

**RESOLUTION NO. 2012-279**

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF INDIO,  
CALIFORNIA, APPROVING AMENDMENTS TO THE ENFORCEABLE  
OBLIGATION PAYMENT SCHEDULE AND CERTAIN RELATED ACTIONS**

**WHEREAS**, The Redevelopment Agency of the City of Indio (the "Agency") is a redevelopment agency in the City of Indio (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

**WHEREAS**, The City Council of the City (the "City Council") has adopted a redevelopment plan for the Merged Redevelopment Project Area, and from time to time, the City Council has amended such redevelopment plan.

**WHEREAS**, AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code.

**WHEREAS**, The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a partial stay of AB X1 26 and AB X1 27.

**WHEREAS**, On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently.

**WHEREAS**, The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later. The Supreme Court did not revise the effective dates or deadline for performance of obligations in Part 1.8.

**WHEREAS**, As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies are dissolved and successor agencies are designated as successor entities to the former redevelopment agencies. Pursuant to Health and Safety Code Section 34169, until successor agencies are authorized, redevelopment agencies must continue to make all scheduled payments for enforceable obligations as defined in Health and Safety Code Section 34167(a). Pursuant to Health and Safety Code Section 34167, redevelopment agencies shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness.

**WHEREAS**, The Agency adopted Resolution No. 9494 on August 25, 2011 (Exhibit A), adopting an Enforceable Obligation Payment Schedule as attached hereto as Exhibit B and incorporated herein by reference (the "Original EOPS"). In accordance with Health and Safety

Code Section 34169, the Original EOPS only lists payments obligated to be made, by month, through December 2011. Accordingly, the Agency desires to adopt this Resolution to amend the Original EOPS to include payments obligated to be made after December 31, 2011.

**WHEREAS**, The amended EOPS is set forth and attached to this Resolution as Exhibit C, and is incorporated herein by reference (the "Amended EOPS").

**NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF INDIO HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Agency hereby adopts the Amendments. The Original EOPS, as amended by the Amendments, shall constitute the current EOPS of the Agency.

Section 3. The Agency Secretary is hereby authorized and directed to post this Resolution, including the Exhibits, on the City of Indio's Internet Web site.

Section 4. Prior to dissolution, the Agency may amend the EOPS from time to time at any public meeting of the Agency. Any such further amendments shall be posted to the City of Indio's Internet Web site.

Section 5. The Agency Secretary is hereby authorized and directed to transmit a copy of this Resolution, including the Exhibits, by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance. A notification providing the Internet Web site location of the posted copy of this Resolution will suffice.

Section 6. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing documents associated with the Amendments to the California Department of Finance and the State Controller, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 7. The Agency hereby affirms the designation of Dan Martinez, Executive Director, as the Agency official to whom the California Department of Finance may make requests for review in connection with the Amendments.

Section 8. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 9. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution

is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

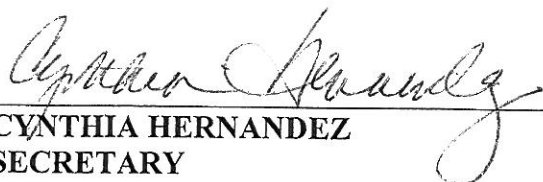
**PASSED AND ADOPTED AND ADOPTED** this 30<sup>h</sup> day of January, 2012, by the following vote:

**AYES:** Holmes, Torres, Ramos Watson, Miller  
**NOES:** None  
**ABSENT:** Wilson



\_\_\_\_\_  
**GLENN MILLER, CHAIRMAN**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ**  
**SECRETARY**

**EXHIBIT A**

**RESOLUTION NO. 9494**

**(AS ADOPTED ON AUGUST 25, 2011 TO ADOPT THE ORIGINAL EOPS)**



## RESOLUTION NO. 9494

**RESOLUTION OF THE INDIO REDEVELOPMENT AGENCY ADOPTING ENFORCEABLE OBLIGATION PAYMENT SCHEDULE DATED AS OF AUGUST 25, 2011**

**WHEREAS**, the Indio Redevelopment Agency ("Agency") is a community redevelopment agency duly organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq. ("CRL"), and has been authorized to transact business and exercise the power of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Indio ("City"); and

**WHEREAS**, the existing Redevelopment Plan ("Redevelopment Plan") and the boundaries of the Redevelopment Plan ("Project Area") were duly established by ordinances of the City Council; and

**WHEREAS**, the Agency is responsible for implementation of the Redevelopment Plan for the Project Area, and the Redevelopment Plan sets forth a plan for redevelopment of the Project Area consistent with the policies and standards of the General Plan of the City; and

**WHEREAS**, Parts 1.8, 1.85 and 1.9 of Division 24 of the CRL were added by Assembly Bill X1 26 and Assembly Bill X1 27 (together, "2011 Redevelopment Legislation"), which laws purport to become effective immediately; and

**WHEREAS**, the 2011 Redevelopment Legislation is a part of multiple trailer bills to the FY 2011-2012 California budget bills that were approved by both Houses of the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

**WHEREAS**, Part 1.85 of the CRL added by the 2011 Redevelopment Legislation ("Part 1.85") provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011, and provides that, thereafter, a successor agency will administer the enforceable obligations of the Agency and otherwise wind up its affairs, all subject to the review and approval of an oversight committee; and

**WHEREAS**, Part 1.8 of the CRL added by the Redevelopment Legislation ("Part 1.8") provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain "enforceable obligations" and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

**WHEREAS**, as part of this wind up process, all redevelopment agencies are required to file a schedule of those "enforceable obligations" that require payments to be made through the end of the calendar year 2011 ("Enforceable Obligation Payment Schedule"); and

**WHEREAS**, the dissolution of the Agency would be detrimental to the health, safety, and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and

**WHEREAS**, Part 1.9 of Division 24 of the CRL added by the 2011 Redevelopment Legislation ("Part 1.9") provides that a redevelopment agency may continue in operation if a city or county that includes a redevelopment agency adopts an ordinance agreeing to comply with and participate in the Alternative Voluntary Redevelopment Program established in Part 1.9 ("Program"); and

**WHEREAS**, specifically, pursuant to Part 1.9, Parts 1.8 and 1.85 of Division 24 of the CRL, which include the Enforceable Obligation Payment Schedule requirement, will not apply to the Agency if the City enacts the ordinance to participate in the Program;

