

RESOLUTION OB NO. 2013-04

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE INDIAN WELLS REDEVELOPMENT AGENCY, CALIFORNIA, DIRECTING THE COMMENCEMENT OF REFUNDING OF CERTAIN BONDS

WHEREAS, California Assembly Bill No. 26 (First Extraordinary Session) ("AB1X 26") adopted on June 29, 2011, dissolved all redevelopment agencies in existence in the State of California, as of February 1, 2012, and designated "successor agencies" and "oversight boards" to satisfy "enforceable obligations" of the former redevelopment agencies and administer dissolution and wind down of the former redevelopment agencies; and

WHEREAS, Assembly Bill No. 1484, a follow on bill to AB1X 26, was enacted on June 27, 2012 and provides a mechanism to refund tax allocation bonds under certain circumstances; and

WHEREAS, Health and Safety Code Section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, an oversight board (the "Oversight Board") has been duly established for the Successor Agency to the Indian Wells Redevelopment Agency (the "Successor Agency") pursuant to Health and Safety Code Section 34179(a); and

WHEREAS, the Oversight Board, pursuant to Health and Safety Code Section 34177.5(f), may direct the Successor Agency to issue bonds to refund the bonds of the now dissolved Indian Wells Redevelopment Agency (the "Former Agency") to provide debt service savings to the Successor Agency; and

WHEREAS, an Oversight Board may only direct such a refunding so long as the successor agency is able to recover its related costs in connection with the transaction; and

WHEREAS, the recovery of such costs in connection with such a refunding transaction shall be supplemental to, and not constrained by, the administrative cost allowance as such allowance is defined in Health and Safety Code Section 34171(b); and

WHEREAS, the Oversight Board is informed by the Successor Agency that in 2003, the Former Agency issued its Consolidated Whitewater Redevelopment Project Area Tax Allocation Bonds, Series 2003A (the "Series 2003A Bonds") and its Consolidated Whitewater Redevelopment Project Area Taxable Tax Allocation Bonds, Series 2003A-T (together with the Series 2003A Bonds, the "Prior Bonds") in the respective initial aggregate principal amounts of \$41,135,000 and \$46,110,000; and

WHEREAS, the Prior Bonds are subject to optional redemption on any date on or after September 1, 2013 at a redemption price of 100% of the outstanding principal amount thereof plus accrued and unpaid interest thereon; and

WHEREAS, the Successor Agency, has indicated that there are potential debt service savings that can be achieved through a refinancing of the Prior Bonds, and the Oversight Board now wishes to direct the Successor Agency to prepare for the refunding of all or a portion of the

Prior Bonds, and such other bonds of the Former Agency as may be hereafter identified, to achieve debt service savings; and

WHEREAS, the County of Riverside (the "County"), a political subdivision of the State of California and taxing entity recipient of property tax revenues, represented by voting membership on this Oversight Board, has developed a program (the "Refunding Program") to assist successor agencies within the County to refund tax allocation bonds pursuant to AB 1484 in order to provide debt service savings to the Successor Agency, efficiencies in issuance and cost of issuance savings.

NOW THEREFORE, THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE INDIAN WELLS REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Direction to Refund. Pursuant to Health and Safety Code Section 34177.5(f), the Oversight Board hereby directs the Successor Agency to prepare to issue bonds (the "Refunding Bonds"), which bonds may be sold to a joint powers authority pursuant to the Marks-Roos Local Bond Pooling Act (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code) following a determination by the Successor Agency to participate in the Refunding Program, to refund all or a portion of the Prior Bonds; provided that this request shall not offer any assurance that bonds will be sold by the issuer under the Refunding Program to refund all or any portion of the Prior Bonds. The Successor Agency is further directed to return to the Oversight Board, once the refunding issue and related documents have been prepared, for approval of the refunding pursuant to Health and Safety Code Section 34180(b).

SECTION 3. Recovery of Costs. The Oversight Board hereby authorizes and approves the Successor Agency to cover reasonable related costs incurred in connection with this refunding transaction, including the costs incurred by the County of Riverside (the "County") in connection with this refunding transaction, which costs the County is incurring on behalf of the Successor Agency. The Successor Agency and the County may recover such costs from the proceeds of the Refunding Bonds or, if the Successor Agency is not able to issue its bonds or the issuer under the Refunding Program is not able to issue its bonds relating to the Successor Agency, by including such costs in a future Recognized Obligation Payment Schedule. The recovery of such costs shall be in addition to and shall not count against any administrative cost allowance of the Successor Agency as such allowance is defined in Health and Safety Code Section 34171(b).

SECTION 4. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the 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.

SECTION 5. Effective Date. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the California Department of Finance and, therefore, this Resolution shall be effective five (5) business days after notice to the Department of Finance unless the Department requests a review of the actions taken in this Resolution, in which case this Resolution will be effective upon approval by the Department.

PASSED AND ADOPTED by the Oversight Board of the Successor Agency to the Indian Wells Redevelopment Agency at a special meeting held on this 16th day of September, 2013.



MARY T. ROCHE
CHAIRMAN

CERTIFICATION FOR RESOLUTION OB NO. 2013-04

I, Anna Grandys, Secretary of the Oversight Board of the Successor Agency to the Indian Wells Redevelopment Agency, **DO HEREBY CERTIFY** that the whole number of the members of the Oversight Board of the Successor Agency to the Indian Wells Redevelopment Agency is six (6); that the above and foregoing Resolution was duly and regularly passed and adopted at a special meeting of the Oversight Board of the Successor Agency to the Indian Wells Redevelopment Agency on the 16th day of September, 2013, by the following vote:

AYES: McDaniel, McKinney, Powell, Roche
NOES: None
ABSENT: Aguilar, Renew

ATTEST:



ANNA GRANDYS
SECRETARY