

CITY OF LOMA LINDA
CITY COUNCIL AS SUCCESSOR AGENCY
TO THE LOMA LINDA REDEVELOPMENT AGENCY

AGENDA

REGULAR MEETING OF AUGUST 25, 2015

A regular meeting of the City Council of the City of Loma Linda as successor agency to the Loma Linda Redevelopment Agency is scheduled to be held Tuesday, August 25, 2015 in the City Council Chamber, 25541 Barton Road, Loma Linda, California. *Pursuant to Municipal Code Section 2.08.010, study session or closed session items may begin at 5:30 p.m. or as soon thereafter as possible. The public meeting begins at 7:00 p.m.*

In acting in the limited capacity of Successor Agency as provided in California Health and Safety Code §§ 34173 and 34176, the City Council expressly determines, recognizes, reaffirms, and ratifies the statutory limitation on the City and the City Council's liability with regards to the responsibilities of the former Loma Linda Redevelopment Agency under AB 1X26. Nothing herein shall be construed as an action, commitment, obligation, or debt of the City itself, or a commitment of any resources, funds, or assets of the City to fund the City's limited capacity as the Successor Agency to the Loma Linda Redevelopment Agency. Obligations of the Successor Agency shall be funded solely by those funds or resources provided for that purpose pursuant to AB 1X26 and related statutes.

Reports and Documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours. The Loma Linda Branch Library is also provided an agenda packet for your convenience. The agenda and reports are also located on the City's Website at www.lomalinda-ca.gov.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 25541 Barton Road, Loma Linda, CA during normal business hours. Such documents are also available on the City's website at www.lomalinda-ca.gov subject to staff's ability to post the documents before the meeting.

Persons wishing to speak on an agenda item, including any closed session items, are asked to complete an information card and present it to the City Clerk prior to consideration of the item. When the item is to be considered, please step forward to the podium, the Chair will recognize you and you may offer your comments. The City Council meeting is recorded to assist in the preparation of the Minutes, and you are therefore asked to give your name and address prior to offering testimony.

The Oral Reports/Public Participation portion of the agenda pertains to items NOT on the agenda and is limited to 30 minutes; 3 minutes allotted for each speaker. Pursuant to the Brown Act, no action may be taken by the City Council at this time; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 799-2819. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible.

Agenda item requests for the SEPTEMBER 8, 2015 meeting must be submitted in writing to the City Clerk no later than NOON, MONDAY, AUGUST 24, 2015.

A. **Call To Order**

B. **Roll Call**

C. **Items To Be Added Or Deleted**

D. **Oral Reports/Public Participation - Non-Agenda Items** (Limited to 30 minutes; 3 minutes allotted for each speaker)

E. **Conflict of Interest** Disclosure - Note agenda item that may require member abstentions due to possible conflicts of interest

F. **Consent Calendar**

1. Demands Register
2. Minutes of July 28, 2015

G. **New Business**

3. Joint meeting of the Successor Agency and City Council regarding approval and ratification of an agreement entitled “Agreement Concerning Certain Expenses Implementing Dissolution” and independently ratifying certain expenses as made and authorizing the inclusion of such expenditures on the Recognized Obligations Payment Schedules (ROPS) of the Successor Agency [**Finance**]
 - a. Successor Agency Bill #R-2015-32
 - b. Council Bill #R-2015-33

H. **Adjournment**



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Phill Dupper, Mayor pro tempore
Ovidiu Popescu, Councilman
Ronald Dailey, Councilman
John Lenart, Councilman

SUCCESSOR AGENCY AGENDA: August 25, 2015
TO: City Council
VIA: T. Jarb Thaipejr, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of July 28, 2015

Approved/Continued/Denied By City Council Date _____
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RECOMMENDATION

It is recommended that the City Council as the Successor Agency to the Redevelopment Agency approve the Minutes of July 28, 2015.