**WHEREAS**, the City adopted the ordinance required by Part 1.9, in order to allow the Agency to continue in operation and performing its functions ("Ordinance"); and

**WHEREAS**, subject to the contingencies and reservations set forth herein, the Agency nevertheless desires to adopt an Enforceable Obligation Payment Schedule and to amend it from time to time as necessary; and

**WHEREAS**, the Agency is aware that the validity, passage, and applicability of the 2011 Redevelopment Legislation is the subject of judicial challenge(s), including the action: *California Redevelopment Association, et al v. Ana Matosantos, et al* ("CRA Action"); and

**WHEREAS**, the Agency, by the adoption of this Resolution, does not represent, disclaim, or take any position whatsoever on the issue of the validity of the 2011 Redevelopment Legislation, but rather the Agency seeks to comply with the Constitution and laws of the State of California, including the 2011 Redevelopment Legislation, in order to preserve the ability of the Agency to continue to operate and perform its obligations and thereby benefit the community; and

**WHEREAS**, the Agency has duly considered all other related matters and has determined that the Agency's adoption of this Resolution and evaluation of participation in the Program are in the best interests of the City, and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW THEREFORE THE INDIO COMMUNITY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:**

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

**Section 2.** Pursuant to CRL Section 34169, the Agency hereby adopts the Enforceable Obligation Payment Schedule attached hereto as Exhibit "A". The attached Enforceable Obligation Payment Schedule is that "Enforceable Obligation Payment Schedule" referred to in CRL Section 34169(g) and shall be interpreted and applied in all respects in accordance with such section and the CRL, to the fullest extent permitted by law. However, the Enforceable Obligation Payment Schedule shall only be applicable to and binding on the Agency to the extent that Part 1.8 of the Agency is applicable to the Agency. To the extent that Part 1.8 is not applicable to the Agency, whether because of the City's enactment of the Ordinance or for any other reason, the Enforceable Obligation Payment Schedule shall not be binding on or control the Agency's payments on or performance of its obligations.

**Section 3.** The Agency Executive Director is hereby authorized and directed to evaluate potential amendments to the Enforceable Obligation Payment Schedule from time to time as may be appropriate, and to recommend to the Agency Board the adoption of those amendments necessary for the continued payment on and performance of enforceable obligations.

**Section 4.** The Agency Executive Director is further authorized and directed to post the Enforceable Obligation Payment Schedule on the Agency website and to notify the county auditor, the State Department of Finance, and the Controller of the State concerning this Resolution, the Enforceable Obligation Payment Schedule, and its online publication.

**Section 5.** This Resolution shall in no way be construed as requiring the City to abide by the 2011 Redevelopment Legislation in the event either, or both, bills are found unconstitutional or otherwise legally invalid in whole or in part, nor shall this resolution effect or give rise to any waiver of rights or remedies the City may have, whether in law or in equity, to challenge 2011 Redevelopment Legislation. This Resolution shall not be construed as the City's willing acceptance of, or concurrence with the 2011 Redevelopment Legislation, either ABX1 26 or ABX1 27; nor does this Resolution evidence any assertion or belief whatsoever on the part of the City the 2011 Redevelopment Legislation is/are constitutional or lawful.

**Section 6.** The Agency Secretary shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of August, 2011, by the following vote:

**AYES:** Holmes, Miller, Torres, Wilson, Ramos Watson  
**NOES:** None

  
\_\_\_\_\_  
**LUPE RAMOS-WATSON, CHAIRPERSON**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ, SECRETARY**

**CERTIFICATION**

I, Cynthia Hernandez, City Clerk, of the City of Indio, California, do hereby certify the foregoing to be a full, true and correct copy of Resolution No. 9494 of the Redevelopment Agency of the City of Indio, California adopted at a special meeting duly held August 25, 2011.

**IN WITNESS WHEREOF I HEREBY  
AFFIX MY HAND AND OFFICIAL  
SEAL OF THE CITY OF INDIO,  
CALIFORNIA THIS 25th DAY OF  
AUGUST, 2011.**



