

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

926



FROM: COUNTY EXECUTIVE OFFICE

SUBMITTAL DATE:
October 24, 2006

SUBJECT: Resolution No 2006-420, Regarding Joint Community Facilities Agreements for the Proposed Community Facilities District No. 05-4 (Winchester Hills) of the County of Riverside.

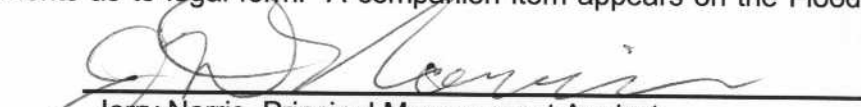
RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2006-420 approving, and authorizing the Chairman to execute, the Joint Community Facilities Agreements attached to said resolution.

BACKGROUND: The Board has initiated proceedings under the Mello-Roos Community Facilities Act of 1982, to establish Community Facilities District No. 05-4 (Winchester Hills) 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.

Departmental Concurrence

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, Valley-Wide Recreation and Park District and certain Landowners to provide for school, park & recreational, 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.



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
- Dept't Recomm.:
- Per Exec. Ofc.:

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

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3 . 9

OCT 19 10 15 AM '06
COUNTY OF RIVERSIDE

2 **RESOLUTION NO. 2006-420**

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. 05-4 (WINCHESTER HILLS) OF THE COUNTY**
8 **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 05-4 (Winchester Hills) of the County of Riverside (the "Community Facilities District"), to authorize the
14 levy of special taxes (the "Special Taxes") upon the land within the Community Facilities District and to
15 issue bonds (the "Bonds") secured by the Special Taxes, the proceeds of which are to be used to finance
16 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"), school facilities (the "Hemet USD
22 Facilities") to be owned, maintained and operated by Hemet Unified School District ("Hemet USD") and
23 park and recreational facilities (the "Valley-Wide Facilities") to be owned, maintained and operated by
24 Valley-Wide Recreation and Park District ("Valley-Wide"); and,

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

WHEREAS, Section 53316.2 of the Code further provides that at any time prior to the adoption

1 of the resolution of formation creating a community facilities district, the legislative bodies of two or
2 more local agencies may enter into a joint community facilities agreement pursuant to said Section and
3 Sections 53316.4 and 53316.6 of the Code to exercise any power authorized by the Act with respect to the
4 community facilities district being created if the legislative body of each entity adopts a resolution
5 declaring that such a joint agreement would be beneficial to the residents of that entity; and

6 **WHEREAS**, the form of a joint community facilities agreement entitled "Joint Community
7 Facilities Agreement by and among the County of Riverside, the Riverside County Flood Control and
8 Water Conservation District, Lennar Homes of California, Inc., a California corporation, BSC Winchester
9 Hills 260, LLC, a California limited liability company, TMC Menifee, LLC, a Delaware limited liability
10 company, Rancon Winchester Valley 85, LLC, a California limited liability company, Rancon Winchester
11 Valley 200, LLC, a California limited liability company, Ashbrook West Prairie Crossing, L.P., a
12 California limited partnership, A.C. Newport, LLC, a California limited liability company, SF 150, LLC,
13 a California limited liability company, and Barratt American Incorporated, a Delaware corporation" dated
14 as of June 1, 2006 (the "Flood Control JCFA"), is attached hereto, marked as Exhibit A, and is
15 incorporated herein; by reference, and it provides for the financing the acquisition and construction of the
16 Flood Control Facilities; and,

17 **WHEREAS**, the form of a joint community facilities agreement entitled "Joint Community
18 Facilities Agreement by and among the County of Riverside, Eastern Municipal Water District, Lennar
19 Homes of California, Inc., a California corporation, BSC Winchester Hills 260, LLC, a California limited
20 liability company, TMC Menifee, LLC, a Delaware limited liability company, Rancon Winchester Valley
21 85, LLC, a California limited liability company, Rancon Winchester Valley 200, LLC, a California
22 limited liability company, Ashbrook West Prairie Crossing, L.P., a California limited partnership, A.C.
23 Newport, LLC, a California limited liability company, SF 150, LLC, a California limited liability
24 company, and Barratt American Incorporated, a Delaware corporation" dated as of June 1, 2006 (the
25 "EMWD JCFA"), is attached hereto, marked as Exhibit B, and is incorporated herein; by reference, and it
26 provides for the financing the acquisition and construction of the EMWD Facilities and the EMWD Fee
27 Facilities; and,

28 **WHEREAS**, a form of a joint community facilities district agreement entitled "Joint Community

1 Facilities Agreement by and between the County of Riverside and Hemet Unified School District," dated
2 as of June 1, 2006 (the "Hemet USD JCFA") is attached hereto, marked as Exhibit C, and is incorporated
3 herein; by reference, and it provides for the financing the acquisition and construction of the Hemet USD
4 Facilities; and,

5 **WHEREAS**, a form of a joint community facilities district agreement entitled "Joint Community
6 Facilities Agreement by and between the Count of Riverside and Valley-Wide Recreation and Park
7 District," dated as of June 1, 2006 (the "Valley-Wide JCFA") is attached hereto, marked as Exhibit D, and
8 is incorporated herein; by reference, and it provides for the financing the acquisition and construction of
9 the Valley-Wide Facilities;

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

13 **Section 1.** The Board of Supervisors hereby declares that the Flood Control JCFA, the EMWD
14 JCFA, the Hemet USD JCFA, and the Valley-Wide JCFA will be beneficial to the residents residing
15 within the jurisdictional boundaries of the County.

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

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

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

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