



## **AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION**

### **MEETING AGENDA**

**Location:** San Bernardino County Government Center  
385 N. Arrowhead Avenue, 5<sup>th</sup> Floor – Citrus Room  
San Bernardino, California

**Date/Time:** Wednesday, June 4, 2014, 4:00 p.m.

1. Call to Order
2. Roll Call
3. Action Item:  
Consider approval of Minutes from February 13, 2014
4. Action Item:  
Accept the SB 165 Annual Report for 2013
5. Action Item:  
Consider Resolution Determining and Levying the Special Tax for Fiscal Year 2014-2015
6. Action Item:  
Consider Proposal to Amend the Joint Powers Authority Creating AMIGA
7. Public Comment
8. Adjournment

This meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through County of San Bernardino, Special Districts Department at least three (3) business days prior to the meeting. Please contact Gail Joe at (909) 387-5829.



## **MINUTES**

### **MEETING OF THE EXECUTIVE COMMITTEE**

- MEETING:** Agua Mansa Industrial Growth Association
- LOCATION:** San Bernardino County Government Center  
385 N. Arrowhead Avenue, 5<sup>th</sup> Floor, Citrus Room  
San Bernardino, California
- DATE/TIME:** February 13, 2014, 4:00 p.m.
- MEMBERS PRESENT:** Supervisor Josie Gonzales, County of San Bernardino, 5th District Supervisor; Rusty Bailey, Mayor, City of Riverside; Deborah Robertson, Mayor, City of Rialto
- OTHERS PRESENT:** Michelle Blakemore, County Counsel; Dawn Messer, County Counsel; Doug Moore, Fifth District Board of Supervisors; Jeff Rigney, Director, Special Districts; Gail Joe, Special Districts; Mary Mayes, Special Districts; Scott Smith, CSG Advisors; Jim Anderson, McFarlin & Anderson

#### **1. The meeting was called to order by Chair Gonzales at 4:10 p.m.**

The Chair called the meeting of the Agua Mansa Industrial Growth Association Executive Committee to order at 4:10 p.m. and stated the purpose of the meeting was to take care of business as required with the ongoing administration of Community Facilities District 2002-1. Chair Gonzales asked if there were any changes to the agenda and Director Rigney stated there were none.

#### **2. Roll Call**

The Chair announced that Mayor Deborah Robertson, City of Rialto, and Mayor Rusty Bailey, City of Riverside, were present. Mayor Pro Tem David Toro, City of Colton, was not present; nor was the alternate for the City of Colton.

#### **3. Approval of Minutes from January 16, 2014**

Motion made by Committee Member Robertson, seconded by Committee Member Bailey to approve the minutes of January 16, 2014. Hearing no opposition, the minutes were unanimously recommended for approval.





**4. Adopt Resolution Authorizing the Issuance of Special Tax Refunding Bonds. Series 2014 in an Aggregate Principal Amount Not to Exceed \$10,000,000 and approving certain documents and taking certain other actions in connection therewith.**

The Chair asked Director Rigney to present the item. Director Rigney stated at the January 16, 2014, AMIGA Commission meeting, the Commission approved the refinancing of the Agua Mansa Industrial Growth Association Community Facilities District 2002-1 Special Tax Bonds and directed staff to come back today and present the refinancing documents in their "substantially final form." The purpose is to refinance the bonds at a much more favorable rate saving money for the taxpayers of San Bernardino and Riverside Counties in the AMIGA area. A summary sheet was distributed which shows the substantial savings by having a private placement instead of public. The Interest rate is at 4.15 % which means a savings of approximately \$1.8 million over the remaining term of the bonds, which mature in 2033.

The Chair asked that private placement versus public be explained for the record. Scott Smith, CSF Financial Advisor stated that when municipal bonds are issued, an investment banking firm is hired to underwrite the financing. They effectively serve as an intermediary between the borrower, which in this case is the Community Facilities District and the investors who are buying pieces of the bonds. They find the investors to place the bonds. The underwriters purchase the bonds and sell them to the investors. In this case, the middleman was taken out, although in this case there was a middle person serving as a placement agent, who found City National Bank, and they are buying the bonds for their own investment. Instead of having pieces bought by a number of investors, the loan is directly placed with a bank.

Jim Anderson, with McFarlin & Anderson added that documentation is a little different with the private placement. There is a bond purchase agreement which is directly with the purchaser rather than the underwriter who commits to underwrite the transaction. If they do not find investors for the bonds, they purchase it themselves until they sell it to someone. With a public offering, a disclosure document is prepared, which is a type of official statement which describes the transaction. When there is a private placement like this with a sophisticated investor like a bank, they do their own review and analysis; there is not the cost to prepare the disclosure document.

The Chair asked if Mr. Rigney had anything else to add and he asked Mr. Smith what the next steps toward final issuance were. Mr. Smith said there are still blanks in the documents which relate to final numbers. They are waiting to confirm the first tax collection information from the first tax payments before the numbers are filled in.





