

**OVERSIGHT BOARD FOR SUCCESSOR AGENCY
TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY**

AGENDA

City Council Chambers
Montclair Civic Center
5111 Benito Street
Montclair, CA

Regular Meeting
Wednesday, February 11, 2015
6:00 p.m.

As a courtesy, please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.

William Ruh – Chairman, Montclair Mayor Paul Eaton Appointee
Tenice Johnson – Vice Chairperson, County of San Bernardino Citizen Appointee
Terry Catlin – Inland Empire Utilities Agency Appointee
Kim Erickson – Chaffey Community College District Appointee
Phil Hillman – Ontario–Montclair School District Appointee
Mike Piotrowski – City of Montclair Employee Organization Alternate
John Richardson – County of San Bernardino Appointee

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I. PRELIMINARY MATTERS

- A. Call to Order
- B. Roll Call

II. PUBLIC COMMENT

Any person wishing to address the Oversight Board on any matter, whether or not it appears on this agenda, is requested to complete a "Speaker Request" form, available at the door. The form should be completed and submitted to the Secretary prior to the beginning of this meeting or prior to an individual agenda item being heard by the Oversight Board. Each speaker will be afforded five minutes to address the Oversight Board. No action will be taken on any item not listed on the agenda pursuant to the Ralph M. Brown Act.

III. APPROVAL OF MINUTES

- A. Minutes of the Special Oversight Board Meeting of September 10, 2014

IV. BUSINESS ITEMS

- A. Consider Adoption of Resolution No. 15-01, a Resolution of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency Approving a Recognized Obligation Payment Schedule for July 1, 2015, through December 31, 2015, Pursuant to California Health and Safety Code Section 34179, Division 24, Part 1.85, and Authorizing Posting and Transmittal Thereof

- B. Consider Adoption of Resolution No. 15-02, a Resolution of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency Approving the Successor Agency's Proposed Administrative Budget for July 1, 2015, through December 31, 2015, Pursuant to California Health and Safety Code Section 34177(j) 13
- C. Consider Adoption of Resolution No. 15-03, a Resolution of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency Amending Oversight Board Resolution No. 14-06 Approving and Adopting a Revised Long-Range Property Management Plan Pursuant to Section 34191.5 of the Health And Safety Code 19

V. COMMUNICATIONS

- A. Staff
- B. Chairman and Members

VI. CLOSED SESSION

- A. Closed Session Pursuant to Government Code Section 54956.8 Regarding Real Property Negotiations

Property: 4960 Palo Verde Street – Located on the North Side of Palo Verde Street, east of the entrance to the eastbound I-10 Freeway (APN # 1008-332-04)

Agency Negotiator: Marilyn J. Staats, Deputy City Manager

Negotiating Parties: Successor Agency to the City of Montclair Redevelopment Agency and Press On Properties, LLC

Under Negotiation: Recommendations Regarding Purchase Price

VII. CLOSED SESSION ANNOUNCEMENTS

VIII. ADJOURNMENT

The above actions of the Oversight Board shall not become effective for three business days, pending any request for review by DOF. If DOF requests review of the above Board actions, it will have ten days from the date of the request to approve the Oversight Board action or return it to the Oversight Board for reconsideration; and the action, if subject to review by DOF, will not be effective until approved by DOF.

The next regularly scheduled Oversight Board meeting will be held on March 11, 2015, at 6:00 p.m. in the City Council Chambers.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Successor Agency Board after distribution of the Agenda packet are available for public inspection in the Office of the Secretary located at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Secretary at (909) 625-9416. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Phillips, Secretary, hereby certify that I posted, or caused to be posted, a copy of this agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the north door of Montclair City Hall on February 5, 2015.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-01, A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2015, THROUGH DECEMBER 31, 2015, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF	DATE: February 11, 2015 SECTION: BUSINESS ITEMS ITEM NO.: A FILE I.D.: OBO050 DEPT.: OVERSIGHT BOARD
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REASON FOR CONSIDERATION: Pursuant to Section 34177 of the Health and Safety Code, the Successor Agency is required to submit its Recognized Obligation Payment Schedule (ROPS) to the Oversight Board for consideration and approval. With the adoption of AB 1484, the State Legislature changed the dates for submittal of the ROPS. An Oversight Board-approved ROPS for the period from July 1, 2015, through December 31, 2015, must be sent to the Department of Finance (DOF) and County Auditor-Controller no fewer than 90 days before the date of property tax distribution. A penalty of \$10,000 per day for each day the ROPS is delinquent was added to the Health and Safety Code pursuant to AB 1484.

A copy of proposed Resolution No. 15-01 approving ROPS 15-16A and the ROPS forms are attached for the Oversight Board's review and consideration.

BACKGROUND: The California Supreme Court's decision in *California Redevelopment Association, et. al., v. Matosantos* upheld AB X1 26, the Dissolution Act. The Dissolution Act has caused the dissolution of all California redevelopment agencies. On January 12, 2012, the City of Montclair City Council elected to become and serve as the Successor Agency to the City's dissolved redevelopment agency. The City is performing its functions as the Successor Agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to review and approval by the seven-member Oversight Board.

As part of the Dissolution Act as reformed by the Supreme Court, each Successor Agency was to adopt a draft Recognized Obligation Payment Schedule (ROPS) before March 1, 2012. The ROPS, as defined by the Dissolution Act, means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period. As the Oversight Board knows, the initial ROPS was provided to the County and State on April 15, 2012. The Oversight Board took action to approve the initial ROPS on April 25, 2012. The Oversight Board took action to approve the ROPS for July 1, 2012, through December 31, 2012, on May 9, 2012. The ROPS for January 1, 2013, through June 30, 2013, was approved by the Oversight Board on August 21, 2012. The ROPS for the period from July 1, 2013, through December 31, 2013, was approved by the Oversight Board on February 27, 2013. The Oversight Board approved the ROPS for January 1, 2014,

through June 30, 2014, on September 11, 2013. The ROPS 14-15A (July 1, 2014 through December 31, 2014) was approved by the Oversight Board on February 26, 2014. On September 10, 2014, the Oversight Board approved ROPS 14-15B (January 1, 2014 through December 31, 2014).

Item Nos. 51, 52, and 53 on page 2 of the ROPS form were presented on the previous ROPS approved by the Oversight Board. However, these items were denied by DOF and are presently the basis for litigation that the Successor Agency has initiated against DOF. These items are again being claimed on this ROPS to preserve the Successor Agency's position that those moneys are still due the Successor Agency.

With the date of March 1, 2015, as the deadline for submittal of the ROPS for July 1, 2015, through December 31, 2015, staff is requesting the Oversight Board consider approval of the ROPS submitted for this period by adoption of proposed Resolution No. 15-01.

FISCAL IMPACT: The Oversight Board's approval of proposed ROPS 15-16A would authorize the repayment of former City of Montclair Redevelopment Agency obligations. Oversight Board approval of the ROPS would also allow the City of Montclair to recover administrative costs related to dissolution activities. Approval of the ROPS by the Oversight Board would be subject to review as to accuracy by an auditor designated by the County Auditor-Controller's Office. In addition, all actions of the Oversight Board do not become effective for five business days, pending review by the Department of Finance.

RECOMMENDATION: Staff recommends the Oversight Board adopt Resolution No. 15-01, a Resolution of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency approving a Recognized Obligation Payment Schedule for July 1, 2015, through December 31, 2015, pursuant to California Health and Safety Code Section 34179, Division 24, Part 1.85, and authorizing posting and transmittal thereof.