**CYNTHIA HERNANDEZ, CMC  
CITY CLERK**

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug	Sept	Oct	Nov	Dec	Total
1) 1997A Taxable Tax Increment Revenue Refunding Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	904,596.00	102,311.00	79,684.00	-	-	-	-	\$ 79,684.00
2) 2004A Taxable Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	19,043,770.00	692,425.00	406,212.50	-	-	-	-	\$ 406,212.50
3) 2008A Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	107,463,315.77	3,840,156.26	2,345,928.13	-	-	-	-	\$ 2,345,928.13
4) 2008B Taxable Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	6,978,637.50	952,962.50	797,575.00	-	-	-	-	\$ 797,575.00
5) Loan from Low Mod Housing Fund (SERAF Payment)	Low Mod Housing Fund	Loan Needed to Pay SERAF Obligation	5,496,161.00	-	-	-	-	-	-	\$ -
6) Land purchase	City of Indio	Loan Needed for purchase of land	1,895,000.00	85,737.50	-	-	-	-	-	\$ -
7) Land purchase	City of Indio	Loan Needed for purchase of land	1,520,000.00	91,200.00	-	-	-	-	-	\$ -
8) RDA Employee Payroll Costs	Employees of Agency	Payroll for Employees	497,885.00	41,490.42	41,490.42	-	-	-	-	\$ 41,490.42
9) RDA Employee Compensated Absences	Employees of Agency	Accrued Vacation payout obligations	115,604.40	57,802.20	4,816.85	-	-	-	-	\$ 4,816.85
10) Payments to Fiscal Agent Administration	Union Bank Of California	Payments to fiscal Agent for Administration	122,503.26	20,000.00	4,720.76	-	-	-	-	\$ 4,720.76
11) Agency Insurance costs	Joint Powers Insurance Agency	Agency Pool Insurance Costs	58,897.00	58,897.00	4,980.00	-	-	-	-	\$ 4,980.00
12) Legal Services	Woodruff Spradlin & Smart	Agency Legal Services	100,000.00	100,000.00	-	-	-	-	-	\$ -
13) Auditing services	Moss, Levy, & Hartzheim, LLP	Agency Annual Auditing Services	12,000.00	12,000.00	-	-	-	-	-	\$ -
14) Internal Services Charges	City of Indio	Building, computers, centralized services	19,390.00	19,390.00	1,615.83	-	-	-	-	\$ 1,615.83
15) Engineering and architecture services	Cozad & Fox	Design Services (Hwy 111 to Shields Rd.)	4,599.50	4,599.50	-	-	-	-	-	\$ 4,599.50
16) Outside Services	PB Americas	Indio Rail Station Consulting	26,322.21	26,322.21	-	-	-	-	-	\$ -
17) Outside Services	The Davis Company Consulting	RDA Plan Amendment Study	26,251.73	26,251.73	5,251.00	-	-	-	-	\$ 5,251.00
18) Outside Services	Frey Environmental, Inc	Environmental Services Tank Removal	119,407.10	119,407.10	18,000.00	-	-	-	-	\$ 18,000.00
19) Construction Services	RBF Consulting	Downtown Renovation Project (Phase 1 & 2)	161,056.70	161,056.70	32,211.00	-	-	-	-	\$ 32,211.00
20) Relocation Services	ISAACS and Associates	Relocation services	2,271.14	2,271.14	-	-	-	-	-	\$ -
21) Onsite Repair and Maintenance	Commercial Lighting Industries	Upgrading of lighting in RDA owned building	7,449.65	7,449.65	-	-	-	-	-	\$ -
22) Aid to Outside Agencies	Coachella Valley Enterprise Zone	To Promote the increase of business	1,000,000.00	100,000.00	-	-	-	-	-	\$ -
23) Construction Contract	College of the Desert	Consultant assistance for new campus	3,500,000.00	3,500,000.00	-	-	-	-	-	\$ -
24) Construction Contract	Imperial Irrigation District	Electrical Underpinning of Downtown (Phase II)	1,100,000.00	1,100,000.00	-	-	-	-	-	\$ -
25) Transportation Construction	Zeus Construction	Transportation Center Utilities	15,000.00	15,000.00	12,000.00	-	-	-	-	\$ 12,000.00
26) Transportation Construction	Sanzon	Transportation Center Sewer Rehab	15,600.00	15,600.00	-	-	-	-	-	\$ -
27) Construction/Grant for College of the Desert Campus	Demo Unlimited	Demolition of Former Greyhound Building	151,085.00	151,085.00	151,085.00	-	-	-	-	\$ 151,085.00
28) Building repair/maintenance (Agency Leased Properties)	Various	Maintenance and Repair of RDA owned Buildings	250,000.00	250,000.00	20,000.00	-	-	-	-	\$ 20,000.00
29) Landscapes & open space maintenance of RDA properties	La Hacienda	Building and Grounds Landscaping	200,000.00	200,000.00	12,000.00	-	-	-	-	\$ 12,000.00
30) CDBG grant supplement as per agreement	Various	Better Neighborhoods Program ( thru 2013)	2,086,381.00	586,361.00	195,453.00	-	-	-	-	\$ 195,453.00
31) Auto Dealer Advertising Match Agreement	Paradise Mitsubishi	Advertising incentive	25,000.00	25,000.00	25,000.00	-	-	-	-	\$ 25,000.00
32) Marketing Consultant	Cord Media	Economic Development Marketing Plan	96,000.00	96,000.00	8,000.00	-	-	-	-	\$ 8,000.00
34) JUST Removal	Frey Environmental, Inc	Mandaleet Monitoring Chamber Site	12,000.00	12,000.00	3,000.00	-	-	-	-	\$ 3,000.00
35) Downtown Phase 1 Construction Management	RBF Consulting	PSA Amendment for downtown project	36,000.00	36,000.00	6,000.00	-	-	-	-	\$ 6,000.00
Totals - This Page			\$ 152,972,173.96	\$ 12,965,170.49	\$ 3,817,935.14	\$ 519,485.00	\$ 367,479.86	\$ 345,482.86	\$ 308,623.36	\$ 5,359,016.22
Totals - Page 2			\$ 136,872,821.00	\$ 3,319,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,319,000.00
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - All Pages			\$ 289,844,994.96	\$ 16,284,170.49	\$ 3,817,935.14	\$ 519,485.00	\$ 367,479.86	\$ 345,482.86	\$ 3,627,623.36	\$ 8,678,016.22

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11) if an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
\*\* include only payments to be made after the adoption of the EOPS.



**OTHER OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total	
				Aug**	Sept	Oct	Nov	Dec		
1) Pass-Through Obligation	City of Indio	10,253,337.00	203,000.00	-	-	-	-	-	203,000.00	\$ 203,000.00
2) Pass-Through Obligation	Valley Sanitation District	1,997,875.00	51,000.00	-	-	-	-	-	51,000.00	\$ 51,000.00
3) Pass-Through Obligation	County of Riverside	44,097,372.00	742,000.00	-	-	-	-	-	742,000.00	\$ 742,000.00
4) Pass-Through Obligation	County of Riverside Library District	4,443,978.00	73,000.00	-	-	-	-	-	73,000.00	\$ 73,000.00
5) Pass-Through Obligation	Coachella Valley Cemetery	647,900.00	13,000.00	-	-	-	-	-	13,000.00	\$ 13,000.00
6) Pass-Through Obligation	Mosquito Abatement District	2,261,745.00	43,000.00	-	-	-	-	-	43,000.00	\$ 43,000.00
7) Pass-Through Obligation	Coachella Valley Water	14,113,468.00	290,000.00	-	-	-	-	-	290,000.00	\$ 290,000.00
8) Pass-Through Obligations	Tier 1 & 2 Tax Sharing	5,157,859.00	1,076,000.00	-	-	-	-	-	1,076,000.00	\$ 1,076,000.00
9) Subordinate Pass-Through Obligation	Co. Board of Educ. And Supt. Of Schools	4,675,681.00	64,000.00	-	-	-	-	-	64,000.00	\$ 64,000.00
10) Subordinate Pass-Through Obligation	Coachella Park and Recreation District	3,251,638.00	61,000.00	-	-	-	-	-	61,000.00	\$ 61,000.00
11) Subordinate Pass-Through Obligation	Desert Sands Unified School District	45,971,968.00	703,000.00	-	-	-	-	-	703,000.00	\$ 703,000.00
<b>Totals - Other Obligations</b>		<b>\$ 136,872,821.00</b>	<b>\$ 3,319,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,319,000.00</b>	<b>\$ 3,319,000.00</b>

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

\*\* Include only payments to be made after the adoption of the EOPS.