This process was completed last week and the final numbers will be confirmed at the end of the day today; at which time the information will go into the documents. Once the final numbers are in the documents, they will be reviewed, then signed off, and signatures will then be obtained from authorized parties at the Community Facilities Districts. The closing date is next week, February 25. The money will be moved from the bank to the trustee and then the trustee moves it from the existing accounts into escrow to pay off the old bonds; then it closes. Per Mr. Anderson, the funds should be deposited the morning of the 25th.

Mayor Bailey asked about notice to bond holders and if it went out and Mr. Anderson stated it did.

The Chair asked about the final numbers and if they would be determined by 5:00 on Friday the 14th and he stated yes, it is safe to say that.

Mr. Rigney pointed out that on page 19 of the Indenture, it mentions the construction fund dollars are being rolled into this as requested. The Chair then asked what the term of the refinance is and Mr. Smith said 2033.

The Chair asked if there were any comments or questions and Committee Member Robertson asked if there was a need to continue the JPA or try to accomplish something else. The Chair said it was her understanding that AMIGA sunset in 2006 and under state mandates of a sunset enterprise zone, the requirements are the body meet one time per year for the for purpose of audit and to approve the audit. The Agua Mansa Industrial Growth Association met its purpose to fulfillment. The reason for meeting in this format and calendaring additional meetings was the opportunity to refinance the bonds and meet obligations for original bonds. Counsel stated this information is correct.

She stated there is still a lot of open space and a great opportunity for this area to grow and there has been talk about putting Pepper Avenue through to the 1-10. There is a great possibility of opening this area up to a huge economic boom. She asked counsel if there was any type of opportunity that was overlooked that could be taken advantage of by the JPA. Counsel Blakemore stated prior conversations were held about keeping the JPA in place or turn into something else; however, the JPA is now a debt service which requires there is a legislative body in place because the taxes need to be levied each year for this. Per the Chair, there is not any problem meeting 1 time per year to look at the audit and see if there are any other opportunities.

Motion to approve resolutions by Committee Member Bailey, seconded by Committee Member Robertson. Hearing no opposition, item was unanimously recommended for approval.



**5. Public Comment:**

The Chair opened the floor for Public Comment at 4:30 p.m. No member of the public wished to speak, so Public Comment was closed.

**6. Adjournment:**

The meeting was adjourned at 4:35 p.m. by Chair Gonzales. The next AMIGA meeting is scheduled for Wednesday, June 4th, 2014 at 4:00 p.m. The meetings scheduled for March 19, 2014 and April 14, 2014 will not be held since the meetings will not be needed.

**REPORT/RECOMMENDATION TO THE  
AUGA MANSA INDUSTRIAL GROWTH ASSOCIATION  
EXECUTIVE COMMITTEE  
AND RECORD OF ACTION**

**June 4, 2014**

**ITEM NO. 4**

**FROM: JEFFREY O. RIGNEY, Director**  
Special Districts Department, County of San Bernardino

**SUBJECT: ACCEPT REPORT OF COMMUNITY FACILITIES DISTRICT 2002-1  
(AGUA MANSA INDUSTRIAL CENTER) SB 165 ANNUAL REPORT FOR 2013**

**RECOMMENDATION(S)**

Acting as the governing body of Community Facilities District 2002-1 (Agua Mansa Industrial Center), accept the SB 165 Annual Report for 2013.

(Presenter: Jeffrey O. Rigney, Director, Special Districts Department, County of San Bernardino, 909 387-5967)

**FINANCIAL IMPACT**

There is no financial impact related to this item.

**BACKGROUND INFORMATION**

On February 13, 2003, the AMIGA Executive Committee adopted Resolution No. 2003-4 establishing the CFD and on June 18, 2003, enacted Ordinance No. 2003-1 in accordance with Section 53340 of the Mello-Roos Community Facilities Act of 1982 authorizing the levy of a special tax on property located within the District.

The filing of the SB 165 is required annually by the Local Agency Special Tax and Bond Accountability Act.

**REVIEW BY OTHERS**

This item has been reviewed by County of San Bernardino, County Counsel (Dawn Messer, Deputy Counsel, 909 387-5455) on May 21, 2014.

Moved:                      Approved Date:

Secretary of the Governing Board \_\_\_\_\_  
Jeffrey O. Rigney

**AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION  
COMMUNITY FACILITIES DISTRICT NO. 2002-1  
(AGUA MANSA INDUSTRIAL CENTER)  
SPECIAL TAX BONDS, SERIES 2003**

**ANNUAL REPORT**

The purpose of this report is to comply with the provisions of the Local Agency Special Tax and Bond Accountability Act (the "Act"). The Act provides that any local special tax measure that is subject to voter approval on or after January 1, 2001, that would provide for the imposition of a special tax by a local agency shall require the chief fiscal officer of the levying local agency to file a report with its governing body no later than January 1, 2002, and at least once a year thereafter. The annual report shall contain both of the following:

- The amount of funds collected and expended; and
- The status of any project required or authorized to be funded as identified in subdivision (a) of Section 50075.1 and Article 1.5, Section 53410.

