

**RESOLUTION NO. 31, 2023-24**

**RESOLUTION OF THE BOARD OF EDUCATION  
OF THE REDLANDS UNIFIED SCHOOL DISTRICT  
APPROVING USE OF RDA PASS-THROUGHS PER AB 1290  
IN COMPLIANCE WITH HEALTH AND SAFETY CODE SECTION 33607.5 AND  
EDUCATION CODE SECTIONS 42238 *ET SEQ***

**WHEREAS**, former redevelopment agencies (“RDAs”) were dissolved on February 1, 2012, pursuant to the provisions of ABX1 26 and subsequent clean-up legislation (“RDA Dissolution Law” or “RDL”) and replaced by corresponding successor agencies (“Successor Agencies”) charged with the wind-down of former RDA activities; and

**WHEREAS**, notwithstanding the dissolution of RDAs, the RDL requires that pass-through payments (“RDA Pass-Throughs”) from redevelopment project areas or added areas (“Project Areas”) of the former RDAs continue to be paid to affected taxing entities (“ATEs”) by the County Auditor-Controller on behalf of the corresponding Successor Agencies; and

**WHEREAS**, prior to the RDA Dissolution Law former RDAs for the Cities of Highland, Loma Linda, Redlands, and San Bernardino adopted or amended redevelopment plans for seven project areas (“Seven Project Areas”) in a manner that requires annual statutory RDA Pass-Throughs to the District and other ATEs per AB 1290 (“AB 1290 Pass-Throughs”) pursuant to Health and Safety Code (“HSC”) Sections 33607.5; and

**WHEREAS**, redevelopment plans for the Seven Project Areas were adopted or amended as referenced above on (i) July 11, 1995 per ordinance no. 199 for Highland Amendment 1 Project Area; (ii) December 13, 1994 per ordinance no. 508 for Loma Linda Amendment 1 Project Area and September 27, 2005, per ordinance no. 642 for Loma Linda Original Project Area; (iii) November 4, 2003, per ordinance no. 2627 for Redlands Downtown and Redlands Downtown 1976 Annex Project Areas and July 15, 2008, per ordinance no. 2703 for Redlands North Revitalization Project Area; and (iv) December 2, 2003 for San Bernardino Southeast Industrial Park Project Area; and

**WHEREAS**, the RDL requires that annual statutory RDA Pass-Throughs for the Seven Project Areas be paid to the District and other ATEs per AB 1290 (“AB 1290 Pass-Throughs”) pursuant to HSC Sections 33607.5 and/or 33607.7; and

**WHEREAS**, pursuant to HSC Section 33607.5(a)(4)(A), 43.3 percent (“Taxes Share”) “shall be considered to be property taxes” and 56.7 percent (“Facilities Share”) of AB 1290 Pass-Throughs to the District “shall be available to be used for educational facilities, including, land acquisition, facility construction, reconstruction, remodeling, maintenance, or deferred maintenance”; and

**WHEREAS**, pursuant to Education Code (“EC”) Sections 42238(h)(6), 42238.02(j)(6), and 42238.03(c)(6), the District is not required to report as property taxes for offset against State Aid any amount of RDA Pass-Throughs “received pursuant to Section 33401 or 33676. . . or *paragraph (4) of subdivision (a) of Section 33607.5 . . .* that is used for land acquisition, facility construction, reconstruction, remodeling, maintenance, or deferred maintenance [or that is] allocated exclusively for educational facilities” (*emphasis added*); and

**WHEREAS**, the District is advised that (i) the cost of “educational facilities” may include capital outlay and other facilities costs, including specifically: site acquisition costs; hard costs of new construction,

reconstruction, modernization, or deferred maintenance; soft costs (including facilities planning, design and engineering, consultant, legal, and related advocacy costs); costs of fixtures, furnishings, and equipment; related lease, lease purchase, or debt service payments; and/or costs funded from the ongoing and major maintenance account (“OMMA”) and/or restricted routine maintenance account (“RRMA”); and

**WHEREAS**, pursuant to HSC Section 33607.5(a)(5) “local education agencies that use [the Facilities Share of AB 1290 Pass-Throughs] received pursuant to this section for school facilities shall spend these funds at schools that are: (A) within the Project area, (B) attended by students from the Project area, (C) attended by students generated by projects that are assisted directly by the redevelopment agency, *or (D) determined by the governing board of a local education agency to be of benefit to the Project area*” (*emphasis added*); and

