

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

925



**FROM:** COUNTY EXECUTIVE OFFICE

**SUBMITTAL DATE:**  
October 24, 2006

**SUBJECT:** Resolution No 2006-419, Regarding Joint Community Facilities Agreements for the Proposed Community Facilities District No. 05-3 (Winchester Creekside) of the County of Riverside.

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Resolution No. 2006-419 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. 05-3 (Winchester Creekside) 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, the Hemet Unified School District and certain Landowners to provide for school, water, sewer and drainage facilities to be owned by the aforementioned agencies after construction by the Landowners and acceptance into each agencies maintained system.

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

*[Handwritten Signature]*  
Jerry Norris, Principal Management Analyst

<b>FINANCIAL DATA</b>	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

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

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

**County Executive Office Signature** *[Handwritten Signature]*

- Policy
- Policy
- Consent
- Consent
- Dept's Recomm.:
- Per Exec. Ofc.:

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

3 . 8

STAMP: SUBR OCT 18 5:15:41 PM RECEIVED RIVERSIDE COUNTY

2 **RESOLUTION NO. 2006-419**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE**  
4 **COUNTY OF RIVERSIDE AUTHORIZING THE EXECUTION**  
5 **AND DELIVERY OF JOINT COMMUNITY FACILITIES**  
6 **AGREEMENTS WITH REGARD TO COMMUNITY FACILITIES**  
7 **DISTRICT NO. 05-3 (WINCHESTER CREEKSIDE) OF THE**  
8 **COUNTY OF RIVERSIDE**

9 **WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside  
10 (the "County") has initiated proceedings under the Mello-Roos Community Facilities Act of 1982,  
11 Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California  
12 Government Code (respectively, the "Act" and the "Code") to establish Community Facilities District No.  
13 05-3 (Winchester Creekside) of the County of Riverside (the "Community Facilities District"), to  
14 authorize the levy of special taxes (the "Special Taxes") upon the land within the Community Facilities  
15 District and to issue bonds (the "Bonds") secured by the Special Taxes, the proceeds of which are to be  
16 used to finance the acquisition and construction of certain public facilities (the "Facilities"); and,

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

1 Sections 53316.4 and 53316.6 of the Code to exercise any power authorized by the Act with respect to the  
2 community facilities district being created if the legislative body of each entity adopts a resolution  
3 declaring that such a joint agreement would be beneficial to the residents of that entity; and

4       **WHEREAS**, the form of a joint community facilities agreement entitled "Joint Community  
5 Facilities Agreement by and among the County of Riverside, the Riverside County Flood Control and  
6 Water Conservation District, Fieldstone Community Park, LLC, a California limited liability company,  
7 Ryland Homes of California, Inc., a Delaware corporation, Shea Homes Limited Partnership, a California  
8 limited partnership, La Ventana Partners 77, LLC, an Oregon limited liability company, Pulte Home  
9 Corporation, a Michigan corporation, Fieldstone Winchester Valley, LLC, a California limited liability  
10 company, A.C. Rice, LLC, a California limited liability company, and Winchester Ranch 202, LLC, a  
11 California limited liability company," dated as of June 1, 2006 (the "Flood Control JCFA"), is attached  
12 hereto, marked as Exhibit A, and is incorporated herein; by reference, and it provides for the financing the  
13 acquisition and construction of the Flood Control Facilities; and,

14       **WHEREAS**, the form of a joint community facilities agreement entitled "Joint Community  
15 Facilities Agreement by and among the County of Riverside, Eastern Municipal Water District, Fieldstone  
16 Community Park, LLC, a California limited liability company, Ryland Homes of California, Inc., a  
17 Delaware corporation, Shea Homes Limited Partnership, a California limited partnership, La Ventana  
18 Partners 77, LLC, an Oregon limited liability company, Pulte Home Corporation, a Michigan corporation,  
19 Fieldstone Winchester Valley, LLC, a California limited liability company, A.C. Rice, LLC, a California  
20 limited liability company, and Winchester Ranch 202, LLC, a California limited liability company," dated  
21 as of June 1, 2006 (the "EMWD JCFA"), is attached hereto, marked as Exhibit B, and is incorporated  
22 herein; by reference, and it provides for the financing the acquisition and construction of the EMWD  
23 Facilities and the EMWD Fee Facilities; and,

24       **WHEREAS**, a form of a joint community facilities district agreement entitled "Joint Community  
25 Facilities Agreement by and between the County of Riverside and Hemet Unified School District," dated  
26 as of June 1, 2006 (the "Hemet USD JCFA") is attached hereto, marked as Exhibit C, and is incorporated  
27 herein; by reference, and it provides for the financing the acquisition and construction of the Hemet USD  
28 Facilities;

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

4           **Section 1.** The Board of Supervisors hereby declares that the Flood Control JCFA, the EMWD  
5 JCFA, and the Hemet USD JCFA will be beneficial to the residents residing within the jurisdictional  
6 boundaries of the County.

7           **Section 2.** The Flood Control JCFA, the EMWD JCFA and the Hemet USD JCFA, in  
8 substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and  
9 the same is hereby approved. The Chairman of the Board of Supervisors (the "Chairman") is, hereby  
10 authorized and directed, for and in the name of the County, to execute and deliver the Flood Control  
11 JCFA, the EMWD JCFA, and the Hemet USD JCFA in the form submitted to this meeting, with such  
12 changes, insertions and omissions as the Chairman, the County Executive Officer and the County Counsel  
13 may require or approve, such requirement or approval to be conclusively evidenced by the execution of  
14 the Flood Control JCFA, the EMWD JCFA and the Hemet USD JCFA by the Chairman.

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

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

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1 **CLERK'S CERTIFICATE**

2 I, Nancy Romero, Clerk to the Board of Supervisors of the County of Riverside, certify  
3 that the foregoing resolution was adopted by the Board of Supervisors at a regular meeting held on the  
4 24th day of October, 2006, by the following vote of the Supervisors:

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAINED:

9  
10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
11 County of Riverside this \_\_\_\_ day of \_\_\_\_\_, 2006.

12  
13 By: \_\_\_\_\_  
14 Deputy Clerk