

RESOLUTION NO. PFA 2021--_____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE FONTANA
PUBLIC FINANCING AUTHORITY AUTHORIZING THE EXECUTION
AND DELIVERY OF A TERMINATION OF LEASE AGREEMENT AND
APPROVING RELATED ACTIONS**

WHEREAS, the Fontana Public Financing Authority (the "Authority"), as lessor, and the City of Fontana (the "City"), as lessee, entered into that certain Lease Agreement, dated as of February 1, 2003 (the "2003 Lease Agreement"), a memorandum of which was recorded on February 26, 2003 as Instrument No. 2003-0126872 in the Official Records of the County of San Bernardino, State of California, pursuant to which the City leased certain property and facilities described therein (the "Property") to the Authority and the Authority leased the Property back to the City and the City agreed to make Lease Payments (as defined in the 2003 Lease Agreement) to the Authority through March 1, 2016;

WHEREAS, on March 1, 2016, the City paid the final Lease Payment due under the 2003 Lease Agreement such that all Lease Payments have been paid in full and therefore, pursuant to the terms of the 2003 Lease Agreement;

WHEREAS, the Authority wishes at this time to authorize the execution of a termination agreement and certain other actions in connection therewith;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Approval of Termination Agreement. A Termination Agreement (2003 Lease), by and between the Authority and the City relating to the 2003 Lease (the "Termination Agreement"), in the form thereof on file with the Secretary of the Authority, together with any additions thereto or changes therein deemed necessary or advisable by a Designated Officer is hereby approved by the Board. The Designated Officers (defined below) are hereby authorized and directed to execute, and the Secretary is hereby authorized and directed to attest to, the final form of the Termination Agreement for and in the name and on behalf of the Authority. The Board hereby authorizes the delivery and performance of the Termination Agreement.

Section 2. Official Actions. The Chair, the Vice Chair, the Executive Director, the Treasurer and the Secretary of the Authority (each a "Designated Officer"), and any and all other officers of the Authority, are hereby authorized and directed, for and in the name and on behalf of the Authority, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents which they, or any of them, may deem necessary or advisable in order to consummate the termination of the 2003 Lease as described herein. Whenever in this resolution any officer of the Authority is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on

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behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer shall be absent or unavailable.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

APPROVED and ADOPTED this 12th day of October 2021.

READ AND APPROVED AS TO LEGAL FORM:

Authority Attorney

I, Tonia Lewis, Secretary of the Fontana Public Facilities Financing Authority, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the Fontana Public Facilities Financing Authority at a regular meeting on the 12th day of October 2021, by the following vote to-wit:

AYES:

NOES:

ABSENT:

Secretary of the Fontana Public Financing Authority

Chairman of the Fontana Public Facilities Financing Authority

ATTEST:

Authority Secretary