

RESOLUTION NO. 2012-1

A RESOLUTION OF THE UPLAND COMMUNITY REDEVELOPMENT AGENCY
APPROVING AMENDMENTS TO THE ENFORCEABLE OBLIGATION PAYMENT
SCHEDULE AND CERTAIN RELATED ACTIONS

Intent of the Parties and Findings

(i) The Upland Community Redevelopment Agency (the "Agency") is a redevelopment agency in the City of Upland (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

(ii) The City Council of the City (the "City Council") has adopted redevelopment plans for redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans.

(iii) AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code.

(iv) The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a partial stay of AB X1 26 and AB X1 27.

(v) On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently.

(vi) The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later. The Supreme Court did not revise the effective dates or deadline for performance of obligations in Part 1.8.

(vii) As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies are dissolved and successor agencies are designated as successor entities to the former redevelopment agencies. Pursuant to Health and Safety Code Section 34169, until successor agencies are authorized, redevelopment agencies must continue to make all scheduled payments for enforceable obligations as defined in Health and Safety Code Section 34167(a). Pursuant to Health and Safety Code Section 34167, redevelopment agencies shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness.

(viii) The City adopted Resolution No. 6057 on August 13, 2011, adopting an Enforceable Obligation Payment Schedule. The Enforceable Obligation Schedule is attached hereto as Exhibit A and incorporated herein by reference (the "Original EOPS"). In accordance with Health and Safety Code Section 34169, the Original EOPS only lists payments obligated to be made, by month, through December 2011. Accordingly, the Agency desires to adopt this Resolution to amend the Original EOPS to include payments obligated to be made after December 31, 2011.

(ix) The amendments to the Original EOPS are set forth on Exhibit B attached to this Resolution and incorporated herein by reference (the "Amendments").

NOW, THEREFORE, the City Council of the City of Upland hereby resolves, declares and adopts the following:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Agency hereby adopts the Amendments. The Original EOPS, as amended by the Amendments, shall constitute the EOPS of the Agency.

Section 3. The Agency Secretary is hereby authorized and directed to post this Resolution, including the Exhibits, on the Agency's Internet Web site.

Section 4. Prior to dissolution, the Agency may amend the EOPS from time to time at any public meeting of the Agency. Any such further amendments shall be posted to the Agency's Internet Web site.

Section 5. The Agency Secretary is hereby authorized and directed to transmit a copy of this Resolution, including the Exhibits, by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance. A notification providing the Internet Web site location of the posted copy of this Resolution will suffice.

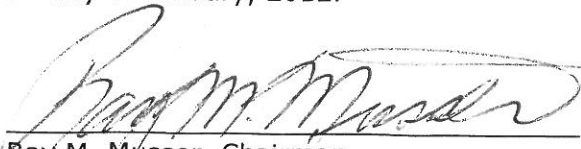
Section 6. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing documents associated with the Amendments to the California Department of Finance and the State Controller, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 7. The Agency hereby affirms the designation of Stephen Dunn, as the Agency official to whom the California Department of Finance may make requests for review in connection with the Amendments.

Section 8. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 9. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

PASSED, APPROVED, AND ADOPTED this 23rd day of January, 2012.


Ray M. Musser, Chairman

I, Stephanie A. Mendenhall, Secretary of the Redevelopment Agency, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Upland Community Redevelopment Agency held on the 23rd day of January, 2012, by the following vote:


AYES: Mayor Musser, Councilmembers Willis, Filippi, Stone

NOES: None

ABSENT: Councilmember Brandt

ABSTAINED: None

ATTEST:


Stephanie A. Mendenhall, Secretary

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
						Aug**	Sept	Oct	Nov	Dec	
1)	1998 Tax Alloc Refunding Bonds	US Bank	1998 Tax Alloc Refunding Bonds	16,135,000.00	1,312,487.50		1,312,487.50				\$1,312,487.50
2)	Refunding of 2001 TAN & Fin. Captl Prjcts	US Bank	2003 Subordinated Tax Alloc Bonds	10,475,000.00	859,696.50		859,696.50				\$ 859,696.50
3)	Refunding of 1998,2003,& 2004 TAN & Fin Captl Prjcts	US Bank	2006 Tax Alloc Refunding Bonds	14,535,000.00	472,840.50		472,840.50				\$ 472,840.50
4)	Upland Crossings	Lewis Homes	Infrastructure	1,700,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
5)	Employee Costs	Employees of Agency	Payroll for employees	500,000.00	500,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	\$ 500,000.00
6)	Office Supplies	Agency	Office Supplies	5,000.00	5,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	\$ 5,000.00
7)	Contract for Consulting Services	Urban Futures	Financial Consulting	75,000.00	25,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	\$ 25,000.00
8)	Contract for Consulting Services	LDM & Associates	Project Administration	270,000.00	135,000.00	22,500.00	22,500.00	22,500.00	22,500.00	22,500.00	\$ 315,500.00
9)	Contract for Consulting Services	Tierra West Advisors	Project Administration	75,000.00	12,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	\$ 12,500.00
10)	Contract for Consulting Services	Geographics	Project Administration	222,000.00	222,000.00			222,000.00			\$ 222,000.00
11)	Upland Chamber of Commerce	Upland Chamber of Commerce	Business support	16,500.00	6,875.00	1,375.00	1,375.00	1,375.00	1,375.00	1,375.00	\$ 6,875.00
12)	2007 Housing Rev. Bonds	US Bank	2007 Housing Rev. Bonds	18,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
13)	Contract for Consulting Services	RPM	Property Management Agreement	600,000.00	250,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	\$ 250,000.00
14)	Contract for Consulting Services	Rowe and Associates	Auditing services	15,000.00	15,000.00					15,000.00	\$ 15,000.00
15)	DDA/OPA	UCHI	Senior apartment expansion	1,266,280.00	1,266,280.00		1,226,280.00				\$1,226,280.00
16)	Cal-Home Program Match Contribution	Private Party	Subsidy contribution	245,000.00	245,000.00	49,000.00	49,000.00	49,000.00	49,000.00	49,000.00	\$ 245,000.00
17)											\$ -
18)											\$ -
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29)											\$ -
30)											\$ -
Totals - This Page				\$ 64,134,780.00	\$ 5,327,679.50	\$ 231,375.00	\$ 4,102,679.50	\$ 656,375.00	\$ 231,375.00	\$ 246,375.00	\$5,468,179.50
Totals - Page 2				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations				\$ -	\$ 1,075,487.66	\$ 267,333.44	\$ -	\$ 807,947.22	\$ -	\$ -	\$1,075,280.66
Grand total - All Pages				\$ 64,134,780.00	\$ 6,403,167.16	\$ 498,708.44	\$ 4,102,679.50	\$1,464,322.22	\$ 231,375.00	\$ 246,375.00	\$6,543,460.16