SUCCESSOR AGENCY AGENDA ITEM 2

City of Loma Linda

City Council as Successor Agency
To the Loma Linda Redevelopment Agency

Minutes

Regular Meeting of July 28, 2015

A regular meeting of the City Council as Successor Agency to the Loma Linda Redevelopment Agency was called to order by Mayor Rigsby at 9:03 p.m., Tuesday, July 28, 2015, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:

Mayor Rhodes Rigsby
Mayor pro tempore Phill Dupper
Ovidiu Popescu
Ron Dailey

Councilmen Absent:

John Lenart

Others Present:

City Manager T. Jarb Thaipejr
City Attorney Richard Holdaway

No items were added or deleted, no public participation comments were offered upon invitation of the Chair, and no conflicts of interest were noted.

SA-2015-13 – Consent Calendar

Motion by Duper, seconded by Popescu and unanimously carried to approve the following items.

The Demands Register dated July 28, 2015 for fiscal year 2014-2015 with commercial demands totaling \$83.12.

The Minutes of July 14, 2015 as presented.

The meeting adjourned at 9:04 p.m.

Approved at the meeting of _____ 2015.

City Clerk

CITY COUNCIL AND SUCCESSOR AGENCY
MEETING DATE: August 25, 2015

ITEM TITLE: Consideration of a Resolution Approving and Ratifying an agreement entitled “Agreement Concerning Certain Expenses Implementing Dissolution” and independently ratifying certain expenses as made and authorizing the inclusion of such expenditures on the Recognized Obligations Payment Schedules of the Successor Agency.

RECOMMENDATION:

Adopt a Resolution Approving and Ratifying an agreement entitled “Agreement Concerning Certain Expenses Implementing Dissolution” and independently ratifying certain expenses as made and authorizing the inclusion of such expenditures on the Recognized Obligations Payment Schedules of the Successor Agency.

BACKGROUND AND OVERVIEW:

A. The City of Loma Linda (“City”) formerly activated the Loma Linda Redevelopment Agency (“Former Agency”); the latter performed as a redevelopment pursuant to Part 1 of Division 24 of the California Health & Safety Code. The Former Agency, as well as all redevelopment agencies in the State of California, was eliminated by ABx1 26 (“AB26”) as enacted in 2011. AB26 contained provisions concerning the conduct of dissolution of redevelopment agencies. AB26 was modified in certain respects by AB 1484, Chapter 26, Statutes of 2012 (“AB1484” and, together with AB26 as modified thereby, the “Dissolution Law”). The Dissolution Law provides, in part that advances made by a city to a successor agency in furtherance of the process of dissolution are payable from moneys in the redevelopment property tax trust fund (“RPTTF”) subject to approval by the oversight board to the corresponding successor agency; see, for example, Health and Safety Code Sections 34173(h), 34171(d)(1)(F) and 34177.3(b). Section 34177.3(b) provides: “Successor agencies may create enforceable obligations to conduct the work of winding down the redevelopment agency, including hiring staff, acquiring necessary professional administrative services and legal counsel, and procuring insurance.”

B. The City and the governing board of the successor agency to the Former Agency (the “Successor Agency”) previously entered into an agreement under which moneys paid by the City on behalf of the Successor Agency would be repaid by the Successor Agency from RPTTF moneys under the process for Recognized Obligation Payment Schedules (“ROPS”); that agreement was considered by and ratified by the oversight board to the Successor Agency (the “Oversight Board”). The City has expended certain amounts in connection with the furtherance of dissolution activities, including but not limited to the expenditure of the sum of One Hundred Fifty Seven Thousand Seven Hundred Eighty Eight Dollars and Seventy Two Cents (\$157,788.72)(the “Defined Expenditures”), which amount was expended for legal services in connection with the dissolution of the Former Agency and related activities in connection therewith. The matters with respect to which the Defined Expenditures were made culminated in a settlement approved by the California Department of Finance (“DOF”).