\*\* All payment amounts are estimates

**EXHIBIT B**  
**ORIGINAL ADOPTED EOPS**

EXHIBIT B

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug	Sept	Oct	Nov	Dec	Total
1) 1997A Taxable Tax Incremental Revenue Refunding Bonds	Union Bank Of California	Bonus to Finance Redevelopment Projects	904,596.00	102,311.00	79,684.00	-	-	-	-	\$ 79,684.00
2) 2004A Taxable Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	19,043,770.00	692,425.00	406,212.50	-	-	-	-	\$ 406,212.50
3) 2008A Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	107,463,315.77	3,840,156.26	2,345,928.13	-	-	-	-	\$ 2,345,928.13
4) 2008B Taxable Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	6,978,637.50	952,962.50	797,575.00	-	-	-	-	\$ 797,575.00
5) Loan from Low Mod Housing Fund (SERAF Payment)	Low Mod Housing Fund	Loan Needed to Pay SERAF Obligation	5,496,151.00	-	-	-	-	-	-	\$ -
6) Land purchase	City of Indio	Loan Needed for purchase of land	1,805,000.00	85,737.50	-	-	-	-	-	\$ 85,737.50
7) Land purchase	City of Indio	Loan Needed for purchase of land	1,520,000.00	91,200.00	-	-	-	-	-	\$ 91,200.00
8) RDA Employee Payroll Costs	Employees of Agency	Payroll for Employees	497,885.00	497,885.00	41,490.42	41,490.42	41,490.42	41,490.42	41,490.42	\$ 207,452.10
9) RDA Employee Compensated Absences	Employees of Agency	Accrued Vacation payout obligations	115,604.40	57,802.20	4,816.85	4,816.85	4,816.85	4,816.85	4,816.85	\$ 24,084.25
10) Payments to Fiscal Agent Administration	Union Bank Of California	Payments to fiscal Agent for Administration	122,503.26	20,000.00	4,720.76	2,720.76	2,720.76	2,720.76	2,720.76	\$ 15,603.80
11) Agency Insurance costs	Joint Powers Insurance Agency	Agency Pool Insurance Costs	58,897.00	58,897.00	4,980.00	4,980.00	4,980.00	4,980.00	4,980.00	\$ 24,900.00
12) Legal Services	Woodruff Spradlin & Smart	Agency Legal Services	100,000.00	100,000.00	-	-	-	-	-	\$ -
13) Auditing services	Moss, Levy, & Hertzheim, LLP	Agency Annual Auditing Services	12,000.00	12,000.00	-	-	-	-	-	\$ -
14) Internal Service Charges	City of Indio	Building, computers, centralized services	19,390.00	19,390.00	1,615.83	1,615.83	1,615.83	1,615.83	1,615.83	\$ 6,079.15
15) Engineering and architecture services	Cozad & Fox	Design Services ( Hwy 111 to Shields Rd )	4,599.50	4,599.50	-	-	-	-	-	\$ 4,599.50
16) Outside Services	PB Americas	Indio Rail Station Consulting	26,322.21	26,322.21	-	-	-	-	-	\$ -
17) Outside Services	The Davis Company Consulting	RDA Plan Amendment Study	26,251.73	26,251.73	5,251.00	5,251.00	5,251.00	5,251.00	5,251.00	\$ 26,251.00
18) Outside Services	Frey Environmental, Inc	Environmental Services Tank Removal	119,407.10	119,407.10	18,000.00	18,000.00	9,941.00	9,941.00	9,941.00	\$ 47,823.00
19) Construction Services	RBF Consulting	Downtown Renovation Project (Phase 1 & 2)	161,056.70	161,056.70	32,211.00	32,211.00	32,211.00	32,212.00	32,212.00	\$ 161,057.00
20) Relocation Services	ISAACS and Associates	Relocation services	2,271.14	2,271.14	2,271.14	-	-	-	-	\$ 2,271.14
21) Outside Repair and Maintenance	Commercial Lighting Industries	Upgrading of lighting in RDA owned building	7,449.65	7,449.65	-	-	-	-	-	\$ -
22) Aid to Outside Agencies	Coachella Valley Enterprise Zone	To Promote the increase of business	1,000,000.00	100,000.00	-	-	-	-	-	\$ -
23) Construction Contract	College of the Desert	Construct assistance for new campus	3,500,000.00	3,500,000.00	-	-	-	-	-	\$ -
24) Construction Contract	Imperial Irrigation District	Electrical Underpinning of Downtown (Phase II)	1,100,000.00	1,100,000.00	-	-	-	-	-	\$ -
25) Transportation Construction	Zeus Construction	Transportation Center Utilities	15,000.00	15,000.00	12,000.00	3,000.00	-	-	-	\$ 15,000.00
26) Transportation Construction	Sancoon	Transportation Center-Sewer Rehab	15,600.00	15,600.00	15,600.00	-	-	-	-	\$ 15,600.00
27) Construction/Demo for College of the Desert Campus	Demo Unlimited	Demolition of Former Greyhound Building	151,085.00	151,085.00	151,085.00	-	-	-	-	\$ 151,085.00
28) Bridging repair/maintenance Agency Leased Properties	Vanous	Maintenance and Repair of RDA owned Buildings	250,000.00	250,000.00	20,000.00	15,000.00	15,000.00	15,000.00	15,000.00	\$ 80,000.00
29) Landscape & open space maintenance of RDA properties	La Hacienda	Building and Grounds Landscaping	200,000.00	200,000.00	12,000.00	12,000.00	40,000.00	15,000.00	15,000.00	\$ 94,000.00
30) CDBG grant supplement as per agreement	Vanous	Better Neighborhoods Program ( thru 2013 )	2,086,381.00	586,361.00	195,453.00	195,453.00	195,453.00	195,453.00	195,453.00	\$ 586,361.00
31) Auto Dealer Advertising Match Agreement	Paradise Mitsubishi	Advertising incentive	25,000.00	25,000.00	25,000.00	-	-	-	-	\$ 25,000.00
32) Marketing Consultant	Cord Media	Economic Development Marketing Plan	96,000.00	96,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	\$ 40,000.00
34) JUST Removal	Frey Environmental, Inc	Mandated Monitoring Chamber Site	12,000.00	12,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	\$ 6,000.00
35) Downtown Phase 1 Construction Management	RBF Consulting	PSA Amendment for downtown project	36,000.00	36,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	\$ 30,000.00
Totals - This Page			\$ 152,972,173.96	\$ 12,965,170.49	\$ 3,817,935.14	\$ 519,495.00	\$ 367,479.86	\$ 345,482.86	\$ 308,623.36	\$ 5,859,016.22
Totals - Page 2			\$ 136,872,821.00	\$ 3,319,000.00	\$ -	\$ -	\$ -	\$ -	\$ 3,319,000.00	\$ 3,319,000.00
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - All Pages			\$ 289,844,994.96	\$ 16,284,170.49	\$ 3,817,935.14	\$ 519,495.00	\$ 367,479.86	\$ 345,482.86	\$ 3,627,623.36	\$ 8,678,016.22

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
 \*\* include only payments to be made after the adoption of the EOPS.



