

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

626
(1725)



FROM: Executive Office

SUBMITTAL DATE:
September 20, 2016

SUBJECT: Resolution No. 2016-159, Authorizing the Advance of Property Tax Revenue to the Idyllwild Fire Protection District; District 3 [\$400,000]; Property Tax Revenue

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and adopt Resolution No. 2016-159, authorizing the advance of property tax revenue to the Idyllwild Fire Protection District; and,
2. Approve and authorize the Chairman to execute the attached agreement for repayment of said funds to the County of Riverside.

BACKGROUND:

Summary

Article 16, Section 6 of the California Constitution authorizes a county to lend available funds to a special district, not to exceed 85% of the district's anticipated yearly tax revenue. The loan shall be repaid from that revenue source before the district pays any other obligation. This means, the county will be repaid prior to the District receiving their property tax allocation due to them later this year.

Tina Grande
Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 400,000	\$	\$ 400,000	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Property Tax Revenue	Budget Adjustment: None
	For Fiscal Year: 2016/17

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
 Nays: None
 Absent: None
 Date: September 20, 2016
 xc: E.O., Auditor

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

Prev. Agn. Ref.: 3-3, 8/18/15 | District: 3 | Agenda Number: **3-12**

FORM APPROVED COUNTY COUNSEL
BY: Karin L. Watts 9/14/16
DATE: 9/14/16
BY: KARIN L. WATTS-BAZZAN

Departmental Concurrence

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY: Susana Garcia-Bocanegra 9/14/16
DATE: 9/14/16

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2016-159, Authorizing the Advance of Property Tax Revenue to the
Idyllwild Fire Protection District; District 3 [\$400,000]; Property Tax Revenue**

DATE: September 20, 2016

PAGE: 2 of 2

The Idyllwild Fire Protection District reports limited funds and revenues are available for the payment of expenditures during July 1 through December 31, 2016. Therefore the district is requesting an advance of \$400,000 of its FY 2016/17 property tax revenue. Repayment with interest is required in the same fiscal year the advancement is made. The estimated interest is in the amount of \$1,860. The agreement and resolution have been approved as to form by County Counsel. The advancement today does not guarantee future advance distributions. If the District requires advancements in future fiscal years, a separate request will need to be considered by the Board of Supervisors.

Impact on Citizens and Businesses:

The advancement of property tax does not have a direct impact on citizens and businesses; however, the District's request for the advancement may contribute towards the District's ability to provide services to the residents and businesses in their service area.

SUPPLEMENTAL:

Additional Fiscal Information:

The District is obligated to pay interest on the advancement, which is estimated to be \$1,860.

Contract History and Price Reasonableness:

N/A

ATTACHMENT:

Resolution No. 2016-159

Agreement for Advancement of Funds to Maintain Essential Services (County of Riverside and Idyllwild Fire Protection District)

2 RESOLUTION NO. 2016-159

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
4 COUNTY OF RIVERSIDE FOR ADVANCEMENT
5 OF FUNDS TO IDYLLWILD FIRE PROTECTION DISTRICT

6 WHEREAS, the Idyllwild Fire Protection District (hereinafter "the District") was
7 established in 1946 and provides fire protection, advanced life support medical services, rescue, public
8 assistance, fire prevention and public safety education; and

9 WHEREAS, the District has encountered cash flow problems due to its dependence on
10 the distribution of property tax revenues which are distributed only at certain times within the fiscal year;
11 and

12 WHEREAS, California Constitution Article 16 Section 6 and California Government Code
13 Section 23010 allow the County to temporarily advance and transfer funds to the District, up to 85% of
14 the anticipated revenues accruing to the District in the current fiscal year, to solve the District's cash
15 flow problems and enable it to perform its functions and meet its obligations; and

16 WHEREAS, such temporary advance and transfer of funds shall only be made upon
17 resolution adopted by the governing body; now, therefore,

18 BE IS RESOLVED AND ORDERED by the Board of Supervisors of the County of
19 Riverside, State of California, in regular session assembled on September 20, 2016 that:

