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**RESOLUTION NO. OB-01-14**

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON APPROVING AND ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2014 THROUGH DECEMBER 31, 2014, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177**

**WHEREAS**, pursuant to Health and Safety Code section 34173(g), the Successor Agency to the Redevelopment Agency for the City of Colton (“Successor Agency”) is a public entity, separate and distinct from the City of Colton; and

**WHEREAS**, Health and Safety Code section 34177 requires that the Successor Agency prepare a “recognized obligation payment schedule” (“ROPS”) listing outstanding enforceable obligations of the former Redevelopment Agency for the City of Colton (“Agency”) to be performed by the Successor Agency, during the time period from July 1, 2014, through December 31, 2014 (“ROPS 14-15A”); and

**WHEREAS**, Health and Safety Code section 34177 requires the Successor Agency to submit an electronic copy of the certified ROPS 14-15A, as approved by the Successor Agency’s Oversight Board (“Oversight Board”), to the State Controller, the County of San Bernardino Auditor-Controller, and the State of California Department of Finance (“DOF”) and post a copy of ROPS 14-15A on the Successor Agency’s website; and

**WHEREAS**, the Successor Agency is required to submit an Oversight Board approved ROPS 14-15A to DOF no later than March 1, 2014; and

**WHEREAS**, Successor Agency staff prepared the ROPS 14-15A covering the time period from July 1, 2014 through December 31, 2014, listing all of the outstanding enforceable obligations of the Agency for the period; and

**WHEREAS**, Health and Safety Code sections 34177(m) and 34180(g) require that the Oversight Board approve ROPS 14-15A; and

**WHEREAS**, Health and Safety Code section 34177(m) allows DOF 45 days to review obligations listed on the Oversight Board approved ROPS 14-15A;

**WHEREAS**, newly enacted Health and Safety Code section 34171(p) requires that a “housing entity cost allowance” be listed on ROPS 14-15A as an enforceable obligation;

**NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON DOES HEREBY RESOLVE AND FIND AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

1        **Section 2. CEQA Compliance.** The approval of ROPS 14-15A through this  
2 Resolution does not commit the Oversight Board to any action that may have a significant  
3 effect on the environment. As a result, such action does not constitute a project subject to the  
4 requirements of the California Environmental Quality Act. The Secretary of the Oversight  
5 Board is authorized to file a Notice of Exemption under the California Environmental Quality  
6 Act with the appropriate official of the County of San Bernardino, California, within five (5)  
7 days following the date of adoption of this Resolution.

8        **Section 3. Approval of ROPS 14-15A.** The Oversight Board hereby approves  
9 and adopts ROPS 14-15A, in substantially the form attached to this Resolution as Exhibit A,  
10 pursuant to Health and Safety Code Section 34177 and 34180.

11        **Section 4. Transmittal of ROPS 14-15A.** The Oversight Board hereby  
12 authorizes and directs the Successor Agency to submit copies of ROPS 14-15A approved by  
13 the Oversight Board to the State of California Department of Finance, the State Controller's  
14 Office and the County of San Bernardino Auditor-Controller, prior to March 1, 2014, in  
15 accordance with Health and Safety Code section 34177 and other applicable law.

16        **Section 5. Severability.** If any provision of this Resolution or the application of  
17 any such provision to any person or circumstance is held invalid, such invalidity shall not  
18 affect other provisions or applications of this Resolution that can be given effect without the  
19 invalid provision or application and to this end, the provisions of this Resolution are  
20 severable. The Oversight Board declares that the Oversight Board would have adopted this  
21 Resolution irrespective of the invalidity of any particular portion of this Resolution.


22        **Section 6. Certification.** The Secretary of the Oversight Board shall certify to the  
23 adoption of this Resolution.

24        **Section 7. Effective Date.** Pursuant to Health and Safety Code section 34179(h),  
25 all actions taken by the Oversight Board may be reviewed by the State of California  
26 Department of Finance and, therefore, this Resolution shall become effective five (5) business  
27 days after the date of its adoption, except to the extent that a request for review of the auctions  
28 taken in this Resolution is made by the State of California Department of Finance.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of February, 2014.

By:   
FRANK A. GONZALES, Chairperson

Attest:

  
EILEEN C. GOMEZ, Secretary

1  
2 CERTIFICATION  
3

4 STATE OF CALIFORNIA )  
5 COUNTY OF SAN BERNARDINO ) ss.  
6 CITY OF COLTON )

7 I, EILEEN C. GOMEZ, Secretary of the Oversight Board of the Successor  
8 Agency to the Redevelopment Agency for the City of Colton, do hereby certify that the  
9 foregoing Resolution No. OB-01-14 was duly and regularly adopted by the Oversight Board  
10 of the Successor Agency to the Redevelopment Agency for the City of Colton at a regular  
11 meeting thereof on the 27<sup>th</sup> day of February, 2014 and that the same was passed and adopted  
12 by the following vote, to wit:

13 AYES: CHAIRMAN GONZALES, VICE-CHAIRMAN MITCHELL;  
14 BOARD MEMBERS BICKERSTAFF, SAKS, AYALA, MORGAN

15 NOES:

16 ABSENT: HENRY

17 ABSTAIN:



18 Eileen C. Gomez, Secretary  
19 Oversight Board of the Successor Agency to  
20 the Redevelopment Agency for the City of  
21 Colton  
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**Recognized Obligation Payment Schedule (ROPS 14-15A) - Summary**  
 Filed for the July 1, 2014 through December 31, 2014 Period

Name of Successor Agency: Colton  
 Name of County: San Bernardino

Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF)</b>	
<b>A Funding Sources (B+C+D):</b>	<b>\$ -</b>
B Bond Proceeds Funding (ROPS Detail)	-
C Reserve Balance Funding (ROPS Detail)	-
D Other Funding (ROPS Detail)	-
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>	<b>\$ 9,319,209</b>
F Non-Administrative Costs (ROPS Detail)	9,119,209
G Administrative Costs (ROPS Detail)	200,000
<b>H Current Period Enforceable Obligations (A+E):</b>	<b>\$ 9,319,209</b>

<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>	
I Enforceable Obligations funded with RPTTF (E):	9,319,209
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(21,639)
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>	<b>\$ 9,297,570</b>

<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>	
L Enforceable Obligations funded with RPTTF (E):	9,319,209
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>	<b>9,319,209</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

**FRANK A. GONZALES, CHAIRMAN**  
 Name Title  
 Signature Frank A. Gonzales 2/27/2014 Date

RESOLUTION NO. OB-02-14

1  
2 **A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY**  
3 **TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON**  
4 **APPROVING REPAYMENT OF AND FINDING THAT LOAN INDEBTEDNESS OF**  
5 **THE FORMER REDEVELOPMENT AGENCY FOR THE CITY OF COLTON TO**  
6 **THE CITY OF COLTON AND THE COLTON UTILITY AUTHORITY ARE**  
7 **ENFORCEABLE OBLIGATIONS OF THE SUCCESSOR AGENCY AND WERE**  
8 **FOR LEGITIMATE REDEVELOPMENT PURPOSES AND AUTHORIZING THE**  
9 **SUCCESSOR AGENCY TO RE-ESTABLISH SAID LOAN AGREEMENTS AS**  
10 **AGREEMENTS BETWEEN THE CITY AND THE SUCCESSOR AGENCY,**  
11 **INCLUDING REPAYMENT SCHEDULES FOR THE LOANS, PURSUANT TO**  
12 **HEALTH AND SAFETY CODE SECTION 34191.4**

13  
14 **WHEREAS**, the former Redevelopment Agency for the City of Colton (“Agency”) and the Colton Utility Authority (“CUA”) entered into a 2005 Redevelopment Cooperation Loan Agreement for the West Valley Redevelopment Project Area; and

15  
16 **WHEREAS**, the Agency and the City of Colton (“City”) entered into a 2007 Redevelopment Cooperation Loan Agreement for the West Valley Redevelopment Project Area; and

17  
18 **WHEREAS**, the Agency and the City entered into a 2007 Redevelopment Loan Agreement for the Rancho/Mill Redevelopment Project Area (all 3 such loans, collectively, “Redevelopment Loans”); and

19  
20 **WHEREAS**, pursuant to Health and Safety Code section 34173(g), the Successor Agency to the Redevelopment Agency for the City of Colton (“Successor Agency”) is a public entity, separate and distinct from the City; and

21  
22 **WHEREAS**, the Successor Agency received a Finding of Completion from the State of California Department of Finance on May 16, 2013; and

23  
24 **WHEREAS**, Health and Safety Code section 34191.4(b) provides that, after the Successor Agency has received a Finding of Completion and upon application by the Successor Agency and approval by the Oversight Board, loans between the Agency and the City shall be deemed enforceable obligations and be payable from Real Property Tax Trust Fund money, subject to certain limitations; and

25  
26 **WHEREAS**, Health and Safety Code section 34191.4(b) requires that the Successor Agency’s Oversight Board (“Oversight Board”) make a finding that the Redevelopment Loans were for legitimate redevelopment purposes; and

27  
28 **WHEREAS**, Health and Safety Code section 34191.4(b) requires that reinstated loans must have a defined repayment schedule and interest on the loans must be calculated using the Local Agency Investment Fund rate; and

1       **WHEREAS**, the Oversight Board has reviewed the documentation concerning the  
2 above described Redevelopment Loans and hereby finds and determines that the  
3 Redevelopment Loans were all in the nature of a loan, with the Agency being obligated to  
4 make repayments to the City, the Redevelopment Loans were made for legitimate  
5 redevelopment purposes, within the meaning of Health and Safety Code section 34191.4 and  
6 the Redevelopment Loans constitute enforceable obligations that shall be recognized as re-  
7 entered into between the Successor Agency and the City and the Successor Agency and the  
8 CUA, respectively;

9       **NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR**  
10 **AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON**  
11 **DOES HEREBY RESOLVE AND FIND AS FOLLOWS:**

12       **Section 1. Recitals.** The Recitals set forth above are true and correct and are  
13 incorporated into this Resolution by this reference.