**OTHER OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
				Aug**	Sept	Oct	Nov	Dec	
1) Pass-Through Obligation	City of Indio	10,253,337.00	203,000.00	-	-	-	-	203,000.00	\$ 203,000.00
2) Pass-Through Obligation	Valley Sanitation District	1,997,875.00	51,000.00	-	-	-	-	51,000.00	\$ 51,000.00
3) Pass-Through Obligation	County of Riverside	44,097,372.00	742,000.00	-	-	-	-	742,000.00	\$ 742,000.00
4) Pass-Through Obligation	County of Riverside Library District	4,443,978.00	73,000.00	-	-	-	-	73,000.00	\$ 73,000.00
5) Pass-Through Obligation	Coachella Valley Cemetery	647,900.00	13,000.00	-	-	-	-	13,000.00	\$ 13,000.00
6) Pass-Through Obligation	Mosquito Abatement District	2,261,745.00	43,000.00	-	-	-	-	43,000.00	\$ 43,000.00
7) Pass-Through Obligation	Coachella Valley Water	14,113,468.00	290,000.00	-	-	-	-	290,000.00	\$ 290,000.00
8) Pass-Through Obligation	Tier 1 & 2 Tax Sharing	5,157,859.00	1,076,000.00	-	-	-	-	1,076,000.00	\$ 1,076,000.00
9) Subordinate Pass-Through Obligation	Co. Board of Educ. And Supl. Of Schools	4,675,681.00	64,000.00	-	-	-	-	64,000.00	\$ 64,000.00
10) Subordinate Pass-Through Obligation	Coachella Park and Recreation District	3,251,638.00	61,000.00	-	-	-	-	61,000.00	\$ 61,000.00
11) Subordinate Pass-Through Obligation	Desert Sands Unified School District	45,971,968.00	703,000.00	-	-	-	-	703,000.00	\$ 703,000.00
<b>Totals - Other Obligations</b>		<b>\$ 136,872,821.00</b>	<b>\$ 3,319,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,319,000.00</b>	<b>\$ 3,319,000.00</b>

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
 \*\* Include only payments to be made after the adoption of the EOPS.  
 \*\*\* All payment amounts are estimates

**EXHIBIT C**  
**AMENDED EOPS**

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 28 - Section 34167 and 34169

