



AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION

MEETING AGENDA

Via Video Conference: GoTo Meeting Scheduled

Location: San Bernardino County Government Center
385 N. Arrowhead Avenue, 5th Floor – Magda Lawson
San Bernardino, CA 92408

Date/Time: Thursday, June 17, 2021, 10:00 a.m.

1. Call to Order
2. Roll Call
3. Action Item:
Approval of Minutes from June 4, 2020
4. Action Item:
Accept the SB 165 Annual Report for 2020
5. Action Item:
Adopt Resolution Determining and Levying the Special Tax for Fiscal Year 2021-2022
6. Discussion Item:
Authorize the County, through Special Districts, to Initiate Foreclosure Proceedings
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, DPW - Special Districts at least three (3) business days prior to the meeting. Please contact Donna Shiley at (909) 386-8830.



JUNE 4, 2020 MINUTES

MEETING OF THE EXECUTIVE COMMITTEE

MEETING: Agua Mansa Industrial Growth Association

VIA VIDEO CONFERENCE: GoTo Meeting Scheduled

DATE/TIME: June 4, 2020 4:00 p.m.

MEMBERS PRESENT: Supervisor Josie Gonzales, County of San Bernardino, 5th District; Council Member Erin Edwards, City of Riverside; Council Member Isaac T. Suchil, City of Colton

MEMBERS ABSENT: Mayor Deborah Robertson, City of Rialto

OTHERS PRESENT: Jordan Wright, Board of Supervisors 5th District; Dawn Martin, County Counsel; Luther Snoke, Interim Director, Special Districts; Dennis Stout, Jr., Special Districts; Donna Shiley, Special Districts; Donna Segura, DTA.

1. Called to Order:

Chair Gonzales called the Agua Mansa Industrial Growth Association Executive Committee meeting to order at 4:02 p.m. Chair asked if there are there were changes to the agenda. Luther Snoke, Interim Director advised Item #6 has been revised to specify that the contract is with DTA. That was the only revision to the agenda.



2. Roll Call:

Chair Gonzales began by introducing Council Member Erin Edwards, City of Riverside and welcomed her.

Chair Gonzales continued with roll call, Council Member Erin Edwards, City of Riverside, Council Member Isaac Suchil, and Supervisor Josie Gonzales are present. Chair asked legal counsel if we have a quorum and Dawn Martin, County Counsel, advised yes you do.

3. Approval of Minutes from June 6, 2019

Chair Gonzales asked committee members if they had reviewed the minutes from June 6, 2019 and verify everything was in order to approve.

Motion by Council Member Suchil and a second by Supervisor Gonzales. Hearing no comments or opposition, the minutes were approved.

4. Accept the SB 165 Annual Report for 2019

Chair Gonzales asked Interim Director Snoke to present the annual report, which he turned over to Donna Segura with DTA to provide the report. Ms. Segura introduced herself as Vice President with David Taussig & Associates or DTA for short. She presented the Local Agency Special Tax and Bond Accountability Act, also known as the Senate Bill 165 report. The main purpose of this report is to report on the amount of funds collected and expended for this District. The status of any project is simple, there is no update from last year, as we have completed and paid for all projects as of May 1, 2015. Noting nothing new there to report. She continues by referencing page 3 and the summary of what our account balances were as of April 30, 2020. Nothing out of the ordinary or new to report. She advised the administrative fees are funded through the district, bond reserve fund is fully funded at the required level, and there is some funds in the special tax fund that will be used to pay the next debt service payment for the district.

Chair Gonzales asked committee members if they had any questions. Hearing none, she asks for a motion to approve Item #4. Motion to approve made by Council Member Suchil and seconded by Council Member Edwards; hearing no questions or opposition, Item #4 was approved.