The Agua Mansa Industrial Growth Association Community Facilities District No. 2002-1 Special Tax Bonds, Series 2003 (the "2003 Bonds") were issued in July 2003. The 2003 Bonds were issued to refinance the Agua Mansa Industrial Growth Association Community Facilities District No. 1989-1 Special Tax Bonds, Series 1992 (the "1992 Bonds"). In connection with the issuance of the 2003 Bonds \$1,423,734.90 was transferred from the Acquisition and Construction Fund for the 1992 Bonds to the Construction Account of the Project Fund for the 2003 Bonds to complete the following:

- Fire station and related equipment;
- Storm drain/rock slope protection project; and
- Resolution of issues relating to an easement for a portion of an existing sewer line.

As of May 1, 2014, \$1,479,686.17 has been expended for facilities and engineering services related to the storm drain/rock slope protection project, for costs relating to the easement for a portion of an existing sewer line, and to the Rubidoux Community Services District for costs relating to a fire station and related equipment. On February 8, 2005, \$1,000,000 was paid to Rubidoux Community Services District to satisfy the fire station and fire apparatus requirements of the Community Facilities District Joint Financing Agreement. All of the facilities to be funded by Agua Mansa Industrial Growth Association Community Facilities District No. 2002-1 bond proceeds have been completed.

A summary sheet regarding the deposit of 2003 Bond proceeds, 1992 Bond moneys and other funds and subsequent disbursements made during the period of July 24, 2003 to February 25, 2014 is attached as a part of this report. Note, the special tax bonds issued in July 2003 were refunded in February 2014. A summary showing all subsequent disbursements made during the period of February 25, 2014 to April 30, 2014 is also attached as a part of this report. Due to funds being transfer from one account to another before disbursement, the aggregate amounts shown are in excess of actual funds expended.



**AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION  
COMMUNITY FACILITIES DISTRICT NO. 2002-1  
(AGUA MANSA INDUSTRIAL CENTER)  
SPECIAL TAX BONDS, SERIES 2003  
SB 165 FUND SUMMARY**

<b>FUND/ACCOUNT</b>	<b>2003 BOND PROCEEDS (07/24/2003)</b>	<b>TRANSFER PROCEEDS FROM 1992 BONDS OR OTHER FUNDS (07/24/2003)</b>	<b>FUNDS RECEIVED (07/24/2003- 04/30/2014)</b>	<b>FUNDS TRANSFERRED TO OTHER ACCOUNTS OR EXPENDED (07/24/2003- 04/30/2014)</b>	<b>BALANCE AS OF 04/30/2014</b>
<b><u>ADMINISTRATIVE EXPENSE FUND</u></b>	\$0.00	\$0.00	\$709,049.43	(\$709,049.43)	\$0.00
<b><u>BOND FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
INTEREST ACCOUNT	\$83,004.10	\$0.00	\$6,983,933.43	(\$7,066,937.53)	\$0.00
PRINCIPAL ACCOUNT	\$0.00	\$0.00	\$10,131,300.00	(\$10,131,300.00)	\$0.00
<b><u>BOND RESERVE FUND</u></b>	\$1,270,500.00	\$0.00	\$171,006.21	(\$1,441,506.21)	\$0.00
<b><u>LETTER OF CREDIT FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>PROJECT FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COST OF ISSUANCE ACCOUNT	\$338,905.69	\$57,912.00	\$280.23	(\$397,097.92)	\$0.00
CONSTRUCTION ACCOUNT	\$0.00	\$1,423,734.90	\$55,951.27	(\$1,479,686.17)	\$0.00
CONTRIBUTION ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>REBATE FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>REDEMPTION FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REDEMPTION ACCOUNT	\$0.00	\$0.00	\$10,066,456.25	(\$10,066,456.25)	\$0.00
SINKING ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>SPECIAL TAX FUND</u></b>	\$0.00	\$0.00	\$8,170,181.05	(\$8,170,181.05)	\$0.00
PREPAYMENT ACCOUNT	\$0.00	\$0.00	\$2,812,425.11	(\$2,812,425.11)	\$0.00
<b><u>ESCROW FUND</u></b>	\$10,701,678.99	\$5,238,308.56	\$14,437.45	(\$15,954,425.00)	\$0.00
<b>GRAND TOTAL</b>	<b>\$12,394,088.78</b>	<b>\$6,719,955.46</b>	<b>\$39,115,020.48</b>	<b>(\$58,229,064.67)</b>	<b>\$0.00</b>



**AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION  
COMMUNITY FACILITIES DISTRICT NO. 2002-1  
(AGUA MANSA INDUSTRIAL CENTER)  
SPECIAL TAX BONDS, SERIES 2014  
SB 165 FUND SUMMARY**

<b>FUND/ACCOUNT</b>	<b>FUND BALANCES TRANSFERRED TO SERIES 2014 (02/25/2014)</b>	<b>FUNDS RECEIVED (02/25/2014- 04/30/2014)</b>	<b>FUNDS TRANSFERRED TO OTHER ACCOUNTS OR EXPENDED (02/25/2014- 04/30/2014)</b>	<b>BALANCE AS OF 04/30/2014</b>
<b><u>ADMINISTRATIVE EXPENSE FUND</u></b>	\$65,014.52	\$1.86	(\$2,125.62)	\$62,890.76
<b><u>BOND FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00
INTEREST ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00
PRINCIPAL ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>BOND RESERVE FUND</u></b>	\$843,615.00	\$24.26	\$0.00	\$843,639.26
<b><u>COST OF ISSUANCE FUND</u></b>	\$162,160.67	\$0.31	(\$151,848.74)	\$10,312.24
<b><u>REBATE FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>REDEMPTION FUND</u></b>	\$0.00	\$0.00	\$0.00	\$0.00
REDEMPTION ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00
SINKING ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00
<b><u>SPECIAL TAX FUND</u></b>	\$0.00	\$164,644.65	\$0.00	\$164,644.65
PREPAYMENT ACCOUNT	\$0.00	\$0.00	\$0.00	\$0.00
<b>GRAND TOTAL</b>	<b>\$1,070,790.19</b>	<b>\$164,671.08</b>	<b>(\$153,974.36)</b>	<b>\$1,081,486.91</b>

**REPORT/RECOMMENDATION TO THE  
AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION  
EXECUTIVE COMMITTEE  
AND RECORD OF ACTION**

June 4, 2014

**ITEM NO. 5**

**FROM:** JEFFREY O. RIGNEY, Director  
Special Districts Department, County of San Bernardino

**SUBJECT:** ADOPT RESOLUTION DETERMINING AND LEVYING THE SPECIAL TAX IN  
COMMUNITY FACILITIES DISTRICT NO. 2002-1 (AGUA MANSA INDUSTRIAL  
CENTER) FOR FISCAL YEAR 2014-2015

**RECOMMENDATION(S)**

Acting as the governing body of Community Facilities District 2002-1 (Agua Mansa Industrial Center), adopt Resolution -determining and levying the special taxes in Community Facilities District No. 2002-1 (CFD) for fiscal year 2014-2015 and directing the Auditor-Controller of the County of Riverside and the Auditor-Controller/Treasurer/Tax Collector of the County of San Bernardino to place the special taxes on the 2014-2015 Tax Roll.

(Presenter: Jeffrey O. Rigney, Director, Special Districts Department, County of San Bernardino, 909 387-5967)

**FINANCIAL IMPACT**

If approved, the special tax for the 2014-2015 fiscal year will be placed on the property tax bills of properties within the CFD. The special tax will pay the debt service on the bonds issued and administrative costs will be covered by a portion of the special tax levy.

**BACKGROUND INFORMATION**

On February 13, 2003, the AMIGA Executive Committee adopted Resolution No. 2003-4 establishing the CFD and on June 18, 2003, enacted Ordinance No. 2003-1 in accordance with Section 53340 of the Mello-Roos Community Facilities Act of 1982 (Government Code section 53311 et seq.) authorizing the levy of a special tax on property located within the CFD.

Approval of this Resolution is necessary to determine and levy the special taxes for fiscal year 2014-2015 and to direct the placement of the 2014-2015 special taxes on the property tax bills. The total levy for 2014-2015 is \$636,466.16. A total of \$319,665.32 in special taxes will be placed on 24 parcels within the County of Riverside and a total of \$316,800.84 in special taxes will be placed on 10 parcels located within the County of San Bernardino.

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Moved: Approved Date:

Secretary of the Governing Board \_\_\_\_\_  
Jeffrey O. Rigney

**ADOPT RESOLUTION DETERMINING AND LEVYING THE SPECIAL TAX IN COMMUNITY  
FACILITIES DISTRICT NO. 2002-1 (AGUA MANSA INDUSTRIAL CENTER) FOR FISCAL  
YEAR 2014-2015  
June 4, 2014  
PAGE 2 of 2**

On February 13, 2014 (Item No. 4), the AMIGA Executive Committee adopted Resolution No. 2014-02 authorizing the issuance of Special Tax Refunding Bonds, Series 2014. Due to the issuance of the Special Tax Refunding Bonds, the 2014-2015 debt service has been reduced by \$165,090 which results in a lower levy of special taxes on the parcels within the CFD.

**REVIEW BY OTHERS**

This item has been reviewed by County of San Bernardino, County Counsel (Dawn Messer, Deputy Counsel, 909 387-5455) on May 21, 2014.