Project Name / Debt Obligation	Payee	Description	* Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Jan	Feb	Mar	Apr	May	June	Total
1) 1997A Taxable Tax Increment Revenue Refunding Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	904,596.00	102,311.00		22,627.00					22,627.00
2) 2004A Taxable Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	19,043,770.00	692,425.00		286,212.50					286,212.50
3) 2008A Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	107,463,315.77	3,840,156.26		1,494,228.13					1,494,228.13
4) 2008B Taxable Subordinate Tax Allocation Bonds	Union Bank Of California	Bonds to Finance Redevelopment Projects	6,978,637.50	952,962.50		155,387.50					155,387.50
5) Loan from Low Mod Housing Fund (SERAF Payment)	Low Mod Housing Fund	Loan Needed to Pay SERAF Obligation	5,496,151.00								
6) Land purchase	City of Indio	Loan Needed for purchase of land	1,805,000.00	85,737.50						85,737.50	85,737.50
7) Land purchase	City of Indio	Loan Needed for purchase of land	1,520,000.00	81,200.00						81,200.00	81,200.00
8) RDA Employee Payroll Costs	Employees of Agency	Payroll/Benefits for Employees	2,489,425.00	487,886.00	51,143.50	51,143.50	51,143.50	51,143.50	51,143.50	51,143.50	306,861.00
9) RDA Employee Compensated Absences	Employees of Agency	Accrued Vacation payout obligations	578,022.00	115,604.50	9,633.70	9,633.70	9,633.70	9,633.70	9,633.70	9,633.70	57,802.20
10) Payments to Fiscal Agent Administration	Union Bank Of California	Payments to fiscal Agent for Administration	672,515.30	20,000.00	2,537.34	2,537.34	2,537.34	2,537.34	2,537.34	2,537.34	15,224.06
11) Agency Insurance costs	John Powers Insurance Agency	Agency Pool Insurance Costs	53,897.00	53,897.00	4,908.12	4,908.12	4,908.12	4,908.12	4,908.12	4,908.12	29,448.70
12) Legal Services Agreement	Richards, Watson & Gerson	Agency Legal Services	625,000.00	125,000.00	10,416.67	10,416.67	10,416.67	10,416.67	10,416.67	10,416.67	62,500.00
13) Auditing services	Moss, Levy, & Hertzberg, LLP	Agency Annual Auditing Services	60,000.00	12,000.00							6,000.00
14) Internal Service Charges	City of Indio	Building, computers, centralized services	96,950.00	19,390.00	1,615.83	1,615.83	1,615.83	1,615.83	1,615.83	1,615.83	1,615.83
15) Engineering and architecture services	Cozad & Fox	Design Services (Hwy 111 to Shields Rd.)	20,000.00	20,000.00							4,599.50
16) Outside Services	PB Americas	Indio Rail Station Consulting	26,322.21	26,322.21							26,322.21
17) Outside Services	The Davis Company Consulting	RDA Plan Amendment Study	37,120.00	6,029.98							6,029.98
18) Outside Services	Frey Environmental, Inc	Environmental Services Tank Removal	119,407.10	119,407.10	6,509.85	6,509.85	6,509.85	6,509.85	6,509.85	6,509.85	39,658.78
19) Construction Management Services	RBF Consulting	Downtown Renovation Project (Phase 1)	35,321.00	35,321.00							35,321.00
20) Consultant Services	RBF Consulting	Downtown Renovation Project - Design (Phase 2)	300,000.00	94,607.90							94,607.90
21) Sewer Line/Transportation Center	Contractor	Greyhound Station	70,000.00	70,000.00	11,665.66	11,665.66	11,665.66	11,665.66	11,665.66	11,665.66	70,000.00
22) Relocation Services	ISAACS and Associates	Relocation Services	25,000.00	2,271.14							2,271.14
23) Outside Repair and Maintenance	Commercial Lighting Services	Upgrading of Lighting in RDA-owned buildings	7,449.65	7,449.65							68.48
24) Aid to Outside Agencies	Coachella Valley Enterprise Zone	To Promote the increase of business	900,000.00	100,000.00							5.99
25) CDD Office Improvement	Zeus Construction	Construction assistance for new CDD Campus	7,400,000.00								
26) Construction Contract	Imperial Irrigation District	Electrical Underpinning of Downtown (Phase II)	1,160,000.00								
27) Transportation Construction	Sancos	Transportation Center Utilities	15,000.00	15,000.00	12,000.00	3,000.00					15,000.00
28) Transportation Construction	Various	Property Appraisals for Agency Property Sales	15,600.00	15,600.00		15,600.00					15,600.00
29) Property Appraisals	Various Contractors	Maintenance and repair of RDA-owned properties	360,000.00	72,000.00							72,000.00
30) Landscaping	Various Contractors	Maintenance and repair of RDA-owned properties	1,250,000.00	250,000.00							250,000.00
31) Building repair/maintenance	Various Contractors	Maintenance and repair of RDA-owned properties	1,000,000.00	200,000.00							200,000.00
32) Coachella Valley Economic Partnership	CVEP	Economic Development	75,000.00	15,000.00							15,000.00
33) Land purchase for COD Parking Lot	Private Property Owner	Per executed Disposition and Development Agmt.	220,000.00	220,000.00							220,000.00
34) Marketing Consultant	Card Media	Marketing	480,000.00	96,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	48,000.00
35) Managerial Remediation	Frey Environmental, Inc	Remediation at Chamber of Commerce Site	101,500.00	21,500.00							21,500.00
36) Desert Sands Unified School District	DSUSD	Temporary School Campus	2,250,000.00								
37) Property Disposition	Various Vendors	Property Listing and Advertising	125,000.00	25,000.00							25,000.00
38) Office Supplies	Various Vendors	Office Supplies	30,000.00	6,000.00	500.00	500.00	500.00	500.00	500.00	500.00	3,000.00
39) Disposition-Property Closing Costs	Various Vendors	Escrow/Title Fees	900,000.00	180,000.00							180,000.00
40) Utilities	Valley Sanitary District	Sewer Assessment	70,000.00	14,000.00							14,000.00
41) Utilities	Desert Park & Rec District	Parks and Recreation Assessment	17,500.00	3,500.00							3,500.00
42) Utilities	IID	Electricity Costs	250,000.00	50,000.00							50,000.00
43) Utilities	Indio Water Authority	Water Costs	450,000.00	90,000.00							90,000.00
<b>Total:</b>			<b>165,618,886.53</b>	<b>8,368,777.74</b>	<b>118,931.78</b>	<b>2,063,986.91</b>	<b>106,931.78</b>	<b>118,931.78</b>	<b>118,931.78</b>	<b>118,931.78</b>	<b>3,328,439.55</b>

Totals - This Page	\$ 165,618,886.53	\$ 8,368,777.74	\$ 118,931.78	\$ 2,063,986.91	\$ 106,931.78	\$ 118,931.78	\$ 118,931.78	\$ 118,931.78	\$ 118,931.78	\$ 1,328,539.55
Totals - Page 2 (Pasttroughs)	\$ 136,872,821.00	\$ 3,319,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,319,000.00
Totals - Page 3 (Housing)	\$ 6,858,112.00	\$ 1,506,130.00	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 1,016,228.73
Totals - Other Obligations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - All Pages	\$ 309,349,821.53	\$ 13,193,907.74	\$ 165,550.41	\$ 2,202,765.46	\$ 153,550.41	\$ 165,550.41	\$ 165,550.41	\$ 165,550.41	\$ 165,550.41	\$ 5,356,515.22

2008 RDA Tax-Exempt Bond A Fund Balance	7,225,042.00
2009 RDA Taxable Bond B Fund Balance	2,116,486.00
2004 RDA Taxable Bond A Fund Balance	148,385.00
<b>Total:</b>	<b>9,490,913.00</b>

\* Based on a minimum 5-year disposition period

OTHER OBLIGATION PAYMENT SCHEDULE  
Per AB 26 - Section 34167 and 34169

Project Name / Debt Obligation	Payee	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total		
				Jan	Feb	Mar	Apr	May		June	
1) Pass-Through Obligation	City of Indio	10,253,337.00	203,000.00	-	-	-	-	-	203,000.00	\$ 203,000.00	
2) Pass-Through Obligation	Valley Sanitation District	1,997,875.00	51,000.00	-	-	-	-	-	51,000.00	\$ 51,000.00	
3) Pass-Through Obligation	County of Riverside	44,097,372.00	742,000.00	-	-	-	-	-	742,000.00	\$ 742,000.00	
4) Pass-Through Obligation	County of Riverside Library District	4,443,978.00	73,000.00	-	-	-	-	-	73,000.00	\$ 73,000.00	
5) Pass-Through Obligation	Coachella Valley Cemetery	647,900.00	13,000.00	-	-	-	-	-	13,000.00	\$ 13,000.00	
6) Pass-Through Obligation	Mosquito Abatement District	2,261,745.00	43,000.00	-	-	-	-	-	43,000.00	\$ 43,000.00	
7) Pass-Through Obligation	Coachella Valley Water	14,113,468.00	290,000.00	-	-	-	-	-	290,000.00	\$ 290,000.00	
8) Pass-Through Obligations	Tier 1 & 2 Tax Sharing	5,157,859.00	1,076,000.00	-	-	-	-	-	1,076,000.00	\$ 1,076,000.00	
9) Subordinate Pass-Through Obligation	Co. Board of Educ. And Supt. Of Schools	4,675,681.00	64,000.00	-	-	-	-	-	64,000.00	\$ 64,000.00	
10) Subordinate Pass-Through Obligation	Coachella Park and Recreation District	3,251,638.00	61,000.00	-	-	-	-	-	61,000.00	\$ 61,000.00	
11) Subordinate Pass-Through Obligation	Desert Sands Unified School District	45,971,968.00	703,000.00	-	-	-	-	-	703,000.00	\$ 703,000.00	
<b>Totals - Other Obligations</b>				<b>\$ 136,872,821.00</b>	<b>\$ 3,319,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,319,000.00</b>