5. Adopt Resolution Determining and Levying the Special Tax for Fiscal Year 2020-21

Chair Gonzales asked Interim Director Snoke to present Item #5. Interim Director Snoke states the action being requested is to adopt a Resolution that determines the special tax levy for the following fiscal year 2020-2021 for the Agua Mansa Industrial Growth Association. This levy amount in total is proposed to be \$798,315.76. This proposed amount splits and \$400,954.32 is levied on 24 parcels for the County of Riverside and \$397,361.44 is levied on 10 parcels within the County of San Bernardino. Luther continued saying some interesting items to note is the levy amount overall is increasing rather significantly. It's about \$122,000 increase from the current 2019-2020 fiscal year. This equates to about a 17% increase, which is significant. It is primarily driven by two factors. One is a reduction in the surplus amount from the prior year and the other item concerning to us here and to DTA is related to delinquencies or unpaid bills from three parcel owners that totals \$70,389, so that delinquency rate is 10.4% of the total current year assessment. DTA has sent letters to the property owners of the parcels reminding them of the delinquencies and the consequences for non-payment, however as of present they still remain unpaid. He also noted should those delinquent bills be paid in the future those payments would be considered in the calculation for future years and potentially reduce future levies. But, for the current year it is causing a significant increase. Interim Director Snoke advised this completes his report and staff are available to answer any questions the committee may have.

Council Member Edwards asked if we knew why the taxes have remained unpaid. Interim Director Snoke then asked Ms. Segura if her office sent out the letters, had their office been contacted by any of these three parcel owners. Ms. Segura, stated unfortunately they have not reached out to us. Chair asked how many years they were delinquent. Ms. Segura stated the delinquencies are just for the current year. Installment due dates were discussed and Chair questioned if these property owners had been delinquent ever in the past. Ms. Segura stated she would need to research, but mentioned there were no delinquencies last year. Chair stated there maybe resolution on down the lines, as the December timeline approaches we may experience more delinquencies so we need to keep an eye on this. Perhaps bring some kind of update to the Board members so that the next meeting does not catch the Board members unaware. She also asked to find out if there's any mitigation that can take place to help. Chair asked if these are three different property owners or just three different parcels. Ms. Segura stated three different



parcels/two property owners. Chair asked that we keep an eye on it. Mentioning we don't want it to get to a point that it becomes too difficult to figure out what kind of assistance can be provided. Council Member Suchil requested that we confirm that the letters are being sent to the current owners. Stating they might have been sold in the last year and that maybe the letters are being sent to the wrong people. He would like to confirm the owners. Chair asks Donna to check all the mentioned points and provide in the next meeting to take place.

Council Member Edwards asked for more information and asked what the formula for arriving at these numbers. Ms. Segura explained to come up with a budget we look at all the expenses for the district for the year, we look at the debt service and its requirements, the administrative expenses for the district and then if we have a surplus of funds from the prior year it is rolled over to offset that special tax requirement. Also built-in based on delinquency contingency equal to the delinquency rate for the current year anticipating they will continue to carry those delinquencies into the next year, so that each year we have sufficient funds to continue paying the debt service payment.

Interim Director Snoke asked Ms. Segura to speak to the reserve amount in the event of non-payment and what that reserve is. Ms. Segura referred back to Item #4 AB165. Currently, we have a balance of \$844,439 and that could be used to take up service in the event that we have cash shortage. Council Member Edwards, appreciating the explanation, had to ask the question that we are already siding that we have some unpaid bills and understanding the times we're in, she's wondering is the 17% increase this year really necessary. Luther advises it is necessary, based on the methodology we've used it aligns with past methodology and maybe to ask a different question of Ms. Segura. Would be an appropriate use of the reserves to utilize as an offset currently rather than increasing the current year assessment? What limitations might we have if use of those reserves? Ms. Segura states if you use your reserves it becomes a reportable event under disclosure requirements. So it's not something to be taken lightly from an investors point of view. We would have to report on it, file a notice to the MSRB that we are using reserve funds. Interim Director Snoke then asked in the continued event of non-payment what are the consequences and/or ramifications. What tools do we have to go after these delinquent property owners and get payment? Ms. Segura stated in a normal environment we have the ability to foreclose, but asked that Ms. Martin comment on that. Dawn Martin, County Counsel said because of the current environment with Covid, we are limited on our ability to pursue foreclosure at this time.



