

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



ITEM
3.5
(ID # 4587)

MEETING DATE:

Tuesday, June 20, 2017


FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Resolution 2017-126 Approving the initiation of proceeding for Mission Springs Water District to form Assessment District No. 15 partially within County unincorporated boundaries, District 4. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve resolution 2017-126, approving the initiation of proceedings and the assumption of jurisdiction by the Mission Springs Water District for the construction of certain work pursuant to the provisions of the Municipal Improvement Act of 1913 for Assessment District No. 15 and additional assessment district within the same boundary.

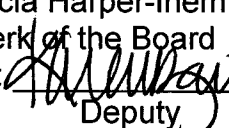
ACTION: Policy


Stephanie Persi 6/8/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: June 20, 2017
xc: EO, Water District(2)

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	2016/17

C.E.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary

Mission Springs Water District (MSWD) is in the process of forming an Assessment District (AD No. 15) to provide sewer system improvements to properties currently required to use on-site septic systems. Pursuant to Section 10104 of the Streets and Highways Code, when a proceeding to form a new Assessment District is undertaken by a legislative body other than that of a city or county, before the resolution of intention to form the Assessment District is adopted, the forming municipality must obtain the approval of the legislative body of the City or County (if there is any portion of the Assessment District which lies within unincorporated territory of the County).

The proposed improvements will provide an enhanced reliable connection for wastewater treatment to each property within the boundaries of the Assessment District. This ability to connect to the wastewater collection and treatment system will allow for more flexible and increased potential development on each undeveloped property and remove the potential prohibition and environmental constraints placed on existing developed residential and commercial properties within the Assessment District.

This Assessment District includes properties located in an unincorporated area in Riverside County, generally located west of Mountain View Road, east of Palm Drive, and north of Dillon Road. The Water District provides water and sewer services to the properties within the boundaries of the Assessment District.

Mission Springs Water District provided two mailings to property owners, which included information and surveys of interest. Additionally, MSWD sponsored numerous public information meetings at venues both within the affected neighborhood as well as at the agency administration building. MSWD built a dedicated website explaining the probable project cost and the process of forming a financing district. This public outreach process began in June of 2016.

Surveys reflect responses representing 48% of the financial burden for the project. Considering only single family residential properties-the majority of affected properties-about 65% expressed a favorable position for the improvements.

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Once this resolution is approved, the Mission Springs Water District Board will proceed with a resolution of intention. Then, a vote of the affected property owners will take place to consider the approval of the assessment district.

The Board of Directors of the Mission Springs Water District is contemplating the concurrent adoption of Resolutions of Intention for the formation of additional assessment districts which would each be formed within a portion of the territorial boundaries of proposed Assessment District No. 15, only in the event that a majority of the ballots received from the owners of property within Assessment District No. 15 does not approve proposed Assessment District No. 15.

ATTACHMENTS:


Resolution 2017-126

Draft Resolution for Mission Spring Water District

Boundary Map of proposed Assessment District

Impact on Residents and Businesses

Residents within the Mission Springs Water District proposed service area will be provided the ability to connect to sewer service.



Gregory V. Priamos, Director County Counsel

6/8/2017

RESOLUTION NO. 2017-126

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, APPROVING THE INITIATION OF PROCEEDINGS AND THE ASSUMPTION OF JURISDICTION BY THE MISSION SPRINGS WATER DISTRICT FOR THE CONSTRUCTION OF CERTAIN WORK PURSUANT TO THE PROVISIONS OF THE MUNICIPAL IMPROVEMENT ACT OF 1913 FOR ASSESSMENT DISTRICT NO. 15 AND ADDITIONAL ASSESSMENT DISTRICTS CONTAINED THEREIN

WHEREAS, the Board of Directors of the Mission Springs Water District is contemplating certain work in the County of Riverside under the provisions of the Municipal Improvement Act of 1913; and

WHEREAS, the Mission Springs Water District is contemplating the adoption of a Resolution of Intention for the formation of Assessment District No. 15, which would be created for the financing of such work; and

WHEREAS, the Board of Directors of the Mission Springs Water District is contemplating the concurrent adoption of Resolutions of Intention for the formation of additional assessment districts which would each be formed within a portion of the territorial boundaries of proposed Assessment District No. 15, only in the event that a majority of the ballots received from the owners of property within Assessment District No. 15 does not approve proposed Assessment District No. 15; and

WHEREAS, a portion of the projects and the properties proposed to be assessed for said work is located in the County of Riverside; and

WHEREAS, pursuant to the Municipal Improvement Act of 1913, the consent of the Board of Supervisors of the County of Riverside is required for the above proceedings; and

WHEREAS, the Mission Springs Water District, in accordance with Section 10104 of the Streets and Highways Code, has submitted to the Board of Supervisors the proposed Resolutions of Intention for Assessment District No. 15 and the additional assessment districts contained within the boundaries of Assessment District No. 15 and a map indicating the extent of the territory included in each of the proposed assessment districts;

NOW, THEREFORE, the Board of Supervisors of the County of Riverside DOES HEREBY RESOLVE as follows:

SECTION 1. The Board of Supervisors hereby approves of and consents to the initiation of proceedings and the performance of work as described by said proposed Resolutions of Intention for Assessment District No. 15 and the additional assessment districts contained within the boundaries of Assessment District No. 15, within the area shown on said maps.

