

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

757



FROM: Economic Development Agency

SUBMITTAL DATE:
July 29, 2010

SUBJECT: Approval of Resolution 2010-241, Approving the Issuance of Recovery Zone Facility Revenue Bonds by the Industrial Development Authority of the County of Riverside for the Benefit of March Healthcare Development, LLC

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a Public Hearing on August 10, 2010 at 9:30am or as soon as possible thereafter; and
2. Adopt Resolution No. 2010-241, Approving the Issuance by the Industrial Development Authority of the County of Riverside of Recovery Zone Facility Revenue Bonds for March Healthcare Development, LLC.

BACKGROUND: As part of the American Recovery and Reinvestment Act of 2009, new provisions were added to the Internal Revenue Code of 1986, allowing public agencies to create Recovery Zones for the purpose of issuing public and private bonds. These bonds are intended to stimulate the economy in the Recovery Zones. On July 21, 2009, the Board of Supervisors adopted Resolution No. 2009-255, designating the entire county as a Recovery Zone.

(Continued)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: NO

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

BY: Serena Chow

County Executive Office Signature Serena Chow

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 7/27/10 DATE
Departmental Concurrence

Consent
 Policy
 Consent
 Policy

Prev. Agn. Ref.: 7/21/09, Item 3.102
6.1 of 6/15/10

District: 5

Agenda Number:

9.15

Economic Development Agency
Approval of Resolution 2010-241, Approving the Issuance of Recovery Zone Facility Revenue
Bonds by the Industrial Development Authority of the County of Riverside for the Benefit of March
Healthcare Development, LLC
July 29, 2010

Page 2

BACKGROUND: (Continued)

Recovery Zone Bonds consist of two categories, Economic Development and Facility Bonds. Economic Development Bonds are taxable governmental bonds which can be utilized for the promotion of economic development in areas such as construction of infrastructure, public facilities, and various other economic development purposes. The federal government will reimburse local governmental issuers in an amount equal to 45% of the interest paid. Riverside County's allocation of Recovery Zone Economic Development Bonds is \$49,801,000.

Recovery Zone Facility Bonds are tax-exempt, private activity bonds which allow issuers to provide tax-exempt financing for projects such as large manufacturing plants, distribution centers, research facilities, etc. Riverside County's allocation of Recovery Zone Facility Bonds is \$74,702,000.

In September 2009, the Economic Development Agency issued a Request for Proposals (RFP) for projects seeking bond financing in both categories. The Facility Bond RFP received several responses in excess of the county's allocation. Staff conducted a thorough analysis of each of the proposals and recommended four be given portions of the allocation. One of the projects selected is the March LifeCare Campus located on approximately 160 acres of land located within the March Air Force Base Redevelopment Project Area, east of Riverside Drive, north of Meyer Drive, west of Heacock Avenue, and south of Cactus Avenue in unincorporated Riverside County, California. The project consists of the construction of infrastructure necessary for development of the LifeCare Campus, including, but not limited to, roadway improvements, traffic control improvements, water mains, sewer mains, dry utilities, and a storm drainage system. The project is recommended to receive \$17 million.

The Resolution is adopted for the purpose of meeting the Department of the Treasury and California Government Code requirements. The Resolution does not bind the county to make any expenditure, incur any indebtedness, or proceed with the financing of the project. Further requests for approval will come before the Board of Supervisors and Board of Directors prior to the financing of the project.

Attachment:
Resolution 2010-241

RF:LB:SM:RM 10290

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THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: PH - March LifeCare Campus

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

07-27-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Jul. 27, 2010
At: Riverside, California

Natalie Villa

KUTAK ROCK LLP
515 S FIGUEROA ST, STE 1240
ATTN: SAM S. BALISY
LOS ANGELES CA 90071-3329

Ad #: 10343221

PO #:

Agency #: _____

Ad Copy:

NOTICE OF FILING APPLICATION AND PUBLIC HEARING WITH RESPECT TO THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that at 9:30 a.m. on August 10, 2010, or as soon thereafter as the matter may be heard, at the Robert T. Anderson Administrative Center, 4080 Lemon Street, Board of Supervisors Chambers, Riverside, California 92501, the Board of Supervisors of the County of Riverside (the "Board of Supervisors") will conduct a public hearing (the "Public Hearing") at which the Board of Supervisors will hear and consider information concerning the issuance from time to time, pursuant to a plan of finance, of one or more series of tax-exempt and/or taxable bonds in an aggregate principal amount not to exceed Seventeen Million Dollars (\$17,000,000) (the "Bonds") by the Industrial Development Authority of the County of Riverside (the "Authority") for the benefit of March Healthcare Development, LLC, a California limited liability company and/or a related or successor entity (the "Borrower"). Proceeds of the Bonds are to be loaned to the Borrower pursuant to one or more loan agreements (the "Loan Agreement"). The proceeds of the Bonds loaned to the Borrower will be applied to pay the cost of, or reimburse the Borrower for the cost of (1) depreciable infrastructure necessary for development of the March LifeCare Campus located on approximately 160 acres of land within the March Air Force Base Redevelopment Project Area, east of Riverside Drive, north of Meyer Drive, west of Heacock Avenue and south of Cactus Avenue in unincorporated Riverside County, California (the "Project Site"), (2) construction of infrastructure necessary for development of the Project Site, including, but not limited to, roadway improvements, traffic control improvements, water mains, sewer mains, dry utilities and a storm drainage system, and (3) payment of capitalized interest and certain costs of issuance in connection with the Bonds (the "Project"). The Project will be owned by the Borrower and is located within the County of Riverside Recovery Zone designated by the Board. The Bonds will be paid entirely from repayments by the Borrower under the Loan Agreement. Neither the faith and credit nor the taxing power of the Authority, the County of Riverside (the "County"), the State of California (the "State") or any other political corporation, subdivision or agency of the State is pledged to the payment of the principal of, premium, if any, or interest on, the Bonds, nor shall the Authority, the County, the State or any other political corporation, subdivision or agency of the State be liable or obligated to pay the principal of, premium, if any, or interest on, the Bonds.