- 20 1. The Board finds that the recitals set forth above are true and correct.
- 21 2. The Board of Supervisors agrees to advance to the District \$400,000, an amount
22 less than 85% of the anticipated revenues according to the District in the current fiscal year, pursuant to
23 a written agreement between the County and the District (the "Agreement").
- 24 3. The advance is to be repaid with interest pursuant to the Agreement which is to be
25 administered by the County Executive Office or his designee.
- 26 4. The Agreement, a copy of which is on file with the Clerk of the Board, is approved

FORM APPROVED COUNTY COUNSEL
BY *Wendy A Gardner* 9/13/16
DATE
MALEA GARDNER

1 substantially as to form with such changes, additions, and omissions as the County Executive Officer or
2 his designee shall approve.

3 5. The Chairman of the Board is authorized to sign and execute the Agreement in final
4 form.

5 6. The Auditor-Controller is authorized and directed to advance said amount, and within
6 the same fiscal year collect repayment with interest, consistent with the Agreement.

7 7. This Resolution shall take effect immediately upon its adoption.

8 PASSED and ADOPTED by the Board of Supervisors on September 20, 2016.

9 ROLL CALL:

10 Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
11 Nays: None
12 Absent: None

13 The foregoing is certified to be a true copy of a resolution duly
14 adopted by said Board of Supervisors on the date therein set forth.

15 KECIA HARPER-IHEM, Clerk of said Board

16 By  _____
17 Deputy

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AGREEMENT FOR

ADVANCEMENT OF FUNDS TO MAINTAIN ESSENTIAL SERVICES
(County of Riverside and Idyllwild Fire Protection District)

This Agreement is made and entered by and between the COUNTY OF RIVERSIDE ("COUNTY"), and the Idyllwild Fire Protection District ("DISTRICT") with the respect to the following facts:

A. COUNTY and DISTRICT now wish to enter into an agreement whereby COUNTY will advance \$400,000 to DISTRICT pursuant to California Constitution Article XVI, Section 6 and California Government Code Section 23010.

B. Under this Agreement, DISTRICT will use the funds to continue to provide essential services to the local community, to perform its functions, and to meet its financial obligations. Said funds may be used for any normal operating expense of the DISTRICT included in the district's fiscal year 2016-17 budget.

C. As the Treasurer has the authority under the California Constitution Article XVI, Section 6 and this Agreement both to transfer and replace funds, Treasurer shall coordinate with the County Executive Officer, who will be the administrator on behalf of the COUNTY for this Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. TERM: The term of this Agreement shall commence as of July 1, 2016 through June 30, 2017.
2. ADVANCEMENT: The advancement is generally described as a short term advancement provided by COUNTY to DISTRICT and repaid with interest within the same fiscal year.
 - a. COUNTY will transfer DISTRICT the sum of \$400,000 within one week of the full execution of this agreement;
 - b. Both parties will consider the transfer to be an advance of the DISTRICT'S anticipated property tax revenue by withholding any or all of subsequent tax distributions until the loan is repaid in full;
 - c. DISTRICT agrees that COUNTY shall collect repayment(s) toward the advancement by withholding any or all of subsequent tax distributions until the loan is repaid in full;
 - d. DISTRICT agrees to compensate COUNTY for the loss of investment earning by paying interest at the same rate that COUNTY applies to funds of the DISTRICT on deposit with the COUNTY, estimated at \$1,860.

SEP 20 2016 3-12

3. PAYMENT: Payment or payments will be made at the time of normal distribution of tax revenue to special districts within the County of Riverside, typically in January, May and July of each year.

DISTRICT agrees to pay interest on the borrowed funds as follows:

a. Interest expense will begin to accrue on the date that the transfer of funds occurs.

b. Interest expense will be accrued monthly at the published county pool rate on any unpaid balance owed to COUNTY.

c. Interest and principal will be paid in full from the January distribution. Should the January distribution be less than the borrowed amount and interest, the remaining balance will be repaid from the May distribution. Should the January and May distributions be less than the borrowed amount and interest, the remaining balance will be paid by DISTRICT no later than June 30, 2017.