Chair stated she believed under normal circumstances regular property tax have up to three years that you can be delinquent before the Office of the Auditor-Controller actually moves to do anything relative to tax sale, but for the amount of the lien, however under the Agua Mansa Industrial Growth Association is that different? Do they have more than three years? Do they have less than three years? What are the guidelines? Dawn Martin, County Counsel, advised she would have to look into that. She thinks it is pretty rigid, the CFDs to fall under something else besides the ability of the Tax Collectors Office and what they are able to do. She recalled in the past with another CFD that have been delinquent we've done payment plans over time to help assist. She continued by saying these are unique times so we won't be the only ones taking a look at this and probably many discussions with various public agencies about taking some sort of action or what to do in the future.

Interim Director Snoke asked Ms. Segura another question in response to Council Member Edwards question stating we understand the sensitivity of increasing our assessments by 17% given that probably many of those other 34 property owners are experiencing hardship as a result of Covid. Are there other means for us to consider deviating from our normal methodology and instituting a lower increase for this year? Is that a possibility? We talked about our use of reserves and there is challenges there but are you aware of any other opportunities? Ms. Segura answered unfortunately no. Based on experience with bond documents that you have in place with the district, I think, your hands are tied. I don't know that you have a choice, but to collect assuming that those parcels are going to be delinquent going forward. If we don't increase it, we run the risk of not being able to make those payments. Interim Director Snoke asked, if we don't make those payments, say the delinquencies are continuing, maybe they even get worse. Would we be able to access the reserves at that point in time to ensure that we can make the payments or would that be problematic? He also said he might not be asking that right. Ms. Segura answered saying the trustee would step in and use those reserve funds to fill in any shortfall on the payment.

Interim Director Snoke addresses the Committee stating at this point, our recommendation and that is why we're recommending the tax levy as is and to proceed with our normal methodology and increase that comes along with that. If the Board decides to do something different and give directive in a different way we could consider that, but this is staff's recommendation.



Council Member Suchil confirms with Council Member Edwards if she has received clarification. Edwards stated yes, she did. Council Member Suchil continued by asking Ms. Segura had there not been any delinquencies, what would the number be? Would it still be 17%? Ms. Segura answered it would be 17% lower than what we're at today. Because of these delinquencies is the reason for this bump up, Suchil asked. Ms. Segura advised, that is the main cause of it and the lesser surplus this year but the delinquencies that is really hurting us.

Chair explained delinquencies regardless of whether it's Covid-19 or whatever the situation is there is a process that we need to follow. Although it is understood about the intricacies and the extra reporting that needs to take place should we have need to go into the reserve fund and use any of that. However, let's follow the process and when we get (unless told otherwise) at a minimum wait to see what happens in December because we've forgive all delinquency interest or penalty on any overdue taxes, so we have to be able to stretch ourselves to see what happens after the end of the year. See if there is no payment then we have to decide do we move and take the next more serious step and dip into the reserve. She asked the Committee what their thoughts were. Council Member Suchil stated the he agreed. Edwards stated that this works for her. Chair advised then direction is that. We take this report and we accept all the identified line items and we be kept updated as to any payments not made relative to December 10th property tax deadline and hopefully they're able to move ahead and clear their outstanding balance. If not, at that point we are going to have to address the situation and take additional steps. So we have to stay on it. Interim Director Snoke stated he agreed.

Chair asked if there are any questions. Hearing none she asked for a motion to approve Item #5. Motion to approve made by Council Member Suchil seconded by Council Member Edwards. Hearing no opposition, it was so ordered that Item #5 was approved.

