

AGENDA
OVERSIGHT BOARD MEETING
FONTANA REDEVELOPMENT SUCCESSOR AGENCY

FRIDAY, AUGUST 24, 2012
9:00 A.M.

Fontana City Hall
Executive Conference Room
8353 Sierra Avenue
Fontana, CA 92335

EVELYNE SSENKOLOTO, Chair
City of Fontana
Employee Appointment

ACQUANETTA WARREN, Vice-Chair
City of Fontana
Mayor Appointment

JOHN B. ROBERTS
City of Fontana
Fontana Fire Protection District Appointment

ALEJANDRO ALVAREZ
Fontana Unified School District
County Superintendent of Education Appointment

LYNNE FISCHER
County of San Bernardino
Board of Supervisors Appointment

CIRIACO "CID" PINEDO
Chaffey College District
Chaffey College Appointment

LAURA A. MANCHA
County of San Bernardino
Board of Supervisors Appointment
Public Member Appointment

In compliance with the Americans with Disabilities Act, the City of Fontana is wheelchair accessible. If other special Assistance is required, please contact the Fontana City Clerk's Office (909-350-7602) 48 hours prior to the scheduled meeting so the Oversight Board can make reasonable arrangements.

AGENDA
OVERSIGHT BOARD MEETING
FONTANA REDEVELOPMENT SUCCESSOR AGENCY
FRIDAY, AUGUST 24, 2012
9:00 A.M.

This meeting will take place in the Fontana City Hall – Executive Conference Room
located at 8353 Sierra Avenue, Fontana, CA 92335

Welcome to a meeting of the Oversight Board – Fontana Redevelopment Successor Agency. A complete agenda packet is located on the table in the Executive Conference Room. To address the Board, please fill out a card located at the entrance indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the Recording Secretary. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act, the Executive Conference Room is wheel chair accessible.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

CALL TO ORDER/ROLL CALL:

PUBLIC COMMUNICATIONS:

This is an opportunity for citizens to speak for up to five minutes on items not on the agenda, but within the Oversight Board's jurisdiction. The Board is prohibited by law from discussing or taking immediate action on non-agendized items.

ITEM (A-F):

- A. Oath of Office (Dr. Eric Bishop)
- B. Approval of Minutes from June 15, 2012 Meeting
- C. Resolution Approving Recognized Obligation Payment Schedule (ROPS) from January 1, 2013 through June 30, 2013
- D. Briefing on Assembly Bill 1484 and the Due Diligence Review Process
- E. Resolution Approving Award of Property Management/Disposition Plan Contract – RSG Advisors
- F. Staff/Board Member Communication

ADJOURNMENT:

Next Meeting: Next Oversight Board meeting is scheduled for Friday, September 21, 2012 at 9:00 A.M. in the Fontana City Hall, Executive Conference Room located at 8353 Sierra Avenue, Fontana, CA 92335.

**MINUTES OF THE OVERSIGHT BOARD
FONTANA REDEVELOPMENT SUCCESSOR AGENCY
FRIDAY, JUNE 15, 2012**

CALL TO ORDER/ROLL CALL:

The Meeting of the Oversight Board, Fontana Redevelopment Successor Agency, was called to order at 9:00 a.m., which was held on Friday, June 15, 2012, in the Fontana City Hall, Executive Conference Room, 8353 Sierra Avenue, Fontana, California. Chairperson Ssenkoloto welcomed OSB Member Laura Mancha and noted that Felise Acosta, RSG Adviser was in attendance.

OSB Members Present: Chairperson Evelyne Ssenkoloto and OSB Members Alejandro Alvarez, Laura Mancha and John Roberts. OSB Members Absent: Vice-Chair Acquanetta Warren, and OSB Members Lynne Fischer and Cid Pinedo.

OSB Staff Present: David Edgar, Deputy City Manager, Administrative Services; Jeff Ballinger, City Attorney, Best, Best & Krieger; Lisa Strong, Management Services Director; Cecilia Lopez-Henderson, Administrative Project Coordinator (Recording Secretary; Ken Hunt, City Manager; and Debbie Brazill, Deputy City Manager, Development Services.

PUBLIC COMMUNICATIONS: There were no public communications received.

A. APPROVAL OF MINUTES FROM APRIL 20, 2012 MEETING

ACTION: Motion was made by OSB Member Alvarez, and seconded by OSB Member Roberts to approve the April 20, 2012 Minutes of the Oversight Board Meeting, Fontana Redevelopment Successor Agency. Motion passed by vote of 3-0. Abstain: OSB Member Mancha.

B. RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)/DEPARTMENT OF FINANCE – UPDATE BY LISA STRONG, MANAGEMENT SERVICES DEPARTMENT

Chairperson Ssenkoloto asked whether any written communication was received on this item. Recording Secretary Cecilia Lopez-Henderson stated that no written communication was received.

Management Services Director Lisa Strong provided an update on the Second Recognized Obligation Payment Schedule (ROPS), and stated that the first two ROPS were submitted to the Department of Finance (DOF). Ms. Strong stated that there were three items that were removed because they were agreements between the City and the former Redevelopment Agency (RDA), which are not allowed under Assembly Bill

26 as an allowable enforceable obligation. Ms. Strong stated that another item that was removed was the \$9.2 million dollars toward the City's Duncan Canyon Interchange, and other than that, all the remaining items were approved on both the first and second ROPS. The third ROPS is due to the Department of Finance in October, so those will be presented to the OSB at the August 24 meeting.

C. SECOND AMENDMENT TO THE HILTON GARDEN INN DISPOSITION AND DEVELOPMENT AGREEMENT (DDA)

Chairperson Ssenkoloto asked whether any written communication was received on the resolution to approve a Second Amendment to the Hilton Garden Inn Disposition and Development (DDA). Recording Secretary Henderson stated that no written communication was received.

Deputy City Manager David Edgar referred to the overhead display map and outlined the location of the parcel at Sierra Avenue and Slover Avenue. Mr. Edgar stated that the property was part of the Empire Center Workout Strategy, which was acquired to build the Hilton Garden Inn.

Mr. Edgar stated that the matter before the Oversight Board was to allow the developer to build the restaurant pad. He stated the developer has an obligation to develop the vacant land as a restaurant pad but also would like to purchase the land. The land is about 40,000 square feet, but staff informed the developer that a family-oriented restaurant in the community is desired and fast food restaurants or drive-through facilities are discouraged. Mr. Edgar stated that it is a small parcel of land and was not conducive to a Black Angus or BJ's restaurants.

Mr. Edgar stated the purchase price identified in the Disposition and Development Agreement (DDA) is \$200,000, which is about \$5 a foot. Mr. Edgar stated that staff is requesting authorization for the Hilton Garden Inn to purchase the land, and provide a development schedule that would allow them to close escrow by the end of this calendar year, and by December 31, 2015 a restaurant site would be developed. If the item is approved by the OSB, the item will subsequently be presented to the City Council. Mr. Edgar concluded his remarks and asked whether there were any questions.

OSB Member Alvarez questioned the original \$200,000 purchase price to the \$400,000 invested price. Mr. Edgar stated that when the original DDA was done, the market was completely different. Discussion ensued concerning whether the developer would sell the land or build and lease the restaurant site. Mr. Edgar responded that the developer is open to both options. Mr. Alvarez questioned if the City would obtain the proceeds if the land sold for more than it was purchased. Mr. Edgar stated that it was unlikely that would occur because the development obligation would not go away.

ACTION: Motion was made by OSB Member Roberts and seconded by OSB Member Mancha and passed unanimously by vote of 4-0 to adopt Resolution No. FOB 2012-05 of the Oversight Board of the Successor Agency to the Dissolved Fontana Redevelopment Agency, approving a Second Amendment to the Hilton Garden Inn Disposition and Development Agreement (DDA).

D. SHARED DRIVEWAY EASEMENT AGREEMENT – WESTECH COLLEGE

Chairperson Ssenkoloto asked whether any written communication was received on the resolution to approve a Shared Driveway Easement Agreement – Westech College. Recording Secretary Henderson stated that no written communication was received.

Deputy City Manager David Edgar stated that Items D and E were closely related and would be presented together. Mr. Edgar referred to the display map and outlined the locations of the parcels on Sierra Avenue. Mr. Edgar stated that the City entered into a DDA with Dix Development (Westech College) to construct a two-story, 20,000 square foot facility at 9460 Sierra Avenue (current location of the Civic Auditorium) that would serve 500 students per semester. He stated higher education continues to be a priority for the City Council and a great opportunity for Fontana.

Mr. Edgar stated the two items before the OSB are separated as follows:

- The first item is the driveway facility which services Olive Street near Sierra Realty and Sons of Italy. Mr. Edgar stated the driveway would be moved to the center of the development, which would increase the value of the property.
- The second item is the parking facility and utility corridor. There is an adjacent property consisting of 16,000 square feet that has existing utilities. Dix Development is requesting permission to use the utility easement in place to build parking on the property.