RESOLUTION NO. 15-01

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2015, THROUGH DECEMBER 31, 2015, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

WHEREAS, The City of Montclair Redevelopment Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under California Community Redevelopment Law, Health and 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 Montclair ("City"); and

WHEREAS, Assembly Bill X1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

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

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution considered and approved by the City Council at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34179, the Successor Agency's Oversight Board has been formed and the initial meeting has occurred on April 25, 2012; and

WHEREAS, the State Legislature approved and the Governor signed AB 1484 on June 29, 2012; and

WHEREAS, AB 1484 changed the date for submittal of the ROPS to no fewer than 90 days before the date of property tax distribution and included a \$10,000 per day fine for each day the ROPS is delinquent; and

WHEREAS, the ROPS for July 1, 2015, through December 31, 2015, must be submitted to the County and State by March 1, 2015; and

WHEREAS, the Oversight Board is requested to adopt the ROPS for July 1, 2015, through December 31, 2015, on February 11, 2015, and to authorize the Successor Agency to post the ROPS on the City/Successor Agency website and transmitted the ROPS to the County Auditor–Controller, the State Department of Finance ("DOF"), and the State Controller's Office; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for five (5) business days pending any request for review by DOF; and if DOF requests review hereof, DOF will have 45 days from the date of its request to approve this Oversight Board action.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

Section 1. The Oversight Board finds and determines that the foregoing recitals incorporated into this Resolution by this reference are true and correct and constitute a material part of this Resolution.

Section 2. The Oversight Board approves the ROPS for the period of July 1, 2015, through December 31, 2015.

Section 3. The Oversight Board authorizes the Successor Agency to transmit the ROPS to the County Auditor–Controller, DOF, and the State Controller's Office.

Section 4. The Secretary of the Successor Agency or her authorized designee is directed to post the ROPS on the City/Successor Agency website pursuant to the Dissolution Act.

Section 5. This Resolution shall become effective after transmittal of this Resolution with the ROPS attached to DOF and the expiration of five (5) business days pending a request for the review of DOF within the time periods set forth in the Dissolution Act; in this regard, if DOF requests review hereof, it will have ten days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, would not be effective until approved by DOF.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution and shall maintain this Resolution on file as a public record and the ROPS as approved hereby.

APPROVED AND ADOPTED this XX day of XXX, 2015.

Chairman

ATTEST:

Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 15-01 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the XX day of XXX, 2015, and that it was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea M. Phillips
Secretary

Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Montclair
Name of County: San Bernardino

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	\$ 3,782,789
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	3,782,789
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 767,515
F	Non-Administrative Costs (ROPS Detail)	642,515
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 4,550,304

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	767,515
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(121,929)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 645,586

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	767,515
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	767,515

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

_____	_____
Name	Title
/s/ _____	_____
Signature	Date

Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail
July 1, 2015 through December 31, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P
										M					
										N					
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source			Six-Month Total		
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)		RPTTF			
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 77,228,978		\$ -	\$ 3,782,789	\$ -	\$ 642,515	\$ 125,000	\$ 4,550,304
1	1997 Taxable Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	11/1/1997	10/1/2021	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 1	190,360	N		33,860				\$ 33,860
2	2007A Tax Allocation Refunding Bonds	Bonds Issued On or Before 12/31/10	9/27/2007	9/1/2035	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	34,188,806	N		1,590,600				\$ 1,590,600
3	2007B Taxable Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	9/27/2007	9/1/2027	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 3	3,613,133	N		298,209				\$ 298,209
4	2004 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	2/23/2004	10/1/2031	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 4	5,912,500	N		368,250				\$ 368,250
5	2001 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	7/6/2001	10/1/2030	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	11,476,505	N		764,460				\$ 764,460
6	2006A Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/16/2006	10/1/2033	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	9,907,171	N		571,610				\$ 571,610
7	2006B Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/16/2006	10/1/2033	Bank of New York Mellon	Bond Issue to Fund Non-Housing Projects	Project Area 5	5,507,988	N		155,800				\$ 155,800
10	Contract for Legal Services	Legal	12/9/1981	6/30/2036	Stradling, Yocca, Carlson & Rauth	Bond Counsel Legal Services	All Areas	5,000	N				5,000		\$ 5,000
12	Contract for Bond Trustee Service	Fees	12/9/1981	6/30/2036	Bank of New York Mellon	Annual Bond Trustee Fees/Costs	All Areas	15,000	N				15,000		\$ 15,000
14	Contract for Bond Services	Fees	12/9/1981	6/30/2036	Bondlogistix LLC	Bond Continuing Disclosure Services	All Areas	4,000	N				4,000		\$ 4,000
15	Contract for Bond Services	Fees	12/9/1981	6/30/2036	Bondlogistix LLC	Bond Arbitrage Rebate Calculation Services	All Areas	12,000	N				12,000		\$ 12,000
42	Public facility, infrastructure and economic development obligations	Improvement/Infrastructure	8/13/2014	6/30/2036	City of Montclair Agreement with Successor Agency	Utilization of pre 2011 unspent bond proceeds	All Areas	0	Y						\$ -
43	Administrative Cost Reimbursement Agreement	Admin Costs	6/3/2012	6/30/2036	City of Montclair	Administrative Reimbursement Agreement No. 12-49	All Areas	5,250,000	N					125,000	\$ 125,000
45	Long Range Property Management Plan Administration	Property Dispositions	6/3/2012	6/30/2036	City of Montclair	Administrative Reimbursement Agreement No. 12-49		91,000	N				91,000		\$ 91,000
46	Bond Indenture Reporting Requirements	Professional Services	6/3/2012	6/30/2036	City of Montclair	Administrative Reimbursement Agreement No. 12-49		5,000	N				5,000		\$ 5,000
49	City of Montclair as Successor Agency for City of Montclair Redevelopment Agency vs. Department of Finance, et al	Litigation	6/3/2012	6/30/2036	Best & Krieger LLP	Legal services related to litigation		90,000	N						\$ -
51	Montclair Housing Authority - Housing Entity Administrative Cost Allowance	Housing Entity Admin Cost	2/18/2014	7/1/2018	Montclair Housing Authority - Successor Housing Entity	Administrative costs in connection with low and moderate income properties		750,000	N				300,000		\$ 300,000
52	Long Range Property Management Plan Preparation	Professional Services	6/3/2012	6/30/2014	City of Montclair	Prior unpaid LRPMP Costs - Unpaid Administrative Reimbursement Agreement No. 12-49		71,319	N				71,319		\$ 71,319
53	Successor Agency reserves improperly applied on ROPS 13-14B and utilized not for administrative costs but other obligations	Admin Costs	6/30/2014	6/30/2014	City of Montclair	Prior Reserves claimed on ROPS 13-14B to be used to fund administrative costs but incorrectly redirected by DOF against other obligations.		129,196	N				129,196		\$ 129,196
54	Contract for Appraisal Services	Project Management Costs	1/1/2014	6/30/2014	Integra Ellis	Continuing Appraisals of Assets for Long Range Property Management Plan	All Areas	10,000	N				10,000		\$ 10,000