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169

Project Name / Debt Obligation	Payee	Description	* Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Month						Total	
					Jan	Feb	Mar	Apr	May	June		
1) 1999 Housing Bond	Union Bank Of California	Bonds to Finance Housing Projects	2,860,000.00	324,022.00	-	72,159.91	-	-	-	-	-	72,159.91
2) HOA Employee Payroll Costs	Employees of Housing	Payroll/Benefits for Employees	1,774,340.00	354,868.00	33,045.00	33,045.00	33,045.00	33,045.00	33,045.00	33,045.00	33,045.00	186,270.00
3) Payments to Fiscal Agent Administration	Union Bank Of California	Payments to fiscal Agent for Administration	25,000.00	5,000.00	-	-	-	-	-	-	-	5,000.00
4) NSP-1 HUD Housing Grant	Various Vendors/Contractors	Leverage Funding per NSP1 Agreement w/County	287,357.00	287,357.00	-	-	-	-	-	-	-	287,357.00
5) NSP-2 HUD Housing Grant	Various Vendors/Contractors	Leverage Funding per NSP2 Agreement	425,000.00	-	-	-	-	-	-	-	-	-
6) Auditing Services	Moss, Levy, & Harzheim, LLP.	Agency Annual Auditing Services	375,000.00	75,000.00	-	-	-	-	-	-	-	75,000.00
7) Internal Service Charges	City of Indio	Buildng, computers, centralized services	131,950.00	26,392.00	2,199.34	2,199.34	2,199.34	2,199.34	2,199.34	2,199.34	2,199.34	13,196.08
8) Agency Insurance costs	Joint Powers Insurance Agency	Agency Pool Insurance Costs	892,455.00	138,491.00	11,374.29	11,374.29	11,374.29	11,374.29	11,374.29	11,374.29	11,374.29	68,245.74
9) NSP-2 Habitat Leverage Funding	Habitat for Humanity	NSP-2 Habitat Leverage Funding (Master Agreement)	297,000.00	297,000.00	-	-	-	-	-	-	-	297,000.00
		Totals - This Page	\$ 6,858,112.00	\$ 1,506,130.00	\$ 46,618.63	\$ 118,778.54	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 46,618.63	\$ 1,016,228.73

\* Based on a minimum 6-year disposition period

**RESOLUTION NO. 9506**

**RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF INDIO, CALIFORNIA, ACTING AS THE GOVERNING BODY FOR THE SUCCESSOR AGENCY TO THE INDIO REDEVELOPMENT AGENCY PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATIONS OF THE SUCCESSOR AGENCY AS A NEW LEGAL ENTITY SEPARATE FROM THE CITY AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, The Indio Redevelopment Agency was a redevelopment agency in the City of Indio (the "City"), duly created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

**WHEREAS**, AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code").

**WHEREAS**, The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 were unconstitutional.

**WHEREAS**, On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently.

**WHEREAS**, The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later.

**WHEREAS**, As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and replaced by successor agencies established pursuant to Health and Safety Code Section 34173.

**WHEREAS**, The City Council of the City of Indio (the "City") adopted Resolution No. 9463 on April 6, 2011, pursuant to Part 1.85 electing for the City to serve as the successor agency for the Indio Redevelopment Agency upon the Agency's dissolution.

**WHEREAS**, The City Council, acting as the governing board for the successor agency, hereby desires to adopt a name for that separate legal entity and establish rules and regulations that will apply to the governance and operations of the successor agency.



**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, ACTING AS THE GOVERNING BODY FOR THE SUCCESSOR AGENCY TO THE INDIO REDEVELOPMENT AGENCY, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. Designated Successor Agency. Pursuant to City Council Resolution No. 9463, by which the City elected to serve as the successor agency to the Indio Redevelopment Agency under Part 1.85 upon the Agency's dissolution (the "Successor Agency"), and the Agency having been dissolved by operation of law on February 1, 2012, the Successor Agency is hereby declared constituted.

Section 2. Separate Legal Entity. The Successor Agency is a distinct and separate legal entity from the City, and is hereby named "Successor Agency to the Indio Redevelopment Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85.

Section 3. Governance.

A. Board of Directors. The Successor Agency shall be governed by a Board of Directors (the "Board"), which shall exercise the powers and perform the duties of the Successor Agency. The Board shall consist of the members of the City Council of the City.

B. Board Officers. The Board shall have a Chair to preside at and conduct all meetings and a Vice Chair who shall act in the absence of the Chair. The offices of the Chair and Vice Chair shall be filled by the Mayor and Mayor Pro Tem, respectively, of the City Council of the City.

C. Meetings of the Board. The Board shall hold regular meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of every month, at 5:00 p.m. If a regular meeting falls on a City holiday, such meeting shall be held on the immediately following day at 5:00 p.m. The Board may adopt such rules and procedures for conducting such meetings and other business as the Board deems appropriate. All meetings of the Board including, without limitation, regular, adjourned, and special meetings shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act, Sections 54950 *et seq.* of the California Government Code.

D. Quorum. The presence of a majority of the Board members at a meeting shall constitute a quorum for the transaction of Successor Agency business. Less than a quorum may adjourn or continue meetings from time to time.

E. Voting. Except as otherwise provided by law or resolution of the Board, decisions of the Board shall be made by a majority of a quorum.

F. Executive Director. The City Manager of the City shall serve as Executive Director of the Successor Agency. The Executive Director may appoint officers and employees as necessary to perform the duties of the Successor Agency. The Executive Director also may delegate the performance of his or her duties to other officers or employees.

G. Secretary. The City Clerk of the City shall serve as secretary to the Successor Agency.

H. Finance Officer. The Finance Director of the City of Indio shall serve as Finance Officer of the Successor Agency. The Finance Officer shall have the care and custody of all funds of the Successor Agency and shall deposit the same in the name of the Successor Agency in such bank or banks as he or she may select. The Finance Officer also may enter into agreements on behalf of the Successor Agency with any bank or trust company authorized to accept deposits of public funds, providing for the transfer of funds between accounts maintained by the Successor Agency upon request by telephone. Such agreement also may provide for the investment upon request by telephone of funds maintained in such accounts.