Mr. Edgar stated that this request is a win-win proposal. On the existing land, there is no access to Sierra Avenue, as it is undevelopable due to the utility access already there, so it made better sense to develop the parcel as parking.

Discussion ensued regarding the Civic Auditorium not being in compliance with the Americans with Disabilities Act (ADA) and having seismic problems.

Mr. Edgar stated that three parcels are owned by the RDA and could be used to create additional access to the back side when Phase II is developed. He stated that by creating another access, three access points could be created in Phase II—Sierra Avenue, Olive Avenue or Holly Drive. Mr. Edgar stated the City is also interested in acquiring a corner lot that contains an auto-related business at Sierra Avenue and Fontlee Avenue. He stated that the owner is interested in relocating, as additional

space and parking is needed. Mr. Edgar concluded his presentation and asked whether there were any questions. There were none.

ACTION: Motion was made by OSB Member Mancha and seconded by OSB Member Roberts and passed unanimously by vote of 4-0 to adopt Resolution No. FOB 2012-06 of the Oversight Board of the Successor Agency to the Dissolved Fontana Redevelopment Agency, approving a Shared Driveway Easement Agreement–Westech College.

E. UTILITY AND PARKING EASEMENT AGREEMENT – WESTECH COLLEGE

Chairperson Ssenkoloto called for a motion on the resolution to approve a Utility and Parking Easement Agreement (Westech College).

ACTION: Motion was made by OSB Member Alvarez and seconded by OSB Member Roberts and passed unanimously by vote of 4-0 to adopt Resolution No. FOB 2012-07 of the Oversight Board of the Successor Agency to the Dissolved Fontana Redevelopment Agency, approving a Utility and Parking Easement Agreement–Westech College.

F. THE ORIGINAL ALFREDO'S RESTAURANT – ORAL REPORT BY DAVID EDGAR, DEPUTY CITY MANAGER

Chairperson Ssenkoloto asked whether any written communication was received on this item. Recording Secretary Henderson stated that no written communication was received.

Deputy City Manager David Edgar provided an oral report concerning the Original Alfredo's Restaurant located in the City of San Bernardino. Mr. Edgar stated that Alfredo's Restaurant would like to relocate or establish an Alfredo's Restaurant in downtown Fontana. He stated Alfredo's Restaurant has been concerned about the demographics at their location in downtown San Bernardino and would like to establish a restaurant facility on Sierra Avenue, which is next door to Cherp's on Sierra Avenue.

Mr. Edgar stated two items needed to occur as follows:

- First, the land needs to be purchased, and a property appraisal on the building prepared (photos of the building were presented). He stated Alfredo's Restaurant has already expressed a desire to buy the land and staff's expectation is the appraisal will be accepted. He stated the appraisal and purchase and sale agreement will return to the Oversight Board at a future meeting for ratification.
- Secondly, the owner of Alfredo's is requesting assistance for physical improvements to the building (improvements to the interior décor or decoration will be done by Alfredo's). He stated the restaurant will be a sports-oriented, higher

end type facility, and the City would be providing the physical improvements through a financing package. Mr. Edgar stated that the goal is to bid out the improvements and have the financing package ready for the City Council in September, so improvements could begin by the end of September and the restaurant opened by December of this year.

OSB Member Roberts questioned whether this item needs to go to the Department of Finance (DOF), and discussion ensued regarding whether review by the DOF was a legislative requirement. Mr. Edgar stated he was not aware that there was a specific legislative requirement that approval was needed by the DOF. He stated the protocol has been the approval by the Oversight Board and consideration by the Successor Agency.

OSB Member Alvarez asked what information was reviewed to insure that Alfredo's Restaurant will be successful in Fontana. Mr. Edgar stated that Alfredo's presented the City with a very aggressive marketing plan and staff feels confident that the owner understands, economically, what it would take to be successful. He stated that Alfredo's did a survey, which showed that many people that visited the San Bernardino facility came from the Fontana area. Alfredo's is convinced that people from Rancho Cucamonga, Ontario and Fontana that are patronizing the San Bernardino restaurant will go to the Fontana facility (survey was done by zip code).

Discussion ensued regarding the Redevelopment Agency's ownership of the facility and using federal monies for the improvement plan.

OSB Member Mancha inquired about available parking for Alfredo's Restaurant. Mr. Edgar responded that Alfredo's presented a parking plan, which showed parking to the north of the restaurant facility and parking to the east, behind the facility. He stated for additional parking behind the restaurant facility, Alfredo's may purchase land to expand the parking should the need arise.