6. Approve Contract with DTA for Mello-Roos Special Tax Administration Financial Consulting Services

Chair Gonzales asked staff for a report of Item #6. Interim Director Snoke stated the recommendation to award a new contract for financial consulting services to DTA or David Taussig and Associates after the completion of an RFP process as well as an evaluation by administration staff at Special Districts Department. The



current contract with DTA expires at the end of this fiscal year. The proposed contract would cover a 5-year period through June 30, 2025. The RFP was released on May 1, 2020 and two proposals were received. There was a three member group who independently reviewed and evaluated the two proposals, those were rated by Qualifications & Experience, Financial Review & Financial Elements, and Technical Review and Reference Check. After scoring those out and aggregating those scores, DTA was the recommendation of staff to receive the contract award. Interim Director Snoke stated this was the end of his report and advised staff were present to answer any questions.

Chair asked which staff members were present and then asked Council Members if they had any questions.

Is 5-years the standard for this type of contract, Council Member Suchil asked? He stated he does not like to tie hands of future Board members or Council Members on lengthy contracts. Is that the standard or could we have made it 2 or 2 1/2-years?

Interim Director Snoke advised that it was a 5-year contract previously done so when engaging in a new contract we used that. Not necessary standard, but that was done previously. He also advised that there is some flexibility in that we could look at a 3-year with two 1-year options to extend to add some flexibility for the Board in the future. Council Member Suchil stated that would be his recommendation in order not to get locked in, or stuck. Also, stating not to say that about DTA, but doesn't like to tie hands of future members, council members, and/or colleagues.

Chair offered a different perspective and that was if you look at the financial impact in the item the cost is not to exceed \$55,000 for the 5-year term. When we have such a limited or reasonable amount, it becomes more difficult to get anyone to commit to a lesser number of years. The work involved, the cost efficiencies and the effectiveness comes not only from the familiarity with these. What proves to be in many cases dormant type of situations that are very repetitive but also it allows for this year to prepare the paperwork for the next year. If it was \$250,000 or \$500,000 a year and it was a 5-year term, which would be considerably different type of concern that we would have. She advised that this was her opinion from what she has experienced from past years in these types of contracts. Interim Director Snoke offered additional insight advising that Taussig and Associates has been handling this CFD since 2002/2003. In their RFP they offered not to increase



their hourly rates from prior 5-year contract. There is no inflator built in so effectively we'd be getting the same rated from DTA over a ten year period. Our opinion is this is a generous move on their part and wise decision to lock it in for a longer term. But, we understand it is at the Committee's discretion to decide and give directive.

Chair asked Council Members if they had any questions or still uncomfortable with the 5-year term.

Council Member Suchil stated although he was agreeable with staff's recommendation although he was still uncomfortable with the long-term contracts. Stated that is his philosophy, but he's fine with staff's recommendation. Added that he is never been that type of person to say that person has always done it, so let us just stay with them. He questioned if there were options. Dawn Martin, County Counsel, states that the contract does include a section regarding either party can terminate upon 30-day notice. Interim Director Snoke confirmed the contract does include the 30-day clause. So, upon direction staff can terminate with a 30-day notice.

Council Member Suchil offered to move the item if all the questions have been answered. Chair thanks him, asked for a second. Council Member Edward seconds. Hearing no opposition, Item #6 was approved.

7. Public Comment

Chair asked Committee Members if they had received any public comments. Hearing none, she turns it back to the Committee for any comments before we adjourn. Council Member Edwards added this was her first meeting and she looked forward to meeting everyone formally. Chair agreed and stated the Committee only meets once a year because of the sunset process and other requirements. Chair asked if staff any questions? Interim Director Snoke advised staff would commit to providing a report to the Committee in January/February 2021 depending on the timeline of the December 2020 assessments and report on the delinquencies. Interim Director Snoke also pointed out the minutes from the prior year staff would return with a presentation on the financial benefits. Due to the RFP process, that presentation was tabled, but we would still like to be responsive to the request. He asked that this be added to the record.



8. Adjournment

With no other questions, Chair Gonzales adjourns the meeting at 4:45.

