

RESOLUTION NO. 13-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA ESTABLISHING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE IN FAVOR OF THE CITY OF LANCASTER FOR THE DISTRIBUTION OF FUNDS TO THE LANCASTER SUCCESSOR AGENCY FOR ENFORCEABLE OBLIGATIONS FOR THE PERIOD JANUARY TO JUNE 2013 PURSUANT TO H & S CODE SECTION 34173(h)

WHEREAS, pursuant to the adopted January to June 2013 budget of the Lancaster Successor Agency ("Agency"), the Agency has incurred certain expenses for enforceable obligations which require a loan from the City of Lancaster ("City"); and

WHEREAS, pursuant to Health & Safety Code Section 34173(h) the City may loan funds to the successor agency for enforceable obligations; and

WHEREAS, the City of Lancaster will advance up to \$775,000 to the Agency's General Fund to cover such expenses of the Agency related to Cardlock Fuels System Inc. as enforceable obligations of the Agency for the period January to June 2013; and

WHEREAS, the Agency will reflect the loan on the Recognized Obligation Payment Schedule as an enforceable obligation; and

WHEREAS, the Agency and City desire to formalize this debt obligation of the Agency for the reimbursement of enforceable obligations of the Agency during the period January to June 2013; and

WHEREAS, the Agency will consider a corresponding action to consider the adoption of a Successor Agency Resolution setting forth the terms and conditions of a Promissory Note (as shown on Exhibit A) in an amount sufficient to cover such expense, up to \$775,000, including authorization to the City Manager to execute said Promissory Note; and

WHEREAS, interest shall accrue on the outstanding amount at the Local Agency Investment Fund Rate (LAIF).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby authorizes and directs the execution of the Promissory Note and to take whatever actions are required pursuant to the corresponding Agency Resolution.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }
CITY OF LANCASTER }

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA
do hereby certify that this is a true and correct copy of the original Resolution No. 13-09, for
which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____
day of _____, _____.

(seal)

EXHIBIT "A"

PROMISSORY NOTE

Amount
\$775,000

Lancaster, California
February 26, 2013

1. Promise to Pay. The Lancaster Successor Agency ("Agency"), existing under the laws of the State of California, for value received, hereby promises to pay to the order of the City of Lancaster, a public body, corporate and politic, duly organized and existing under the laws of the State of California ("City"), the principal due pursuant to the terms of this Note. This Note is being executed to evidence the monetary obligations of the Agency to the City arising from the payments to Cardlock Fuels System Inc. as enforceable obligations of the Agency. The principal balance hereof, from time to time outstanding, shall equal the amount advanced after presentation of evidence of expenses incurred by the Agency, but in no event shall the obligations of the Agency hereunder exceed the sum of Seven Hundred Seventy Five Thousand Dollars and no cents (\$775,000).
2. Interest Rate. Interest rate shall be charged by City for this Note equal to the amount of interest the City would have otherwise received by depositing these funds with the State of California Local Agency Investment Fund ("LAIF").
3. Principal and Interest Payments. The outstanding amount of the note shall become an enforceable obligation of the Agency and listed on the Recognized Obligation Payment Schedule until the principal and interest amounts have been paid in full.
4. Application of Payments. Both principal and interest hereof are payable in lawful money of the United States of America.

IN WITNESS WHEREOF, the parties hereto have executed this Promissory Note as of the date first set forth in this Promissory Note.

ATTEST:

CITY OF LANCASTER

By: _____
City Clerk

By: _____
City Manager

ATTEST:

LANCASTER SUCCESSOR AGENCY

By: _____
City Clerk

By: _____
City Manager

RESOLUTION NO. SA 04-13

A RESOLUTION OF THE LANCASTER SUCCESSOR AGENCY, ESTABLISHING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE IN FAVOR OF THE CITY OF LANCASTER FOR THE DISTRIBUTION OF FUNDS TO THE LANCASTER SUCCESSOR AGENCY FOR ENFORCEABLE OBLIGATIONS FOR THE PERIOD JANUARY TO JUNE 2013 PURSUANT TO H & S CODE SECTION 34173(h)

WHEREAS, pursuant to the adopted January to June 2013 budget of the Lancaster Successor Agency ("Agency"), the Agency has incurred certain expenses for enforceable obligations which require a loan from the City of Lancaster ("City"); and

WHEREAS, pursuant to Health & Safety Code Section 34173(h) the City may loan funds to the successor agency for enforceable obligations; and

WHEREAS, the City of Lancaster will advance up to \$775,000 to the Agency's General Fund to cover such expenses of the Agency related to Cardlock Fuels System Inc. as enforceable obligations of the Agency for the period January to June 2013; and

WHEREAS, the Agency will reflect the loan on the Recognized Obligation Payment Schedule as an enforceable obligation; and

WHEREAS, the Agency and City desire to formalize this debt obligation of the Agency for the reimbursement of enforceable obligations of the Agency during the period January to June 2013; and

WHEREAS, the City Council of the City of Lancaster will consider a corresponding action to consider the adoption of a City Council Resolution setting forth the terms and conditions of a Promissory Note (as shown on Exhibit A) in an amount sufficient to cover such expense, up to \$775,000, including authorization to the City Manager to execute said Promissory Note; and

WHEREAS, interest shall accrue on the outstanding amount at the Local Agency Investment Fund Rate (LAIF).

NOW, THEREFORE, THE LANCASTER SUCCESSOR AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency hereby authorizes and directs the execution of the Promissory Note and to take whatever actions are required pursuant to the corresponding City Council Resolution.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Chairman
Lancaster Successor Agency

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF RESOLUTION
LANCASTER SUCCESSOR AGENCY

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. SA 04-13, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

EXHIBIT "A"

PROMISSORY NOTE

Amount
\$775,000

Lancaster, California
February 26, 2013

1. Promise to Pay. The Lancaster Successor Agency ("Agency"), existing under the laws of the State of California, for value received, hereby promises to pay to the order of the City of Lancaster, a public body, corporate and politic, duly organized and existing under the laws of the State of California ("City"), the principal due pursuant to the terms of this Note. This Note is being executed to evidence the monetary obligations of the Agency to the City arising from the payments to Cardlock Fuels System Inc. as enforceable obligations of the Agency. The principal balance hereof, from time to time outstanding, shall equal the amount advanced after presentation of evidence of expenses incurred by the Agency, but in no event shall the obligations of the Agency hereunder exceed the sum of Seven Hundred Seventy Five Thousand Dollars and no cents (\$775,000).

2. Interest Rate. Interest rate shall be charged by City for this Note equal to the amount of interest the City would have otherwise received by depositing these funds with the State of California Local Agency Investment Fund ("LAIF").

3. Principal and Interest Payments. The outstanding amount of the note shall become an enforceable obligation of the Agency and listed on the Recognized Obligation Payment Schedule until the principal and interest amounts have been paid in full.

4. Application of Payments. Both principal and interest hereof are payable in lawful money of the United States of America.

IN WITNESS WHEREOF, the parties hereto have executed this Promissory Note as of the date first set forth in this Promissory Note.

ATTEST: CITY OF LANCASTER

By: _____ By: _____
City Clerk City Manager

ATTEST: LANCASTER SUCCESSOR AGENCY

By: _____ By: _____
City Clerk City Manager