Chairperson Ssenkoloto called for any further questions, hearing none, stated that no formal action was necessary, as this item was for discussion.

STAFF/BOARD MEMBER COMMUNICATIONS

Chairperson Ssenkoloto called on OSB Member Alvarez. Mr. Alvarez stated that he was informed by the County Assessor's staff that the Oversight Board is the body that would address the issue of underpayment to the Fontana Unified School District regarding redevelopment money prior to Fiscal Year 2011/2012.

City Manager Ken Hunt stated if there was an action for judgment, then it would be the City's responsibility. Mr. Hunt stated that because there was no judgment, there is no legal basis, and therefore, no court case to resolve the issue. He stated that the City's legal ability to place it on the ROPS (Recognized Obligation Payment Schedule) was

determined by having an agreement or contract or court case and none of that exists. City Attorney Jeff Ballinger stated the funds are no longer going through the City's Redevelopment Agency; the funds are going directly to the County and that was why the taxing entities have been referred to the County. Discussion ensued regarding whether legal action was the best course of action to resolve the issue.

No other comments were provided by the OSB Members. Chairperson Ssenkoloto called upon the City staff and the public for comments. No comments were provided.

WORKSHOP:

PROPERTY DISPOSITION STRATEGY – PRESENTATION BY RSG ADVISOR FELISE ACOSTA

Chairperson Ssenkoloto introduced the City's consultant, RSG Advisor Felise Acosta who presented the property disposition strategy. Ms. Felise Acosta stated that due to the dissolution of the redevelopment agency, RSG will be assisting the City in property disposition. She stated that Fontana has 115 parcels that need to be used in the best possible way. She stated that conversations with Deputy City Manager David Edgar have been ongoing concerning the property disposition process. The process must be expeditious and value maximized, but also in the best interest of the community at large—not just the city—but the schools, the children, etc.

Ms. Acosta stated that a methodology for Fontana will be developed (referred to a flow chart), and based on the methodology, procedures for property disposition will be developed by the City or Successor Agency and then reviewed by the Oversight Board.

Ms. Acosta stated the community's goals and interests in the disposition of the properties need to be determined, and then the properties will be assessed. Ms. Acosta stated an exception exists in Assembly Bill 26 that properties acquired for public facilities could be transferred to a public agency to which that property was acquired for. These properties will be assessed and confirmed that they meet the criteria of the law by the City's attorneys, and brought forward to the Oversight Board for consideration of transference to whatever entity is appropriate. Ms. Acosta provided an example that parks that were owned by the redevelopment agency fall into this exception category.

OSB Member Alvarez asked what was the impact on the transfer of property versus the sale of the property. Ms. Acosta stated that any funds derived from the sale of property go into a tax increment trust fund, which should be disbursed to the taxing entities. Discussion ensued regarding the disbursement of funds to the taxing entities based on tax levy rates.

Ms. Acosta stated that procedures to require and assess an appraisal and the categorization of each property would be necessary, including whether it may have some significance to the community, such as a parcel that was located adjacent to a

school. She stated the current zoning and general plan designations and safeguards for proper development would also need to be determined. Ms. Acosta stated that to facilitate the process, an appraiser and title and escrow companies would need to be retained. Mr. Edgar stated procedures would be in place for the August Oversight Board meeting. During this timeframe, staff would be talking to title companies and escrow companies about what they need in conjunction with this process.

OSB Member Mancha asked why there was a need to be expeditious in the process, and asked whether there was a timeline for the disposition of the properties. Mr. Edgar stated that four years is the timeline. Discussion ensued regarding current market conditions and when the market would be improving.

Ms. Acosta stated cities must liquidate their assets as quickly as possible but to maximize value. She stated having a strategy and procedures for the disposition of property would help protect the Successor Agency and the Oversight Board. Mr. Edgar stated that the City will be trying to maximize value and understanding the intent by which the land was purchased. He stated the City would like to take advantage of the development cycle and be able to develop the property for which it was intended.

OSB Member Alvarez asked whether a listing of RDA-owned properties could be provided, so that a better idea of the types of properties could be obtained. Mr. Edgar stated that a list would be provided. Ms. Acosta stated that the types of funds that were used to purchase the properties, such as, tax increment, federal money, or tax exempt bonds are also critical issues. Ms. Acosta stated the intent is to compile enough information about each parcel and have that information available to the Successor Agency and the Oversight Board.

