

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS DATE: 11/20/14

Departmental Concurrence

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

403B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
 December 2, 2014

**SUBJECT:** Introduction of Riverside County Flood Control and Water Conservation District Ordinance No. 23 to Dissolve Community Facilities District No. F05-1 (Homeland/Romoland) and Ordinance 20.1 to repeal the Special Tax Ordinance. District 3/3 / District 5/5; [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce and, at the next succeeding meeting, adopt Riverside County Flood Control and Water Conservation District (RCFC&WCD) Ordinance No. 23 to dissolve Community Facilities District No. F05-1 (Homeland/Romoland); and
2. Introduce and, at the next succeeding meeting, adopt RCFC&WCD Ordinance No. 20.1 repealing the Special Tax Ordinance.

**BACKGROUND:**

**Summary**

On January 29, 2008 the Board of Supervisors adopted Resolution F2008-06 establishing CFD F05-1. At the time that the CFD was formed, the County was experiencing extraordinary growth rate, and it was anticipated that the CFD would be able to sell bonds supported by a tax levy on land with approved new residential and commercial development projects that were entitled but not yet constructed.

(Continued on Page 2)

MHW:blm  
 P8/165943

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy x
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b> No
	<b>For Fiscal Year:</b> 2014-15

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

APPROVE  
*Steven C. Horn*  
 BY: Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 11.6 Jan. 29, 2008 | District: 3/3 5/5 | Agenda Number:

11-3

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

**FORM 11:** Adopt Riverside County Flood Control and Water Conservation District Ordinance No. 23 to Dissolve Community Facilities District No. F05-1 (Homeland/Romoland) and Ordinance 20.1 to repeal the Special Tax Ordinance. District 3/3 District 5/5; [\$0]

**DATE:** December 9, 2014

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

On January 29, 2008 the Board of Supervisors adopted Resolution F2008-06 establishing CFD F05-1. At the time that the CFD was formed, the County was experiencing extraordinary growth rate, and it was anticipated that the CFD would be able to sell bonds supported by a tax levy on land with approved new residential and commercial development projects that were entitled but not yet constructed. Bonds would be sold to finance construction of the critically needed flood control and drainage infrastructure necessary to allow the residential and commercial development projects to move forward pursuant to their respective conditions of approval. The ability to sell bonds, supported by taxes levied on proposed but unbuilt units, was a casualty of the economic downturn, which made it extremely difficult, if not impossible, to market such bonds. Even today, with an improving economy, it remains difficult to sell bonds secured by undeveloped land. Approval of Ordinance 20.1 will release the Special Tax liens on the undeveloped property within CFD F05-1. As development occurs within the area of the former CFD and adjacent property, each project will be required to pay the Homeland/Romoland Area Drainage Fee that is in effect at time such property develops.

Adoption of Ordinance Nos. 23 and 20.1 is exempt from CEQA. Adoption of Ordinance No. 23 merely dissolves a CFD that is no longer needed. Adoption of Ordinance 20.1 repeals the levy of Special Taxes within Improvement Area Nos. 1, 2 and 3. Adoption of these ordinances is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA as reflected in CEQA Guidelines section 151061(b)(3). Because it can be seen with certainty that there is no possibility that the dissolution of the CFD and the repeal of Special Taxes may have a significant effect on the environment, the adoption of Ordinance Nos. 23 and 20.1 is exempt from CEQA.

County Counsel has approved the ordinance amendment as to form.

**Impact on Citizens and Businesses**

The District has pledged to construct the major flood control and drainage facilities on an expedited schedule, thus eliminating the need for CFD financing. Construction of the initial segment, westerly of Interstate 215, is currently underway. A contract for constructing the second segment, from Encanto Road to the Briggs Road Basin, is expected to be awarded in January 2015. A third segment, from the Briggs Road Basin up to the Juniper Flats Basin, is expected to be awarded in the summer of 2015.

