

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



ITEM  
12.1  
(ID # 4918)

MEETING DATE:

Tuesday, August 29, 2017

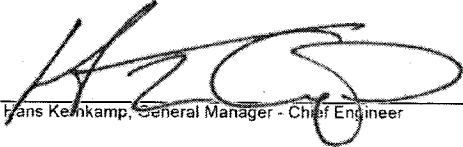
FROM : DEPARTMENT OF WASTE RESOURCES:

SUBJECT: DEPARTMENT OF WASTE RESOURCES: Resolution No. 2017-154, Amending Resolution No. 2013-200 by Extending the Repayment Term on a Temporary Transfer of Department of Waste Resources Enterprise Funds

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2017-154, amending Resolution No. 2013-200 by extending the repayment term on a temporary transfer of Department of Waste Resources Enterprise Funds; and
2. Authorize and direct the Auditor-Controller to make transfers from the County General Fund to the Waste Resources Enterprise Fund as set forth in Exhibit "A" to Resolution No. 2017-154.

ACTION:




Frans Kemkamp, General Manager - Chief Engineer 7/20/2017

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MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Perez and Ashley  
Nays: None  
Absent: Tavaglione  
Date: August 29, 2017  
xc: Waste, Auditor

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year: FY17/18–</b>	
			20/21	

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

**BACKGROUND:**

**Summary**

On July 30, 2013 the Board authorized Resolution 2013-200, a temporary \$24M transfer from the Department of Waste Resources Enterprise Fund to fund construction costs related to the John J. Benoit Detention Center (\$20M) and relocation costs (\$4M) associated with the temporary relocation of affected departments located in the Indio County Administrative Center. While the \$20M portion of the temporary transfer was repaid on June 28, 2016 when the detention center construction bonds were issued, the relocation portion (\$4M) was not repaid due to lower than anticipated General Fund revenues.

The Board desires to extend the repayment terms of the remaining \$4M temporary transfer and set a new repayment schedule to require payment, with interest, at a rate and times specified in Exhibit A to this Resolution 2017-154, which is a date before the funds are needed for their original intended purpose of long-term maintenance of landfills. Interest will be paid on an annual basis based on the County's Pool Yield rate.

**Impact on Residents and Businesses**

There are no impacts to this action

**ATTACHMENT A. Resolution 2017-154**

**ATTACHMENT B. Exhibit A to Resolution 2017-154**

*Misley Wang*  
Misley Wang

8/9/2017

*Gregory V. Priaplos*  
Gregory V. Priaplos, Director County Counsel

8/14/2017

2  
3 RESOLUTION NO. 2017-154

4  
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
6 AMENDING RESOLUTION NO. 2013-200 BY EXTENDING THE REPAYMENT ON A  
7 TEMPORARY TRANSFER OF DEPARTMENT OF WASTE RESOURCES ENTERPRISE FUNDS TO  
8 THE COUNTY GENERAL FUND

9 WHEREAS, on March 27, 2012, in accordance with agenda item 3.19, the Board of  
10 Supervisors accepted a funding award from the Corrections Standards Authority in the amount of  
11 \$100,000,000 from the 2011 Local Jail Construction Financing Program (AB900 – Phase II); and

12 WHEREAS, the remainder of the funding was to come from bond financing and the County  
13 General Fund received a temporary loan from the Department of Waste Resources Enterprise Fund in the  
14 amount of Twenty Four Million Dollars (\$24,000,000) to bridge the gap between the start of construction  
15 and the bond financing; and

16  
17 WHEREAS, Twenty Million Dollars (\$20,000,000) was repaid on June 28, 2016 to the  
18 Department of Waste Resources Enterprise Fund from the proceeds of bond financing; and

19 WHEREAS, California Government Code Section 25252 authorizes the Board of  
20 Supervisors to establish and abolish those funds necessary for the proper transaction of the business of the  
21 County and further provides that the Board of Supervisors may authorize the County Auditor to perform  
22 this function; and

23  
24 WHEREAS, California Government Code Sections 25252 and 25261 authorize the Board of  
25 Supervisors to make transfers from one fund to another as the public interest requires and further provides  
26 that the Board may by resolution authorize the County Auditor to make such transfers from one fund to  
27 another when the Board of Supervisors has authority over each fund; and  
28

