

RESOLUTION NO. 6094

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE UPLAND COMMUNITY REDEVELOPMENT AGENCY ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

Intent of the Parties and Findings

A. AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (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").

B. 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 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.

C. 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.

D. As a result of the Supreme Court's decision, the Upland Community Redevelopment Agency (the "Redevelopment Agency"), a redevelopment agency in the City of Upland (the "City"), created pursuant to the Redevelopment Law, was dissolved pursuant to Part 1.85 on February 1, 2012.

E. By its Resolution No. 2011-4, adopted on August 13, 2011, the City Council of the City made an election to serve as the successor agency for the Redevelopment Agency under Part 1.85 (the "Successor Agency").

F. By its Resolution No. 6092, adopted on February 13, 2012, the City Council, acting as the governing board for the Successor Agency, established rules and regulations applicable to the governance and operation of the Successor Agency, and pursuant to such resolution provided that the Successor Agency will be governed by a Board of Directors (the "Board") consisting of the members of the City Council of the City.

G. By its Resolution No. 2012-1, adopted on January 23, 2012 the Redevelopment Agency approved an Enforceable Obligation Payment Schedule, as amended.

H. Health and Safety Code Section 34177(a) provides that successor agencies are required to continue to make payments due for enforceable obligations. Health and Safety Code Section 34177(a)(1), as modified by the Supreme Court, provides that on and after February 1, 2012, and until a Recognized Obligation Payment Schedule becomes operative, only payments required pursuant to an enforceable obligation payment schedule shall be made. The enforceable obligation schedule may be amended by the successor agency at any public meeting and shall be subject to the approval of the oversight board as soon as the board has sufficient members to form a quorum.

I. Accordingly, the Board desires to adopt this Resolution adopting an enforceable obligation schedule.

NOW, THEREFORE, the Board of Directors of the Successor Agency to the Upland Community Redevelopment Agency hereby finds, determines, resolves, and orders as follows:

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

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34177.

Section 3. The Board hereby adopts the enforceable obligation payment schedule attached as Exhibit A to this Resolution and incorporated herein by reference (the "Enforceable Obligation Payment Schedule").

Section 4. The Secretary is hereby authorized and directed to post the Enforceable Obligation Payment Schedule on the City's web site.

Section 5. The Enforceable Obligation Payment Schedule may be amended from time to time at any public meeting of the Board.

Section 6. The Secretary is hereby authorized and directed to transmit a copy of the Enforceable Obligation Payment Schedule by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance (the "Department of Finance"). A notification providing the Internet Web site location shall suffice.

Section 7. The officers and staff of the Successor 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 Enforceable Obligation Payment Schedule to the Department of Finance and the State Controller in the manner of their choosing, and any such actions previously taken by such officers are hereby ratified and confirmed. The Board hereby designates Stephen Dunn as the Agency official to whom the Department of Finance may make requests for review in connection with the Enforceable Obligation Payment Schedule.

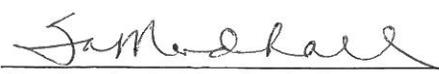
PASSED, APPROVED, AND ADOPTED this 13th day of February, 2012.



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 City Council held on the 13th day of February, 2012, by the following vote:

AYES: Chairman Musser, Board Members Willis, Brandt, Filippi, Stone
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST: 

Stephanie A. Mendenhall, Secretary

EXHIBIT A
ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

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 | | | | | Total |
|-----------------------------------|------------------------------|------------------|--------------------------------------|------------------------------|-------------------|------------|---------------|------|------|-----------------|
| | | | | | Aug** | Sept | Oct | Nov | Dec | |
| 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 | 99,245.28 | | 99,245.28 | | | | \$ 99,245.28 |
| 4) CUJH 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. Schi 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) | | | | | | | | | | \$ - |
| 17) | | | | | | | | | | \$ - |
| 18) | | | | | | | | | | \$ - |
| 19) | | | | | | | | | | \$ - |
| 20) | | | | | | | | | | \$ - |
| 21) | | | | | | | | | | \$ - |
| 22) | | | | | | | | | | \$ - |
| 23) | | | | | | | | | | \$ - |
| 24) | | | | | | | | | | \$ - |
| 25) | | | | | | | | | | \$ - |
| 26) | | | | | | | | | | \$ - |
| 27) | | | | | | | | | | \$ - |
| 28) | | | | | | | | | | \$ - |
| Totals - Other Obligations | | | | | \$ - | \$ - | \$ 807,947.22 | \$ - | \$ - | \$ 1,075,280.66 |

