

1 **COUNTYWIDE OVERSIGHT BOARD**
2 **FOR THE COUNTY OF RIVERSIDE**

SUCCESSOR AGENCY TO THE
INDIAN WELLS SUCCESSOR AGENCY

4 **RESOLUTION NO. 2019-003**

5
6 **A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD FOR THE**
7 **COUNTY OF RIVERSIDE APPROVING THE RECOGNIZED OBLIGATION**
8 **PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2019 THROUGH JUNE 30, 2020**
9 **(ROPS 19-20) AND ADMINISTRATIVE BUDGET FOR THE SAME PERIOD**
10 **FOR THE CITY OF INDIAN WELLS SUCCESSOR AGENCY**
11 **AND MAKING RELATED FINDINGS AND DECLARATIONS AND**
12 **TAKING RELATED ACTIONS IN CONNECTION THEREWITH**

13
14 **WHEREAS**, the Redevelopment Agency for the City of Indian Wells (the “Former Agency”)
15 was formed, existed and exercised its powers pursuant to the Community Redevelopment Law
16 (California Health and Safety Code section 33000 et. seq. the “CRL”);

17 **WHEREAS**, the California state legislature enacted Assembly Bill 1x26, as modified by
18 Assembly Bill No. 1484 enacted on June 27, 2012, as further modified by Senate Bill No. 107 enacted
19 on September 22, 2015, as such may be further amended (collectively, the “Dissolution Act”), adding
20 or amending Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code, to dissolve
21 redevelopment agencies formed under the CRL;

22 **WHEREAS**, pursuant to Section 34173 of the Health and Safety Code, effective February 1,
23 2012, the Successor Agency to the Redevelopment Agency for the City of Indian Wells, a separate
24 legal entity (the “Successor Agency”) was formed to and charged with paying the enforceable
25 obligations, disposing of the properties and other assets, and unwinding the affairs of the dissolved
26 Former Agency;

27 **WHEREAS**, upon dissolution of the Former Agency, all authority, rights, powers, duties and
28 obligations previously vested with the Former Agency (except for the Former Agency’s housing assets

1 and functions) under the CRL vested in the Successor Agency, which was declared a separate legal
2 entity effective June 27, 2012;

3 **WHEREAS**, Section 34179(j) of the Health and Safety Code provides for the appointment of a
4 countywide oversight board (the “Countywide Oversight Board”) with specific duties to approve
5 certain Successor Agency actions pursuant to Section 34180 of the Health and Safety Code and to
6 direct the Successor Agency in certain other actions pursuant to Section 34181 of the Health and Safety
7 Code;

8 **WHEREAS**, the Successor Agency staff has prepared the proposed Recognized Obligation
9 Payment Schedule for the period July 1, 2019 through June 30, 2020 (“ROPS 19-20”), substantially in
10 the form shown in Attachment “A”, attached hereto and incorporated by this reference;

11 **WHEREAS**, the Successor Agency staff has prepared an administrative budget for the fiscal
12 year commencing July 1, 2019 and continuing through June 30, 2020 (“FY19-20 Administrative
13 Budget”), substantially in the form shown in Attachment “B”, attached hereto and incorporated herein
14 by this reference;

15 **WHEREAS**, the Successor Agency is entitled to an administrative cost allowance (the
16 “Administrative Cost Allowance”) pursuant to Sections 34171 (b) and 34183 (a)(3) of the Health and
17 Safety Code in the amount of \$339,400 for FY19-20 of which approximately \$339,400 will be
18 disbursed July 1, 2019 and approximately \$0 will be disbursed by January 2, 2020.

19 **WHEREAS**, the City Council of the City of Indian Wells acting in its capacity as the governing
20 board of the Successor Agency approved the ROPS 19-20 and FY 19-20 Administrative Budget by
21 adoption of Resolution SA No. 2018-02, shown in Attachment “C”, attached hereto and incorporated
22 herein by this reference;

23 **WHEREAS**, by adoption of Resolution SA No. 2018-02, the Successor Agency’s governing
24 board represents and warrants that it examined all of the items on the ROPS 19-20 and finds that each
25 of them is necessary for the continued maintenance and preservation of property owned by the
26 Successor Agency until disposition in accordance with the Dissolution Act, the continued
27 administration of the ongoing enforceable obligations, or the expeditious wind-down of the affairs of
28 the Former Agency by the Successor Agency;

1 **WHEREAS**, pursuant to Section 34177 and 34180 (g) of the Health and Safety Code, the
2 ROPS 19-20 and FY 19-20 Administrative Budget must be submitted to the Countywide Oversight
3 Board for the Countywide Oversight Board's approval; and

4 **WHEREAS**, the accompanying staff report, and attachments, attached hereto and incorporated
5 herein by this reference, provide the supporting information upon which the actions set forth in this
6 Resolution are based.