FORM APPROVED COUNTY COUNSEL  
BY: *Wally A. Gardner* 8/14/17  
DALE A. GARDNER DATE

1 WHEREAS, the Board of Supervisors has authority over the Waste Disposal Enterprise  
2 Fund and the County General Fund and the public interest requires an extension of time to repay the  
3 remaining Four Million Dollar (\$4,000,000) temporary transfer made from the Waste Disposal Enterprise  
4 Fund to the County General Fund; and

5 WHEREAS, California case law (*Auerbach v. Board of Supervisors of County of Los*  
6 *Angeles*, 71 Cal. App. 4<sup>th</sup> 1427 (1999)) establishes the right of counties to temporarily transfer and loan  
7 money between funds until said moneys are needed to be spent for their original, intended purpose; and  
8

9 WHEREAS, the Four Million Dollars (\$4,000,000) transferred from the Waste Disposal  
10 Enterprise Fund to the County General Fund is not intended to be spent for its original, intended purpose  
11 for at least four (4) years and the temporary transfer is to be repaid, with interest at the rate and times  
12 specified, to the Waste Disposal Enterprise Fund from the County General Fund before said Four Million  
13 Dollars (\$4,000,000) is needed to be spent for its original, intended purpose; and  
14

15 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of  
16 Riverside assembled in regular session as follows:

17 1. The above recitals are true and correct.

18 2. The Auditor/Controller of the County is hereby authorized and directed to repay the  
19 transferred amount as payments and interest are received from the County General Fund as set-forth in  
20 Exhibit A.

21 4. The Auditor/Controller of the County shall ensure that the entire amount of the  
22 temporary transfer authorized by this resolution is repaid to the Waste Disposal Enterprise Fund (sub-fund  
23 40200) by the County General Fund no later than four (4) years from the date of this resolution. The  
24 repayment of any remaining, unpaid balance and interest shall come from such other unencumbered County  
25 General Fund monies as are lawfully available to make the repayment.

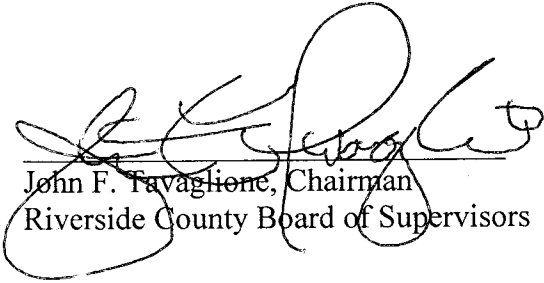
26 5. The Auditor/Controller of the County and any other County Officers are hereby  
27 authorized to take such additional actions as are necessary or convenient to carry out the effect of this  
28 resolution.

6. This resolution shall take effect from and after its date of adoption.

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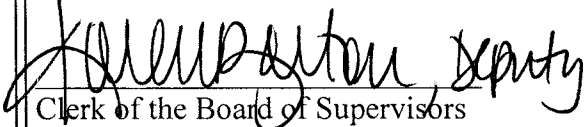
Passed and adopted by the Riverside County Board of Supervisors on this 29th day of

August, 2017.

  
John F. Tavaglione, Chairman  
Riverside County Board of Supervisors

(SEAL)

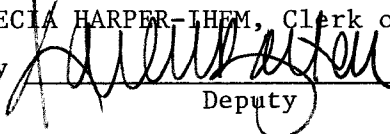
ATTEST:

  
Clerk of the Board of Supervisors

ROLL CALL:

Ayes: Jeffries, Washington, Perez and Ashley  
Nays: None  
Absent: Tavaglione

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   
Deputy

Resolution No. 2017-154  
Exhibit A  
General Fund Payment Schedule<sup>1</sup>  
for Funds transferred from  
Department of Waste Resources Enterprise Fund

Period	Payment	Balance
7/30/2013	\$ -	\$ 4,000,000
6/30/2014	\$ -	\$ 4,000,000
6/30/2015	\$ -	\$ 4,000,000
6/30/2016	\$ -	\$ 4,000,000
6/30/2017	\$ -	\$ 4,000,000
6/30/2018	\$ 1,000,000	\$ 3,000,000
6/30/2019	\$ 1,000,000	\$ 2,000,000
6/30/2020	\$ 1,000,000	\$ 1,000,000
6/30/2021	\$ 1,000,000	\$ -

<sup>1</sup> Interest will be paid annually based on County's Pool Yield rate