* 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.)
 ** Include only payments to be made after the adoption of the EOPS.
 *** All payment amounts are estimates

RESOLUTION NO. 6095

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE UPLAND COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE INVESTMENT OF MONEYS IN THE LOCAL AGENCY INVESTMENT FUND OF THE STATE OF CALIFORNIA AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

Intent of the Parties and Findings:

A. AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (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").

B. 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 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.

C. 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.

D. As a result of the Supreme Court's decision, the Upland Community Redevelopment Agency (the "Redevelopment Agency"), a redevelopment agency in the City of Upland (the "City"), created pursuant to the Redevelopment Law, was dissolved pursuant to Part 1.85 on February 1, 2012.

E. By its Resolution No. 6057, adopted on August 13, 2011, the City Council of the City made an election to serve as the successor agency to the Redevelopment Agency under Part 1.85 (the "Successor Agency").

F. By its Resolution No. 6092, adopted on February 13, 2012, the City Council, acting as the governing board for the Successor Agency, established rules and regulations applicable to the governance and operation of the Successor Agency, and pursuant to such resolution provided that the Successor Agency will be governed by a Board of Directors (the "Board") consisting of the members of the City Council of the City.

G. Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create the Local Agency Investment Fund ("LAIF") in the State Treasury for the deposit of moneys of local agencies for investment by the State Treasurer.

H. The Redevelopment Agency from time to time invested its money in LAIF in accordance with the provisions of Section 16429.1 of the California Government Code.

I. Pursuant to Part 1.85, all assets and properties of the Redevelopment Agency are transferred to the control of the Successor Agency as of February 1, 2012.

J. In response to a request of the State Treasurer's Office, the Board wishes to adopt this resolution authorizing the investment of Successor Agency moneys in LAIF and

authorizing certain officers of the Successor Agency to order the deposit or withdrawal of moneys in LAIF on behalf of the Successor Agency.

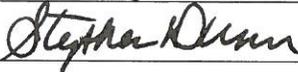
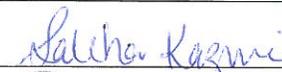
NOW, THEREFORE, the Upland City Council, acting as the Successor Agency, hereby finds, determines, and resolves as follows:

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

Section 2. The Board hereby finds that it is in the best interest of the Successor Agency to deposit and withdraw moneys in LAIF from time to time in accordance with the provisions of Section 16429.1 of the California Government Code for the purpose of investment as stated therein.

Section 3. The deposit and withdrawal of the Successor Agency's monies in LAIF in accordance with the provisions of Section 16429.1 of the California Government Code from time to time for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard, are hereby authorized.

Section 4. The following Upland officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in LAIF on behalf of the Successor Agency for any account of the Successor Agency (including accounts maintained by the Redevelopment Agency which are now accounts of the Successor Agency):

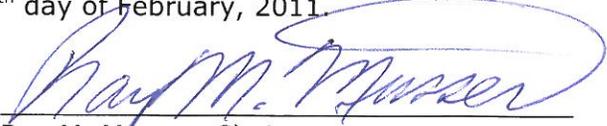
| Name | Title | Signature | Authorized By | |
|----------------------|----------------------------------|--|---------------|------------|
| | | | Resolution | Delegation |
| Stephen Dunn | City Manager |  | X | |
| Stephanie Mendenhall | Administrative Services Director |  | X | |
| Saleha Kazmi | Senior Accountant |  | X | |
| Rose Martinez | Acctg Technician |  | | X |

Section 5. The officers of the Successor Agency are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any additional instruments which they may deem necessary or advisable in order to effectuate the purposes of this Resolution and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 6. The Secretary of the Successor Agency is hereby authorized and directed to submit a certified copy of this Resolution and such forms as may be required to the Office of the State Treasurer to effectuate the purposes of this Resolution.

Section 7. Certification. The City Clerk of the City of Upland shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 13th day of February, 2011.



 Ray M. Musser, Chairman

I, Stephanie A. Mendenhall, Secretary of the Successor Agency, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 13th day of February, 2012, by the following vote:

AYES: Chairman Musser, Board Members Willis, Brandt, Filippi, Stone

NOES: None

ABSENT: None

ABSTAINED: None

ATTEST:



Stephanie A. Mendenhall, Secretary