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

** Include only payments to be made after the adoption of the EOPS.

Project Area(s)

All

OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
					Aug**	Sept	Oct	Nov	Dec	Total
1) IEUA	IEUA	Payments per CRL	varies	267,333.44	267,333.44					\$ 267,333.44
2) San Bernardino County	San Bernardino County	Payments per CRL	varies	381,481.28			381,481.28			\$ 381,481.28
3) San Bernardino Collection Chrg	San Bernardino County	Payments per CRL	varies	99,452.28			99,245.28			\$ 99,245.28
4) CJUH School District	Chaffey High School Dist	Payments per CRL	varies	15,340.01			15,340.01			\$ 15,340.01
5) Chaffey College	Chaffey College	Payments per CRL	varies	22,002.76			22,002.76			\$ 22,002.76
6) Chino Basin Wtr. Cons. Dist.	Chino Basin Wtr. Cons. Dist.	Payments per CRL	varies	3,398.04			3,398.04			\$ 3,398.04
7) IE Conservation District	IE Conservation District	Payments per CRL	varies	8,010.52			8,010.52			\$ 8,010.52
8) Ont. Mont. Schl Dist.	Ontario Montclair Sch. Dist.	Payments per CRL	varies	8,914.82			8,914.82			\$ 8,914.82
9) UUSD	Upland Unified School Dist.	Payments per CRL	varies	132,129.18			132,129.18			\$ 132,129.18
10) SBC Library	San Bernardino County Lib.	Payments per CRL	varies	1,772.42			1,772.42			\$ 1,772.42
11) SBC Service Areas	San Bernardino County	Payments per CRL	varies	17,524.64			17,524.64			\$ 17,524.64
12) Monte Vista Fire District	Monte Vista Fire District	Payments per CRL	varies	757.50			757.50			\$ 757.50
13) SBC Flood Control District	SBC Flood Control District	Payments per CRL	varies	111,222.35			111,222.35			\$ 111,222.35
14) SBC Office of Education	SBC Office of Education	Payments per CRL	varies	6,148.42			6,148.42			\$ 6,148.42
15)										\$ -
16)										\$ -
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25)										\$ -
26)										\$ -
27)										\$ -
28)										\$ -
Totals - Other Obligations			\$ -	\$ 1,075,487.66	\$ 267,333.44	\$ -	\$ 807,947.22	\$ -	\$ -	\$ 1,075,280.66

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If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

** Include only payments to be made after the adoption of the EOPS.

*** All payment amounts are estimates

Project Area(s)

All**OTHER OBLIGATION PAYMENT SCHEDULE**

Per AB 26 - Section 34167 and 34169 (*)

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2)	San Bernardino County	San Bernardino County	Payments per CRL	varies	381,481.28			381,481.28			\$ 381,481.28
3)	San Bernardino Collection Chrg	San Bernardino County	Payments per CRL	varies	99,452.28			99,245.28			\$ 99,245.28
4)	CJUH School District	Chaffey High School Dist	Payments per CRL	varies	15,340.01			15,340.01			\$ 15,340.01
5)	Chaffey College	Chaffey College	Payments per CRL	varies	22,002.76			22,002.76			\$ 22,002.76
6)	Chino Basin Wtr. Cons. Dist.	Chino Basin Wtr. Cons. Dist.	Payments per CRL	varies	3,398.04			3,398.04			\$ 3,398.04
7)	IE Conservation District	IE Conservation District	Payments per CRL	varies	8,010.52			8,010.52			\$ 8,010.52
8)	Ont. Mont. Schl Dist.	Ontario Montclair Sch. Dist.	Payments per CRL	varies	8,914.82			8,914.82			\$ 8,914.82
9)	UUSD	Upland Unified School Dist.	Payments per CRL	varies	132,129.18			132,129.18			\$ 132,129.18
10)	SBC Library	San Bernardino County Lib.	Payments per CRL	varies	1,772.42			1,772.42			\$ 1,772.42
11)	SBC Service Areas	San Bernardino County	Payments per CRL	varies	17,524.64			17,524.64			\$ 17,524.64
12)	Monte Vista Fire District	Monte Vista Fire District	Payments per CRL	varies	757.50			757.50			\$ 757.50
13)	SBC Flood Control District	SBC Flood Control District	Payments per CRL	varies	111,222.35			111,222.35			\$ 111,222.35
14)	SBC Office of Education	SBC Office of Education	Payments per CRL	varies	6,148.42			6,148.42			\$ 6,148.42
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28)											\$ -
Totals - Other Obligations				\$ -	\$ 1,075,487.66	\$ 267,333.44	\$ -	\$ 807,947.22	\$ -	\$ -	\$ 1,075,280.66

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