4. MUTUAL HOLD HARMLESS. The parties agree to hold each other, their elected officials, employees, contractors and agents mutually harmless from any and all claims, demands and liability, including attorney's fees, arising from each party's performance of this Agreement except to the extent that such liability is caused by the negligence of the other party.

5. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof and all prior negotiations and dealings pertaining to the subject matter hereof shall be deemed merged herein.

6. AMENDMENT. This Agreement shall not be modified except by written consent of the parties.

7. ADMINISTRATION. The County Executive Officer, or his designee, shall administer this Agreement on behalf of COUNTY.

8. SEVERABILITY. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

9. TERMINATION. After repayment of any advanced amount with interest, this Agreement will be of no further force or effect, with the exception of Section 4, above.

10. ASSIGNMENT. Neither this Agreement nor the duties or obligations under this Agreement shall be assigned by either party without prior written consent of the other party. This does not prohibit COUNTY however from performing its duties or obligations hereunder by way of subcontract.

11. NONDISCRIMINATION. Except as provided in Section 12940 of the California Government Code, during DISTRICT'S performance of the contract, DISTRICT shall not discriminate on the grounds of race, religious creed, color, national origin, ancestry, age, physical handicap, medical condition including the medical condition of Acquired Immune Deficiency Syndrome (AIDS) or any condition related hereto, marital status, sex or sexual orientation in the selection and retention of employees and subcontractors and the procurement of materials and equipment.

12. NOTICES. All correspondence and notices required or contemplated by this Agreement shall be delivered to the respective parties at the addresses set forth below and are deemed submitted one (1) day after their deposit in the United States Mail, postage prepaid:

IDYLLWILD FIRE PROTECTION DISTRICT
54160 Marantha Drive
P.O. Box 656
Idyllwild, CA 92546
Attn: Patrick Reitz, Fire Chief

COUNTY OF RIVERSIDE
4080 Lemon Street, 4th Floor
Riverside, CA 92501
Attn: Melissa Noone

IN WITNESS WHEREOF, COUNTY and CITY have caused this Agreement to be duly executed on the 17th day of Sept, 2016.

IDYLLWILD FIRE PROTECTION DISTRICT

By Jerry Buchanan
President
Board of Fire Commissioners

By Patrick Reitz
Patrick Reitz, Fire Chief
Board of Fire Commissioners

COUNTY OF RIVERSIDE

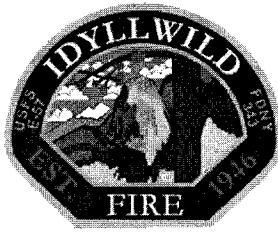
By John J. Benoit
John Benoit
Chairperson, Board of Supervisors

ATTEST:
Kecia Harper-Ihem, Clerk of the Board

By Kecia Harper-Ihem, deputy
Clerk of the Board

APPROVED AS TO FORM
County Counsel

By Debra A. Gordon
Debra A. Gordon
County Counsel



Idyllwild Fire Protection District

**PO Box 656
Idyllwild, CA 92549
(951) 659-2153**

**Resolution
016 – 03**

REQUEST FOR ADVANCEMENT OF FUNDS FROM RIVERSIDE COUNTY

WHEREAS, the Idyllwild Fire Protection District has limited funds and revenues available for the payment of expenditures during July 01 – December 31, 2016; and

WHEREAS, the District is permitted to request from the County an advancement on the funds collected during the fiscal year on behalf of the District;

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Fire Commissioners, do and hereby, request, an advancement of District funds in the amount of \$ 400,000.00 from Riverside County.

PASSED AND ADOPTED at the regular meeting of the Idyllwild Fire Protection District Board of Commissioners held Tuesday, May 24, 2016.



Jerry Buchanan, President

I hereby certify that the foregoing Resolution was duly adopted and in Witness hereof, I have hereunto set my hand and affixed the official seal of the Idyllwild Fire Protection District.