7 **NOW, THEREFORE**, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by
8 the Countywide Oversight Board, in regular meeting assembled on January 17, 2019 in the meeting
9 room located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside,
10 California, as follows:

- 11 1. The Countywide Oversight Board hereby finds, resolves, and determines that the
12 foregoing recitals are true and correct and are incorporated herein by reference, and,
13 together with information provided by the Indian Wells Successor Agency staff and the
14 public, form the basis for the approvals, findings, resolutions, and determinations set
15 forth below.
- 16 2. Pursuant to California Environmental Quality Act (CEQA), based upon a review of the
17 evidence and information presented on the matter as it relates to the adoption of the
18 ROPS 19-20 and the FY 19-20 Administrative Budget, the Countywide Oversight Board
19 has determined that such approval is categorically exempt from CEQA pursuant to
20 Section 15061(b)(3) of the State CEQA Guidelines because there is no possibility that
21 the activities in question will have a significant impact on the environment and is merely
22 the adoption of the annual budget; it will not require any construction activities and will
23 not lead to any direct or reasonably foreseeable indirect physical environmental impacts;
- 24 3. That the Successor Agency's Executive Director's designee is directed to file a Notice of
25 Exemption with respect to the actions approved under this Resolution in accordance
26 with CEQA;

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- 1 4. Under Section 34180(g) of the Health and Safety Code, the Countywide Oversight
2 Board must approve the establishment of the recognized obligation payment schedules
3 of the Successor Agency.
- 4 5. The Countywide Oversight Board hereby approves the ROPS 19-20 attached hereto as
5 Attachment A (the “Approved ROPS 19-20”). In connection with such approval, the
6 Countywide Oversight Board makes the specific findings set forth below.
- 7 6. The Countywide Oversight Board has examined the items on the Approved ROPS 19-20
8 and finds that each of them is necessary for the continued maintenance and preservation
9 of property owned by the Successor Agency until disposition in accordance with the
10 Dissolution Act, the continued administration of the ongoing agreements herein
11 approved by the Countywide Oversight Board, or the expeditious wind-down of the
12 affairs of the Dissolved RDA by the Successor Agency.
- 13 7. The Countywide Oversight Board Chairperson, Successor Agency Executive Director
14 and Countywide Oversight Board General Counsel are collectively authorized to make
15 any technical or clerical corrections to the Approved ROPS 19-20 prior to filing with the
16 Department.
- 17 8. Under Section 34177(j) of the Health and Safety Code, the Countywide Oversight Board
18 must approve the Administrative Budget of the Successor Agency.
- 19 9. In accordance with the Dissolution Act, the Countywide Oversight Board hereby
20 approves the FY 19-20 Administrative Budget, attached hereto as Attachment B (the
21 “Approved Administrative Budget”).
- 22 10. The Countywide Oversight Board hereby authorizes and directs the Executive Director
23 of the Indian Wells Successor Agency (“Successor Agency’s Director”), or the
24 Successor Agency’s Director’s designees, to take all actions and sign any and all
25 documents necessary to implement and effectuate the actions approved by this
26 Resolution as determined necessary by the Successor Agency’s Director, or the
27 Successor Agency’s Director’s designee. The Countywide Oversight Board hereby
28 further authorizes and directs the Successor Agency’s Director, or Successor Agency’s

1 Director's designee, to execute all documents on behalf of the Successor Agency, and to
2 administer the Successor Agency's obligations and duties to be performed pursuant to
3 this Resolution.

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

11 12. The Countywide Oversight Board hereby authorizes and directs the County Executive
12 Office staff and the Successor Agency staff to take all actions necessary under the
13 Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet
14 posting and/or hardcopy, all notices and transmittals necessary or convenient in
15 connection with the approval of this Resolution.

16 13. Pursuant to Health and Safety Code Section 24179, specified actions taken by the
17 Countywide Oversight Board may be reviewed by the State of California Department of
18 Finance, and therefore, this Resolution shall not be effective until five (5) business days
19 after approval, subject to a request for review by the State of California Department of
20 Finance, or at the time and in the manner prescribed in Section 34179(h) of the Health
21 and Safety Code.