C. City staff and Successor Agency staff recommend that the City and Successor Agency approve the accompanying resolutions; these recognize the "Defined Expenditures" as enforceable obligations, subject to repayment on future ROPS; should the City and Successor Agency adopt the accompanying resolutions and approve and execute the Agreement, such Agreement and actions will be forwarded to the Oversight Board. At such point, the City and Successor Agency would request that the Oversight Board ratify the Defined Expenditures as "enforceable obligations" and approve and authorize the payment to City, through the ROPS process, of the amount of the Defined Expenditures together with interest thereon at the rate established from time to time for the Local Agency Investment Fund ("LAIF").

D. The Successor Agency has received a finding of completion from DOF.

Upon approval by the Oversight Board, the Successor Agency would include the Defined Expenditures as enforceable obligations on future ROPS.

Staff for the City and the Successor Agency request approval of the accompanying resolutions (by the City Council and by the Successor Agency, respectively).

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY RATIFYING CERTAIN PAYMENTS AS IMPLEMENTING DISSOLUTION OF THE FORMER LOMA LINDA REDEVELOPMENT AGENCY, AUTHORIZING EXECUTION OF AN AGREEMENT AND AUTHORIZING PAYMENT OF CERTAIN PAYMENTS

WHEREAS, the Loma Linda Redevelopment Agency (“Former Agency”) was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. (“CRL”), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Loma Linda (“City”); and

WHEREAS, Assembly Bill ABx1 26 (Chapter 5, Statutes of 2011) added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies (“AB26”), which enactment was amended in certain respects by AB 1484 (Chapter 26, Statutes of 2012; “AB 1484” and together with AB26 as amended thereby the “Dissolution Act”); and

WHEREAS, on December 29, 2011, in connection with *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld AB26 and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in AB26 that were reformed and extended thereby; and

WHEREAS, commencing as of February 1, 2012, the City has served and continues to serve as the successor agency to the Former Agency (in such capacity, the “Successor Agency”) and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Former Agency and otherwise unwind the Former Agency's affairs, all subject to the review and approval by an oversight board established pursuant to Health & Safety Code Section 34179 (“Oversight Board”); and

WHEREAS, the California Department of Finance has recently issued to the Successor Agency a finding of completion (“Finding of Completion”) based upon the progress made by the Successor Agency toward dissolution and in recognition of the settlement of certain litigation which had occurred; and

WHEREAS, the Dissolution Act provides that while new agreements generally may not be entered into by a successor agency, per Health and Safety Code sections 34177.3(b), 34173(h) and Section 34171(d)(1)(F), agreements are authorized and moneys advanced by the host city shall be repaid from moneys in the redevelopment property tax trust fund (“RPTTF”) where they pertain to the provision by the host city of moneys as advances to assist in defraying ongoing costs of the successor agency in implementing dissolution of the corresponding redevelopment agency. The expenditures which are enumerated in the accompanying staff report (and which are referred to therein and herein as the “Defined Expenditures”) have previously been approved by the City Council of the City and the governing board of the Successor Agency. The expenditures all were for the implementation of dissolution of the Former Agency; and

WHEREAS, the City and Successor Agency earlier approved an agreement, entitled “Successor Agency Cooperative Agreement”, dated as of April 10, 2012 (the “2012 Agreement”)

under which the City agreed to expend moneys on behalf of the Successor Agency in connection with the activities of the Successor Agency to implement dissolution activities with respect to the Former Agency. Such expenses by the City on behalf of the Successor Agency are, as indicated by the 2012 Agreement, loans by the City to the Successor Agency, and, in addition, shall be, upon approval by the Oversight Board, independently authorized by that certain "Agreement Concerning Certain Expenses Implementing Dissolution" as presented herewith (the "Agreement") as well as the aforementioned provisions of the Dissolution Act; and

WHEREAS, by the Agreement, the City and Successor Agency have memorialized and ratified certain expenditures which were made as a loan to the Successor Agency for the purpose of furthering the dissolution activities of the Successor Agency with respect to the winding up of affairs of the Former Agency; and

