

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

829



FROM: Economic Development Agency

SUBMITTAL DATE:

June 6, 2013

SUBJECT: Resolution No. 2013-126, Approving the Issuance by the California Municipal Finance Authority of Revenue Bonds for the Benefit of Waste Management, Inc., and/or an affiliate thereof

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a public hearing with the Board of Supervisors per Section 147(f) of the Internal Revenue Code of 1986;
2. Adopt Resolution No. 2013-126, approving the California Municipal Finance Authority's intent to issue tax-exempt bonds for the improvement of solid waste disposal facilities located at 10910 Dawson Canyon Road, Corona, California; and
3. Authorize the Assistant County Executive Officer/EDA, or designee, to take all necessary steps to implement Resolution No. 2013-126, including, but not limited to, signing subsequent essential and relevant documents.

BACKGROUND: (Commences on Page 2)

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:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

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

C.E.O. RECOMMENDATION: APPROVE

BY:
Jennifer J. Sarger

County Executive Office Signature

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

2013 JUN 11 6W 3:00
OFFICE OF THE COUNTY CLERK
COUNTY OF RIVERSIDE, CALIFORNIA

9-1

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

BACKGROUND:

Waste Management, Inc., and/or an affiliate thereof has requested that the California Municipal Finance Authority serve as the municipal issuer of tax-exempt revenue bonds (the Bonds) in an aggregate principal amount not to exceed \$100,000,000. The proceeds of the Bonds will be used to finance improvements to existing, permitted solid waste landfill facilities throughout the state of California. The improvements include but are not limited to (i) construction of new disposal cells and liners within currently permitted acreage, (ii) additions and improvements to the leachate collection and treatment system, including leachate trenching, (iii) additions and improvements to the methane gas systems, (iv) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (v) site improvements, (vi) acquisition of equipment to be used at the landfill facilities, and (vii) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service. A portion of such Bond proceeds, in an amount not expected to exceed \$40,000,000 is intended to finance improvements at the El Sobrante Landfill facility, located at 10910 Dawson Canyon Road, Corona, California.

The California Municipal Finance Authority is an eligible conduit issuer of tax-exempt solid waste disposal facilities revenue bonds.

In order for the interest of the bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that the governmental unit where the project is located, hold a public hearing on the issuance of bonds and approve the issuance of the bonds following such hearing. The California Municipal Finance Authority has requested that the Board of Supervisors approve the issuance of the bonds by the California Municipal Finance Authority in order to satisfy the public approval requirement of section 147(f) of the IRS Code. The California Municipal Finance Authority will be the conduit issuer and the bond will not represent a general obligation of the County of Riverside or the Economic Development Agency for the County of Riverside.

County Counsel has reviewed and approved the attached Resolution. Staff recommends approval of Resolution No. 2013-126.

Attachments:
Resolution No. 2013-126
Public Notice

1
2
3 **RESOLUTION NO. 2013-126**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**
5 **RIVERSIDE APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL**
6 **FINANCE AUTHORITY REVENUE BONDS (WASTE MANAGEMENT, INC.),**
7 **SERIES 2013 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED**
8 **\$100,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION,**
9 **CONSTRUCTION, INSTALLATION, REHABILITATION, IMPROVEMENT**
10 **AND/OR EQUIPPING OF SOLID WASTE DISPOSAL FACILITIES AND CERTAIN**
11 **OTHER MATTERS RELATING THERETO**

12 **WHEREAS,** Waste Management, Inc., a corporation duly organized and existing
13 under the laws of the State of Delaware, and/or affiliates thereof (collectively, the
14 “Borrower”), has requested that the California Municipal Finance Authority (the “Authority”)
15 participate in the issuance of one or more series of revenue bonds from time to time in an
16 aggregate principal amount not to exceed \$100,000,000 (the “Bonds”) for the purpose of,
17 among other things, financing, in an amount not expected to exceed \$40,000,000, the
18 following projects (collectively, the “Project”) initially owned and operated by the Borrower
19 and located within the County of Riverside (the “County”): improvements to existing,
20 permitted solid waste landfill facilities, including but not limited to (i) construction of new
21 disposal cells and liners within currently permitted acreage, (ii) additions and improvements
22 to the leachate collection and treatment system, including leachate trenching, (iii) additions
23 and improvements to the methane gas systems, (iv) installation of new liners for intermittent
24 and final closure of completed sections of the landfill facilities, (v) site improvements, (vi)
25 acquisition of equipment to be used at the landfill facilities, and (vii) acquisition of other
26 equipment and assets necessary to support the foregoing improvements and to place them into
27 service;

28
FORM APPROVED COUNTY COUNSEL
BY: *Dale Gardner*
DALE GARDNER
5/23/13
DASE

1 **WHEREAS**, the Project is located at El Sobrante Landfill, 10910 Dawson Canyon
2 Road, Corona, California, 92883-5020 in the County of Riverside, California;

