

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

864



FROM: Supervisor Buster, Treasurer-Tax Collector

SUBMITTAL DATE:
January 14, 2005

SUBJECT: Financing Facilitation for Air Force Village West

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a public hearing and, upon conclusion of the public hearing, adopt Resolution No. 2005-035 granting approval for the issuance of revenue bonds by ABAG Finance Authority for Nonprofit Corporations for the benefit of Air Force Village West, Inc. for the purpose of financing the acquisition, construction, improvement and equipping of certain multi-level retirement facilities located in Riverside County; approving Cooperating Membership by the County of Riverside in the Association of Bay Area Governments (ABAG); approving Associate Membership by the County of Riverside in the ABAG Finance Authority for Nonprofit Corporations; and approving the form and execution of the Associate Membership Agreement by and between the ABAG Finance Authority for Nonprofit Corporations and the County of Riverside, California.

2. Approve and authorize the Chairman to execute the Associate Membership Agreement by and between ABAG Finance Authority for Nonprofit Corporations and the County of Riverside, California.

3. Approve and authorize the Chairman, the Riverside County Treasurer-Tax Collector, the Clerk of the Board and other County officers and officials to take such further action as may be necessary or desirable to effectuate the purpose of this Resolution.

Departmental Concurrence

BACKGROUND: continued on page 2

Bob Buster

Supervisor Buster

Gene Weil

Treasurer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	04/05

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE.**
Cheryl...

County Executive Office Signature

FORM APPROVED
COUNTY COUNSEL

JAN 18 2005

Policy
 Consent
 Consent
 Policy
 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: _____ **District:** _____ **Agenda Number:** _____

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

9.12

BOARD OF SUPERVISORS

Form 11: Financing Facilitation for Air Force Village West

January 14, 2005

Page 2

BACKGROUND: (Continued)

Air Force Village West (AFVW) is a military-orientated continuing care retirement community that serves officers of all branches of the uniformed services. AFVW exists on 221 acres of land that was formerly a section of March Air Force Base. AFVW, a not-for-profit corporation, houses approximately 635 retirees, has a staff of 300 and is managed by a voluntary board of directors made up of non-resident retired military officers that receive no financial compensation.

As a not-for-profit corporation, AFVW is eligible for tax exempt financing, however, the financing must be in accordance with current federal law including the Tax Exempt Financing Responsibility Act of 1982 (TEFRA). One of the requirements of federal law is that tax exempt bonds be issued by a government entity on behalf of the not-for-profit corporation. In addition, TEFRA requires that a public hearing be held by an affiliated government entity to allow the public to voice concerns.

The AFVW facility was originally financed with tax exempt bonds issued through the County of Riverside (the County). These bonds were subsequently refinanced with the assistance of the Riverside County Public Financing Authority, the County's financing vehicle.

Currently, in an attempt to expand their facilities in order to serve a greater number of retirees, AFVW is pursuing another tax exempt bond issuance and have selected the Association of Bay Area Governments' (ABAG) financing authority as its preferred issuer. According to TEFRA regulations, the public hearing is required to be held in the political jurisdiction in which the project being financed is to be located. Therefore, the assistance of the County will be necessary. There are three requirements of the County: 1) to hold the hearing required for this issuance, 2) to become a Cooperating Member of ABAG, and 3) to join the ABAG financing authority.

The County will not be directly liable for the bonds, and the bonds will not act as a burden on the County's constituency.

F:\capmks\2005Annual DelegationForm11.doc

COUNTY OF RIVERSIDE
RESOLUTION NO. 2005-035

RESOLUTION APPROVING COOPERATING MEMBERSHIP BY THE COUNTY OF RIVERSIDE IN THE ASSOCIATION OF BAY AREA GOVERNMENTS AND ASSOCIATE MEMBERSHIP BY THE COUNTY OF RIVERSIDE IN THE ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS AND THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE COUNTY OF RIVERSIDE IN THE AUTHORITY AND APPROVAL OF THE ISSUANCE OF BONDS BY THE AUTHORITY TO BENEFIT AIR FORCE VILLAGE WEST, INC.

RESOLVED, by the Board of Supervisors (the "Board") of the County of Riverside (the "County"), as follows:

WHEREAS, Air Force Village West, Inc. (the "Participant"), a nonprofit public benefit corporation organized and existing under the laws of the State of California, has requested that the ABAG Finance Authority for Nonprofit Corporations (the "Authority") issue its Revenue Bonds in an aggregate principal amount not to exceed \$25,000,000 (the "Bonds") for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of certain multi-level retirement facilities owned and operated by the Participant and located within the County (the "Facilities") for the Participant in and to the benefit of the County;

WHEREAS, in furtherance thereof and to facilitate such request, the County desires to become a cooperating member of the Association of Bay Area Governments ("ABAG") and an associate member of the Authority;

WHEREAS, the form of associate membership agreement (the "Associate Membership Agreement") between the County and the Authority has been filed with the County, and the members of the Board, with the aid of their staff, have reviewed the Associate Membership Agreement;

WHEREAS, the Bonds will be issued and sold, the proceeds of which will be used to finance and refinance the Participant's Facilities;

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code") the Bonds must be approved by the County because the Facilities are located within the territorial limits of the County;

WHEREAS, the Board is the elected legislative body of the County and is one of the applicable elected representatives required to approve the Bonds under Section 147(f) of the Code;

WHEREAS, the Authority and the Participant have requested that the Board approve the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board has, following notice duly given, held a public hearing regarding the Bonds and the Facilities, and now desires to approve the Bonds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Riverside hereby finds, determines and declares as follows:

Section 1. Cooperating Membership in ABAG. The Board hereby approves cooperating membership by the County in ABAG. The Board hereby authorizes the Chair of the Board, the Treasurer-Tax Collector or other appropriate officer or official of the County to formally request such cooperating membership.

Section 2. Associate Membership in the Authority. The Board hereby approves associate membership by the County in the Authority.

Section 3. Approval of Associate Membership Agreement. The Board hereby approves the form of, and authorizes the Chair of the Board, the Treasurer-Tax Collector or any designee of either such officer to execute, the Associate Membership Agreement and authorizes the Clerk of the Board to attest to such signature, in substantially the form on file with the Clerk of the Board, together with any changes therein deemed advisable by the County official signing the Associate Membership Agreement.

Section 4. Approval of Bonds. The Board hereby approves the issuance of the Bonds by the Authority for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of the Facilities. It is the purpose and intent of the Board that this resolution constitute approval of the issuance of the Bonds by the Authority for the purposes of Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are located, in accordance with said Section 147(f) of the Code.

Section 5. Official Action. The Chair of the Board, the Treasurer-Tax Collector, the Clerk of the Board and other officers and officials of the County, and each of them is hereby authorized and directed to take all action and do all things necessary or desirable hereunder with respect to associate membership in the Authority and the Bonds approved hereby, including but not limited to the execution and delivery of any and all agreements, certificates, instruments and other documents which they, or any of them, may deem necessary or desirable and not inconsistent with the purposes of this resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption by this Board.

* * * * *

I, the undersigned Clerk of the Board of Supervisors of the County of Riverside, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Board of Supervisors of the County at a meeting thereof on the 25th day of January, 2005, by the following vote of the members thereof:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

FORM APPROVED
COUNTY COUNSEL

JAN 18 2005

BY