WHEREAS, the governing board of the Successor Agency has reviewed the documentation and testimony concerning each of the Defined Expenditures and the Agreement and hereby finds and determines that the Defined Expenditures were previously authorized, were made for legitimate redevelopment purposes, constitute enforceable obligations under Health and Safety Code section 34177.3 incurred in connection with the winding down of the Former Agency, and are enforceable obligations and shall be recognized as payable from RPTTF moneys in connection with ROPS processes; and

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2. Pursuant to the Dissolution Act, the Successor Agency finds and determines that the Defined Expenditures were previously authorized, were made for legitimate redevelopment purposes, were incurred in connection with the winding down of the Former Agency, and shall hereafter be payable from RPTTF moneys on ROPS as filed from time to time by the Successor Agency.

SECTION 3. The Successor Agency authorizes and directs its Executive Director to execute the Agreement and to transmit the Agreement to the Oversight Board.

SECTION 4. The Successor Agency approves and ratifies and approves the Agreement and authorizes and approves the inclusion of the Agreement and the Defined Expenditures on ROPS.

SECTION 5. This Resolution shall be effective immediately upon its approval.

SECTION 6. The Successor Agency shall maintain on file as a public record this Resolution.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Successor Agency to the Loma Linda Redevelopment Agency, held on this the __th day of _____, 2015 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Successor Agency

ATTEST:

Successor Agency Secretary

EXHIBIT "A"
AGREEMENT

AGREEMENT CONCERNING CERTAIN EXPENSES IMPLEMENTING DISSOLUTION

THIS AGREEMENT CONCERNING CERTAIN EXPENSES IMPLEMENTING DISSOLUTION (the "Agreement") is entered into as of August __, 2015, by and between the **CITY OF LOMA LINDA**, a municipal corporation (herein the "City") and the **CITY OF LOMA LINDA, ACTING SOLELY IN THE CAPACITY AS THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY** (herein the "Successor Agency").

RECITALS

A. Pursuant to the provisions of the California Redevelopment Law (Health and Safety Code Section 33000 et seq.[the "Redevelopment Law"]), the City Council of the City of Loma Linda, activated the Loma Linda Redevelopment Agency (the "Former Agency").

B. By legislation enacted in 2011 (ABx1 26, Chapter 1, Statutes of 2011 ["AB26"]), redevelopment agencies throughout California were dissolved, which dissolution was effective February 1, 2012. Under AB26, administration of activities of the Former Agency were to be conducted by a successor agency, as prescribed under Part 1.85, Chapter 3 as approved by AB26. The City was designated as the Successor Agency for such purposes. Additional legislation concerning the dissolution of redevelopment agencies was enacted by the California Legislature as AB 1484, Chapter 26, Statutes of 2012 ("AB1484" and, together with AB 26 as amended thereby, the "Dissolution Act").

C. The Successor Agency has been performing and will continue to perform certain activities, including without limitation the administration of certain moneys and properties formerly held by the Former Agency, the provision of information, submittal of reports and interacting with an oversight board as established pursuant to the Dissolution Act with respect to the Former Agency (the "Oversight Board"). The Successor Agency is performing a public function.

D. The Dissolution Act provides that while new agreements generally may not be entered into by a successor agency, per Health and Safety Code sections 34177.3(b), 34173(h) and Section 34171(d)(1)(F), agreements are authorized and moneys advanced by the host city shall be repaid from moneys in the redevelopment property tax trust fund ("RPTTF") where they pertain to the provision by the host city of moneys as advances to assist in defraying ongoing costs of the successor agency in implementing dissolution of the corresponding redevelopment agency. The expenditures which are enumerated in Exhibit "A" hereto (the "Defined Expenditures") have previously been approved by the City Council of the City and the governing board of the Successor Agency. The expenditures all were for the implementation of dissolution of the Former Agency.

E. The City and Successor Agency earlier approved an agreement, entitled "Successor Agency Cooperative Agreement", dated as of April 10, 2012 (the "2012 Agreement") under which the City agreed to expend moneys on behalf of the Successor Agency in connection with the activities of the Successor Agency to implement dissolution activities with respect to the Former Agency. Such expenses by the City on behalf of the Successor Agency are, as indicated by the 2012 Agreement, loans by the City to the Successor Agency, and, in addition, are independently authorized by this Agreement as well as the aforementioned provisions of the Dissolution Act.