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

JUNE 17, 2021

ITEM NO. 4

FROM: BRENDON BIGGS, Director
DPW - Special Districts

**SUBJECT: ACCEPT REPORT OF COMMUNITY FACILITIES DISTRICT 2002-1 (AGUA
MANSA INDUSTRIAL CENTER) SB 165 ANNUAL REPORT FOR 2020**

RECOMMENDATION(S)

Acting as the governing body of Community Facilities District 2002-1 (Agua Mansa Industrial Center), accept the SB 165 Annual Report for 2020.

(Presenter: Brendon Biggs, Director, DPW - Special Districts, County of San Bernardino, 909 386-8811)

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 Community Facilities District (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 Annual Report 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 Martin, Deputy Counsel, 909 387-5455) on June 8, 2021.

Moved: _____ Second: _____ Aye: _____ Nay: _____

Approved Date: _____

Secretary of the Governing Board _____

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

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, 2015, \$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, 2021 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)
ORIGINAL AMIGA 2003 BONDS
SB 165 FUND SUMMARY**

Fund/Account	2003 Bond Proceeds (07/24/2003)	Transfer Proceeds From 1992 Bonds or Other Funds (07/24/2003)	Funds Received (07/24/2003-04/30/2014)	Funds Transferred to Other Accounts or Expended (07/24/2003-04/30/2014)	Balance as of 04/30/2014
Administrative Expense Fund	\$0.00	\$0.00	\$709,049.43	(\$709,049.43)	\$0.00
Bond Fund	\$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
Bond Reserve Fund	\$1,270,500.00	\$0.00	\$171,006.21	(\$1,441,506.21)	\$0.00
Letter of Credit Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Fund	\$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
Rebate Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Redemption Fund	\$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
Special Tax Fund	\$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
Escrow Fund	\$10,701,678.99	\$5,238,308.56	\$14,437.45	(\$15,954,425.00)	\$0.00
Grand Total	\$12,394,088.78	\$6,719,955.46	\$39,115,020.43	(\$58,229,064.67)	\$0.00

**AGUA MANSÁ INDUSTRIAL GROWTH ASSOCIATION
COMMUNITY FACILITIES DISTRICT NO. 2002-1
(AGUA MANSÁ INDUSTRIAL CENTER)
AMIGA 2014 REFUNDING BONDS
SB 165 FUND SUMMARY**

Fund/Account	Fund Balances Transferred to Series 2014 (02/25/2014)	Funds Received (02/25/2014-04/30/2021)	Funds Transferred to Other Accounts or Expended (02/25/2014-04/30/2021)	Balance as of 04/30/2021
Administrative Expense Fund	\$65,014.52	\$175,261.76	(\$191,475.08)	\$48,801.20
Bond Fund	\$0.00	\$0.00	\$0.00	\$0.00
Interest Account	\$0.00	\$2,452,145.14	(\$2,452,145.08)	\$0.06
Principal Account	\$0.00	\$1,770,000.05	(\$1,770,000.00)	\$0.05
Bond Reserve Fund	\$843,615.00	\$7,322.05	(\$7,294.01)	\$843,643.04
Cost of Issuance Fund	\$162,160.67	\$2.71	(\$162,163.38)	\$0.00
Rebate Fund	\$0.00	\$0.00	\$0.00	\$0.00
Redemption Fund	\$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
Special Tax Fund	\$0.00	\$4,648,297.04	(\$4,209,042.05)	\$439,254.99
Prepayment Account	\$0.00	\$0.00	\$0.00	\$0.00
Grand Total	\$1,070,790.19	\$9,053,028.75	(\$8,792,119.60)	\$1,331,699.34

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

JUNE 17, 2021

ITEM NO. 5

FROM: **BRENDON BIGGS**, Director
DPW - Special Districts, County of San Bernardino

SUBJECT: **ADOPT RESOLUTION DETERMINING AND LEVYING THE SPECIAL TAX IN
COMMUNITY FACILITIES DISTRICT NO. 2002-1 (AGUA MANSÁ INDUSTRIAL
CENTER) FOR FISCAL YEAR 2021-2022**

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 for fiscal year 2021-2022 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 2021-2022 Tax Roll.