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other 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 https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
	Cash Balance Information by ROPS Period	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	Comments	
ROPS 14-15A Actuals (07/01/14 - 12/31/14)									
1	Beginning Available Cash Balance (Actual 07/01/14)	20,210,211	-	107,210	-	1	280,891	Column C - Balance of bond proceeds represents \$13,764,566 of pre 2011 proceeds for projects and \$6,445,645 of trustee held restricted amounts.	
2	Revenue/Income (Actual 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014	556,259					4,008,775	Column C - Revenue is \$465,063 of income on unexpended proceeds and \$91,196 of project reserves transferred. Column H - By law ROPS payment must be made in January and June therefore and County pays early so it cannot be reported here and balance with cash above. Form is in Error. ROPS 14-15A RPTTF received May 2014 so it is reported in opening balance above. RPTTF payment of \$4,008,775 received in December 2014 for ROPS 14-15B reported here.	
3	Expenditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	2,573,062		91,196			158,962	See Prior Period Adjustment Form.	
4	Retention of Available Cash Balance (Actual 12/31/14) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
5	ROPS 14-15A RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S	No entry required						121,929	Column H - Since Prior Period Adjustment amount is deducted, the ending cash balances do not agree with financial records. Line 7 Beginning Balance do agree.
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 18,193,408	\$ -	\$ 16,014	\$ -	\$ 1	\$ 4,008,775	Column C - Balance of bond proceeds represents \$14,229,630 of pre 2011 proceeds for projects and \$3,963,778 of trustee held restricted amounts.	
ROPS 14-15B Estimate (01/01/15 - 06/30/15)									
7	Beginning Available Cash Balance (Actual 01/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 18,193,408	\$ -	\$ 16,014	\$ -	\$ 1	\$ 4,130,704	Column C - Balance of bond proceeds represents \$14,229,630 of pre 2011 proceeds for projects and \$3,963,778 of trustee held restricted amounts.	
8	Revenue/Income (Estimate 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015							Column H - By law ROPS payment must be made in June therefore it cannot be reported here and balance with cash above. Form is in Error. ROPS 14-15B RPTTF received May 2014 so it is reported above.	
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)	14,229,630		16,014		1	1,521,809	Column C - Estimated expenditures is for transfer of pre 2011 bond proceeds to City of Montclair in accordance with DOF approved agreement and ROPS 14-15B. Column E - Applied on ROPS 14-15B to be used for litigation costs. Column H - Includes ROPS 14-15B enforceable obligation allocation of \$1,274,879 which covers bond debt service for January 1, 2015 through June 30, 2015.	
10	Retention of Available Cash Balance (Estimate 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						2,608,895	Column H - ROPS 14-15B bond allocation amounting to \$3,782,789 which was sent to trustee in January, 2015. This is the debt service portion for second half of year July 1, 2015 through December 31, 2015.	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 3,963,778	\$ -	\$ 10	\$ -	\$ -	\$ -	Column C - Balance of bond proceeds represents trustee held restricted amounts.	

Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Prior Period Adjustments
 Reported for the ROPS 14-15A (July 1, 2014 through December 31, 2014) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS 14-15A Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15A (July through December 2014) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16A (July through December 2015) period will be offset by the SA's self-reported ROPS 14-15A prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

A	B	E	F	I	J	K	L	M	N	O	P	Q	R	S	T	
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditure		RPTTF Expenditures											Admin and Admin PPA (Amount Used to Offset ROPS 15-16A Requested RPTTF)	SA Comments
		Reserve Balance		Non-Admin					Admin					Net Difference (M+R)		
		Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15A distributed + all other available as of 07/1/14)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)			
		\$ 2,573,062	\$ 2,573,062	\$ 155,891	\$ 155,891	\$ 155,891	\$ 42,839	\$ 113,052	\$ 125,000	\$ 125,000	\$ 125,000	\$ 116,123	\$ 8,877	\$ 121,929		
1	1997 Taxable Tax Allocation Bonds	22,560	22,560	-		\$ -		\$ -						\$ -		
2	2007A Tax Allocation Refunding Bonds	1,067,563	1,067,563	-		\$ -		\$ -						\$ -		
3	2007B Taxable Tax Allocation Bonds	217,898	217,898	-		\$ -		\$ -						\$ -		
4	2004 Tax Allocation Bonds	263,000	263,000	-		\$ -		\$ -						\$ -		
5	2001 Tax Allocation Bonds	545,355	545,355	-		\$ -		\$ -						\$ -		
6	2006A Tax Allocation Bonds	378,786	378,786	-		\$ -		\$ -						\$ -		
7	2006B Tax Allocation Bonds	77,900	77,900	-		\$ -		\$ -						\$ -		
10	Contract for Legal Services	-		8,000	8,000	\$ 8,000		\$ 8,000						\$ 8,000		
12	Contract for Bond Trustee Service	-		15,000	15,000	\$ 15,000	12,678	\$ 2,322						\$ 2,322		
14	Contract for Bond Services	-		12,000	12,000	\$ 12,000		\$ 12,000						\$ 12,000		
15	Contract for Bond Services	-		12,000	12,000	\$ 12,000	9,000	\$ 3,000						\$ 3,000		
44	Edward Z. Kotkin	-		-		\$ -		\$ -						\$ -		
45	Long Range Property Management Plan Administration	-		79,343	79,343	\$ 79,343	7,161	\$ 72,182						\$ 72,182	Not used due to delay in approval by Finance - Request new allocation in this ROPS.	
46	Bond Indenture Reporting Requirements	-		4,548	4,548	\$ 4,548	4,000	\$ 548						\$ 548		
47	Long Range Property Management Plan Preparation	-		-		\$ -		\$ -						\$ -		
48	Bond Indenture Reporting Requirements	-		15,000	15,000	\$ 15,000		\$ 15,000						\$ 15,000		
49	City of Montclair as Successor Agency for City of Montclair Redevelopment Agency vs. Department of Finance, et al	-		10,000	10,000	\$ 10,000	10,000	\$ -						\$ -		
50	Montclair Housing Authority - Housing Entity Administrative Cost Allowance	-		-		\$ -		\$ -						\$ -		

Recognized Obligation Payment Schedule (ROPS 15-16A) - Notes

July 1, 2015 through December 30, 2015

Item #	Notes/Comments
51	In accordance with Section 34171 (p) (1) as specified in AB 471, signed by the Governor 2/18/14 and effective as urgency legislation, the Montclair Housing Authority (Successor Housing Entity) is eligible to receive a "housing administrative cost allowance". This allowance is to be up to 1% of the property taxes allocated to the RORF (Redevelopment Obligation Retirement Fund) but not less than \$150,000 per fiscal year. In fiscal year 2012-13, \$4,369,300 was allocated to the Montclair Successor Agency RORF and 1% of that amount would be \$43,693. Since that amount is less than the prescribed minimum threshold of \$150,000 and since the administrative cost budget applicable to maintaining properties held by the Montclair Housing Authority is \$326,702 for fiscal year 2013-14, the minimum threshold amount would be applicable. Therefore, the minimum allocation amount of \$150,000 for two years (\$300,000) would be due to Montclair Housing Authority. Since this amount was improperly rejected in ROPS 14-15A and is the subject of litigation against Finance it is again being claimed.
52	Prior administrative costs incurred to prepare the LRPMP have never been paid to the Successor Agency. Therefore, the Successor Agency has been unable to reimburse the City of Montclair for these costs. The Successor Agency was never notified that specific time records were required by Finance nor have any other Successor Agencies. Therefore, this enforceable obligation was improperly rejected in ROPS 14-15A and since it is the subject of litigation against Finance it is again being claimed.
53	Reserves of Successor Agency claimed for ROPS 13-14B to be used by Successor for administrative costs since Health and Safety Code indicated administration limitation did not apply. Finance in their determination applied these reserves to other enforceable obligations. This application is improper and since it is the subject of litigation against Finance it is again being claimed.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-02, A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S PROPOSED ADMINISTRATIVE BUDGET FOR JULY 1, 2015, THROUGH DECEMBER 31, 2015, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177(j)	DATE: February 11, 2015
	SECTION: BUSINESS ITEMS
	ITEM NO.: B
	FILE I.D.: OBO050
	DEPT.: OVERSIGHT BOARD

REASON FOR CONSIDERATION: Section 34177(j) of the California Health and Safety Code related to the dissolution of redevelopment agencies requires that a successor agency "prepare a proposed administrative budget and submit it to the oversight board for its approval." The proposed Successor Agency's Administrative Budget for July 1, 2015, through December 31, 2015, has been prepared for consideration by the Oversight Board and is attached to Resolution No. 15-02.