F. The City and the Successor Agency desire to enter into this Agreement, which Agreement has been or shall be duly presented to the Oversight Board. By this Agreement, the City and Successor Agency memorialize and ratify certain expenditures which were made as a loan to the

Successor Agency for the purpose of furthering the dissolution activities of the Successor Agency with respect to the winding up of affairs of the Former Agency.

AGREEMENTS

1. The City has advanced to the Successor Agency the Defined Expenditures for those items delineated in Exhibit "A" hereto.

2. The Successor Agency agrees to include the Defined Expenditures, including interest at the rates from time to time established for moneys on deposit in the Local Agency Investment Fund (LAIF), on each recognized obligation payment schedule ("ROPS") of the Successor Agency until such Defined Expenditures have been fully remitted by the Successor Agency, from RPTTF moneys. The Successor Agency shall cause to be forwarded to the oversight board for the Successor Agency (the "Oversight Board") a copy of this Agreement, together with a request that the Defined Expenditures be included in all future ROPS of the Successor Agency until an amount equal to the Defined Expenditures has been fully remitted to the Successor Agency from RPTTF moneys.

3. This Agreement does not constitute a novation and does not prejudice any claims which the City may have to payments. This Agreement does not modify or supersede any prior agreements of the Successor Agency or any agreements of the Former Agency.

4. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LOMA LINDA

By: _____
Rhodes Rigsby, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

CITY OF LOMA LINDA SOLELY IN ITS
CAPACITY AS SUCCESSOR AGENCY TO THE
LOMA LINDA REDEVELOPMENT AGENCY

By: _____
T. Jarb Thaipejr, Executive Director

ATTEST:

Pamela Byrnes-O'Camb, Successor Agency Secretary

EXHIBIT "A"

DEFINED EXPENDITURES

The amount of One Hundred Fifty Seven Thousand Seven Hundred Eighty Eight Dollars and Seventy Two Cents (\$157,788.72) for legal services rendered by Rutan & Tucker, LLP, a limited liability partnership including professional corporations.

CITY COUNCIL AND SUCCESSOR AGENCY

MEETING DATE: August 25, 2015

ITEM TITLE: Consideration of a Resolution Approving and Ratifying an agreement entitled “Agreement Concerning Certain Expenses Implementing Dissolution” and independently ratifying certain expenses as made and authorizing the inclusion of such expenditures on the Recognized Obligations Payment Schedules of the Successor Agency.

RECOMMENDATION:

Adopt a Resolution Approving and Ratifying an agreement entitled “Agreement Concerning Certain Expenses Implementing Dissolution” and independently ratifying certain expenses as made and authorizing the inclusion of such expenditures on the Recognized Obligations Payment Schedules of the Successor Agency.

BACKGROUND AND OVERVIEW:

A. The City of Loma Linda (“City”) formerly activated the Loma Linda Redevelopment Agency (“Former Agency”); the latter performed as a redevelopment pursuant to Part 1 of Division 24 of the California Health & Safety Code. The Former Agency, as well as all redevelopment agencies in the State of California, was eliminated by ABx1 26 (“AB26”) as enacted in 2011. AB26 contained provisions concerning the conduct of dissolution of redevelopment agencies. AB26 was modified in certain respects by AB 1484, Chapter 26, Statutes of 2012 (“AB1484” and, together with AB26 as modified thereby, the “Dissolution Law”). The Dissolution Law provides, in part that advances made by a city to a successor agency in furtherance of the process of dissolution are payable from moneys in the redevelopment property tax trust fund (“RPTTF”) subject to approval by the oversight board to the corresponding successor agency; see, for example, Health and Safety Code Sections 34173(h), 34171(d)(1)(F) and 34177.3(b). Section 34177.3(b) provides: “Successor agencies may create enforceable obligations to conduct the work of winding down the redevelopment agency, including hiring staff, acquiring necessary professional administrative services and legal counsel, and procuring insurance.”