ADJOURNMENT:

Chairperson Ssenkoloto adjourned the Fontana Oversight Board Meeting at 10:14 a.m. to the next Fontana Oversight Board Meeting on Friday, August 24, 2012 at 9:00 a.m., Fontana City Hall, Executive Conference Room, 8353 Sierra Avenue, Fontana, California, seconded

Lynne Fischer
Secretary

Evelyn Ssenkoloto
Chairperson

**OVERSIGHT BOARD ACTION REPORT
FONTANA REDEVELOPMENT SUCCESSOR AGENCY
AUGUST 24, 2012**

FROM: Management Services Department

SUBJECT: Resolution Approving Recognized Obligation Payment Schedule (ROPS) III from January 1, 2013, through June 30, 2013

RECOMMENDED ACTION:

Adopt Resolution No. FOB 2012-08 by the Oversight Board for Successor Agency to the Fontana Redevelopment Agency approving a Recognized Obligation Payment Schedule pursuant to Health and Safety Code Sections 34177(I) for January 1, 2013, through June 30, 2013.

BACKGROUND:

AB 1X 26 dissolved the Fontana Redevelopment Agency ("Agency") as of February 1, 2012. The City of Fontana ("RDA Successor Agency") is the successor agency to the Agency.

One of the responsibilities of the RDA Successor Agency is to prepare a draft ROPS for each six (6) month fiscal period listing the nature, amount, and source(s) of payment of all outstanding "enforceable obligations" (as defined by law) of the dissolved Agency to be paid or performed by the RDA Successor Agency. Each ROPS is required to be forward-looking and show obligations over each six month fiscal period.

The "enforceable obligations" listed in the ROPS may include the following: (1) bonds; (2) loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; (3) payments required by the federal government preexisting obligations to the state or obligations imposed by state law; (4) judgments, settlements or binding arbitration decisions that bind the agency; (5) legally binding and enforceable agreements or contracts; (6) contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies; and (7) amounts borrowed from or payments owing to the Low and Moderate Income Housing Fund that had been deferred as of June 29, 2011.

AB 1484, signed by Governor Brown and enacted into law on June 27, 2012, modifies certain provisions of AB 1X 26 including those relating to the ROPS as follows:

- Agencies must report actual amounts paid with Redevelopment Property Tax Trust Fund (RPTTF) from the previous period (January 2012 through June 2012).

- Agencies must report anticipated RPTTF funding for the current period (January 2013 through June 2013).
- All enforceable obligations must now be listed on one form regardless of funding source or project area.
- Agencies are no longer required to report monthly enforceable obligation estimates. Instead only the six-month estimated amounts are required.
- Funding source columns have been designated.
- A column for contract/agreement termination date has been added.
- A Notes form is now available for agencies to provide additional and necessary information related to the enforceable obligations listed on the ROPS. This form is optional and should be used at the agency's discretion.

AB 1484 shortens the deadline for Successor Agencies to provide the Department of Finance (DOF) with an Oversight Board-approved ROPS covering the January 2013 through June 2013 period to September 1, 2012. It also extends the time available for the DOF to review Successor Agency submittals and creates the option of a meet-and-confer process for Agencies to appeal DOF decisions.

Staff has completed the Recognized Obligation Payment Schedule for the period of January 1, 2013 through June 30, 2013. These ROPS were approved by the RDA Successor Agency on August 14, 2012, and copies were sent to the county and state. Once approved by the Oversight Board, the ROPS will be submitted to the County of San Bernardino Auditor-Controller, the State Controller's office and the State Department of Finance and posted on the RDA Successor Agency's website.

FISCAL IMPACT:

No funds are involved with the approval of the ROPS.

MOTION:

Approve staff recommendation.

SUBMITTED BY:

For: 
 Lisa A. Strong
 Management Services Director

APPROVED BY:


 Kenneth R. Hunt
 City Manager

ATTACHMENT:

1. Resolution No. FOB 2012-08 Approving a Recognized Obligation Payment Schedule (ROPS) III from January – June 2013

RESOLUTION NO. FOB 2012-08

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED FONTANA REDEVELOPMENT AGENCY, APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(l) FOR JANUARY 1, 2013 THROUGH JUNE 30, 2013

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Fontana ("RDA Successor Agency") is the successor agency to the dissolved Fontana Redevelopment Agency ("Agency"), as confirmed by Resolution No. 2012-001 adopted on January 10, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34179(a), the Oversight Board is the Successor Agency's oversight board; and

WHEREAS, Health and Safety Code Section 34177(l)(2), as modified by the Supreme Court opinion in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, requires the RDA Successor Agency to prepare a "recognized obligation payment schedule" ("ROPS") listing outstanding obligations of the Agency to be performed by the RDA Successor Agency during the time period from January 1, 2013, through June 30, 2013; and

