the Law, the election shall be conducted by mail or hand delivered ballot pursuant to applicable provisions of the California Elections Code. The voted ballot shall be returned to the Secretary no later than immediately following the adoption of this Resolution; and when the qualified elector has voted, the election shall be closed.

Section 8. This Board of Directors acknowledges that the Secretary has delivered the ballot to the sole qualified elector of the District in the form set forth in Exhibit A hereto. The ballot indicated the number of votes to be voted by the landowner.

The ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the Secretary.

Analysis and arguments with respect to the ballot measures were waived by the landowner in its petition to the Authority to create the District and are expected to be waived by the landowner in its voted ballot, as permitted by Section 53327(b) of the Law.

Section 9. The Secretary shall accept the ballot of the qualified elector upon and prior to the adoption of this Resolution, whether the ballot be personally delivered or received by mail. The Secretary shall have available a ballot which may be marked in the Board of Directors meeting room on the election day by the qualified elector.

Section 10. This Board of Directors hereby further finds that the provision of the Law requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before said special election is for the protection of the qualified elector of the District. The petition previously submitted by the landowner in the District and the voted ballot of the sole qualified elector of the District contain acknowledgments of a waiver of any time limit pertaining to the conduct of the election and of a waiver of any requirement for analysis and arguments in connection with the election. Accordingly, this Board of Directors finds and determines that the qualified elector has been fully apprised of and has agreed to the shortened time for the election and waiver of analysis and arguments, and has thereby been fully protected in these proceedings. This Board of Directors also finds and determines that the Secretary has concurred in the shortened time for the election.

Section 11. Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the California Government Code, (a) the ballot measure referred to in Sections 3 and 4 above contains a statement indicating the specific purposes of the special tax, the proceeds of the special tax will be applied only to the purposes specified in the ballot measure, there shall be created by the Treasurer an account into which proceeds of the special tax levies will be deposited, and the Treasurer is hereby directed to provide an annual report to this Board of Directors as required by Section 50075.3 of the California Government Code; and (b) the ballot measure contains a statement indicating the specific purposes of the bonds, the proceeds of the bonds will be applied only to the purposes specified in the ballot measure, there shall be created by the Treasurer an account into which the proceeds of the bonds will be deposited, and the Treasurer is hereby directed to provide an annual report to this Board of Directors as required by Section 53411 of the California Government Code.

Section 12. The Secretary is hereby directed to cause to be published in a newspaper of general circulation circulating within the District a copy of this Resolution and a copy of the Resolution to Incur Indebtedness, as soon as practicable after the date of adoption of this Resolution.

Section 13. This Resolution shall take effect upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors of the Temecula Public Financing Authority this 13<sup>th</sup> day of April, 2021.

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Maryann Edwards, Chair

ATTEST:

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Randi Johl, Secretary

[SEAL]

STATE OF CALIFORNIA       )  
COUNTY OF RIVERSIDE     ) ss  
CITY OF TEMECULA         )

I, Randi Johl, Secretary of the Temecula Public Financing Authority, do hereby certify that the foregoing Resolution No. TPFA 2021-        was duly and regularly adopted by the Board of Directors of the Temecula Public Financing Authority at a meeting thereof held on the 13<sup>th</sup> day of April, 2021, by the following vote:

AYES:                       BOARD MEMBERS:

NOES:                      BOARD MEMBERS:

ABSTAIN:                  BOARD MEMBERS:

ABSENT:                   BOARD MEMBERS:

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Randi Johl, Secretary

EXHIBIT A

TEMECULA PUBLIC FINANCING AUTHORITY  
COMMUNITY FACILITIES DISTRICT NO. 20-01  
(HEIRLOOM FARMS)

OFFICIAL BALLOT

Special Tax and Bond Election  
(April 13, 2021)

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the Secretary of the Temecula Public Financing Authority no later than immediately after adoption of the resolution of the Board of Directors calling said election, either by mail or in person.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Secretary of the Temecula Public Financing Authority and obtain another.

BALLOT MEASURE: Shall the Temecula Public Financing Authority (the "Authority") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$17,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the Temecula Public Financing Authority Community Facilities District No. 20-01 (Heirloom Farms) (the "District"), the proceeds of which will be used only to finance the costs of certain public improvements as specified in the Resolution of Formation of the District and the costs of issuing the bonds as well as the establishment of appropriate bond and interest rate reserves; shall a special tax be levied annually upon lands within the District to be applied only to the payment of the costs of services and facilities eligible to be funded by the District, the payment of the principal and interest upon such bonds to be issued and to replenish the reserves for the bonds, and to pay the costs of the Authority and the City of Temecula in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$17,000,000?

Yes: \_\_\_\_

No: \_\_\_\_

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326(a) and 53327(b) of the California Government Code.

Riverside County Assessor's Parcel  
Nos. of Land Owned in the District:

Number of Votes: 28

Property Owner: Meritage Homes of California, Inc., a  
California corporation

916400034,  
916400035,  
916400036,  
916400039 and  
916400060