

1 **RESOLUTION NO. SBOB/2015-06**

2 **RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR**  
3 **AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN**  
4 **BERNARDINO APPROVING CHANGES TO FUNDING SOURCES FOR**  
5 **OBLIGATIONS APPROVED BY THE DEPARTMENT OF FINANCE IN**  
6 **RECOGNIZED OBLIGATION PAYMENT SCHEDULE 15-16A FOR**  
7 **PURPOSES OF AVOIDING DEFAULT ON THE CMB-EXPORT \$15**  
8 **MILLION NOTE**

9 **WHEREAS**, pursuant to HSC §34177(a)(4), the Successor Agency to the  
10 Redevelopment Agency of the City of San Bernardino (“Successor Agency”) may, with the prior  
11 approval of the Oversight Board, as described in HSC §34179, make payments for enforceable  
12 obligations from sources other than those listed in a Recognized Obligation Payment Schedule  
13 (“ROPS”); and

14 **WHEREAS**, on April 6, 2015, the California Department of Finance (“DOF”) approved  
15 the Successor Agency's ROPS 15-16A, authorizing the Successor Agency to receive \$18,679,768  
16 in Redevelopment Property Tax Trust Funds (“RPTTF”) for the payment of identified  
17 enforceable obligations during the ROPS 15-16A period (July 1<sup>st</sup> through December 31<sup>st</sup>, 2015);  
18 and

19 **WHEREAS**, the Successor Agency received only \$16,185,056 in RPTTF for the ROPS  
20 15-16A period, representing a \$2,452,072 shortfall in funding for enforceable obligations  
21 authorized by DOF to be paid during the ROPS 15-16A period (“RPTTF Shortfall”); and

22 **WHEREAS**, in its letter of August 21, 2015, DOF approved Oversight Board  
23 Resolution No. SBOB/2015-01 authorizing the Successor Agency to stipulate to the Interlocutory  
24 Judgment in Condemnation with respect to San Bernardino County Superior Court Case No.  
25 CIVDS 1302927, San Bernardino County Transportation Commission (“SBCTC”) vs. San  
26 Bernardino Economic Development Corporation, et al. (“Stipulated Judgment”); and

27 **WHEREAS**, based on the Stipulated Judgment the Successor Agency can request an  
28 order from the court to obtain the \$1,704,000 in just compensation that was deposited by the

1 SBCTC with the State Treasurer's Office, and to which the Successor Agency is entitled ("Just  
2 Compensation Deposit");

3 **WHEREAS**, in order for the Successor Agency to receive the entire the amount of the  
4 Just Compensation Deposit, the Stipulated Judgment provides that DOF shall affirm the full  
5 amount of the Just Compensation Deposit is required and must be used for the payment of  
6 enforceable obligations; and

7 **WHEREAS**, due to the RPTTF Shortfall the Successor Agency is unable to pay the  
8 remaining balance of approximately \$2,532,813 for Enforceable Obligation No. 14 on ROPS 15-  
9 16A by October 1, 2015 (resulting in a default on the CMB-Export \$15 Million Note), unless the  
10 Successor Agency obtains and applies the full amount of the Just Compensation Deposit towards  
11 the payment of Enforceable Obligation #14; and

12 **WHEREAS**, the Oversight Board supports the Successor Agency's plan to use the Just  
13 Compensation Deposit to offset a portion of the ROPS 15-16A RPTTF Shortfall for the sole  
14 purpose of timely paying the debt service required for enforceable obligation No. 14 (CMB-  
15 Export \$15 million Note) and thus avoid a debt service default; and

16 **WHEREAS**, all of the prerequisites with respect to the approval of this Resolution have  
17 been met.

18 **NOW, THEREFORE, BE IT RESOLVED** by the Oversight Board for the Successor  
19 Agency to the Redevelopment Agency of the City of San Bernardino ("Oversight Board"), as  
20 follows:

21 **Section 1.** The foregoing recitals are true and correct and are a substantive part of this  
22 Resolution.

23 **Section 2.** The Successor Agency's proposed amendment to ROPS 15-16A for the  
24 purpose of applying all funds that the Successor Agency receives from the \$1,704,000 Just  
25 Compensation Deposit as "Other Funds" to enforceable obligation No. 14 for the purpose of  
26 avoiding default on the CMB-Export \$15 million Note is approved.

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1           **Section 3.**     This Resolution shall take effect upon the date of its adoption and may be  
2 implemented after review and approval by the Department of Finance.

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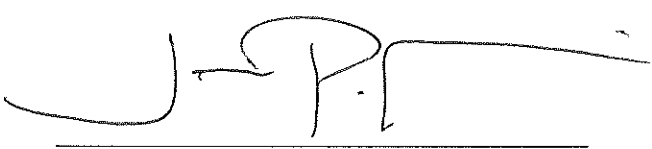
**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BERNARDINO APPROVING CHANGES TO FUNDING SOURCES FOR OBLIGATIONS APPROVED BY THE DEPARTMENT OF FINANCE IN RECOGNIZED OBLIGATION PAYMENT SCHEDULE 15-16A FOR PURPOSES OF AVOIDING DEFAULT ON THE CMB-EXPORT \$15 MILLION NOTE**

PASSED, APPROVED AND ADOPTED THIS 11<sup>th</sup> day of September 2015, by the following vote:

Board Members	Ayes	Nays	Abstain	Absent
HEADRICK				X
HILL				X
LONGVILLE	X			
MACIAS-HARRISON	X			
MORRIS	X			
O'TOOLE	X			
SMITH	X			

  
Secretary

The foregoing Resolution is hereby approved this 11<sup>th</sup> day of September 2015.



James P. Morris, Chairman  
Oversight Board for the  
Successor Agency to the Redevelopment  
Agency of the City of San Bernardino