

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

923



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE:
October 24, 2006


SUBJECT: Resolution No 2006-417, Regarding Joint Community Facilities Agreements for the Proposed Community Facilities District No. 05-1 (Salt Creek Bridges) of the County of Riverside.

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2006-417 approving, and authorizing the Chairman to execute, the Joint Community Facilities Agreements attached to said resolution.

BACKGROUND: The Board has initiated proceedings under the Mello-Roos Community Facilities Act of 1982, to establish Community Facilities District No. 05-1 (Salt Creek Bridges) of the County of Riverside (the "Community Facilities District"), to authorize the levy of special taxes (the "Special Taxes") upon the land within the Community Facilities District and to issue bonds secured by the Special Taxes, the proceeds of which are to be used to finance the acquisition and/or construction of certain public facilities.

Joint Community Facilities Agreements are required with the Riverside County Flood Control and Water Conservation District, the Eastern Municipal Water District and certain Landowners to provide for water, sewer and drainage facilities that are within the road rights of way for road and bridge facilities to be constructed by the County.

County Counsel has approved the Agreements as to legal form. A companion item appears on the Flood Control agenda this same date.


Jerry Norris, Principal Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2006

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

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature 

- Policy
- Policy
- Consent
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** 3 | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.6

NOV 01 18 6MIS: P1
COUNTY OF RIVERSIDE

2
3 **RESOLUTION NO. 2006-417**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE**
5 **COUNTY OF RIVERSIDE AUTHORIZING THE EXECUTION**
6 **AND DELIVERY OF JOINT COMMUNITY FACILITIES**
7 **AGREEMENTS WITH REGARD TO COMMUNITY FACILITIES**
8 **DISTRICT NO. 05-1 (SALT CREEK BRIDGES) OF THE COUNTY**
9 **OF RIVERSIDE**

10 **WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside
11 (the "County") has initiated proceedings under the Mello-Roos Community Facilities Act of 1982,
12 Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California
13 Government Code (respectively, the "Act" and the "Code") to establish Community Facilities District No.
14 05-1 (Salt Creek Bridges) of the County of Riverside (the "Community Facilities District"), to authorize
15 the levy of special taxes (the "Special Taxes") upon the land within the Community Facilities District and
16 to issue bonds (the "Bonds") secured by the Special Taxes, the proceeds of which are to be used to finance
17 the acquisition and construction of certain public facilities (the "Facilities"); and,

18 **WHEREAS**, the Facilities proposed to be financed by the Community Facilities District include
19 certain flood control facilities (the "Flood Control Facilities") to be owned, maintained and operated by
20 the Riverside County Flood Control and Water Conservation District (the "Flood Control District") and
21 certain sewer and water facilities (the "EMWD Facilities" and the "EMWD Fee Facilities") to be owned,
22 operated and maintained by Eastern Municipal Water District ("EMWD"); and,

23 **WHEREAS**, Section 53316.2 of the Code provides that a community facilities district may
24 finance facilities to be owned or operated by an entity other than the agency that created the community
25 facilities district, or services to be provided by an entity other than the agency that created the district, or
26 any combination, only pursuant to a joint community facilities agreement or a joint exercise of powers
27 agreement adopted pursuant to said Section; and,

28 **WHEREAS**, Section 53316.2 of the Code further provides that at any time prior to the adoption
of the resolution of formation creating a community facilities district, the legislative bodies of two or
more local agencies may enter into a joint community facilities agreement pursuant to said Section and
Sections 53316.4 and 53316.6 of the Code to exercise any power authorized by the Act with respect to the

1 community facilities district being created if the legislative body of each entity adopts a resolution
2 declaring that such a joint agreement would be beneficial to the residents of that entity; and

3 **WHEREAS**, the form of a joint community facilities district entitled "Joint Community Facilities
4 Agreement by and among the County of Riverside, the Riverside County Flood Control and Water
5 Conservation District and Pulte Home Corporation, a Michigan corporation," dated as of June 1, 2006
6 (the "Flood Control JCFA") is attached hereto, marked as Exhibit A, and is incorporated herein by
7 reference, and it provides for the financing the acquisition and construction of the Flood Control
8 Facilities; and,

9 **WHEREAS**, the form of a joint community facilities district entitled "Joint Community Facilities
10 Agreement by and among the County of Riverside, Eastern Municipal Water District, Pulte Home
11 Corporation, a Michigan corporation, and Rancon Winchester Valley 200, LLC, a California limited
12 liability company" dated as of June 1, 2006 (the "EMWD JCFA") is attached hereto, marked as Exhibit B,
13 and is incorporated herein by reference, and it provides for the financing the acquisition and construction
14 of the Flood Control Facilities;

15 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by
16 the Board of Supervisors of the County of Riverside in regular session assembled on October 24, 2006 as
17 follows:

18 **Section 1.** The Board of Supervisors hereby declares that the Flood Control JCFA and the
19 EMWD JCFA will be beneficial to the residents residing within the jurisdictional boundaries of the
20 County.

21 **Section 2.** The Flood Control JCFA, in substantially the form submitted to this meeting and
22 made a part hereof as though set forth herein, be and the same is hereby approved. The Chairman of the
23 Board of Supervisors (the "Chairman") is, hereby authorized and directed, for and in the name of the
24 County, to execute and deliver the Flood Control JCFA in the form submitted to this meeting, with such
25 changes, insertions and omissions as the Chairman, the County Executive Officer and the County Counsel
26 may require or approve, such requirement or approval to be conclusively evidenced by the execution of
27 the Flood Control JCFA by the Chairman.

28 **Section 3.** The EMWD JCFA, in substantially the form submitted to this meeting and made a part

1 hereof as though set forth herein, be and the same is hereby approved. The Chairman of the Board of
2 Supervisors (the "Chairman") is, hereby authorized and directed, for and in the name of the County, to
3 execute and deliver the EMWD JCFA in the form submitted to this meeting, with such changes, insertions
4 and omissions as the Chairman, the County Executive Officer and the County Counsel may require or
5 approve, such requirement or approval to be conclusively evidenced by the execution of the EMWD
6 JCFA by the Chairman.

7 **Section 3.** The officers, employees and agents of the County are hereby authorized and
8 directed to take all actions and do all things which they, or any of them, may deem necessary or desirable
9 to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

10 **Section 4.** This Resolution shall take effect immediately upon its adoption.

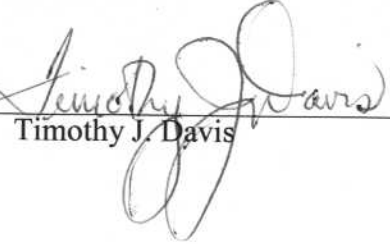
11 **APPROVED and ADOPTED** by the Board of Supervisors of the County of Riverside on
12 October 24, 2006.

14 By: _____
15 Bob Buster, Chairman
16 Board of Supervisors

16 ATTEST:
17 Nancy Romero
18 Clerk to the Board of Supervisors

19 By: _____
20 Deputy Clerk

21 APPROVED BY:
22 McFarlin & Anderson, LLP.
23 Special Counsel

24 By:  _____
25 Timothy J. Davis
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