**RESOLUTION NO. 2014-\_\_**  
**RESOLUTION OF THE EXECUTIVE COMMITTEE**  
**OF THE AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION**  
**DETERMINING AND LEVYING THE SPECIAL TAX**  
**IN COMMUNITY FACILITIES DISTRICT NO. 2002-1**  
**(AGUA MANSA INDUSTRIAL CENTER)**  
**FOR FISCAL YEAR 2014-2015**

WHEREAS, the Executive Committee (the "Executive Committee") of the Agua Mansa Industrial Growth Association ("AMIGA") is the legislative body of Community Facilities District No. 2002-1 (Agua Mansa Industrial Center) (the "District"), which District was established pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, on February 13, 2003, the Executive Committee adopted Resolution No. 2003-4 establishing the District and on June 18, 2003, enacted Ordinance No. 2003-1 in accordance with Section 53340 of the Act authorizing the levy of a special tax on the property located within the District; and

WHEREAS, AMIGA has heretofore received a schedule setting forth the Special Tax levy for Fiscal Year 2014-2015 (the "Schedule"), prepared at the request of AMIGA by the firm of David Taussig & Associates, Inc. (the "Special Tax Consultant");

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION, AS FOLLOWS:

Section 1. The preceding recitals are true and correct.

Section 2. AMIGA hereby determines to levy the Special Taxes to be levied in Fiscal Year 2014-2015 (net of revenues from other sources as provided herein) in the District and to each parcel therein, as provided in the schedule of Special Taxes attached hereto as Exhibit A; provided, however, that if the Special Tax Consultant shall determine that as of August 1, 2014, that the categorization of property differs from Exhibit A hereto, the Special Tax Consultant shall prepare an amended schedule of Special Taxes and the Secretary of AMIGA is authorized to approve the taxes levied in accordance with such amended schedule for purposes of the levy of the Special Taxes for Fiscal Year 2014-2015.

Section 3. The rate of Special Tax utilized in the preparation of the Schedule does not exceed the amount previously authorized by Ordinance No. 2003-1, and is not in excess of that approved by the qualified electors of the District.

Section 4. The proceeds of the Special Tax shall be used to pay, in whole or in part, the costs of the following for the subject fiscal year as provided in the Bond Indenture dated as of February 1, 2014, by and between AMIGA on behalf of the District and U.S. Bank National Association, as Fiscal Agent:

- A. The administrative costs and other incidental expenses of the District;
- B. The interest scheduled for collection on the outstanding bonded indebtedness;
- C. The principal scheduled for collection on the outstanding bonded indebtedness; and
- D. Amounts, if any, needed to replenish the Bond Reserve Fund to the level of the Reserve Requirement.

Section 5. The Auditor-Controller of the County of Riverside and the Auditor-Controller/Treasurer/Tax Collector of the County of San Bernardino are each hereby directed to prepare an amended real property tax statement for each parcel in such County in the District for the 2014-2015 fiscal year listing the Special Tax due opposite each lot or parcel of land affected, in a line item designated public improvements, CFD Special Tax, or any other suitable designation, in accordance with this resolution.

Section 6. All Special Taxes collected will be paid to the Fiscal Agent for deposit in the Special Tax Fund upon receipt by AMIGA from each County Auditor-Controller pursuant to the terms of the Bond Indenture.

Section 7. Each County Auditor-Controller shall, at the close of the tax collection period, promptly provide to the District a detailed report showing the amounts of the Special Tax installments, penalties, interest, and fees collected, and from which properties collected. Any expenses to be paid to each Auditor-Controller for carrying out the foregoing responsibilities shall be in accordance with a contract, if any, entered into between the District and the Auditor-Controller, pursuant to Section 29304 of the Government Code of the State of California or as otherwise provided by law.

Section 8. This resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this 4th day of June, 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
JOSIE GONZALES, Chair

ATTEST:

\_\_\_\_\_  
JEFFREY O. RIGNEY  
Secretary

APPROVED AS TO FORM:

DAWN M. MESSER, County Counsel  
San Bernardino County, California

By: \_\_\_\_\_  
Deputy County Counsel



**EXHIBIT A**  
**Agua Mansa Industrial Growth Association**  
**Community Facilities District No. 2002-1**  
**FY 2014-2015 Special Tax Roll**