WHEREAS, Health and Safety Code Section 34177(l)(2)(B) requires that the RDA Successor Agency submit a copy of the ROPS to the county administrative officer, the county auditor-controller, and the Department of Finance at the same time that the successor agency submits the Recognized Obligation Payment Schedule to the oversight board for approval; and

WHEREAS, Health and Safety Code Section 34177(m) requires that the ROPS for the period January 1, 2013, through June 30, 2013, shall be submitted by the RDA Successor Agency to the county auditor-controller, and both the Controller's office and the Department of Finance and be posted on the RDA Successor Agency's Internet Web site, after approval by the oversight board, no later than September 1, 2012.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED FONTANA REDEVELOPMENT AGENCY, DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

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

Section 2. CEQA Compliance. The approval of the ROPS 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 City

Resolution No. FOB 2012-08

Clerk, acting on behalf of the Oversight Board, 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 the date of adoption of this Resolution.

Section 3. Approval of ROPS. The Oversight Board hereby approves the ROPS, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. Implementation. The Oversight Board hereby directs the RDA Successor Agency to submit copies of the ROPS approved by the Oversight Board to the county auditor-controller, and both the Controller's office and the Department of Finance, and posting on the RDA Successor Agency's Internet Web site no later than September 1, 2012.

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

Section 6. Certification. The City Clerk, acting on behalf of the Oversight Board, shall certify to the adoption of this Resolution.

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

APPROVED and ADOPTED this 24th day of August, 2012.

Evelyne Ssenkoloto, Chairperson
Oversight Board of the Successor Agency to the
Fontana Redevelopment Agency

ATTEST:

Lynne Fischer, Secretary
Oversight Board of the Successor Agency to the
Fontana Redevelopment Agency

Resolution No. FOB 2012-08

I, Lynne Fischer, acting as the Secretary of the Oversight Board of the Successor Agency to the Fontana Redevelopment Agency, do hereby certify that the foregoing Resolution is the actual Resolution duly and regularly adopted by the Oversight Board of the Successor Agency to the Fontana Redevelopment Agency at a regular meeting on the 24th day of August, 2012, by the following vote to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynne Fischer, Oversight Board Secretary

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
FOR JANUARY 1, 2013, THROUGH JUNE 30, 2013

[Attached behind this page]

Successor Agency Contact Information

Name of Successor Agency: City of Fontana
County: San Bernardino

Primary Contact Name: Lisa Strong
Primary Contact Title: Management Services Director
Address: 8353 Sierra Ave., Fontana, CA 92335
Contact Phone Number: (909) 350-7671
Contact E-Mail Address: lstrong@fontana.org

Secondary Contact Name: Dawn Brooks
Secondary Contact Title: Accounting Manager
Secondary Contact Phone Number: (909) 350-7611
Secondary Contact E-Mail Address: dbrooks@fontana.org

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the January 1, 2013 to June 30, 2013 Period

Name of Successor Agency: City of Fontana

		Total Outstanding Debt or Obligation
Outstanding Debt or Obligation		\$ 2,264,461,997
Current Period Outstanding Debt or Obligation		Six-Month Total
A	Available Revenues Other Than Anticipated RPTTF Funding	22224790
B	Anticipated Enforceable Obligations Funded with RPTTF	28889553
C	Anticipated Administrative Allowance Funded with RPTTF	866887
D	Total RPTTF Funded (B + C = D)	28756240
Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be same amount as ROPS form six-month total</i>		\$ 51,981,030
E	Enter Total Six-Month Anticipated RPTTF Funding (Obtain from county auditor-controller)	34,000,000
F	Variance (D - E = F) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	\$ 4,243,760
Prior Period (January 1, 2012 through June 30, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))		
G	Enter Estimated Obligations Funded by RPTTF (Should be the lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)	53882911.66
H	Enter Actual Obligations Paid with RPTTF	43368457
I	Enter Actual Administrative Expenses Paid with RPTTF	1328704
J	Adjustment to Redevelopment Obligation Retirement Fund (G - (H + I) = J)	9184750.66
K	Adjusted RPTTF (The total RPTTF requested shall be adjusted if actual obligations paid with RPTTF are less than the estimated obligation amount.)	\$ 20,571,489.34

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.