BACKGROUND: The Oversight Board approved an Administrative Budget for the period from February 1, 2012, through June 30, 2012, on April 25, 2012. The Oversight Board approved the Administrative Budget for the period from July 1, 2012, through December 31, 2012, on June 13, 2012. The Administrative Budget for the period from January 1, 2013, through June 30, 2013, was approved by the Oversight Board on August 27, 2012. On February 27, 2013, the Oversight Board approved the Administrative Budget for July 1, 2013, through December 31, 2013. The Administrative Budget for the period from January 1, 2014, through June 30, 2014, was approved by the Oversight Board on September 11, 2013. The last approval of the Administrative Budget for July 1, 2014, through December 31, 2014, was made by the Oversight Board on February 28, 2014. The Administrative Budget for January 1, 2015, through June 30, 2015, was approved by the Oversight Board on September 10, 2014. The Oversight Board is requested to consider adoption of Resolution No. 14-08 approving the Administrative Budget for July 1, 2015, through December 31, 2015.

The Administrative Budget proposes that the Successor Agency would receive approximately \$125,000 from the Redevelopment Property Tax Trust Fund for administrative expenses. During the period from July 1, 2015, through December 31, 2015, staff finally anticipates spending time dealing with the actual disposition of former Redevelopment Agency assets should the Department of Finance (DOF) finally approve the Long Range Property Management Plan.

Pursuant to the California Health and Safety Code and upon approval of the Oversight Board, the Successor Agency will provide the administrative cost estimates to the County of San Bernardino that are to be paid from property tax trust fund revenues deposited into the Redevelopment Property Tax Trust Fund for the period from July 1, 2015, through December 31, 2015.

FISCAL IMPACT: The Oversight Board's approval of the Administrative Budget would allow the Successor Agency to be reimbursed for the administrative costs related to dissolution activities.

RECOMMENDATION: Staff recommends the Oversight Board adopt Resolution No. 15-02, a Resolution of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency approving the Successor Agency's proposed Administrative Budget for July 1, 2015, through December 31, 2015, pursuant to California Health and Safety Code Section 34177(j).

RESOLUTION NO. 15-02

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S PROPOSED ADMINISTRATIVE BUDGET FOR JULY 1, 2015, THROUGH DECEMBER 31, 2015, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177(j)

WHEREAS, the City of Montclair Redevelopment agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and 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 Montclair ("City"); and

WHEREAS, Assembly Bill X1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

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

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution considered and approved by the City Council at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 of the Dissolution Act provides that the Successor Agency shall have an Oversight Board composed of seven members; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, the State Legislature passed and the Governor signed AB 1484 into State law on June 29, 2012; and

WHEREAS, AB 1484 establishes a schedule for adoption of the Recognized Obligation Payment Schedules; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the upcoming six-month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for arrangements for administrative and operations services provided by the city serving as Successor Agency; and

WHEREAS, the Successor Agency's proposed Administrative Budget has been submitted to the Oversight Board for its review and approval; and

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of San Bernardino Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency's estimated administrative costs in the approved Administrative Budget will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the six-month period from July 1, 2015, through December 31, 2015; and

WHEREAS, the Oversight Board desires to approve the Successor Agency's proposed Administrative Budget; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for five (5) business days pending any request for review by the State Department of Finance ("DOF"); and if DOF requests review hereof, DOF will have 45 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

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

Section 2. Pursuant to the Dissolution Act, the Oversight Board approves the Successor Agency's proposed Administrative Budget, attached hereto as Attachment No. 1 and incorporated by this reference.

Section 3. The Oversight Board authorizes the Successor Agency to transmit the Administrative Budget and Cost Reimbursement Agreement when/if approved and entered into between the City and the Successor Agency, to the County Auditor-Controller, DOF, and the State Controller's Office.

Section 4. This Resolution shall be become effective after transmittal of this Resolution with the ROPS attached to DOF and the expiration of five (5) business days pending a request for the review of DOF within the time periods set forth in the Dissolution Act; in this regard, if DOF requests review hereof it will have 45 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

Section 5. The Secretary of the Oversight Board shall certify to the adoption of this Resolution

APPROVED AND ADOPTED this XX day of XXX, 2015.

Chairman

ATTEST:

Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 15-02 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the XX day of XXX, 2015, and that it was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea M. Phillips
Secretary

**Successor Agency for the Redevelopment Agency of the City of Montclair
Administrative Budget
July 1 to December 31, 2015**

Attachment No. 1

Approved by Oversight Board on

Administrative Allowance

Staff Costs	% of Staff Time	Six Month Amount
City Manager	5.0%	7,957
Deputy City Manager	40.0%	45,282
Finance Director	20.0%	18,192
Finance Supervisor	5.0%	2,307
Accountant	15.0%	5,834
Office Specialist	10.0%	3,391
Deputy City Clerk	25.0%	10,117
Sub-Total		93,081
Administrative Costs		
Retiree Pension Costs		17,241
First Tennessee Bank Safekeeping		700
Sub-Total		17,941
Insurance Costs		
Share of City liability insurance, public employee bonds, etc.		5,000
Sub-Total		5,000
Legal Costs		
Robbins & Holdaway		2,000
Stradling, Yocca, Carlson, & Rauth		2,000
Edward Z. Kotkin		2,000
Sub-Total		6,000
Unallocated		
Unallocated administration to fund overages in other categories		2,979
Sub-Total		2,979
TOTAL SIX MONTH ROPS AMINISTRATIVE ALLOWANCE COSTS		125,000

Enforceable Obligations

Staff Costs	% of Staff Time		Six Month Amount
Long Range Property Management Costs			
Deputy City Manager	60.0%	Rounded	68,000
Finance Director	25.0%	Rounded	23,000
Sub-Total			91,000
Bond Indenture Financial Statement Preparation			
Finance Director	10.0%	Rounded	5,000
Sub-Total			5,000
TOTAL SIX MONTH ROPS ENFORCABLE OBLIGATION COSTS			96,000

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 15-03, A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AMENDING OVERSIGHT BOARD RESOLUTION NO. 14-06 APPROVING AND ADOPTING A REVISED LONG-RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO SECTION 34191.5 OF THE HEALTH AND SAFETY CODE	DATE: February 11, 2015 SECTION: BUSINESS ITEMS ITEM NO.: C FILE I.D.: OBO050 DEPT.: OVERSIGHT BOARD
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REASON FOR CONSIDERATION: AB 1X 26 dissolved redevelopment agencies in the State of California as of February 1, 2012. On June 27, 2012, AB 1484 was enacted to make technical and substantive amendments to AB 1X 26. These laws are collectively referred to the "Dissolution Act." One of the responsibilities of the Successor Agency pursuant to the Dissolution Act is to prepare a Long-Range Property Management Plan (LRPMP) that governs the disposition and use of the real properties of the former redevelopment agency. The Successor Agency prepared its LRPMP and submitted it to the Department of Finance (DOF) on November 14, 2013.

DOF staff has verbally requested that the Oversight Board make an amendment to Resolution No. 14-06 adopting the revised LRPMP regarding the property located at 4985 Richton Street (Montclair Transcenter). Resolution No. 15-03 is presented for Oversight Board for consideration. The section of the LRPMP related to the Montclair Transcenter property is included in the agenda packet for reference and labeled "Exhibit A."