Assessor's Parcel Number	Tract	Lot	Taxable Acreage	Tax Class	Maximum Special Tax	FY 2014-15 Special Tax Levy
<b>County of Riverside</b>						
175-180-012-5	24088-1	POR. 5	7.59	1	\$39,636.27	\$25,337.38
175-180-013-6	24088-1	6	8.73	1	\$45,589.54	\$29,143.00
175-180-014-7	24088-1	POR. 9	0.51	1	\$2,663.31	\$1,702.50
175-180-016-9	24088-1	POR. 5	2.23	1	\$11,645.44	\$7,444.32
175-180-018-1	24088	POR. 4	0.00	1	\$0.00	\$0.00
175-190-019-3	24088-1	2	7.73	1	\$40,367.37	\$25,804.74
175-190-021-4	24088-1	POR. 7	9.23	1	\$48,200.63	\$30,812.14
175-190-022-5	24088-1	POR. 8	2.16	1	\$11,279.89	\$7,210.64
175-190-023-6	24088-1	POR. 9	15.74	1	\$82,196.96	\$52,544.20
175-190-024-7	24088-1	10	0.00	1	\$0.00	\$0.00
175-190-025-8	24088-1	POR. 7	0.77	1	\$4,021.07	\$2,570.46
175-190-028-1	24088-1	PAR. 1	4.53	1	\$23,656.43	\$15,122.32
175-190-029-2	24088	POR. 3	0.00	1	\$0.00	\$0.00
175-210-034-7	12104	9	0.00	1	\$0.00	\$0.00
175-210-035-8	24088-2	4	2.84	1	\$14,830.96	\$9,480.66
175-210-037-0	24088-2	6	2.61	1	\$13,629.86	\$8,712.86
175-210-039-2	24088-2	5	5.87	1	\$30,654.14	\$19,595.58
175-210-046-8	24088-2	7,8	3.62	1	\$18,904.35	\$12,084.56
175-210-056-7	24088-2	8,9	2.70	1	\$14,099.86	\$9,013.30
175-210-057-8	24088-2	10	2.95	1	\$15,405.40	\$9,847.86
175-210-058-9	24088-2	11	3.72	1	\$19,426.57	\$12,418.38
175-210-059-0	24088	2,3,4	0.00	1	\$0.00	\$0.00
175-210-061-1	24088-2	1,2,3	7.41	1	\$38,686.14	\$24,730.02
175-220-021-6	24088	1	4.82	1	\$25,170.86	\$16,090.40
<b>Subtotal:</b>			<b>95.76</b>		<b>\$500,065.05</b>	<b>\$319,665.32</b>
<b>County of San Bernardino</b>						
0260-113-06-9	12104	6	0.00	1	\$0.00	\$0.00
0260-113-07-0	12104	7	0.00	1	\$0.00	\$0.00
0260-113-08-1	12104	8	0.00	1	\$0.00	\$0.00
0260-113-10-2	12104	4 and 5	22.09	1	\$115,357.74	\$73,742.16
0260-113-11-3	24088	5	0.00	1	\$0.00	\$0.00
0260-113-12-4	24088	6	0.00	1	\$0.00	\$0.00
0260-113-13-5	24088	7	0.78	1	\$4,073.29	\$2,603.84
0260-113-14-6	12104	2,3	18.58	1	\$97,027.92	\$62,024.86
0260-113-15-7	21631	1	32.80	1	\$171,287.18	\$109,494.92
0260-113-16-8	21631	1	20.65	1	\$107,837.81	\$68,935.06
<b>Subtotal:</b>			<b>94.90</b>		<b>\$495,583.94</b>	<b>\$316,800.84</b>
<b>GRAND TOTAL:</b>			<b>190.66</b>		<b>\$995,648.99</b>	<b>\$636,466.16</b>
<b>Percent of Maximum Tax:</b>					<b>100.00%</b>	<b>63.92%</b>

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Jeffrey O. Rigney

and on February 13, 2014, the AMIGA Executive Committee authorized the issuance of Special Tax Refunding Bonds, Series 2014.

AMIGA needs to remain as a functioning JPA in order to act as the legislative body of CFD No. 2002-1, which requires the annual adoption of resolutions levying the special taxes in CFD No. 2002-1, and authorization of other activities, such as commencement of foreclosure actions with respect to delinquent parcels.

With the expiration of the Aqua Mansa Enterprise Zone, there is not sufficient need to bring members from five different jurisdictions together to meet as the Executive Committee and it is often times difficult to arrange schedules of the five current jurisdictions to hold required meetings. By appointing the Board of Supervisors of San Bernardino County as the Executive Committee, which will act as the legislative body of CFD No. 2002-1, any required meeting can be scheduled at appropriate regular meetings of the Board of Supervisors. By allowing the County of Riverside and the Cities of Colton, Rialto and Riverside to transition out of AMIGA, it will relieve those entities from the burdens associated with infrequent meetings. Because two entities are needed to remain as members of AMIGA, it is suggested that staff seek an appropriate second party and return at a later scheduled special meeting with a recommended second party and approval of related documents to facilitate the transition.

**REVIEW BY OTHERS**

This item has been reviewed by County of San Bernardino, County Counsel (Dawn Messer, Deputy Counsel, 909 387-5455) on May 21, 2014.