Evelyn Ssenkoloto.
Name

Chairman
Title

Signature

Date

Item #	Notes/Comments
1	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
2	Debt service reserve per bond indenture
3	To cash flow debt service as September payment is larger than March
6	Bond debt service is requested during first 6-month period of FY as OPA payment is subordinate
7	Debt service reserve per bond indenture
10	Bond debt service is requested during first 6-month period of FY as OPA payment is subordinate
11	Debt service reserve per bond indenture
14	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
15	To cash flow debt service as September payment is larger than March
17	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
18	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
19	To cash flow debt service as September payment is larger than March
20	To cash flow debt service as September payment is larger than March
22	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
23	To cash flow debt service as September payment is larger than March
25	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
26	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
27	Debt service reserve per bond indenture
28	To cash flow debt service as September payment is larger than March
30	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
31	To cash flow debt service as September payment is larger than March
33	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
34	To cash flow debt service as September payment is larger than March
36	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
37	Debt service reserve per bond indenture
38	To cash flow debt service as September payment is larger than March
40	Bond debt service is split evenly between two 6-month ROPS to maintain balance between periods
41	Debt service reserve per bond indenture
42	To cash flow debt service as September payment is larger than March
44	Tax sharing accruals not requested by taxing entity in prior years
45	Tax sharing accruals not requested by taxing entity in prior years

Name of Successor Agency: City of Fontaine
 County: San Bernardino

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III) – Notes (Optional)
 January 1, 2013 through June 30, 2013

Item #	Notes/Comments
46	Tax sharing accruals not requested by taxing entity in prior years
47	Tax sharing accruals not requested by taxing entity in prior years
48	Tax sharing accruals not requested by taxing entity in prior years
49	Tax sharing accruals not requested by taxing entity in prior years
50	Tax sharing accruals not requested by taxing entity in prior years
51	Estimate as payments are based on total collections for the project area and are not available from the County until October
54	Principal only, repayments allowed beginning FY 2013/14 per AB 1484
55	Total outstanding debt to be determined per AB 1484, repayments allowed beginning FY 2013/14 per AB 1484
56	Total outstanding debt to be determined per AB 1484, repayments allowed beginning FY 2013/14 per AB 1484
57	Total outstanding debt to be determined per AB 1484, repayments allowed beginning FY 2013/14 per AB 1484
60	Project payments delayed
61	Project payments delayed
62	Project payments delayed
63	Project payments delayed
64	Estimate
65	Estimate
66	Contract pursuant to H & S Code Section 34191.5(b) requirement to Successor Agency on 08/14/12; to Oversight Board on 08/24/12

**OVERSIGHT BOARD ACTION REPORT
FONTANA REDEVELOPMENT SUCCESSOR AGENCY
AUGUST 24, 2012**

FROM: Housing and Business Development

SUBJECT: Resolution Approving Award of SP-02-HD-13 Property Disposition/
Implementation Plan to the Rosenow Spevacek Group (RSG) Inc.

RECOMMENDED ACTION:

Adopt Resolution No. FOB 2012-09 and Award Bid No. SP-02-HD-13 in conjunction with Development and Implementation of a Property Disposition/Implementation Plan to the Rosenow Spevacek Group (RSG) Inc.

BACKGROUND:

On June 28, 2012, the City of Fontana published a formal advertisement soliciting proposals for the development and implementation of a Property Disposition/Implementation Plan. At the direction of the Successor Agency to the former Redevelopment Agency and the Fontana Oversight Board, the Property Disposition/Implementation Plan will address the transfer, sale and disposition of properties currently owned by the former Fontana Redevelopment Agency (RDA).

Development of the Plan is required and prescribed by the State Department of Finance (DOF) as part of the recently approved AB 1484 legislation.

On July 12, 2012, a total of five (5) formal proposals were received from interested companies. An evaluation of each of the submissions was subsequently completed by a committee selected for this purpose. This was done to determine which company was best qualified to develop and implement a comprehensive Property Disposition Plan on behalf of the Successor Agency and Fontana Oversight Board.

It is the unanimous recommendation of the reviewing committee that Rosenow Spevacek Group (RSG) be selected due to their overall expertise in developing similar plans. The method of selection for these firms complies with the City's purchasing guidelines. Purchasing staff concurs with the department's recommendation.

Development of the Property Disposition/Implementation Plan will be completed in two (2) phases. Phase I will include the individual assessment of any/all former RDA owned properties, developing a strategy for the disposition of each individual property and developing specific policies and procedures for the disposition of properties. When drafted, the Plan must subsequently be reviewed and approved by the Successor Agency, the Oversight Board and the State Department of Finance (DOF).

Phase II will include implementation of the approved Plan and disposition of each former RDA owned property.

The cost estimate for Phase I, provided by Rosenow Spevacek Group (RSG), is \$65,000. The cost of Phase II Plan implementation is estimated at \$35,000.