B. The City and the governing board of the successor agency to the Former Agency (the “Successor Agency”) previously entered into an agreement under which moneys paid by the City on behalf of the Successor Agency would be repaid by the Successor Agency from RPTTF moneys under the process for Recognized Obligation Payment Schedules (“ROPS”); that agreement was considered by and ratified by the oversight board to the Successor Agency (the “Oversight Board”). The City has expended certain amounts in connection with the furtherance of dissolution activities, including but not limited to the expenditure of the sum of One Hundred Fifty Seven Thousand Seven Hundred Eighty Eight Dollars and Seventy Two Cents (\$157,788.72)(the “Defined Expenditures”), which amount was expended for legal services in connection with the dissolution of the Former Agency and related activities in connection therewith. The matters with respect to which the Defined Expenditures were made culminated in a settlement approved by the California Department of

Finance (“DOF”). The Defined Expenditures are not subject to the limitation set forth in section 34171(b).

C. City staff and Successor Agency staff recommend that the City and Successor Agency approve the accompanying resolutions; these recognize the “Defined Expenditures” as enforceable obligations, subject to repayment on future ROPS; should the City and Successor Agency adopt the accompanying resolutions and approve and execute the Agreement, such Agreement and actions will be forwarded to the Oversight Board. At such point, the City and Successor Agency would request that the Oversight Board ratify the Defined Expenditures as “enforceable obligations” and approve and authorize the payment to City, through the ROPS process, of the amount of the Defined Expenditures together with interest thereon at the rate established from time to time for the Local Agency Investment Fund (“LAIF”).

D. The Successor Agency has received a finding of completion from DOF.

Upon approval by the Oversight Board, the Successor Agency would include the Defined Expenditures as enforceable obligations on future ROPS.

Staff for the City and the Successor Agency request approval of the accompanying resolutions (by the City Council and by the Successor Agency, respectively).

RESOLUTION NO. 2015-

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY RATIFYING CERTAIN PAYMENTS AS IMPLEMENTING DISSOLUTION OF THE FORMER LOMA LINDA REDEVELOPMENT AGENCY, AUTHORIZING EXECUTION OF AN AGREEMENT AND AUTHORIZING PAYMENT OF CERTAIN PAYMENTS

WHEREAS, the Loma Linda Redevelopment Agency (“Former Agency”) was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. (“CRL”), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Loma Linda (“City”); and

WHEREAS, Assembly Bill ABx1 26 (Chapter 5, Statutes of 2011) added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies (“AB26”), which enactment was amended in certain respects by AB 1484 (Chapter 26, Statutes of 2012; “AB 1484” and together with AB26 as amended thereby the “Dissolution Act”); and

WHEREAS, on December 29, 2011, in connection with *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld AB26 and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in AB26 that were reformed and extended thereby; and

WHEREAS, commencing as of February 1, 2012, the City has served and continues to serve as the successor agency to the Former Agency (in such capacity, the “Successor Agency”) and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Former Agency and otherwise unwind the Former Agency's affairs, all subject to the review and approval by an oversight board established pursuant to Health & Safety Code Section 34179 (“Oversight Board”); and

WHEREAS, the California Department of Finance has recently issued to the Successor Agency a finding of completion (“Finding of Completion”) based upon the progress made by the Successor Agency toward dissolution and in recognition of the settlement of certain litigation which had occurred; and

WHEREAS, the Dissolution Act provides that while new agreements generally may not be entered into by a successor agency, per Health and Safety Code sections 34177.3(b), 34173(h) and Section 34171(d)(1)(F), agreements are authorized and moneys advanced by the host city shall be repaid from moneys in the redevelopment property tax trust fund (“RPTTF”) where they pertain to the provision by the host city of moneys as advances to assist in defraying ongoing costs of the successor agency in implementing dissolution of the corresponding redevelopment agency. The expenditures which are enumerated in the accompanying staff report (and which are referred to therein and herein as the “Defined Expenditures”) have previously been approved by the City Council of the City and the governing board of the Successor Agency. The expenditures all were for the implementation of dissolution of the Former Agency; and