Once construction of the major flood control and drainage facilities is complete, the flooding and drainage problems currently afflicting the Homeland/Romoland area will be substantially mitigated. Completing construction of this critically needed infrastructure will create an environment that is more favorable for economic growth. Properties within the area of the former CFD F05-1 will be able to proceed with their development plans in accordance with their respective conditions of approval. Additionally, many other properties in the area will be able to move forward with their development plans.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Minor administrative costs associated with dissolving the CFD and repealing Special Taxes are limited to staff time and the necessary processing of documents. These costs will be borne by the District.

1 ORDINANCE NO. 23

2  
3 AN ORDINANCE OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
4 CONSERVATION DISTRICT DISSOLVING COMMUNITY FACILITIES DISTRICT NO. F05-1  
5 (HOMELAND/ROMOLAND) OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
6 CONSERVATION DISTRICT

7  
8 The Board of Supervisors of the Riverside County Flood Control and Water Conservation  
9 District ordains as follows:

10 Section 1. FINDINGS. The Board of Supervisors finds that Community Facilities  
11 District No. F05-1 (Homeland/Romoland) of Riverside County Flood Control and Water Conservation  
12 District is not obligated to pay any outstanding debt; and that this Community Facilities District has no  
13 authorization to levy any special tax.

14 Section 2. PURPOSE. The purpose of this ordinance is to dissolve Community  
15 Facilities District No. F05-1 (Homeland/Romoland) of Riverside County Flood Control and Water  
16 Conservation District.

17 Section 3. AUTHORITY. This ordinance is adopted pursuant to California  
18 Government Code Section 53338.5 which authorizes the legislative body of a community facilities district  
19 to dissolve the community facilities district by ordinance.

20 Section 4. DISSOLUTION OF DISTRICT. Community Facilities District No. F05-1  
21 (Homeland/Romoland) of the Riverside County Flood Control and Water Conservation District is  
22 dissolved. An addendum shall be recorded to the Notice of Special Tax Lien recorded pursuant to Section  
23 3114.5 of the Streets and Highways Code which shall state that the Community Facilities District and all  
24 associated liens, if any, have been dissolved.

25 Section 5. SEVERABILITY. If any provision, clause, sentence or paragraph of this  
26 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
27 shall not affect the other provisions of this ordinance which can be given effect without the invalid  
28

FORM APPROVED BY COUNTY COUNSEL  
BY Dale A. Gardner DATE 11/20/14  
DALE A. GARDNER

1 provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
2 severable.

3 Section 6. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after  
4 its adoption.

6 BOARD OF SUPERVISORS OF THE COUNTY  
7 OF RIVERSIDE, STATE OF CALIFORNIA

8 By: \_\_\_\_\_  
Chairman

9 ATTEST:

10 CLERK OF THE BOARD:

11  
12 By: \_\_\_\_\_  
Deputy

13  
14 (SEAL)

"COPY"  
NOT EXECUTE

1 ORDINANCE NO. 20.1

2  
3 AN ORDINANCE OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
4 CONSERVATION DISTRICT REPEALING ORDINANCE NO. 20 AUTHORIZING THE LEVY OF  
5 AND LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 1, IMPROVEMENT  
6 AREA NO. 2, AND IMPROVEMENT AREA NO. 3 OF COMMUNITY FACILITIES DISTRICT NO.  
7 F05-1 (HOMELAND/ROMOLAND) OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
8 CONSERVATION DISTRICT

9  
10 The Board of Supervisors of the Riverside County Flood Control and Water Conservation  
11 District ordains as follows:

12 Section 1. Ordinance No. 20 is repealed in its entirety.

13 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

14  
15  
16 BOARD OF SUPERVISORS OF THE  
17 RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

18 By: \_\_\_\_\_  
Chairman

19 ATTEST:

20 CLERK OF THE BOARD:

21  
22 By: \_\_\_\_\_  
Deputy

23  
24 (SEAL)  
25

"COPY"  
DO NOT EXECUTE

FORM APPROVED COUNTY COUNSEL  
Mary A. Johnson 11/20/14  
DATE  
GARDNER