On August 14, 2012 the Fontana Successor Agency unanimously approved the award of Bid No. SP-02-HD-13 to the Rosenow Spevacek Group (RSG).

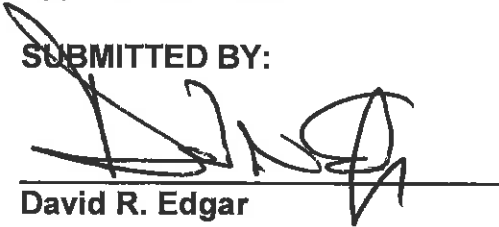
FISCAL IMPACT:

Funds for development of the Property Disposition/Implementation Plan are included within the City's 2012/2013 fiscal-year budget.

MOTION:

Approve staff recommendation.

SUBMITTED BY:



David R. Edgar
Deputy City Manager

APPROVED BY:



Kenneth R. Hunt
City Manager

ATTACHMENT:

1. Resolution No. FOB 2012-09 Approving Award of SP-02-HD-13 Property Disposition/ Implementation Plan to the Rosenow Spevacek Group (RSG) Inc.

RESOLUTION NO. FOB 2012-09

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED FONTANA REDEVELOPMENT AGENCY, APPROVING AWARD OF THE PROPERTY MANAGEMENT/DISPOSITION CONTRACT PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Fontana ("RDA Successor Agency") is the successor agency to the dissolved Fontana Redevelopment Agency ("Agency"), as confirmed by Resolution No. 2012-001 adopted on January 10, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34179(a), the Oversight Board is the Successor Agency's oversight board; and

WHEREAS, Health and Safety Code Section 34191.5 requires that the RDA Successor Agency shall prepare a long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency. The report shall include an inventory of all properties in the trust and consist of the following information: (a) the date of the acquisition of the property and the value of the property at that time, and an estimate of the current value of the property; (b) the purpose for which the property was acquired; (c) parcel data, including address, lot size, and current zoning in the former agency redevelopment plan or specific, community, or general plan; (d) an estimate of the current value of the parcel including, if available, any appraisal information; (e) an 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) the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts; (g) a description of the property's potential for transit-oriented development and the advance of the planning objectives of the successor agency; and (h) a brief history of previous development proposals and activity, including the rental or lease of property. The plan shall also address the use or disposition of all of the properties in the trust including retention of the property for government use, retention of the property for future development, sale of the property, or use of the property to fulfill an enforceable obligation; and

WHEREAS, the RDA Successor Agency completed a Request for Proposal (RFP) process whereby five (5) formal proposals were received from interested companies; and after an evaluation of each of the submissions, the review committee unanimously recommended that Rosenow Spevacek Group (RSG) be selected due to their overall expertise in developing similar plans; and

WHEREAS, funding for the contract in the amount of \$100,000 has been included in the Recognized Obligation Payment Schedule (ROPS) III for the period of January 1, 2013, through June 30, 2013.

Resolution No. FOB 2012-09

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED FONTANA REDEVELOPMENT AGENCY, DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

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

Section 2. CEQA Compliance. The approval of the draft ROPS 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 City Clerk, acting on behalf of the Oversight Board, 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 the date of adoption of this Resolution.

Section 3. Approval of Contract. The Oversight Board hereby approves the contract with Rosenow Spevacek Group (RSG) in the amount of \$100,000 to develop the long-range property management plan that addresses the disposition and use of the real properties of the former redevelopment agency pursuant to Health and Safety Code Section 34191.5.

Section 4. Implementation. The Oversight Board hereby directs the RDA Successor Agency to provide any and all information necessary for RSG to complete the long-range property management plan.

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

Section 6. Certification. The City Clerk, acting on behalf of the Oversight Board, shall certify to the adoption of this Resolution.

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

APPROVED and ADOPTED this 24th day of August, 2012.

Evelyne Ssenkoloto, Chairperson
Oversight Board of the Successor Agency to the
Fontana Redevelopment Agency

Resolution No. FOB 2012-09

ATTEST:

Lynne Fischer, Secretary
Oversight Board of the Successor Agency to the
Fontana Redevelopment Agency

I, Lynne Fischer, acting as the Secretary of the Oversight Board of the Successor Agency to the Fontana Redevelopment Agency, do hereby certify that the foregoing Resolution is the actual Resolution duly and regularly adopted by the Oversight Board of the Successor Agency to the Fontana Redevelopment Agency at a regular meeting on the 24th day of August, 2012, by the following vote to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynne Fischer, Oversight Board Secretary