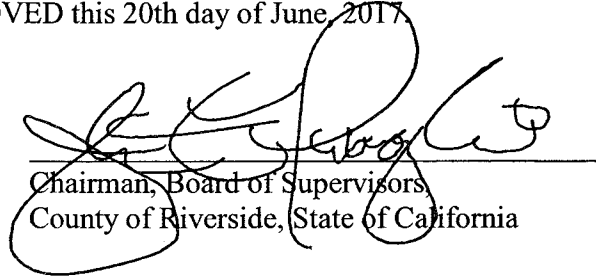
SECTION 2. Said Resolutions of Intention for Assessment District No. 15 and the additional assessment districts contained within the boundaries of Assessment District No. 15 are

FORM APPROVED COUNTY COUNSEL
BY: Dale A. Gardner 9/28/17 DATE
DALE A. GARDNER

approved with the understanding that said Resolutions may be modified or amended in order to carry out the purpose of the assessment districts and the consent of this Board of Supervisors hereby is given to the exercise by the Board of Directors of the Mission Springs Water District of exclusive jurisdiction over all proceedings necessary thereto for the purpose of consummating the same, all in accordance with the provisions of the Municipal Improvement Act of 1913.

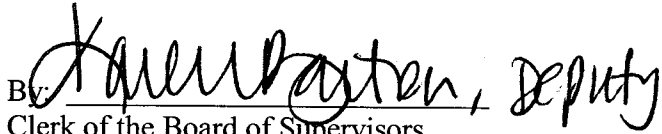
SECTION 3. The Clerk of the Board of Supervisors hereby is authorized and directed to certify to the adoption of this resolution and to deliver two certified copies thereto to the Mission Springs Water District.

ADOPTED, SIGNED AND APPROVED this 20th day of June, 2017


Chairman, Board of Supervisors,
County of Riverside, State of California

(SEAL)

ATTEST:

By 
Clerk of the Board of Supervisors
County of Riverside, State of California

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, Kecia Harper-Ihem, Clerk of the Board of Supervisors of the County of Riverside, do hereby certify that the foregoing resolution was duly adopted by the Board of Supervisors of said County and was approved by the Chairman of said Board of Supervisors at a regular meeting of said Board held on the 20th day of June, 2017, and that it was so adopted as follows:

AYES:	SUPERVISORS	Jeffries, Tavaglione, Washington, Perez and Ashley
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

By: *Karen Bayton, Deputy*
Clerk of the Board of Supervisors
County of Riverside, State of California

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

KECIA HARPER-IHEM, Clerk of said Board
By: *Kecia Harper-Ihem*
Deputy

RESOLUTION NO. 2017-_____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT DECLARING ITS INTENTION TO TAKE PROCEEDINGS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913, AND MAKE CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, ALL RELATING TO THE FORMATION OF ASSESSMENT DISTRICT NO. 15

WHEREAS, the Board of Directors of the Mission Springs Water District (the "District") desires to provide to certain property located in the District sewer improvements in the District's sewer system, generally described in Exhibit A attached hereto and made a part hereof (the "Improvements") and to order the formation of an assessment district to pay the costs thereof under and pursuant to the provisions of the Municipal Improvement Act of 1913 (the "1913 Act"); and

WHEREAS, the proposed assessment district, if it is formed, is to be known and designated as Assessment District No. 15; and

WHEREAS, the proposed boundaries of the Assessment District are shown on a map which indicates by a boundary line the extent of the territory proposed to be included in the Assessment District, which map is designated "Proposed Boundaries of Assessment District No. 15" (the "Map"), which Map is on file in the office of the Secretary of the District; and

WHEREAS, the District has requested and received from the Board of Supervisors of the County of Riverside and the City Council of the City of Desert Hot Springs consent to the initiation of proceedings for the formation of the Assessment District and the construction of the Improvements; and

WHEREAS, the District has applied for and received certain grant funds which may be used for the construction of the Improvements.

NOW, THEREFORE, the Board of Directors of the Mission Springs Water District **DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER** as follows:

Section 1. The above recitals, and each of them, are true and correct.