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23 **PASSED, APPROVED, AND ADOPTED** by the Countywide Oversight Board for the County
24 of Riverside on January 17, 2019.

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1 I hereby certify the foregoing to be a true copy of a resolution passed and adopted by the
2 Countywide Oversight Board for the County of Riverside at a regular meeting thereof held on January
3 17, 2019, by the following vote:

4 AYES: 5 BOARD MEMBERS: Phil Williams, Niamh Ortega, Kathleen
Kelly, Tami Scott, Aaron Brown

5 NOES: BOARD MEMBERS:

6 ABSTAIN: BOARD MEMBERS:

7 ABSENT: 2 BOARD MEMBERS: Supervisor Chuck Washington, Robin
McCormick

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Phil Williams, Chairman
Countywide Oversight Board

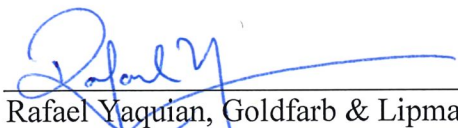
10
11 ATTEST:

12  For:

13 Kimberly Rector,
14 Clerk of the Countywide Oversight Board

15 APPROVED AS TO FORM:

16 Countywide Oversight Board Legal Counsel

17
18 By: 
19 Rafael Yaquian, Goldfarb & Lipman LLP

20 Attachments:

21 A – Successor Agency ROPS 19-20

22 B – Successor Agency FY 19-20 Administrative Budget

23 C- Successor Agency Resolution SA No. 2018-02 - Approving ROPS 19-20 and Admin Budget
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Recognized Obligation Payment Schedule (ROPS 19-20) - Summary
Filed for the July 1, 2019 through June 30, 2020 Period

Successor Agency: Indian Wells
County: Riverside

| Current Period Requested Funding for Enforceable Obligations (ROPS Detail) | 19-20A Total (July - December) | 19-20B Total (January - June) | ROPS 19-20 Total |
|---|---|--|-------------------------|
| A Enforceable Obligations Funded as Follows (B+C+D): | \$ 5,209,075 | \$ - | \$ 5,209,075 |
| B Bond Proceeds | - | - | - |
| C Reserve Balance | 5,209,075 | - | 5,209,075 |
| D Other Funds | - | - | - |
| E Redevelopment Property Tax Trust Fund (RPTTF) (F+G): | \$ 4,679,659 | \$ 7,182,275 | \$ 11,861,934 |
| F RPTTF | 4,340,259 | 7,182,275 | 11,522,534 |
| G Administrative RPTTF | 339,400 | - | 339,400 |
| H Current Period Enforceable Obligations (A+E): | \$ 9,888,734 | \$ 7,182,275 | \$ 17,071,009 |

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) 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 successor
agency.

Phil Williams Chairman
Name Title
/s/ Phil Williams 1/17/2019
Signature Date

Indian Wells Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances
July 1, 2016 through June 30, 2017
(Report Amounts in Whole Dollars)

funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

| A | B | C | D | E | F | G | H |
|---|---|---------------------------------------|--------------------------------------|--|------------------------------------|---------------------------|-----------------|
| | | Fund Sources | | | | | |
| | | Bond Proceeds | | Reserve Balance | Other Funds | RPTTF | |
| | ROPS 16-17 Cash Balances (07/01/16 - 06/30/17) | Bonds issued on or before 12/31/10 | Bonds issued on or after 01/01/11 | Prior ROPS RPTTF and Reserve Balances retained for future period(s) | Rent, Grants, Interest, etc. | Non-Admin and Admin | Comments |
| 1 | Beginning Available Cash Balance (Actual 07/01/16) RPTTF amount should exclude "A" period distribution amount | | | 4,786,381 | | 51,760 | |
| 2 | Revenue/Income (Actual 06/30/17) RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller | | | | | 10,869,749 | |
| 3 | Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17) | | | 4,786,381 | | 6,013,686 | |
| 4 | Retention of Available Cash Balance (Actual 06/30/17) RPTTF amount retained should only include the amounts distributed as reserve for future period(s) | | | | | 4,856,063 | |
| 5 | ROPS 16-17 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC | No entry required | | | | | |
| 6 | Ending Actual Available Cash Balance (06/30/17) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5) | | | | | | |
| | | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 51,760 | |