Patrick Reitz, Fire Chief



Idyllwild Fire Protection District

**PO Box 656
Idyllwild, CA 92549
(951) 659-2153**

ATTESTATION

The undersigned attest that the matter of:

Approve Agreement for the Advancement of Funds to Maintain Essential Services (AKA Tax Advance)

Was approved by a quorum of the Board of Commissioners of the Idyllwild Fire Protection District during a Special Meeting of the same, Monday, September 19, 2016.

Monday, September 19, 2016
Date



Jerry Buchanan, President



Patrick Reitz, Fire Chief / Clerk of the Board





**Idyllwild Fire Protection District
Board of Commissioners
Special Board Meeting
8:00 AM, Monday, September 19, 2016**

Meeting to be held at the Idyllwild Fire Protection District conference/training room
54160 Maranatha Drive, Idyllwild, CA. The meeting begins at 1:00 PM the meeting will be recorded.

Call to Order: Please silence cell phones and/or pagers

Roll call: Commissioners: President Buchanan; Vice President Andrewson; Commissioner Charles-Stigall;
Fire Chief Patrick Reitz and Temporary Administrative Assistant Rachel Teeguarden

Pledge of Allegiance

Invocation:

Approval of Agenda:

Citizens' Comments

Citizens may comment only on the subject matter of this special meeting at this time or they may wait to comment on an item that is on the Agenda at the time it is being discussed. The Board may limit the time that each individual may speak as well as the total time per subject matter (Board Policy 5030.4.1) Comments and questions should be directed to the Board Chair.

Citizens making public comments: You are not required to state your name and address, however, it is appreciated for the minutes.

Action Items

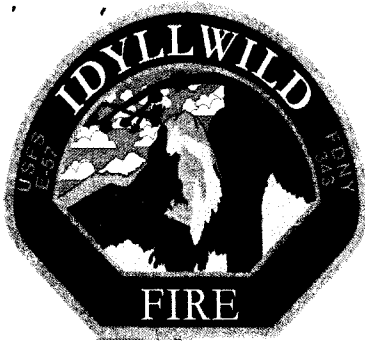
Action Items: The Board may approve or take action on any items contained under "Action Items" In the event of time conflict, Action Items with guest speakers may be taken out of order.

- **Approve Agreement for Advancement of funds to maintain essential services**

Adjournment

Next regularly scheduled meeting will be on TUESDAY September 27, 2016, at 1:00 PM.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Fire Chief Patrick Reitz at (951) 659-2153 at least 48 hours before the meeting, if possible.



**Idyllwild Fire Protection District
54160 Maranatha Drive
Idyllwild, CA 92549
MINUTES
Special Board Meeting
September 19, 2016
8:00 AM**

Meeting was called to order at 8:06 pm in the classroom of the Idyllwild Fire Protection District 54160 Maranatha Drive, Idyllwild CA by Commissioner Buchanan, President.

Please silence cell phones and/or pagers.

Roll Call:

Present: Commissioners President, Buchanan; Vice-President, Andrewson; Charles-Stigall; Fire Chief Reitz and Temporary Administrative Assistant Rachel Teegarden

Absent: Secretary, Donahoo; Treasurer, Layton

Pledge of Allegiance led by Buchanan

Invocation: Fire Chief Reitz

Approval of Agenda – As presented, motion by Andrewson, second by Stigall, Motion Approved 3-0

Citizens' Comments: none

Action Items

Action Items: The Board may approve or take action on any items contained under "Action Items" In the event of time conflict, Action Items with guest speakers may be taken out of order.

- **Approve Agreement for Advancement of Funds to Maintain Essential Services** – Stigall made a motion to approve Advancement of Funds to Maintain Essential Services, second by Andrewson, Motion Approved 3-0

Andrewson made a motion to Adjourn, second by Stigall, Motion Approved 3-0

Adjournment 8:16

Next regularly scheduled meeting will be on TUESDAY September 27, 2016, at 1:00 PM.

Respectfully submitted,

Rachel Teegarden
Temporary Administrative Assistant
Rachel Teegarden

APPROVED:

DRAFT

Jerry Buchanan, President

Date

Patrick Reitz, Clerk of the Board

Date