The Public Hearing is intended to comply with the public approval requirements of Section 147(f) of the Internal Revenue Code of 1986. Those wishing to comment on the proposed nature and location of any of the Project and the financing of the Project with the proceeds of the Bonds may either appear in person at the time and place indicated above or submit written comments, which must be received prior to the Public Hearing, to the Board of Supervisors, c/o Clerk of the Board of Supervisors, Robert T. Anderson Administrative Center, 4080 Lemon Street, Riverside, California 92501. Notice is further given that the Borrower has filed an application with the Authority in connection with the proposed issuance of the Bonds to finance the Project, and reference is hereby made to such application for further particulars.

Date: July 27, 2010
COUNTY OF RIVERSIDE
By: /s/ Kecia Harper-Ithem
Clerk of the Board of Supervisors

7/27

BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

RESOLUTION NO. 10-241

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF RIVERSIDE OF NOT TO EXCEED \$17,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS RECOVERY ZONE FACILITY REVENUE BONDS FOR THE BENEFIT OF MARCH HEALTHCARE DEVELOPMENT, LLC OR A RELATED OR SUCCESSOR ENTITY

WHEREAS, the Industrial Development Authority of the County of Riverside (the "Authority") has accepted an application from March Healthcare Development, LLC, a California limited liability company (the "Applicant") for the benefit of the Applicant and/or a related or successor entity (collectively, the "Company") requesting the Authority to issue its recovery zone facility revenue bonds pursuant to the California Industrial Development Financing Act, being Title 10 of the California Government Code, as supplemented and amended (the "Act"), to finance a portion of the cost of the construction, installation and equipping of certain property (the "Project"); and

WHEREAS, the Company will use the Project to further the development of a medical services complex; and

WHEREAS, the Board of Directors of the Authority in its resolution of intention, adopted on June 15, 2010, expressed its intention to issue its recovery zone facility revenue bonds in an aggregate principal amount not-to-exceed Seventeen Million Dollars (\$17,000,000) (the "Bonds") for the benefit of the Company; and

WHEREAS, the Authority has made the determinations required to be made pursuant to Section 91530 of the Act preliminary to the issuance by the Authority of the Bonds; and

WHEREAS, this Board of Supervisors has considered the information contained in the aforesaid application and has considered the determinations of the Authority; and

WHEREAS, the issuance of the Bonds must be approved by this Board of Supervisors in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 91530(f) of the Act; and

WHEREAS, the Clerk of the Board of Supervisors has caused a notice to appear in The Press-Enterprise, which is a newspaper of general circulation in the County of Riverside, on

FORM APPROVED COUNTY COUNSEL
BY: Dale A Gardner 7/28/10
DATE

1 July 27, 2010, to the effect that a public hearing would be held by the Board of Supervisors on
2 August 10, 2010, regarding the issuance of the Bonds and the nature and location of the
3 Project; and

4 **WHEREAS**, the Board of Supervisors has held said public hearing on August 10, 2010,
5 providing a reasonable opportunity for persons to comment on the issuance of the Bonds and
6 the nature and location of the Project; and

7 **WHEREAS**, it is intended that this Resolution shall constitute the approval of the
8 Project and the issuance of the Bonds required by Section 147(f) of the Code and Section
9 91530(f) of the Act;

10 **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of
11 Riverside, that:

12 Section 1. The Board of Supervisors of the County of Riverside (the "County") hereby
13 approves the Project and the issuance of the Bonds. The Bonds may be tax-exempt or taxable
14 as determined by the Authority in its final resolution, in an amount not-to-exceed Seventeen
15 Million Dollars (\$17,000,000) to finance a portion of the costs of the Project. The issuance of
16 the Bonds shall be subject to the satisfaction by the Company of any other requirements of the
17 Authority and the County. The Bonds and the interest thereon shall be paid from revenues
18 received by the Authority from the Company pursuant to a financing agreement with respect to
19 the Project to be entered into between the Authority and the Company. This resolution shall
20 constitute both "host" and "issuer" approval of the Bonds within the meaning of Section 147(f)
21 of the Code and shall constitute approval of the Project and the issuance of the Bonds within
22 the meaning of Section 91530(f) of the Act.

23 Section 2. All actions heretofore taken by the officers, employees and agents of the
24 County with respect to the approval, issuance and sale of the Bonds are hereby approved,
25 confirmed and ratified, and the officers and employees of the County and their authorized
26 deputies and agents are hereby authorized and directed, jointly and severally, to do any and all
27 things and to execute and deliver any and all certificates and documents which they or bond
28 counsel may deem necessary or advisable in order to consummate the issuance, sale and

1 delivery of the Bonds and otherwise to effectuate the purposes of this Resolution.

2 Section 3. This Resolution shall take effect from and after its adoption.

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1 **PASSED, APPROVED, AND ADOPTED** at a meeting of the Board of Supervisors of the
2 County of Riverside on August 10, 2010, by the following vote:

- 3 AYES:
- 4 NOES:
- 5 ABSENT:
- 6 ABSTAIN:

COUNTY OF RIVERSIDE

Marion Ashley, Chairman
Board of Supervisors

11 ATTEST:
12 **KECIA HARPER-IHEM**
13 **CLERK OF THE BOARD**

15 By _____
16 Deputy

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28 resolution.doc