BACKGROUND: As the Oversight Board will recall, the original plan for the disposition of assets contemplated in AB 1X 26 was the immediate sale and disposition of all redevelopment assets. However, pursuant to AB 1484, the disposition of assets became subject to the preparation of a Long-Range Property Management Plan (LRPMP) that requires the approval of DOF. In general, the LRPMP addresses the disposition and use of the real properties of the former redevelopment agency.

Pursuant to Health and Safety Code Section 34191.5, the LRPMP must be submitted to the Oversight Board and DOF for approval no later than six months following the issuance to the Successor Agency of DOF's Finding of Completion. The Successor Agency to the City of Montclair Redevelopment Agency received a Finding of Completion from DOF on May 15, 2013; therefore, the deadline for submitting the LRPMP for the former City of Montclair Redevelopment Agency to DOF was November 14, 2013. The Oversight Board approved the original LRPMP on November 13, 2013.

Successor Agency staff worked with DOF on making certain changes and revisions to the LRPMP last calendar year. The Oversight Board approved a revised LRPMP pursuant to Resolution No. 14-06 on August 14, 2014. The revisions to the LRPMP included a number of changes requested by DOF. The staff report and Resolution No. 14-06 are attached for reference as "Exhibit B." Since submittal of the revised LRPMP to DOF,

Successor Agency staff has been told that supervisorial review of the LRPMP has been taking place. In checking on the status of the LRPMP, Successor Agency staff finally received oral instruction from DOF Supervisor Nichelle Thomas. Ms. Thomas indicated that DOF desired to have the Oversight Board resolution reflect that a compensation agreement is warranted for the 4985 Richton Street property in the event the property is sold.

The property located at 4985 Richton Street is approximately 1.61 gross acres of the 20 acre Montclair Transcenter. The property was acquired by San Bernardino Associated Governments (SANBAG) with federal funds for the Metrolink station. While the majority of the property at the Montclair Transcenter is owned by Caltrans, the 1.61 acre site is jointly held by SANBAG and the City of Montclair Redevelopment Agency. The Caltrans portion of the Montclair Transcenter is used for public parking. The 4985 Richton Street property contains a child care center operated by the City of Montclair. Therefore, the parcel is currently being used for a governmental purpose.

The subject site is located within the boundaries of the North Montclair Downtown Specific Plan. The Specific Plan calls for the 4985 Richton Street property to become structured public parking in the future to accommodate parking needs for the bus lines, Metrolink and the Gold Line. The Specific Plan envisions the Caltrans property being developed residentially for transit-oriented housing. However, a portion of the 4985 Richton Street site might be needed for right-of-way for the Gold Line in addition to public parking.

Despite the lack of certainty concerning the eventual use of the Richton Street property, the LRPMP prepared by Successor Agency staff indicated if the site was sold, the Successor Agency would enter into compensation agreement with the taxing agencies. In requesting modification to Resolution No. 14-06, apparently DOF is seeking additional clarity regarding the issue of a compensation agreement.

Proposed Resolution No. 15-03 seeks to clarify the ownership of the 4985 Richton Street parcel by indicating that the property is currently is being used for a governmental purpose and is proposed to be used for a governmental use in the immediate future. The proposed resolution clarifies that the Successor Agency and/or the City cannot compel SANBAG to sell the Richton Street parcel. Additionally, the resolution indicates that, in the event the parcel is sold, only those net proceeds from the sale of the Richton Street property that exclude SANBAG's interest would be available for distribution to the taxing agencies.

FISCAL IMPACT: There will be no cost associated with Oversight Board approval of Resolution No. 15-03 to consider amending of Resolution No. 14-06 approving and adopting a revised LRPMP. Should DOF approve Resolution No. 15-03 and the revised LRPMP, the Successor Agency could begin the process of property disposition.

RECOMMENDATION: Staff recommends the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency adopt Resolution No. 15-03 amending Oversight Board Resolution No. 14-06 approving and adopting a Revised Long-Range Property Management Plan pursuant to Section 34191.5 of the Health and Safety Code.

MONTCLAIR TRANCENTER PARCEL



Exhibit A

Parcel Information

Ownership: This parcel is jointly owned by the Successor Agency and San Bernardino County Associated Governments (SANBAG)

Address: 4985 Richton Street

APN: 1007-691-06

Lot Size: 1.61 gross acres

Acquisition Date: July 29, 1993

Original Seller: Ruby/Turner One, a California General Partnership

Original Purchase Price: Estimated value at purchase: \$410,500 (the parcel was originally part of a larger 20 acre property acquisition)

Primary and/or Supplemental Acquisition Funding Source(s): Federal Transportation Act Funds supplied by SANBAG for the purposes of developing a regional transportation center

Current Zoning: North Montclair Downtown Specific Plan-Structured Parking

Property Type: The property is landscaped and contains a child care center operated by the City of Montclair.

Current Use: A portion of the property is landscaped open space and a portion of the property is developed as a Child Care Center for the benefit of commuters because the larger surrounding property, owned by the State of California, is a multimodal transportation hub.

Estimate of Current Property Value

Estimate of current value of the parcel including, if available, appraisal, any appraisal information

Estimated Current Value: No current appraisal exists. An estimated value of the property is \$560,000.

Proposed Sale Value: The property is not proposed for sale. A portion of the property may be needed for Gold Line right-of-way and the remainder is intended as use for structured public parking pursuant to the North Montclair Downtown Specific Plan.

Exhibit A

Estimate of Any Lease, Rental, or Other Revenue

Estimate of any lease, rental, or any other revenue generated by the property, and a description of the contractual requirements for the disposition of those funds.

Estimated Lease/Rental Value: None

**Contractual Requirements/
Agreements for Use of the Site:** None

Environmental Contamination History

History of environmental contamination, including designation as a Brownfield site, any related environmental studies, and history of any remediation efforts.

Brownfield Status: N/A

Studies Conducted: Phase 1 Site Assessment

Remediation Efforts: N/A

Transit-Oriented Development Potential

Description of the property's potential for transit-oriented development.

The subject site lies within in the middle of the Montclair Transcenter and the Montclair Transcenter is the basis for the North Montclair Downtown Specific Plan. The Specific Plan is the City's master plan for transit-oriented development of approximately 150 acres in North Montclair. As previously indicated above, the Montclair Transcenter acts a station for the regional Metrolink (heavy rail) service to Los Angeles (generally following the Interstate 10 corridor). The Metrolink station is slated to become the terminus for the proposed Metro Gold Line regional (light rail) transit system that generally follows the 210 Freeway corridor. The Metrolink commuter train system runs traditional diesel locomotive trains throughout the Los Angeles region. The Gold Line currently runs from Union Station in Downtown Los Angeles to Pasadena. It runs on track with an overhead electrical power source. Segment 2 of the Gold Line from Pasadena to Azusa is currently under construction. The third segment of Gold Line construction will see the light rail system run from Azusa to Montclair.

The Montclair Transcenter also acts as the major regional bus transit hub in western San Bernardino County with San Bernardino County bus service (Omnitrans) initiating and terminating many of its bus routes at the Montclair Transcenter. Foothill Transit operates bus services throughout eastern Los Angeles County. Foothill Transit buses initiate and terminate services at the Montclair Transcenter. Riverside County operates bus services to and from the Montclair Transcenter administered by the Riverside Transit Authority (RTA). Additionally, a regional bike trail is located on the north side of the Montclair Transcenter that extends from Fontana to Montclair.