AMENDMENT NO. 1  
TO  
JOINT POWERS AGREEMENT  
creating  
AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION  
"AMIGA"

This Amendment No. 1 to Joint Powers Agreement ("Amendment No. 1") is made and entered into by and among the COUNTY OF SAN BERNARDINO, \_\_\_\_\_, the COUNTY OF RIVERSIDE, the CITY OF COLTON, the CITY OF RIALTO, and the CITY OF RIVERSIDE, hereinafter individually and collectively referred to as the "Party" or "Parties."

RECITALS

WHEREAS, each of the Parties hereto is a public agency and each is authorized and empowered to contract with all the other Parties for the joint exercise of powers under Article I, Chapter 5, Division 7, Title 1 of the Government Code of the State of California, Sections 6500 *et seq.*; and

WHEREAS, the Counties of San Bernardino and Riverside and the Cities of Colton, Rialto and Riverside (collectively, the "Original Members") previously formed the Agua Mansa Industrial Growth Association ("AMIGA") pursuant to the Joint Powers Agreement made and entered into by and between the Counties of Riverside and San Bernardino and the Cities of Colton, Rialto and San Bernardino (the "Original Joint Powers Agreement" and together with Amendment No. 1, the "Joint Powers Agreement") to stimulate private investment in business and industrial growth in economically depressed areas within the boundaries of the Parties and to utilize the Agua Mansa Enterprise Zone; and

WHEREAS, the Agua Mansa Enterprise Zone has expired and the purposes for AMIGA now relate to activities by the Executive Committee of AMIGA as the legislative body of Community Facilities District No. 2002-1 (Agua Mansa Industrial Center) ("CFD No. 2002-1"); and

NOW THEREFORE, for and in consideration of the mutual covenants, conditions and advantages herein stated, the Parties hereto do agree as follows:

Section 1. *Purpose.* There was created by the Original Joint Powers Agreement a public agency known as the "Agua Mansa Industrial Growth Association," hereinafter referred to as "AMIGA." AMIGA was formed by the Original Joint Powers Agreement, pursuant to the provisions of Article I, Chapter 5, Division 7, Title 1 of the Government Code of the State of California, Sections 6500 *et seq.* AMIGA's powers and purposes include, but are not be limited to, those set forth in the Original Agreement.

Section 2. *Succession of Administrative and Other Functions.* With the end of the Enterprise Zone, the major purposes of AMIGA are anticipated to have concluded, except those relating to administration of CFD No. 2002-1. From and after the date of execution of Amendment No. 1 by the Original Members and the \_\_\_\_\_, the County of San Bernardino shall be the Administrative Agency under this Agreement and the members of the Board of Supervisors of the County of San Bernardino shall serve *ex officio* as the members of the Executive Committee of AMIGA and as the members of the legislative body of CFD No. 2002-1 while they serve as a member of the San Bernardino County Board of Supervisors. There shall not be any alternate members appointed to the Executive Committee. From and after such date, any administrative services shall be handled by the Administrative



Agency, which shall make its personnel available as necessary to perform the administrative activities of AMIGA.

Section 3. *Delegation of Functions.* As provided in Section 5.3, of the Original Joint Powers Agreement, the Executive Committee has reserved the power, under Government Code Section 6508, to delegate its functions to an advisory body or administrative entity created by the Executive Committee for any or all of the purposes of program development, policy formulation or program implementation. In the event a delegation of any of the Executive Committee's functions is made pursuant to Section 5.3 of the Original Joint Powers Agreement, the advisory body or administrative entity created shall be composed of no more than fifteen (15) members. The members of the advisory body or administrative entity shall be designated by resolution of, and serve at the pleasure of, the Executive Committee, and may be members of the San Bernardino County Board of Supervisors, employees of the County of San Bernardino or \_\_\_\_\_, or private citizens.

The advisory body or administrative entity created shall be subject to the same restrictions and conditions prescribed for the Executive Committee in Article VI, CONDUCT OF MEETINGS, of the Original Joint Powers Agreement.

Section 4. *Conduct of Meetings.* From and after the effective date of Amendment No. 1, the Executive Committee of AMIGA shall establish a regular meeting schedule. At its first meeting, the Executive Committee shall provide for the time and place of holding its regular meetings, which shall be conducted at least annually, and shall designate the officers of the Executive Committee. Special meetings may be called at the request of the Chairman or of a majority of the Executive Committee. Notice of all special meetings shall be furnished in writing to each member of the Executive Committee of AMIGA and to the \_\_\_\_\_ and the County of San Bernardino at least twenty-four (24) hours prior to the time appointed for the meeting. The meetings of the Executive Committee shall be open to the public and shall be held and conducted in accordance with the provisions of the Ralph M. Brown Act as set forth in the California Government Code, Section 54950 *et seq.*

AMIGA shall cause to be kept the minutes of all Executive Committee meetings and shall cause a copy of these minutes, along with copies of all resolutions enacted, to be forwarded to \_\_\_\_\_ and the County of San Bernardino within thirty (30) days of any meeting.