(Presenter: Brendon Biggs, Director, DPW - Special Districts, County of San Bernardino, 909 386-8811)

FINANCIAL IMPACT

If approved, the special tax for the 2021-2022 fiscal year will be placed on the property tax bills of properties within the Community Facilities District (CFD). The special tax will pay the debt service on the bonds issued and administrative costs.

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. February 24, 2014 Special Tax Refunding Bonds in the amount of \$9,170,000 were issued with a maturity date of September 2033.

Approval of this Resolution is necessary to determine and levy the special taxes for fiscal year 2021-2022 and to direct the placement of the 2021-2022 special taxes on the property tax bills. The total levy for 2021-2022 is \$791,608.50. A total of \$397,585.62 in special taxes will be placed

Moved: Second: Aye: Nay:
Approved Date:

Secretary of the Governing Board _____
Brendon Biggs

**ADOPT RESOLUTION DETERMINING AND LEVYING THE SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2002-1 (AGUA MANSA INDUSTRIAL CENTER) FOR FISCAL YEAR 2021-2022
JUNE 17, 2021
PAGE 2 of 2**

on 24 parcels within the County of Riverside and a total of \$394,022.88 in special taxes will be placed on 10 parcels located within the County of San Bernardino.

REVIEW BY OTHERS

This item has been reviewed by County of San Bernardino, County Counsel (Dawn Martin, Deputy Counsel, 909 387-5455) on June 8, 2021.

RESOLUTION NO. 2021-__
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 2021-2022

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 2021-2022 (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 2021-2022 (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, 2021, 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 2021-2022.

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 2021-2022 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 17th day of June, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

JOE BACA, JR., Chair

ATTEST:

BRENDON BIGGS
Secretary

EXHIBIT A
Agua Mansa Industrial Growth Association
Community Facilities District No. 2002-1
FY 2021-2022 Special Tax Roll

<u>Assessor's Parcel Number</u>	<u>Tract</u>	<u>Lot</u>	<u>Taxable Acreage</u>	<u>Tax Class</u>	<u>Maximum Special Tax</u>	<u>FY 2021-22 Special Tax Levy</u>
County of Riverside						
175-180-012-5	24088-1	POR. 5	7.59	1	\$45,529.60	\$31,513.52
175-180-013-6	24088-1	6	8.73	1	\$52,368.04	\$36,246.78
175-180-014-7	24088-1	POR. 9	0.51	1	\$3,059.30	\$2,117.50
175-180-016-9	24088-1	POR. 5	2.23	1	\$13,376.94	\$9,258.92
175-180-018-1	24088	POR. 4	0.00	1	\$0.00	\$0.00
175-190-019-3	24088-1	2	7.73	1	\$46,369.41	\$32,094.80
175-190-021-4	24088-1	POR. 7	9.23	1	\$55,367.35	\$38,322.78
175-190-022-5	24088-1	POR. 8	2.16	1	\$12,957.04	\$8,968.28
175-190-023-6	24088-1	POR. 9	15.74	1	\$94,418.44	\$65,352.16
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	\$4,618.95	\$3,197.02
175-190-028-1	24088-1	PAR. 1	4.53	1	\$27,173.79	\$18,808.46
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	\$17,036.11	\$11,791.62
175-210-037-0	24088-2	6	2.61	1	\$15,656.42	\$10,836.66
175-210-039-2	24088-2	5	5.87	1	\$35,211.96	\$24,372.12
175-210-046-8	24088-2	7,8	3.62	1	\$21,715.15	\$15,030.24
175-210-056-7	24088-2	8,9	2.70	1	\$16,196.30	\$11,210.34
175-210-057-8	24088-2	10	2.95	1	\$17,695.96	\$12,248.34
175-210-058-9	24088-2	11	3.72	1	\$22,315.01	\$15,445.44
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	\$44,438.20	\$30,758.10
175-220-021-6	24088	1	4.82	1	\$28,913.40	\$20,012.54
Subtotal:			95.76		\$574,417.37	\$397,585.62
County of San Bernardino						
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	\$132,509.74	\$91,717.24
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	\$4,678.93	\$3,238.54
0260-113-14-6	12104	2,3	18.58	1	\$111,454.55	\$77,143.78
0260-113-15-7	21631	1	32.80	1	\$196,755.06	\$136,184.94
0260-113-16-8	21631	1	20.65	1	\$123,871.71	\$85,738.38
Subtotal:			94.90		\$569,269.99	\$394,022.88
GRAND TOTAL:			\$190.66		\$1,143,687.36	\$791,608.50

