

**RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD
FOR THE COUNTY OF CONTRA COSTA**

Adopted this Resolution on 01/24/2022 by the following vote:

AYE: ☒ 6 Susan Morgan
 Rita Xavier
 Phyllis Carter
 Jack Weir
 Gabriel Lemus
 John Hild

NO: ☐

ABSENT: ☒ 1 Federal Glover

ABSTAIN: ☐

RECUSE: ☐



Resolution: 2022/35

A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES WITHIN CONTRA COSTA COUNTY APPROVING THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS BY THE SUCCESSOR AGENCY TO THE HERCULES REDEVELOPMENT AGENCY AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Successor Agency to the Hercules Redevelopment Agency ("Successor Agency") has been established to take certain actions to wind down the affairs of the Hercules Redevelopment Agency (the "Prior Agency") in accordance with Section 34173 of the Health and Safety Code; and

WHEREAS, prior to July 1, 2018, under the Redevelopment Dissolution Law, in particular California Health and Safety Code Sections 34179 and 34180, certain actions of the Successor Agency were subject to the review and approval by a local seven member oversight board, which oversaw and administered the Successor Agency's activities during the period from dissolution until June 30, 2018; and

WHEREAS, as of, on and after July 1, 2018, under the Redevelopment Dissolution Law, in particular California Health and Safety Code Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Contra Costa; and

WHEREAS, as of, on and after July 1, 2018, the County of Contra Costa through the Contra Costa County Auditor-Controller established the single Contra Costa Countywide Oversight Board (the "Oversight Board") in compliance with Section 34179(j), which serves as the oversight board to the 17 successor agencies existing and operating in Contra Costa County, including the Successor Agency; and

WHEREAS, the Prior Agency issued (i) the Hercules Redevelopment Agency, Hercules Merged Project Area, Tax Allocation Bonds, Series 2005; (ii) the Hercules Redevelopment Agency, Hercules Merged Project Area, Tax Allocation Bonds, 2007 Series A; (iii) the Hercules Redevelopment Agency, Hercules Merged Project Area, Housing Tax Allocation Bonds, 2007 Series A (Taxable); and (iv) the Hercules Redevelopment Agency, Hercules Merged Project Area, Housing Tax Allocation Bonds, 2007 Series B (collectively, the "Prior Obligations"); and

WHEREAS, California Health and Safety Code Section 34177.5(a)(1) authorizes successor agencies to refund outstanding bonds or other indebtedness provided that: (i) the total interest cost to maturity on the refunding bonds or other indebtedness, plus the principal amount of the refunding bonds or other indebtedness, does not exceed the total remaining interest cost to maturity on the bonds or other indebtedness to be refunded, plus the remaining principal of the bonds or other indebtedness to be refunded; and (ii) the principal amount of the refunding bonds or other indebtedness does not exceed the amount required to defease the bonds or other indebtedness to be refunded, to establish customary debt service reserves and to pay related costs of issuance; and

WHEREAS, the Successor Agency has by resolution (the "Successor Agency Resolution") authorized and approved the issuance of tax allocation refunding bonds (the "2022 Bonds") in an aggregate principal amount sufficient to refund all or a

portion of the Prior Obligations, and pursuant to the Successor Agency Resolution desires to irrevocably set aside a portion of the proceeds of such 2022 Bonds in one or more separate segregated trust funds which will be used to refund the outstanding Prior Obligations being refunded, to pay costs in connection with the issuance of the 2022 Bonds and to make certain other deposits as required by the Indenture (as defined below); and

WHEREAS, the 2022 Bonds shall be secured by a pledge of property tax revenues authorized by California Health and Safety Code Section 34177.5(a) and (g), pursuant to the provisions of Article 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Bond Law"); and

WHEREAS, the Oversight Board desires to approve all matters relating to the issuance and sale of the 2022 Bonds as required by Sections 34177.5 (f) and 34180 of the Health and Safety Code of the State of California.

NOW, THEREFORE, BE IT RESOLVED by the Contra Costa County Countywide Oversight Board, as follows:

Section 1. The foregoing Recitals are incorporated into this Resolution by this reference.

Section 2. The issuance by the Successor Agency of the 2022 Bonds in an aggregate principal amount sufficient to refund all or a portion of the Prior Obligations for the purpose of achieving debt service savings in accordance with Health & Safety Code Section 34177.5(a)(1) and the pledge of property tax revenues to the 2022 Bonds pursuant to the Indenture approved by Section 2 of the Successor Agency Resolution (as authorized by California Health and Safety Code Section 34177.5(a) and (g)) is hereby approved. The 2022 Bonds may be issued as a single issue, or from time to time in separate tax-exempt or taxable series, from time to time, as the Successor Agency shall determine. The approval of the issuance of the 2022 Bonds by the Successor Agency and the Oversight Board shall constitute the approval of each and every separate series of 2022 Bonds and the sale of the 2022 Bonds at a public or private sale.

Section 3. The Successor Agency is authorized and directed to prepare, approve and execute such other documents, including, as necessary, a Bond Purchase Agreement, a private placement agreement, an Official Statement, a Continuing Disclosure Certificate, Escrow Agreements for the Prior Obligations and any additional agreements as may be required to carry out the purposes hereof without the need for any further approval from the Oversight Board.

Section 4. The Chair of the Oversight Board and the other officers and members of staff having responsibility for the affairs of the Oversight Board are hereby authorized and directed to execute such documents and certificates as they determine are necessary or appropriate to assist the Successor Agency in the issuance of the 2022 Bonds.

Section 5. Pursuant to the provisions of California Health and Safety Code Section 34177.5(f), the Successor Agency is expressly authorized to recover its related costs in connection with the transaction approved hereby, irrespective of whether the 2022 Bonds are issued.

Section 6. This Resolution shall take effect in accordance with Sections 34177.5(f) and 34179(h) of the Health and Safety Code.

Section 7. The Oversight Board Secretary shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 24th of January, 2022.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Countywide Oversight Board, on the date shown.

ATTEST:


Maureen Toms,
Oversight Board Secretary

Contact:

cc: Hercules - Suzy Kim, Hercules - Edwin Gato, Maureen Toms, DCD