The Montclair Transcenter consists of approximately 20 acres and contains 1,600 public parking spaces for commuter use. The State of California Department of Transportation (Caltrans) traded a Park and Ride location on Arrow Highway consisting of approximately 9.8 acres with SANBAG to become the owner of a majority of the Montclair Transcenter. The State currently owns 17.13 net acres of the Transcenter site. The Montclair Transcenter was purchased and

Exhibit A

developed with federal funds procured by SANBAG. The site was developed pursuant to standards dictated by the State. The City and the State have joint maintenance responsibilities and liability for 17.13 acres owned by the State. **For this reason, SANBAG and the City of Montclair Redevelopment Agency were jointly named as the owners of the remaining 1.61 acres of property composing the Montclair Transcenter. Joint ownership of the 1.61 acre property was provided to the former Redevelopment Agency instead of the City so the Redevelopment Agency could assist in any future development of the parcel. In fact, the former Redevelopment Agency did assist in construction of the child care center which currently exists onsite.**

The childcare center was operated by a private sector provider for many years (Children's Discovery Centers of America). However, with fewer clients because of job losses during the Great Recession, the operator chose not to renew its lease. With limited options for rental of the child care center given economic conditions, the City of Montclair chose to reopen and operate the child care center.

The North Montclair Downtown Specific Plan was approved by the City of Montclair City Council on May 15, 2006 through the adoption of Resolution No. 06-2628. This Specific Plan for North Montclair is guided by the design principles for transit oriented development and uses a form-based method of zoning. The long range vision of the North Montclair Downtown Specific Plan calls for the 1,600 parking spaces now located in the 17 acre parking field to be consolidated into a parking structure. The location of the parking structure is largely centered on the property jointly owned by SANBAG and the Successor Agency. This would allow a large part of the 17 acres currently owned by the State of California to be sold for higher density residential development. The Specific Plan currently designates the State property to contain courtyard housing units in the range of 10 to 30 units per acre. However, in order to develop the housing, the loss of the 1,600 parking spaces for commuters must be accommodated in structured parking.

Planning Objectives of the Successor Agency

Description of the advancement of the planning objectives of the successor agency.

Implementation of the North Montclair Downtown Specific Plan (Appendix G), adopted in 2006, is the main advanced planning objective of the Successor Agency relative to the property located at 4985 Richton Street. Again, construction of the Gold Line project is a priority for the City and the cities composing the regional Gold Line Construction Authority. Until advanced planning for Gold Line right-of-way is established, the precise location for structured public parking to be developed on the site cannot be planned.

Obviously, the implementation of the North Montclair Downtown Specific Plan relies on the ability of the City to replace the 1,600 parking spaces now used for commuter parking in order to redevelop the property currently owned by the State for transit-oriented residential development. If the State is serious about its interest the development of transit-oriented housing, areas for structured parking will be necessary. Therefore, the Successor Agency finds that the subject parcel should remain publically owned pending future development. Additionally, as previously indicated, this parcel is jointly owned by the Successor Agency and SANBAG (regional transportation agency). In maintaining an ownership interest in the 1.61 acres, SANBAG anticipated the property would be utilized for a public transportation purposes. It is currently not possible nor equitable for the Successor Agency (or City) to consider disposing of its interest in the 1.61 acres as SANBAG would undoubtedly request the return of the for Redevelopment Agency's interest in the property since the Redevelopment Agency expended no local funds to

Exhibit A

acquire the site. The site was acquired with federal funds that were obtained by SANBAG for the development of a publically-owned transportation facility.

History of Development Proposals and Activity

Brief history of previous development proposals and activity, including the rental or lease of the property.

Prior to the development of the property by the SANBAG and the former City of Montclair Redevelopment Agency, the property was vacant land. The land had long been owned by Vulcan Materials presumably for sand and gravel extraction. However, Vulcan Materials sold the land to Ruby/Turner One in approximately 1990. Ruby/Turner One had intended to use the property for industrial office parks.

SANBAG desired to see the 20 acre Ruby Turner property developed as a regional transportation hub with the initiation of Metrolink services in San Bernardino County. The site offered the region a unique opportunity to develop a location for regional transportation services including Park and Ride commuter services, commuter train travel, bus services to San Bernardino County, Los Angeles County and Riverside County locations, and bike travel to many forms of commuter transportation. SANBAG enlisted the assistance of the former Redevelopment Agency to act as an acquisition agent to procure the property. **SANBAG paid for acquisition and development of the Montclair Transcenter site with federal transportation funds.**

As indicated, 17.13 acres were provided to the State by SANBAG in trade for 9.8 acres the State acquired for Park and Ride purposes. SANBAG retained 1.61 acres of the 20 acre site and also placed the City of Montclair Redevelopment Agency on title to the property for the purpose of aiding in the development of the child care center and future development. The City has maintenance responsibilities for the 1.61 acre parcel as well as shared maintenance responsibility with the State for the surrounding 17.13 acre property. The City must hire security guards for the protection of commuters. Security guards are on duty from 4 AM to 11 PM. Additionally, security is necessary because, on a daily basis, the State Department of Corrections uses the Montclair Transcenter as the location for release of felons from the California Institution for Men (CIM) and California Institution for Women (CIW) that is located in Chino. While convenient for former inmates, this decision on the part of the State has created numerous problems for the City and surrounding business establishments.

Use/Disposition of the Property

Identify the use or disposition of the property, which could include 1) the retention of the property for governmental use, 2) the retention of the property for future development, 3) the sale of the property, or 4) the use of the property to fulfill an enforceable obligation.

The Successor Agency would intend to transfer its interest in the property to the City for governmental use and/or future development. As indicated, a portion of the subject site will be needed to accommodate Gold Line right-of-way. A portion of the site is currently used to house a day care center operated by the City. In addition, part of the site will also be needed for structured parking to implement the provisions of the transit-oriented North Montclair Downtown Specific Plan. When a source of financing for the structured parking has been secured, the State will be able to sell its 17 acres for residential development.

In the future event the property would be sold for private development; it would be the intent of the City to provide compensation to the taxing agencies pursuant to a compensation agreement.

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 14-06, A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AND ADOPTING A REVISED LONG-RANGE PROPERTY MANAGEMENT PLAN PURSUAN TO SECTION 34191.5 OF THE HEALTH AND SAFETY CODE	DATE: August 13, 2014
	SECTION: BUSINESS ITEMS
	ITEM NO.: B
	FILE I.D.: OBO050
	DEPT.: OVERSIGHT BOARD

REASON FOR CONSIDERATION: AB 1X 26 dissolved redevelopment agencies in the State of California as of February 1, 2012. On June 27, 2012, AB 1484 was enacted to make technical and substantive amendments to AB 1X 26. These laws are collectively referred to the "Dissolution Act."

One of the responsibilities of the Successor Agency pursuant to the Dissolution Act is to prepare a Long-Range Property Management Plan that governs the disposition and use of the real properties of the former redevelopment agency. Pursuant to Health and Safety Code Section 34191.5, the Long-Range Property Management Plan shall be submitted to the Oversight Board and the Department of Finance (DOF) for approval no later than six months following the issuance to the Successor Agency of the DOF's Finding of Completion. The Successor Agency to the City of Montclair Redevelopment Agency received a Finding of Completion from DOF on May 15, 2013; therefore, the deadline for submitting the Long-Rage Property Management Plan for the former City of Montclair Redevelopment Agency to DOF was November 14, 2013. The Oversight Board approved the original Long-Range Property Management Plan on November 13, 2013. Since that time, Successor Agency staff has been working with DOF on making certain changes and revisions to the Plan. It is hoped that these changes and revisions will result in approval of the Successor Agency's Long-Range Property Management Plan.

The Long-Range Property Management Plan for the Successor Agency to the City of Montclair Redevelopment Agency is included in the agenda packet for consideration. However, the Appendices to the Plan have not been included in the agenda because of their extraordinary length. Should anyone wish to view the Appendices, the documents are available for review by contacting Successor Agency staff.