**WHEREAS**, for school facilities the geographic usage restrictions in HSC Section 33607.5(a)(5) constitute alternative requirements, including (D) in the previous recital, i.e., determination by the governing board that AB 1290 Pass-Throughs from a Project Area be spent for school facilities are of benefit to the Project Area, even in the absence of compliance with (A), (B), or (C) in the previous recital; and

**WHEREAS**, the District’s existing facilities (“Existing District Sites”) serve students and/or residents who live, work, or live and work, throughout the District, not just in the Seven Project Areas; and

**WHEREAS**, in the future the District may, lease, acquire, construct, and/or reopen additional educational facilities (“Future District Sites”), which will serve students and/or residents who live, work, or live and work throughout the District, not just in the Seven Project Areas; and

**WHEREAS**, Existing District Sites, plus any Future District Sites, are part of an integrated District master plan for educational facilities. and attendance and/or improvements at Existing District Sites or Future District Sites will impact, directly or indirectly, all students and residents who live, work, or live and work throughout the District, not just in the Seven Project Areas; and

**WHEREAS**, the District is advised that geographic usage restrictions in HSC Section 33607.5(a)(5) may only apply to educational facilities that are school facilities attended by students, and may not apply to educational facilities that are not attended by students; and

**WHEREAS**, the District currently operates 27 schools attended by students: 16 elementary schools (10 in Redlands, three in Highland, one in Loma Linda, one in Mentone, one in San Bernardino); four middle schools (two in Redlands, one in Highland); three high schools (in Redlands); one continuation high school (in Redlands); one K-12 charter school (in Redlands); and two other schools (K-12 eAcademy in Redlands and Adult School in Redlands); as well as educational facilities not attended by students; and

**WHEREAS**, the District wishes to comply with the (i) geographic usage restrictions in HSC Section 33607.5(a)(5) for all educational facilities of the District, not just facilities attended by students; and (ii) functional usage restrictions in EC Sections 42238(h)(6), 42238.02(j)(6), and 42238.03(c)(6), with respect to the Facilities Share of AB 1290 Pass-Throughs paid to the District for the Seven Project Areas;

**NOW, THEREFORE**, the Board of Education does hereby resolve, determine, or find as follows:

**Section 1.** The forgoing recitals are true and correct.

**Section 2.** The Facilities Share of AB 1290 Pass-Throughs which the District has been entitled to receive in the past and is entitled to receive in the future for the Seven Project Areas that is used to pay the cost of educational facilities as set forth above, is determined to be of benefit to each of the Seven Project Areas, consistent with the requirements of HSC Section 33607.5(a)(5).

**Section 3.** The Facilities Share of AB 1290 Pass-Throughs which the District has been entitled to receive in the past and is entitled to receive in the future for the Seven Project Areas that is used to pay for the cost of educational facilities at Existing District Sites or Future District Sites located anywhere within the District, whether or not attended by students, is found to be consistent with the requirements of EC Sections 42238(h)(6), 42238.02(j)(6), and 42238.03(c)(6).

**Section 4.** The above determination and finding are intended to ratify all prior decisions by the District regarding use of the Facilities Share of AB 1290 Pass-Throughs by the District as being in compliance with this AB 1290 Compliance Resolution, as well as ensure future compliance of all current and future decisions regarding use of the Facilities Share of AB 1290 Pass-Throughs.

**Section 5.** This AB 1290 Compliance Resolution shall take effect immediately upon approval and adoption by not less than two-thirds vote of all members of the Board of Education.

The forgoing resolution was adopted and approved this 21st day of May 2024, by the following vote:

BOARD OF EDUCATION OF THE  
REDLANDS UNIFIED SCHOOL DISTRICT

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

[illegible]

I, \_\_\_\_\_, Clerk of the Board of Education of the Redlands Unified School District, do hereby certify that the foregoing is a true and correct copy of Resolution No. 31, 2023-24 which was duly adopted by the Board of Education of the Redlands Unified School District at a meeting thereof on the 21st day of May 2024.

Clerk, Board of Education of the  
Redlands Unified School District