Section 2. The Map is approved and the Secretary is authorized to record the Map in the office of the County Recorder, County of Riverside.

Section 3. The Improvements generally includes the construction, installation and/or the acquisition of sewer improvements in the District's sewer system, as generally described in Exhibit A and as shown on the Map and in the report of the District designated "Preliminary Engineer's Report for Assessment District No. 15," which report is on file in the office of the Secretary.

Section 4. The public interest and necessity require the Improvements, and the Improvements will be of direct benefit to the properties and land within the Assessment District in

the degree and in the manner to be determined by this Board of Directors. The Board of Directors hereby declares its intention to order the construction, installation and/or acquisition of the Improvements, to make the expenses thereof chargeable upon the area included within the Assessment District, and to form the Assessment District.

Section 5. The Board of Directors further declares its intention to levy a special assessment upon the land within the Assessment District in accordance with the respective special benefit to be received by each parcel of land from the Improvements. There shall be omitted from special assessments all public streets and alleys owned by the County of Riverside and City of Desert Hot Springs as shown on the Map. In compliance with Article XIIIID, Section 4 of the California Constitution, this Board of Directors finds that all public streets and alleys will receive no special benefit from the Improvements.

Section 6. This Board of Directors finds and determines that before ordering the construction, installation and/or acquisition of the Improvements it shall take proceedings pursuant to the 1913 Act.

Section 7. The General Manager of the District is hereby appointed the Engineer of Work, the General Manager of the District is appointed the Superintendent of Streets and Albert A. Webb Associates is appointed the Assessment Engineer. The Assessment Engineer is hereby authorized and directed to make and file with the Secretary a written report with regard to the 1913 Act (the "Report"), which Report shall comply with the requirements of Section 10204 of the Streets and Highways Code.

Section 8. Following the construction, installation and/or acquisition of the Improvements and the payment of all incidental expenses in connection with the formation of the Assessment District and the issuance of bonds pursuant to the Improvement Bond Act of 1915, any surplus remaining in the improvement fund established for the Assessment District shall be used as determined by the Board of Directors as provided in Section 10427 of the Streets and Highways Code.

Section 9. Bonds bearing interest at a rate not to exceed 12 percent per annum will be issued hereunder in the manner provided in the Improvement Bond Act of 1915 to represent the unpaid assessments. The principal amount of such bonds maturing each year shall not be an amount equal to an even annual proportion of the aggregate principal amount of the bonds, but rather (except as specifically otherwise provided by the Board of Directors in connection with the sale of such bonds), shall be an amount which, when added to the amount of interest payable in each year, will generally be a sum which is approximately equal in each year (with the exception of the first year and any adjustment required with respect thereto). The last installment of such bonds shall mature a maximum of thirty-nine (39) years from the second day of September next succeeding twelve months after their date.

Section 10. The provisions of Part 11.1 of the Improvement Bond Act of 1915, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply.

Section 11. The Board of Directors hereby determines that the District will not obligate itself to advance available funds from its treasury to cure any deficiency which may occur in the bond redemption fund established for the Assessment District.

Section 12. It is hereby determined that the bonds proposed to be issued in these proceedings may be refunded. Any adjustment to assessments resulting from such refunding shall be done on a pro rata basis as required pursuant to Section 8571.5 of the Streets and Highways Code. Any such refunding shall be pursuant to the provisions of Division 11.5 (commencing with Section 9500) of the Streets and Highways Code, except that, if, following the filing of the report specified in Section 9523 and any subsequent modifications of the report, the Board of Directors finds that all of the conditions specified in Section 9525 are satisfied and that the adjustments to assessments are on a pro rata basis, the Board of Directors may approve and confirm the report and any, without further proceedings, authorize, issue, and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the Streets and Highways Code. Any such refunding bonds shall bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds; and the last installment of such bonds shall mature on such date as will be determined by the Board of Directors in the proceedings for such refunding.

Section 13. The Board of Directors orders that the portion of the cost and expenses of the Improvements which is in excess of the net proceeds of the bonds issued pursuant to this Resolution shall be paid out of the treasury of the District from such fund or funds which shall be determined by the Board of Directors.

Section 14. This Resolution shall take effect immediately upon its adoption.

Adopted this 15th day of May, 2017.

President of the Mission Springs Water District and its
Board of Directors

ATTEST:

Secretary of the Mission Springs Water District
and its Board of Directors

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, _____, Secretary of the Board of Directors of Mission Springs Water District, do hereby certify that the foregoing resolution was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on the 15th day of May, 2017, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

_____, Secretary
Mission Springs Water District

(SEAL)

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, _____, Secretary of the Board of Directors of Mission Springs Water District, do hereby certify that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2017-____, of said Board, and that the same has not been amended or repealed.