14       **Section 2. CEQA Compliance.** The approval of the Redevelopment Loans  
15 through this Resolution does not commit the Oversight Board to any action that may have a  
16 significant effect on the environment. As a result, such action does not constitute a project  
17 subject to the requirements of the California Environmental Quality Act. The Secretary of the  
18 Oversight Board is authorized to file a Notice of Exemption under the California  
19 Environmental Quality Act with the appropriate official of the County of San Bernardino,  
20 California, within five (5) days following the date of adoption of this Resolution.

21       **Section 3. Findings.** The Oversight Board hereby finds: (1) that the City  
22 advanced funds to the Agency under the Redevelopment Loans to pay for legitimate  
23 redevelopment projects, including land acquisition/relocation and programs; (2) that the  
24 obligation to repay the Redevelopment Loans was a loan indebtedness of the Agency; (3) that  
25 the obligation to repay the Redevelopment Loans, with interest, is an enforceable obligation  
26 of the Successor Agency to the City, under Health and Safety Code section 34191.4(b); (4)  
27 that the Redevelopment Loans were made and used for legitimate redevelopment purposes;  
28 and (5) that the interest rates and repayment schedules for the Redevelopment Loans shall be  
in conformance with the requirements of Health and Safety Code section 34191.4(b).

**Section 4. Approval as Enforceable Obligations.** The Oversight Board hereby  
approves the request by the Successor Agency to recognize the loan indebtedness under the  
Redevelopment Loans as enforceable obligations of the Successor Agency and hereby  
authorizes the Successor Agency to re-establish the Redevelopment Loan Agreements, as  
necessary, as obligations of the Successor Agency to the City or the CUA, as appropriate,  
including setting a repayment schedule and interest rate complying with Health and Safety  
Code section 34191.4(b). In establishing a repayment schedule for the Redevelopment Loans,  
the Successor Agency shall provide for the maximum repayment available for each  
Redevelopment Loan pursuant to Health and Safety Code section 34191.4(b), with the intent  
of retiring the Redevelopment Loans obligations as soon as possible, and may provide for a  
pro-rata allocation of funds available for repayment of the Redevelopment Loans based on the  
outstanding principal balances of the Redevelopment Loans or may prioritize repayment  
among the Redevelopment Loans, in the Successor Agency's discretion. Further, the

1 Successor Agency is authorized to enter into ratification and amendment agreements  
2 regarding each of the Redevelopment Loans to implement the authority provided in this  
Resolution regarding repayment of the Redevelopment Loans.

3 **Section 5. Severability.** If any provision of this Resolution or the application of  
4 any such provision to any person or circumstance is held invalid, such invalidity shall not  
5 affect other provisions or applications of this Resolution that can be given effect without the  
6 invalid provision or application, and to this end the provisions of this Resolution are  
severable. The Oversight Board declares that the Oversight Board would have adopted this  
Resolution irrespective of the invalidity of any particular portion of this Resolution.

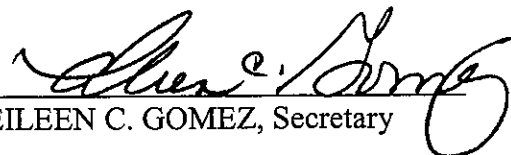
7 **Section 6. Certification.** The Secretary of the Oversight Board shall certify to the  
8 adoption of this Resolution.

9 **Section 7. Effective Date.** Pursuant to Health and Safety Code section 34179(h),  
10 all actions taken by the Oversight Board may be reviewed by the State of California  
11 Department of Finance and, therefore, this Resolution shall become effective five (5) business  
12 days after the date of its adoption, except to the extent that a request for review of the actions  
taken in this Resolution is made by the State of California Department of Finance.

13 **PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of February, 2014.

14 By:   
15 FRANK A. GONZALES, Chairperson

16  
17 *Attest:*

18   
19 EILEEN C. GOMEZ, Secretary  
20  
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CERTIFICATION

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO )     ss.  
CITY OF COLTON                 )


I, EILEEN C. GOMEZ, Secretary of the Oversight Board of the Successor Agency to the Redevelopment Agency for the City of Colton, do hereby certify that the foregoing Resolution No. OB-02-14 was duly and regularly adopted by the Oversight Board of the Successor Agency to the Redevelopment Agency for the City of Colton at a regular meeting thereof on the 27<sup>th</sup> day of February, 2014 and that the same was passed and adopted by the following vote, to wit:

AYES: CHAIRMAN GONZALES, VICE-CHAIRMAN MITCHELL;  
BOARD MEMBERS BICKERSTAFF, SAKS, AYALA, MORGAN

NOES:

ABSENT: HENRY

ABSTAIN:



Eileen C. Gomez, Secretary  
Oversight Board of the Successor Agency to  
the Redevelopment Agency for the City of  
Colton