I. Additional Duties. The officers of the Successor Agency shall perform such other duties and functions as may from time to time be required or directed by the Board of the Successor Agency. Any member of the Board and the Executive Director may sign, with the counter-signature of one other member of the Board, or the Executive Director or the Finance Officer, all orders and checks for the payment of money. The Chair, or Vice Chair in the absence of the Chair, and the Executive Director may sign deeds, contracts and other instruments made by the Successor Agency.

Section 4. Powers and Duties of the Successor Agency. The Successor Agency shall have the authority to perform the functions and duties described in Part 1.85, including but not limited to making payments and performing obligations required by enforceable obligations and expeditiously winding down the affairs of the Agency. The Successor Agency also may exercise any other powers provided by statute or granted by law.

Section 5. Successor Agency Funds and Obligations. All assets and monies held by or under the control of the Successor Agency shall be maintained in funds and accounts established by the Successor Agency and shall be kept separate and apart from the funds and accounts of the City.

Section 6. Indemnification and Liability.

A. Indemnification. The Successor Agency shall defend, indemnify, and hold harmless the City, and its City Council, boards, commissions, officers, employees and agents, from any and all claims, losses, damages, costs, injuries and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Successor Agency.

B. Liability. In accordance with Health and Safety Code Section 34173(e), the liability of the Successor Agency, acting pursuant to the powers granted under Part 1.85, shall be limited to the extent of, and payable solely from, the total sum of property tax revenues it receives pursuant to Part 1.85 and the value of assets transferred to it as a successor agency for a dissolved redevelopment agency. The debts, assets, liabilities, and obligations of the Successor Agency shall be solely the debts, assets, liabilities, and obligations of the Successor Agency and not of the City.



Section 7. Roster of Public Agencies Filing. The Secretary to the Successor Agency shall file on the prescribed form the statement of public agency with the Secretary of State and County Clerk in accordance with Government Code Section 53051.

**PASSED, APPROVED AND ADOPTED** this 30th day of January, 2012 by the following vote:

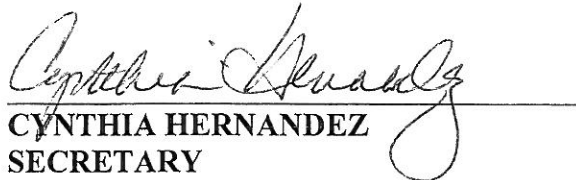
**AYES:** Holmes, Torres, Ramos Watson, Miller  
**NOES:** None  
**ABSENT:** Wilson



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**GLENN MILLER, CHAIRMAN**

**ATTEST:**



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**CYNTHIA HERNANDEZ**  
**SECRETARY**

**RESOLUTION NO. 9505**

**RESOLUTION OF THE CITY COUNCIL , OF THE CITY OF INDIO, CALIFORNIA,  
PURSUANT TO ASSEMBLY BILL 936 CONCERNING FORGIVENESS OF LOANS,  
ADVANCES, OR OTHER INDEBTEDNESS**

**WHEREAS**, Assembly Bill 936, effective January 1, 2012, provides that by no later than February 1, 2012, a public body must adopt a resolution stating whether or not during the period of time from January 1, 2010, through December 31, 2011, the public body has forgiven the repayment, wholly or partially, of any loans, advances or indebtedness owed to the public body by a redevelopment agency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. The City has not wholly or partially forgiven the repayment of any loans, advances or indebtedness owed to the City by a redevelopment agency during the period of time from January 1, 2010, through December 31, 2011.

Section 2. The City Council hereby authorizes and directs the City Manager to transmit a copy of this Resolution to the California State Controller within 10 days of the adoption of this Resolution.

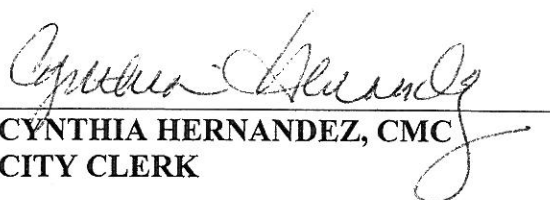
Section 3. The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this 30<sup>th</sup> day of January, 2012, by the following vote:

**AYES:** Holmes, Torres, Ramos Watson, Miller  
**NOES:** None  
**ABSENT:** Wilson

  
\_\_\_\_\_  
**GLENN MILLER, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ, CMC  
CITY CLERK**

RESOLUTION NO. 2012-280

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF INDIO, CALIFORNIA, PURSUANT TO ASSEMBLY BILL 936 CONCERNING FORGIVENESS OF LOANS, ADVANCES, OR OTHER INDEBTEDNESS**

**WHEREAS**, the Redevelopment Agency of the City of Indio (the "Agency") is a redevelopment agency in the City of Indio (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

**WHEREAS**, Assembly Bill 936, effective January 1, 2012, provides that no later than February 1, 2012, a redevelopment agency or a public body must adopt a resolution stating whether or not during the period of time from January 1, 2010, through December 31, 2011, the redevelopment agency or public body has forgiven the repayment, wholly or partially, of any loans, advances, or indebtedness owed to or owed by the redevelopment agency, as appropriate.

**NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF INDIO, CALIFORNIA, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

Section 1. The Agency has not wholly or partially forgiven the repayment of any loans, advances, or indebtedness owed to the Agency by any public body during the period of time from January 1, 2010, through December 31, 2011.

Section 2. No public body has wholly or partially forgiven the repayment of any loans, advances, or indebtedness owed by the Agency to such public body during the period of time from January 1, 2010, through December 31, 2011.

Section 2. The Agency hereby authorizes and directs the Executive Director to transmit a copy of this Resolution to the City Council of the City of Indio and to the California State Controller within 10 days of the adoption of this Resolution.

Section 3. The Agency Secretary shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this 30<sup>th</sup> day of January, 2012, by the following vote:

**AYES:** Holmes, Torres, Ramos Watson, Miller  
**NOES:** None  
**ABSENT:** Wilson

  
\_\_\_\_\_  
**GLENN MILLER, CHAIRMAN**

**ATTEST:**

  
\_\_\_\_\_  
**CYNTHIA HERNANDEZ, CMC  
SECRETARY**