WHEREAS, the City and Successor Agency earlier approved an agreement, entitled “Successor Agency Cooperative Agreement”, dated as of April 10, 2012 (the “2012 Agreement”)

under which the City agreed to expend moneys on behalf of the Successor Agency in connection with the activities of the Successor Agency to implement dissolution activities with respect to the Former Agency. Such expenses by the City on behalf of the Successor Agency are, as indicated by the 2012 Agreement, loans by the City to the Successor Agency, and, in addition, shall be, upon approval by the Oversight Board, independently authorized by that certain “Agreement Concerning Certain Expenses Implementing Dissolution” as presented herewith (the “Agreement”) as well as the aforementioned provisions of the Dissolution Act; and

WHEREAS, by the Agreement, the City and Successor Agency have memorialized and ratified certain expenditures which were made as a loan to the Successor Agency for the purpose of furthering the dissolution activities of the Successor Agency with respect to the winding up of affairs of the Former Agency; and

WHEREAS, the governing board of the Successor Agency has reviewed the documentation and testimony concerning each of the Defined Expenditures and the Agreement and hereby finds and determines that the Defined Expenditures were previously authorized, were made for legitimate redevelopment purposes, constitute enforceable obligations under Health and Safety Code section 34177.3 incurred in connection with the winding down of the Former Agency, and are enforceable obligations and shall be recognized as payable from RPTTF moneys in connection with ROPS processes; and

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2. Pursuant to the Dissolution Act, the Successor Agency finds and determines that the Defined Expenditures were previously authorized, were made for legitimate redevelopment purposes, were incurred in connection with the winding down of the Former Agency, and shall hereafter be payable from RPTTF moneys on ROPS as filed from time to time by the Successor Agency. The Defined Expenditures are not subject to the limitation set forth in section 34171(b).

SECTION 3. The Successor Agency authorizes and directs its Executive Director to execute the Agreement and to transmit the Agreement to the Oversight Board.

SECTION 4. The Successor Agency approves and ratifies and approves the Agreement and authorizes and approves the inclusion of the Agreement and the Defined Expenditures on ROPS.

SECTION 5. This Resolution shall be effective immediately upon its approval.

SECTION 6. The Successor Agency shall maintain on file as a public record this Resolution.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Successor Agency to the Loma Linda Redevelopment Agency, held on this the 25th day of August, 2015 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Successor Agency

ATTEST:

Successor Agency Secretary

EXHIBIT "A"
AGREEMENT

AGREEMENT CONCERNING CERTAIN EXPENSES IMPLEMENTING DISSOLUTION

THIS AGREEMENT CONCERNING CERTAIN EXPENSES IMPLEMENTING DISSOLUTION (the “Agreement”) is entered into as of September __, 2015, by and between the **CITY OF LOMA LINDA**, a municipal corporation (herein the “City”) and the **CITY OF LOMA LINDA, ACTING SOLELY IN THE CAPACITY AS THE SUCCESSOR AGENCY TO THE LOMA LINDA REDEVELOPMENT AGENCY** (herein the “Successor Agency”).

RECITALS

A. Pursuant to the provisions of the California Redevelopment Law (Health and Safety Code Section 33000 et seq.[the “Redevelopment Law”]), the City Council of the City of Loma Linda, activated the Loma Linda Redevelopment Agency (the “Former Agency”).

B. By legislation enacted in 2011 (ABx1 26, Chapter 1, Statutes of 2011 [“AB26”]), redevelopment agencies throughout California were dissolved, which dissolution was effective February 1, 2012. Under AB26, administration of activities of the Former Agency were to be conducted by a successor agency, as prescribed under Part 1.85, Chapter 3 as approved by AB26. The City was designated as the Successor Agency for such purposes. Additional legislation concerning the dissolution of redevelopment agencies was enacted by the California Legislature as AB 1484, Chapter 26, Statutes of 2012 (“AB1484” and, together with AB 26 as amended thereby, the “Dissolution Act”).