BACKGROUND: The original plan for the disposition of assets contemplated in AB 1X 26 was the immediate sale and disposition of all redevelopment assets. However, pursuant to AB 1484, the disposition of assets became subject to the preparation of a Long-Range Property Management Plan that requires the approval of DOF. In general, the Long-Range Property Management Plan addresses the disposition and use of the real properties of the former redevelopment agency. The following components must be included in the Long-Range Property Management Plan:

1. Inventory of all properties in the Community Redevelopment Property Trust Fund ("Trust Fund"), established to serve as the repository of the former redevelopment

Exhibit B

agency's real properties. The inventory shall consist of all the following information:

- a. **Date of acquisition** of the property and the value of the property at that time, and an estimate of the current value of the property.
 - b. **Purpose** for which the property was acquired.
 - c. **Parcel data** including address, lot size, and current zoning in the former redevelopment agency plan or specific, community, or general plan.
 - d. **Estimate of the current value** of the parcel including, if available, any appraisal information.
 - e. **Estimate of any lease, rental, or any other revenues** generated by the property, and a description of the contractual requirements for the disposition of those funds.
 - f. **History of environmental contamination**, including designation as a brownfield site and related environmental studies, and history of any remediation efforts.
 - g. Description of the **property's potential for transit-oriented development and the advancement of the planning objectives** of the successor agency.
 - h. Brief history of **previous development proposals** and activity including the rental or lease of property.
2. Address the use or disposition of all the properties in the Trust Fund. Permissible uses include:
- a. **Retention for governmental use** pursuant to subdivision (a) of Section 34181.
 - b. **Retention for future development.**
 - c. **Sale** of the property.
 - d. **Use of the property to fulfill an enforceable obligation.**
3. Separately identify and list properties in the Trust Fund dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation. With respect to the use or disposition of all other properties, all the following shall apply:
- a. If the plan directs the use or liquidation of the property for a project identified in an approved redevelopment plan, the property shall transfer to the city, county, or city and county.
 - b. If the plan directs the liquidation of property or the use of revenues generated from the property, such as lease or parking revenues, for any purpose other than to fulfill an enforceable obligation or other than that specified in subsection 3(a) above, the proceeds from the sale shall be distributed as property tax to the taxing entities.
 - c. Property shall not be transferred to a successor agency, city, county, or city and county unless the Long-Range Property Management Plan has been approved by the oversight board and DOF.

The Long-Range Property Management Plan for the Successor Agency to the City of Montclair Redevelopment Agency contains eight properties in the Community Redevelopment Property Tax Trust Fund. These properties and their recommended disposition are listed as follows:

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<i>Property</i>	<i>Proposed Disposition</i>
8752 Monte Vista Avenue (Police Impound Center)	Transfer to the City for Governmental Use (One third of the site is leased to Metro Nissan)
4985 Richton Street (Montclair Transcenter)	Transfer to the City for Governmental Use and/or Future Development
9499 Monte Vista Avenue (Freedom Plaza Park)	Transfer to the City for Governmental Use
4960 Palo Verde Street (Metro Nissan Vehicle Sales Lot)	Offer for Sale to Metro Nissan or Continue Lease
5326 San Bernardino Street (Hurst property)	Sale to the City
4385 Holt Boulevard (Proposed Reeder Ranch Parksites)	Transfer to the City for Governmental Use
No Street Address (Property remnant from Ramona Avenue Grade Separation Southeast corner State Street and Ramona Avenue)	Offer for Sale
9916 Central Avenue (Ontario-Montclair School District/City Resource Center)	Transfer to the City

As Oversight Board Members may recall, as a part of DOF's decision-making process, the Successor Agency for the City of Montclair Redevelopment Agency was faced with an unusual directive from DOF to list the 98 units sold to the Montclair Housing Corporation on the original Long-Range Property Management Plan. These housing units were purchased and rehabilitated by the former Redevelopment Agency with Low- and Moderate-Income Housing Funds. The 98 units contain 55-year deed restrictions for affordability; approximately 80 percent of the units are deed-restricted for very low-income families; and over 300 people currently reside in these units. In the opinion of Agency Special Counsel, these units should not be listed on the Long-Range Property Management Plan. In response to DOF's directive, the Oversight Board had adopted Resolution No. 13-10 on September 11, 2013, directing the transfer of the housing assets to the Montclair Housing Authority. When adopting Resolution No. 13-11, adopting the Long-Range Property Management Plan on November 13, 2012, the Oversight Board officially objected to the inclusion of the housing units in the Long-Range Property Management Plan.

After submittal of the Long-Range Property Management Plan to DOF, Successor Agency staff finally received notice from DOF (Attachment No. 1) indicating that the housing assets could be transferred to the Montclair Housing Authority. Therefore, the revised Long-Range Property Management Plan now excludes these units.

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Other changes in the Long-Range Property Management Plan after discussion with DOF include the following:

- The indication that if the property held at the Montclair Transcenter is ever sold, a Compensation Agreement with the taxing agencies would be developed and approved by the City and Taxing Agencies.
- The sale of the property to the City at 5326 San Bernardino Street. The original Long-Range Property Management Plan suggested this property be provided to the City for future development. DOF indicates that the property must be sold. The limited estimated sales value is based on the undevelopable nature of the parcel unless included with an adjoining property not owned by the City or Successor Agency.
- The inclusion of 9916 Central Avenue in the list of Long-Range Property Management Plan assets. Staff had originally listed this property as a housing asset because it was originally purchased with Low-to Moderate-Income Housing Funds. The former Redevelopment Agency had actually reimbursed the Housing Fund for acquisition of this site because it is used as a counseling resource center by the Ontario-Montclair School District for case management and is used by the City for operation of its Por La Vida program.

With the changes requested by DOF to the Long-Range Property Management Plan, staff is requesting that the Oversight Board consider adoption of Resolution No. 14-06 approving a Revised Long-Range Property Management Plan.

FISCAL IMPACT: There will be no cost associated with the Oversight Board action to consider adoption of the Long-Range Property Management Plan. If the Plan is approved by DOF, the consequences of implementing the Plan could result in the payment of revenue to the Bond Trustee for the Redevelopment Project Area No. V 2006 Tax Allocation Bonds to decrease tax allocation debt.

RECOMMENDATION: Staff recommends the Board of Directors of the Successor Agency to the City of Montclair Redevelopment Agency approve Resolution No. 14-06 approving and adopting a Revised Long-Range Property Management Plan pursuant to Section 34191.5 of the Health and Safety Code.

Exhibit B

RESOLUTION NO. 14-06

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING AND ADOPTING A REVISED LONG-RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO SECTION 34191.5 OF THE HEALTH AND SAFETY CODE

WHEREAS, pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), all assets, properties, contracts, leases, books and records, buildings, and equipment of the former Community Redevelopment Agency (the "Agency") transferred to the control of the Successor Agency (the "Successor Agency") by operation of law; and

WHEREAS, pursuant to AB 26, all California redevelopment agencies were dissolved effective February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare a long-range property management plan that addresses the disposition and use of the real property of the former Agency and which must be submitted to the Oversight Board for the Successor Agency (the "Oversight Board") and the Department of Finance (the "DOF") for approval no later than six months following the issuance by DOF to the Successor Agency of a finding of completion pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, Section 34191.5 of the Health and Safety Code requires a successor agency to prepare a long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency; and

WHEREAS, Section 34191.3 of the Health and Safety Code states that if DOF has not approved the long-range property management plan by January 1, 2015, subdivision (e) of Section 34177 and subdivision (a) of Section 34181 shall be operative with respect to the successor agency. These sections govern the process by which property may be disposed; and