DATED: May 15, 2017

_____, Secretary
Mission Springs Water District

(SEAL)

PROPOSED BOUNDARY MAP ASSESSMENT DISTRICT NO. 15 MISSION SPRINGS WATER DISTRICT COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ASSESSMENT DISTRICT NO. 15 FOR MISSION SPRINGS WATER DISTRICT OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT OF RIVERSIDE COUNTY AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF _____, 20____, BY ITS RESOLUTION NO. _____.

SECRETARY OF THE BOARD OF DIRECTORS OF
THE MISSION SPRINGS WATER DISTRICT,
RIVERSIDE COUNTY, CALIFORNIA

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT, THIS ____ DAY OF _____, 20____.

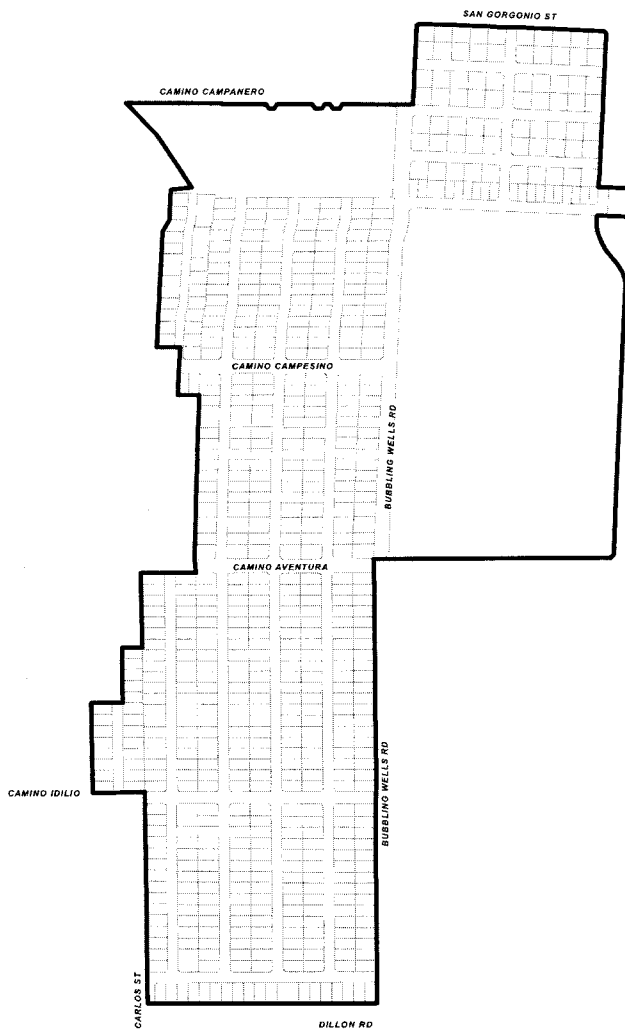
SECRETARY OF THE BOARD OF DIRECTORS OF
THE MISSION SPRINGS WATER DISTRICT,
RIVERSIDE COUNTY, CALIFORNIA

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

RECORDED THIS ____ DAY OF _____, 20____,
AT THE HOUR OF ____ O'CLOCK ____ M IN BOOK _____
PAGE ____ OF MAPS OF ASSESSMENT AND COMMUNITY
FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY
RECORDER, IN THE COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA.

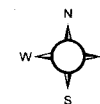
FEE: _____ NO.: _____
PETER ALDANA, RIVERSIDE COUNTY
ASSESSOR-CLERK-RECORDER

BY: _____
DEPUTY

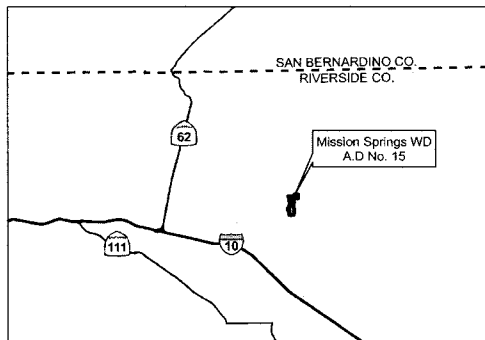


LEGEND

- PROPOSED ASSESSMENT DISTRICT
- PARCEL BOUNDARY



W.O. 15-0337



ALBERT A. WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

THIS ASSESSMENT DIAGRAM CORRECTLY SHOWS THE BOUNDARIES OF THE ASSESSMENT DISTRICT. FOR DETAILS CONCERNING THE LINES AND DIMENSIONS OF LOTS OR PARCELS REFER TO THE COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2016-2017.