C. The Successor Agency has been performing and will continue to perform certain activities, including without limitation the administration of certain moneys and properties formerly held by the Former Agency, the provision of information, submittal of reports and interacting with an oversight board as established pursuant to the Dissolution Act with respect to the Former Agency (the “Oversight Board”). The Successor Agency is performing a public function.

D. The Dissolution Act provides that while new agreements generally may not be entered into by a successor agency, per Health and Safety Code sections 34177.3(b), 34173(h) and Section 34171(d)(1)(F), agreements are authorized and moneys advanced by the host city shall be repaid from moneys in the redevelopment property tax trust fund (“RPTTF”) where they pertain to the provision by the host city of moneys as advances to assist in defraying ongoing costs of the successor agency in implementing dissolution of the corresponding redevelopment agency. The expenditures which are enumerated in Exhibit “A” hereto (the “Defined Expenditures”) have previously been approved by the City Council of the City and the governing board of the Successor Agency. The expenditures all were for the implementation of dissolution of the Former Agency and are not subject to the limitation set forth in section 34171(b).

E. The City and Successor Agency earlier approved an agreement, entitled “Successor Agency Cooperative Agreement”, dated as of April 10, 2012 (the “2012 Agreement”) under which the City agreed to expend moneys on behalf of the Successor Agency in connection with the activities of the Successor Agency to implement dissolution activities with respect to the Former Agency. Such expenses by the City on behalf of the Successor Agency are, as indicated by the 2012 Agreement, loans by the City to the Successor Agency, and, in addition, are independently authorized by this Agreement as well as the aforementioned provisions of the Dissolution Act.

F. The City and the Successor Agency desire to enter into this Agreement, which Agreement has been or shall be duly presented to the Oversight Board. By this Agreement, the City and Successor Agency memorialize and ratify certain expenditures which were made as a loan to the Successor Agency for the purpose of furthering the dissolution activities of the Successor Agency with respect to the winding up of affairs of the Former Agency.

AGREEMENTS

1. The City has advanced to the Successor Agency the Defined Expenditures for those items delineated in Exhibit "A" hereto.

2. The Successor Agency agrees to include the Defined Expenditures, including interest at the rates from time to time established for moneys on deposit in the Local Agency Investment Fund (LAIF), on each recognized obligation payment schedule ("ROPS") of the Successor Agency until such Defined Expenditures have been fully remitted by the Successor Agency, from RPTTF moneys. The Successor Agency shall cause to be forwarded to the oversight board for the Successor Agency (the "Oversight Board") a copy of this Agreement, together with a request that the Defined Expenditures be included in all future ROPS of the Successor Agency until an amount equal to the Defined Expenditures has been fully remitted to the Successor Agency from RPTTF moneys. The Defined Expenditures are not subject to the limitation set forth in section 34171(b).

3. This Agreement does not constitute a novation and does not prejudice any claims which the City may have to payments. This Agreement does not modify or supersede any prior agreements of the Successor Agency or any agreements of the Former Agency.

4. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

(signatures appear on following page)

CITY OF LOMA LINDA

By: _____
Rhodes Rigsby, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

CITY OF LOMA LINDA SOLELY IN ITS
CAPACITY AS SUCCESSOR AGENCY TO THE
LOMA LINDA REDEVELOPMENT AGENCY

By: _____
T. Jarb Thaipejr, Executive Director

ATTEST:

Pamela Byrnes-O'Camb
Successor Agency Secretary

EXHIBIT "A"

DEFINED EXPENDITURES

The amount of One Hundred Fifty Seven Thousand Seven Hundred Eighty Eight Dollars and Seventy Two Cents (\$157,788.72) for legal services rendered by Rutan & Tucker, LLP, a limited liability partnership including professional corporations.