3
4 **WHEREAS**, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the
5 “Code”), the issuance of the Bonds by the Authority must be approved by the County because
6 the Project is located within the territorial limits of the County;

7
8 **WHEREAS**, the Board of Supervisors of the County (the “Board of Supervisors”) is
9 the elected legislative body of the County and is one of the “applicable elected
10 representatives” required to approve the issuance of the Bonds under Section 147(f) of the
11 Code;

12
13 **WHEREAS**, the Authority has requested that the Board of Supervisors approve the
14 issuance of the Bonds by the Authority in order to satisfy the public approval requirement of
15 Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers
16 Agreement Relating to the California Municipal Finance Authority, dated as of January 1,
17 2004 (the “Agreement”), among certain local agencies, including the County; and

18
19 **WHEREAS**, pursuant to Section 147(f) of the Code and Section 6586.5 of the
20 Government Code of the State of California, the Board of Supervisors has, following notice
21 duly given, held a public hearing regarding the Project and the plan of finance for the issuance
22 of the Bonds, and now desires to approve the Project and the plan of finance for the issuance
23 of the Bonds by the Authority;

24
25 **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the
26 County of Riverside as follows:

27
28 Section 1. The foregoing resolutions are true and correct.

1 Section 2. The Board of Supervisors hereby approves the issuance of the Bonds by the
2 Authority. It is the purpose and intent of the Board of Supervisors that this resolution
3 constitute approval of the issuance of the Bonds by the Authority, for the purposes of
4 (a) Section 147(f) of the Code by the applicable elected representative of the governmental
5 unit having jurisdiction over the area in which the Project is located, in accordance with said
6 Section 147(f) and (b) Section 4 of the Agreement.

7
8 Section 3. The County finds that the actions authorized hereby regarding the financing
9 of the Project will result in demonstrable savings in effective interest rate, bond preparation,
10 bond underwriting, or bond issuance costs to produce significant public benefits.

11
12 Section 4. The officers of the County are hereby authorized and directed, jointly and
13 severally, to do any and all things and to execute and deliver any and all documents which
14 they deem necessary or advisable in order to carry out, give effect to and comply with the
15 terms and intent of this resolution and the financing transaction approved hereby.

1 Section 5. This resolution shall take effect immediately upon its adoption.

2
3 PASSED AND ADOPTED by the Board of Supervisors of the County of Riverside this
4 ___ day of _____, 2013.

5
6 AYES:

7 NOES:

8 ABSTAIN:

9 ABSENT:

10
11
12 Attest:

13
14
15
16 By: _____

17 Clerk of the Board of Supervisors

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)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF


Ad Desc.: / PH - Revenue Bonds

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 in 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, under date of August 25, 1995, Case Number 267864, and under date of February 4, 2013, Case Number RIC 1215735; 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:

05/24/2013

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

Date: May 24, 2013
At: Riverside, California



ORRICK, HERRINGTON, & SUTCLIFFE LLP
405 HOWARD ST
SAN FRANCISCO, CA 94105

Ad Number: 0001056271-01

P.O. Number: PH - Revenue Bonds

Ad Copy:

NOTICE OF PUBLIC HEARING REGARDING ISSUANCE OF REVENUE BONDS

NOTICE IS HEREBY GIVEN that at its regular meeting to be held at 9:30 a.m., or as soon thereafter as the matter can be heard, on Tuesday, June 18, 2013, in the County Administrative Center, Board Chambers, First Floor, 4080 Lemon Street, Riverside 92501, the Board of Supervisors of the County of Riverside (the "County") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), at which it will hear and consider information concerning the proposed issuance by the California Municipal Finance Authority (the "Authority") of one or more series of revenue bonds from time to time in an aggregate principal amount not to exceed \$100,000,000 (the "Bonds"). The Bonds will be part of a plan of finance, which may occur over a period of multiple years.

A portion of such Bond proceeds, in an amount not expected to exceed \$40,000,000, is intended to finance the following projects (collectively, the "Project") in the County:

Improvements to existing, permitted solid waste landfill facilities, including but not limited to (i) construction of new disposal cells and liners within currently permitted acreage, (ii) additions and improvements to the leachate collection and treatment system, including leachate trenching, (iii) additions and improvements to the methane gas systems, (iv) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (v) site and/or land improvements, (vi) acquisition of equipment to be used at the landfill facilities, and (vii) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service.

The Project is located at El Sobrante Landfill, 10910 Dawson Canyon Road, Corona, California, 92883-5020 in the County of Riverside, California.

The Project will initially be owned and/or operated by Waste Management, Inc. and/or an affiliate thereof (collectively, the "Borrower").

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

Those wishing to comment or those who have any questions regarding the proposed nature and location 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 by the County of Riverside, Attention: Clerk of the Board of Supervisors, 4080 Lemon Street, Riverside, California 92501.

CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

Dated May 24, 2013

5/24