WHEREAS, the Successor Agency received DOF's Finding of Completion on May 15, 2013, and the Successor Agency's deadline for submitting the Oversight Board-approved Long-Range Property Management Plan to DOF was November 14, 2013; and

WHEREAS, the Successor Agency prepared the Long-Range Property Management Plan ("Plan") for the disposition of Successor Agency properties and the Oversight Board approved the Plan on November 13, 2013; and

WHEREAS, the Successor Agency submitted the Long-Range Property Management Plan to DOF on November 14, 2013; and

WHEREAS, DOF requested changes to the original Long-Range Property Management Plan; and Successor Agency staff has incorporated those changes into the Revised Long-Range Property Management Plan; and

WHEREAS, the Oversight Board has reviewed the Revised Long-Range Property Management Plan attached to this Resolution as Exhibit A; and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency to submit the Long-Range Property Management Plan to the Oversight Board and Department of Finance for review and approval no later than six months following DOF's issuance to the Successor Agency of a Finding of Completion pursuant to Health and Safety Code Section 34279.7 and this submittal has been completed.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board to the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

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

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Section 2. Approval of the Revised Long-Range Property Management Plan through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The Successor Agency Secretary is authorized and directed to file a Notice of Exemption with the appropriate official of the County of San Bernardino, California, within five (5) days following date of adoption of this Resolution.

Section 3. The Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency hereby approves and adopts the Revised Long-Range Property Management Plan in substantially the form attached to this Resolution as Exhibit A.

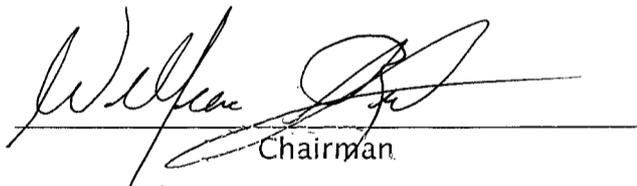
Section 4. The Oversight Board hereby directs the Successor Agency Executive Director or his designee to take any and all action necessary to carry out the purposes of this Resolution and comply with applicable law regarding preparation of the Revised Long-Range Property Management Plan by the Oversight Board; the Successor Agency Executive Director or his designee is hereby authorized and directed to submit such Revised Long-Range Property Management Plan to DOF, the County of San Bernardino Administrative Officer, and the San Bernardino County Auditor-Controller pursuant to Health and Safety Code Sections 34180(j) and 34191.5.

Section 5. If any provisions 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 provisions or applications; and to this end, the provisions of the 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 6. The Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

Section 7. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 13th day of August, 2014


Chairman

ATTEST:


Secretary

I, Yvonne L. Smith, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 14-06 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the 13th day of August, 2014, and that it was adopted by the following vote, to-wit:

AYES: Richardson, Piotrowski, Hillman, Valencia, Johnson, Ruh
NOES: None
ABSTAIN: None
ABSENT: Erickson


Yvonne L. Smith
Secretary

RESOLUTION NO. 15-03

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AMENDING OVERSIGHT BOARD RESOLUTION NO. 14-06 APPROVING AND ADOPTING A REVISED LONG-RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO SECTION 34191.5 OF THE HEALTH AND SAFETY CODE

WHEREAS, pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), all assets, properties, contracts, leases, books and records, buildings, and equipment of the former City of Montclair Redevelopment Agency (the "Redevelopment Agency") transferred to the control of the Successor Agency (the "Successor Agency") by operation of law; and

WHEREAS, pursuant to AB 26, all California redevelopment agencies, including the Redevelopment Agency, were dissolved effective February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare a long-range property management plan which addresses the disposition and use of the real property of the former Redevelopment Agency and which must be submitted to the Oversight Board for the Successor Agency (the "Oversight Board") and the Department of Finance ("DOF") for approval no later than six months following the issuance by DOF to the Successor Agency of a finding of completion pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, Section 34191.5 of the Health and Safety Code requires a successor agency to prepare a long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency; and

WHEREAS, Section 34191.3 of the Health and Safety Code states that if DOF has not approved the long-range property management plan by January 1, 2015, subdivision (e) of Section 34177 and subdivision (a) of Section 34181 shall be operative with respect to the successor agency. These sections govern the process by which property may be disposed; and

WHEREAS, the Successor Agency received DOF's Finding of Completion on May 15, 2013, and the Successor Agency's deadline for submitting the Oversight Board-approved Long-Range Property Management Plan to DOF is November 14, 2013; and

WHEREAS, the Successor Agency prepared the Long-Range Property Management Plan for the disposition of Successor Agency properties and the Oversight Board approved the Plan on November 13, 2013 (as approved, the "Adopted LRPMP"); and

WHEREAS, the Successor Agency submitted the Adopted LRPMP to the Department of Finance (DOF) on November 14, 2013; and

WHEREAS, a staff member of DOF indicated that certain changes were required to be made to the Adopted LRPMP. Successor Agency staff has incorporated changes to the Adopted LRPMP which, as submitted with such changes, constitutes the "Property Management Plan"; and

WHEREAS, the Oversight Board reviewed and approved the Property Management Plan, as revised, by its Resolution No. 14-06 on August 13, 2014; and

WHEREAS, a staff member of DOF verbally requested an amendment to Resolution No. 14-06 on January 13, 2015 that would direct the City of Montclair ("City") Agency to obtain enter into compensation agreements ("Compensation Agreements") with taxing agencies upon the transfer of the real property located at 4985 Richton Street (the "Richton Parcel"); and

WHEREAS, the Richton Parcel is currently devoted to governmental uses; and

WHEREAS, the Oversight Board acknowledges that the Richton Parcel is presently devoted to governmental uses (namely, a publicly owned and operated child care center) and may continue for the indefinite future to be used for such governmental purpose or other governmental purposes, such as transportation; and

WHEREAS, the Oversight Board further acknowledges that title to the Richton Property is jointly held with the San Bernardino Associated Governments ("SANBAG"), there is no indication or expectation that SANBAG desires to market the Richton Parcel at this time due to the probable need for the Richton Parcel in connection with the development of regional transportation facilities, the Richton Parcel, accordingly, may not be sold for several years, and the terms of any Compensation Agreement would involve only those net proceeds from sale of the Richton Parcel which SANBAG agreed to make available (the "Non-SANBAG Proceeds"); and

WHEREAS, the Successor Agency and the City, and each of them, lack the power to compel SANBAG to approve any sale or other disposition of the Richton Parcel; and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency to submit the Long-Range Property Management Plan to the Oversight Board and Department of Finance for review and approval no later than six months following DOF's issuance to the Successor Agency of a Finding of Completion pursuant to Health and Safety Code Section 34279.7 and this submittal has been completed.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board to the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

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

Section 2. The Successor Agency shall enter into or cause the City to enter into Compensation Agreements with respect to the Non-SANBAG Proceeds in the event the Richton Parcel shall hereafter be disposed of for non-governmental use.

Section 3. The Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency hereby approves and adopts Resolution No. 15-03. This Resolution No. 15-03 shall be deemed to constitute part of the long-range property management plan for the Successor Agency (as such long-range property management plan is so amended, the "Final LRPMP").

Section 4. The Oversight Board hereby directs the Successor Agency Executive Director or his designee to take any and all action necessary to carry out the purposes of this Resolution and comply with applicable law.

Section 5. If any provisions 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 provisions or applications; and to this end, the provisions of the 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 6. The Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency Secretary shall certify to the adoption of this Resolution.

Section 7. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance; therefore, this Resolution shall become effective five (5) business days after its adoption, pending a request for review by the State of California Department of Finance.

APPROVED AND ADOPTED this XX day of XXX, 2015.

Chairman

ATTEST:

Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 15-03 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the XX day of XXX, 2015, and that it was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Andrea M. Phillips
Secretary