

**SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT BOARD  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

916B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
October 24, 2006

**SUBJECT:** Joint Community Facilities Agreement by and among Riverside County Flood Control and Water Conservation District, the County of Riverside, and the CFD No. 05-2 Development Group

**RECOMMENDED MOTION:**

Adopt Resolution No. F2006-37 authorizing execution and delivery of the Joint Community Facilities Agreement by and among the District, the County of Riverside, and the CFD No. 05-2 Development Group.

**BACKGROUND:**

At the request of the CFD No. 05-2 Development Group, the County of Riverside (the "County") has initiated proceedings to establish Community Facilities District No. 05-2 (Winchester Parkside) of the County of Riverside to finance certain public improvements including segments of the Winchester Hills, Line A, Winchester Hills, Line C and Winchester Hills, Line D storm drains and other drainage improvements.

Continued on Page 2

MHW:blj

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

**FINANCIAL  
DATA**

Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
Annual Net District Cost:	N/A	For Fiscal Year:	N/A

**SOURCE OF FUNDS:** N/A

<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

Dep't Recomm.:  Consent  
Per Exec. Ofc.:  Consent  
Policy   
Departmental Concurrence

Prev. Agn. Ref.:

District: 3<sup>rd</sup>

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

11 . 6

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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The CFD No. 05-2 Development Group includes: i) Fieldstone Community Park, LLC, a California limited liability company, ii) Ryland Homes of California, Inc., a Delaware corporation, iii) Shea Homes Limited Partnership, a California limited partnership, iv) La Ventana Partners 77, LLC, an Oregon limited liability company, v) Pulte Home Corporation, a Michigan corporation, vi) Fieldstone Winchester Valley, LLC, a California limited liability company, vii) A.C. Rice, LLC, a California limited liability company, and viii) Winchester Ranch 202, LLC, a California limited liability company.

The proposed drainage improvements are necessary to provide flood protection and drainage for various proposed development projects located in the unincorporated community of Winchester. Upon completion of construction and the transfer of necessary rights of way, the District will accept the mainline storm drain for ownership, operation and maintenance.

The County Executive Office and the Transportation Department have participated in the negotiation and preparation of this Agreement and are recommending its approval. Special Counsel has approved the Agreement as to legal form. A companion item appears on the County's agenda this same date.

MHW:bjj

2  
3 **RESOLUTION NO. F2006-37**

4 **AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT**  
5 **COMMUNITY FACILITIES AGREEMENT WITH REGARD TO**  
6 **COMMUNITY FACILITIES DISTRICT NO. 05-2 (WINCHESTER**  
7 **PARKSIDE) OF THE COUNTY OF RIVERSIDE**

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

16 **WHEREAS**, the Facilities proposed to be financed by the Community Facilities District include  
17 certain flood control facilities (the "Flood Control Facilities") to be owned, maintained and operated by  
18 the Riverside County Flood Control and Water Conservation District (the "Flood Control District"); and,

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

24 **WHEREAS**, Section 53316.2 of the Code further provides that at any time prior to the adoption  
25 of the resolution of formation creating a community facilities district, the legislative bodies of two or  
26 more local agencies may enter into a joint community facilities agreement pursuant to said Section and  
27 Sections 53316.4 and 53316.6 of the Code to exercise any power authorized by the Act with respect to the  
28 community facilities district being created if the legislative body of each entity adopts a resolution  
declaring that such a joint agreement would be beneficial to the residents of that entity; and

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

11           **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board  
12 of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session  
13 assembled on October 24, 2006 as follows:

14           **Section 1.** The Board of Supervisors of the Flood Control District hereby declares that the Flood  
15 Control JCFA will be beneficial to the residents residing within the jurisdictional  
16 boundaries of the Flood Control District.

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

26           **Section 3.** The officers, employees and agents of the Flood Control District are hereby  
27 authorized and directed to take all actions and do all things which they, or any of  
28

1                   them, may deem necessary or desirable to accomplish the purposes of this Resolution  
2                   and not inconsistent with the provisions hereof.

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

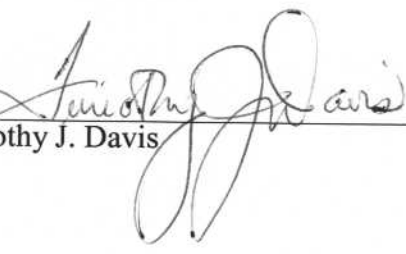
4                   **APPROVED and ADOPTED** by the Board of Supervisors of the Riverside County Flood  
5 Control and Water Conservation District on October 24, 2006.

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8                   By: \_\_\_\_\_  
9                               Marion Ashley, Chairman  
10                              Board of Supervisors of the Riverside County  
11                              Flood Control and Water Conservation  
12                              District

11                   ATTEST:  
12                   Nancy Romero  
13                   Clerk to the Board of Supervisors of the  
14                   Riverside County Flood Control and  
15                   Water Conservation District

16                   By: \_\_\_\_\_  
17                              Deputy Clerk

18                   APPROVED BY:  
19                   McFarlin & Anderson, LLP.  
20                   Special Counsel

21                   By:  \_\_\_\_\_  
22                   Timothy J. Davis

1 **CLERK'S CERTIFICATE**

2 I, Nancy Romero, Clerk to the Board of Supervisors of the Riverside County Flood  
3 Control and Water Conservation District, certify that the foregoing resolution was adopted by the Board  
4 of Supervisors at a regular meeting held on the 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 Riverside County Flood Control and Water Conservation District this \_\_\_\_ day of \_\_\_\_\_, 2006.  
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13 By: \_\_\_\_\_  
14 Deputy Clerk  
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