Section 5. *AMIGA's Business Office.* AMIGA's business office shall be located at the offices of the Administrative Agency as designated in Section 2 of Amendment No. 1, which shall make its personnel available as necessary to perform the secretarial, clerical and administrative duties of AMIGA.

Section 6. *Costs and Expenses.* Except in connection with the administration of CFD No. 2002-1, AMIGA shall not reimburse nor credit any Party for office space used or personnel time expended on behalf of AMIGA.

It is the intent and understanding of the Parties to this Amendment No. 1 that the remaining functions of AMIGA will relate primarily to the administration of CFD No. 2002-1, and that costs associated therewith may be paid from special taxes levied by CFD No. 2002-1 to the extent authorized by the proceedings relating to CFD No. 2002-1. It is not anticipated that after execution of this Amendment No. 1, any functions will be financed by mandatory and voluntary contributions from the Parties, or through finance generating operations of AMIGA itself, such as revenue bonds, for which the Parties shall have no obligation or liability; provided, however, that AMIGA shall have the power to do so if approved by the Executive Committee.



Annually after execution of this Amendment No. 1, a general administrative budget shall be adopted by the Executive Committee. The budget shall be prepared in sufficient detail to constitute an operating outline for the expenses of CFD No. 2002-1, as required by applicable law and covering expenditures to be made during the ensuing year for those administrative and other matters relating to the administration of the CFD 2002-1 bonds. This budget shall be adopted by the Executive Committee and is not subject to ratification by the governing bodies of \_\_\_\_\_ or the County of San Bernardino.

Section 7. *Withdrawal of Four of the Original Members; Addition of \_\_\_\_\_.* Upon execution of this Amendment No. 1, the County of Riverside and the Cities of Colton, Rialto and Riverside shall be deemed to have withdrawn their membership and \_\_\_\_\_ shall become a member of AMIGA. As of the date of execution of this Amendment No. 1, to the knowledge of the Parties hereto, there are no financial obligations theretofore incurred by any of such Parties due to AMIGA under the Original Joint Powers Agreement.

Section 8. *Partial Distribution of Assets and Discharge of Liabilities.* Upon withdrawal of the County of Riverside and the Cities of Colton, Rialto and Riverside, there shall be a partial distribution of assets and discharge of liabilities as follows:

a. The County of San Bernardino shall receive from the [Marketing] Fund, an amount of \$ \_\_\_\_\_, which represents the proportionate share contributed by the County of San Bernardino to that Fund. Each of the County of Riverside and the Cities of Colton, Rialto and Riverside, shall receive their proportionate or otherwise defined share of the assets of AMIGA within a reasonable amount of time after withdrawal, *provided, however*, that if after execution of Amendment No. 1 and such distribution of assets as provided herein, there shall be determined to be an enforceable liability incurred by AMIGA, each shall contribute its proportionate or otherwise defined share toward discharge of such enforceable liabilities incurred by AMIGA as the same appear on the books of AMIGA. As of \_\_\_\_\_, 2007, none of the parties hereto are aware of any such enforceable liability.

b. The distribution of assets may be made in kind or assets may be sold and the proceeds thereof distributed to a Party at the time of withdrawal of the County of Riverside and the Cities of Colton, Rialto and Riverside.

Section 9. *Rescission and Termination.* AMIGA shall continue until the Joint Powers Agreement is rescinded or terminated as therein provided. The Joint Powers Agreement may be rescinded and AMIGA terminated by written consent of \_\_\_\_\_ and the County of San Bernardino, *provided, however*, that no such termination shall occur until the outstanding bonds of CFD No. 2002-1 have been paid.

Section 10. *Notices.* From and after execution of Amendment No. 1, notices under the Joint Powers Agreement shall be sufficient if addressed to the principal office of the County of San Bernardino and shall be deemed given upon deposit into the U.S. Mail, first class, postage prepaid.

Section 11. *Headings.* The section headings herein are for convenience only and are not to be construed as modifying or governing language in the section.

Section 12. *Governing Law.* This Amendment No. 1 is made in the State of California under the Constitution and laws of this State and is to be so construed.

Section 13. *Amendment.* On and after execution of Amendment No. 1, the Joint Powers Agreement may be amended from time-to-time by unanimous action of the \_\_\_\_\_ and the County of San Bernardino.

Section 14. *Successors and Assigns.* This Amendment No. 1 shall be binding upon and shall inure to the benefit of the successors of the Parties.

Section 15. *Severability.* If any one or more of the terms, provisions, promises, covenants or conditions of this Amendment No. 1 shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Amendment No. 1 shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

Section 16. *Assignment.* The Parties shall not assign any rights or obligations under this Amendment No. 1 without the written consent of all other Parties.

Section 17. *Counterparts.* This Amendment No. 1 may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 on the day and year hereinafter indicated.