Percent of Maximum Tax: 100.00% 69.22%

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

JUNE 17, 2021

ITEM NO. 6

FROM: **BRENDON BIGGS**, Director
DPW - Special Districts, County of San Bernardino

SUBJECT: **JUDICIAL FORECLOSURE FOR DELINQUENT SPECIAL TAX INSTALLMENTS,
COMMUNITY FACILITIES DISTRICT NO. 2002-1 (AGUA MANSÁ INDUSTRIAL
CENTER) FOR FISCAL YEAR 2021-2022**

RECOMMENDATION(S)

Acting as the governing body of Community Facilities District No. 2002-1 (Agua Mansa Industrial Center), adopt Resolution authorizing the County of San Bernardino to initiate judicial foreclosure of delinquent special tax installments on parcels, as identified on Exhibit "A", within Community Facilities District No. 2002-1 (Agua Mansa Industrial Center), retain counsel to pursue the judicial foreclosure action(s) and take further actions related to such judicial foreclosure proceedings.

(Presenter: Brendon Biggs, Director, DPW - Special Districts, County of San Bernardino, 909 386-8811)

FINANCIAL IMPACT

If approved, all costs, including legal counsel fees and County Tax Collector costs, will be paid upon sale of the subject parcel and redemption of the delinquent special taxes with proceeds from the sale of the parcel.

BACKGROUND INFORMATION

On February 13, 2003, the AMIGA Executive Committee adopted Resolution No. 2003-4 establishing the Community Facilities District No. 2002-1 (CFD 2002-1) 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. February 24, 2014 Special Tax Refunding Bonds in the amount of \$9,170,000 were issued with a maturity date of September 2033. In the bond issuance proceedings for CFD 2002-1, the AMIGA Executive Committee made covenants to the bond holders to foreclose on any single property owner with delinquent special taxes in excess of \$5,000. The following meets the foreclosure criteria:

Moved: Second: Aye: Nay:
Approved Date:

Secretary of the Governing Board _____
Brendon Biggs

JUDICIAL FORECLOSURE FOR DELINQUENT SPECIAL TAX INSTALLMENTS, COMMUNITY FACILITIES DISTRICT NO. 2002-1 (AGUA MANSA INDUSTRIAL CENTER) FOR FISCAL YEAR 2021-2022

JUNE 17, 2021

PAGE 2 of 2

AREA	Assessor's Parcel Number	FY 19-20 Taxes	FY 20-21 Taxes	Delinquent Taxes
CFD 2002-1	175-190-023	\$55,786.50	\$65,905.90	\$121,692.40
CFD 2002-1	175-210-039		\$12,289.31	\$12,289.31

The property owners of these parcels have been notified by certified mail regarding the delinquent special taxes and payment has been demanded. No payments have been made.

DPW – Special Districts, as administrator of CFD 2002-1, recommends initiating approval of the foreclosure and sale of these parcels in order to satisfy the bond covenants requirement and to recover the delinquent taxes owed to CFD 2002-1 and other taxing entities in accordance with the statutory requirements set forth in Government Code section 53362.2 et seq. Approval of this item will initiate judicial foreclosure on the delinquent parcel for CFD 2002-1. Assuming the court orders judicial foreclosure and issues a writ of sale, then the property will be sold and any excess proceeds remaining after all outstanding taxes, fees and costs are paid, then the remaining proceeds are distributed to CFD 2002-1 and the other taxing entities, potential lien holders and potential creditors of the current owner in accordance with statutory requirements.

REVIEW BY OTHERS

This item has been reviewed by County of San Bernardino, County Counsel (Dawn Martin, Deputy Counsel, 909 387-5455) on June 8, 2021.

RESOLUTION NO. 2021-

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2002-1, ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE TAXES AND AUTHORIZING COUNTY COUNSEL TO INSTITUTE JUDICIAL FORECLOSURE ACTIONS

WHEREAS, the AGUA MANSA INDUSTRIAL GROWTH ASSOCIATION (“AMIGA”) has conducted proceedings resulting in the formation of Community Facilities District No. 2002-1 (“CFD”) and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the “Act”), and

WHEREAS, pursuant to the Act, AMIGA has duly recorded Notice of Special Tax Lien and has duly and regularly levied CFD special taxes, which special taxes and interest and penalties thereon constitute liens against the parcels of the land against which they were levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act; and

WHEREAS, certain CFD special taxes have not been paid when due, and certain special taxes may not be paid when due in the future; and

WHEREAS, pursuant to Section 53356.1(a) of the Act, AMIGA is authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens; and

WHEREAS, pursuant to Section 53356.1(b) of the Act, AMIGA covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto; and

WHEREAS, AMIGA desires to authorize the County of San Bernardino, with the assistance of County Counsel, to retain counsel (“Special Counsel”) to prosecute such judicial foreclosure actions on behalf of the CFD.

NOW THEREFORE, BE IT RESOLVED by the Executive Committee of AMIGA that:

1. The Committee finds that the Act authorizes the commencement of judicial foreclosure proceedings to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the attached Exhibit “A”, be collected by action brought in the appropriate Superior Court to foreclose the liens securing those delinquent special taxes (“Foreclosure Action(s”).
2. Special Counsel is authorized to initiate and litigate to judgment(s) the Foreclosure Action(s) on behalf of the CFD.

3. The Committee hereby authorizes Special Counsel to require payment on its behalf of all costs and all attorneys' fees incurred as to each delinquent parcel as a condition of such redemption.

4. The County of San Bernardino in conjunction with County Counsel, Special Counsel, and other consultants are authorized and directed if and as applicable, pursuant to Section 53356.2 of the Act:

- 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and
- 2) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

5. In the event that future installments of the Special Tax levied against parcel(s) list listed in Exhibit "A" become delinquent during the pendency of the Foreclosure Action(s) and/or prior to the particular delinquent parcel's sale pursuant to judgment, Special Counsel is directed to cause such future delinquent Special Tax installments to be removed from the county tax roll and collected, along with any applicable interest, penalties, costs, fees and other charges, through the corresponding pending Foreclosure Action(s) or modification of the judgment pursuant to Section 53356.1(c) of the Act.

Adopted by the Executive Committee AMIGA acting as the Legislative Body of AMIGA's Community Facilities Districts at a regular meeting held on June 17, 2021.

AYES:
NOES:
ABSENT:

ATTEST:

APPROVED:

BRENDON BIGGS
Secretary

JOE BACA, JR.
Chair of the Executive Committee

EXHIBIT A

**Agua Mansa Industrial Growth Association
Community Facilities District No. 2002-1**

Assessor's Parcel Number	Levy Year	Delinquent Amount*
175-190-023	2019-2020	\$ 55,786.50
	2020-2021	\$ 65,905.90
	Total:	<u>\$121,692.40</u>
175-210-039	2020-2021	\$ 12,289.31
	Total:	<u>\$ 12,289.31</u>