

**OVERSIGHT BOARD OF THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

AGENDA

SEPTEMBER 9, 2015

**City of Imperial Beach Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 10:30 a.m.

The Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at Oversight Board meetings, please contact the City Clerk's/Secretary's Office at (619) 628-2347, as far in advance of the meeting as possible.

1. CALL TO ORDER

2. ROLL CALL BY CITY CLERK/SECRETARY

3. PUBLIC COMMENTS - Each person wishing to address the Oversight Board regarding items not on the posted agenda may do so at this time. In accordance with State law, the Oversight Board may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the Successor Agency staff or placed on a future agenda.

4. REPORTS

A. APPROVAL OF MINUTES.

Recommendation: Approve the Oversight Board Regular Meeting Minutes of April 8, 2015.

B. ADOPTION OF RESOLUTION NO. OB-15-41 APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES.

Recommendation: That the Oversight Board adopt Oversight Board Resolution No. OB-15-41 approving the Third Amendment to the Agreement with McDougal, Love, Eckis, Boehmer and Foley for legal services for an additional two year term.

C. ADOPTION OF RESOLUTION NO. OB-15-42 OF THE OVERSIGHT BOARD TO THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2016 THROUGH JUNE 30, 2016 AND RELATED ACTIONS.

Recommendation: That the Oversight Board to the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number OB-15-42 approving the Administrative Budget for the period of January 1, 2016 through June 30, 2016, and other related actions.

D. ADOPTION OF RESOLUTION NO. OB-15-43 OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) FOR THE 6-MONTH PERIOD FROM JANUARY 1, 2016 THROUGH JUNE 30, 2016 AND APPROVING RELATED ACTIONS.

Recommendation: That the Oversight Board to the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number OB-15-43 approving the Recognized Obligation Payment Schedule for the period of January 1, 2016 through June 30, 2016 (referred to as the "ROPS 15-16B").

Any writings or documents provided to a majority of the Oversight Board regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

5. ADJOURNMENT

/s/
Jacqueline M. Hald, MMC
City Clerk/Secretary

For your convenience, a copy of the Agenda and meeting packet may be viewed in the office of the City Clerk at City Hall or on our website at www.ImperialBeachCA.gov. Go to the Imperial Beach Redevelopment Agency Successor Agency page located under the Government Section.

**OVERSIGHT BOARD OF THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

MINUTES

APRIL 8, 2015

**City of Imperial Beach Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

1. CALL TO ORDER

Chairperson Winter called the Regular Meeting to order at 10:34 a.m.

2. ROLL CALL BY CITY CLERK/SECRETARY

Board Members present: Yanda, Saadat, King, Hentschke, Kaminsky, Foltz

Board Members absent: None

Chair present: Winter

Staff present: Deputy Executive Director Wade, Special Counsel Levan, City Clerk/Secretary Hald, Treasurer Bradley

3. PUBLIC COMMENTS

City Clerk Hald announced no speaker slips were submitted.

4. REPORTS

A. APPROVAL OF MINUTES.

MOTION BY WINTER, SECOND BY KING, TO APPROVE THE OVERSIGHT BOARD REGULAR MEETING MINUTES OF FEBRUARY 11, 2015. MOTION CARRIED UNANIMOUSLY.

B. RESOLUTION OB-15-40 APPROVING A FIVE YEAR AGREEMENT WITH LANCE, SOLL & LUNGHARD TO PERFORM THE FINANCIAL AUDIT OF THE IMPERIAL BEACH REDEVELOPMENT SUCCESSOR AGENCY.

Treasurer Bradley reported on the item.

Board Member Kaminsky commented that the fees seem reasonable and the rotation of partners is common.

MOTION BY KAMINSKY, SECOND BY HENTSCHE, TO APPROVE OVERSIGHT BOARD RESOLUTION NO. OB-15-40 APPROVING A FIVE YEAR AGREEMENT WITH LANCE, SOLL & LUNGHARD TO PERFORM THE FINANCIAL AUDIT OF THE IMPERIAL BEACH REDEVELOPMENT SUCCESSOR AGENCY. MOTION CARRIED UNANIMOUSLY.

C. UPDATE ON ROPS 15-16A.

Deputy Executive Director Wade reviewed the Department of Finance (DOF) Determination Letter, which was distributed as Last Minute Agenda Information. He reported on the DOF's approval of the ROPS 15-16A with the exception of Item No. 38 (Successor Housing Entity Administrative Cost Allowance).

Special Counsel Levan reported there are four active participants on a lawsuit against the DOF regarding funding for affordable housing administrative costs to implement former agency's housing obligations.

D. UPDATE ON THE DEPARTMENT OF FINANCE'S PROPOSED TRAILER BILL AMENDING THE DISSOLUTION LAWS.

Deputy Executive Director Wade introduced the item.

Special Counsel Levan reported that the DOF drafted a Budget Trailer Bill and reviewed the pertinent provisions that might impact Imperial Beach.

Deputy Executive Director Wade provided further comments on the provisions that might impact Imperial Beach.

5. ADJOURNMENT

Chairperson Winter adjourned the meeting at 11:24 a.m.

**MAYDA C. WINTER
CHAIRPERSON**

**JACQUELINE M. HALD, MMC
CITY CLERK/SECRETARY**

DRAFT

STAFF REPORT
OVERSIGHT BOARD
TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

TO: CHAIR AND MEMBERS OF THE OVERSIGHT BOARD TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR
AGENCY

FROM: ANDY HALL, EXECUTIVE DIRECTOR 
STEVE DUSH, DEPUTY DIRECTOR 

MEETING DATE: SEPTEMBER 9, 2015

SUBJECT: ADOPTION OF RESOLUTION NO. OB-15-41 APPROVING THE
THIRD AMENDMENT TO THE AGREEMENT WITH
MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND
THE TERM FOR TWO YEARS FOR LEGAL SERVICES

BACKGROUND:

The law firm of McDougal, Love, Eckis, Boehmer & Foley has provided legal services to the City and former Redevelopment Agency for over nineteen years. The current legal services agreement was entered into with the former Redevelopment Agency in 2009, amended in 2010, amended again in 2011, and last amended in 2013. Pursuant to Health and Safety Code sections 34173 (b) and 34175(b), the City of Imperial Beach became the Successor Agency to the Imperial Beach Redevelopment Agency and assumed all obligations of the former Imperial Beach Redevelopment Agency as of February 1, 2012. The Imperial Beach Redevelopment Agency Successor Agency, therefore, became the successor-in-interest to the contract for legal services that existed between the former Imperial Beach Redevelopment Agency and the Firm at that time. The term of the current agreement expires as of June 30, 2015.

DISCUSSION:

The proposed Third Amendment to the Agreement extends the term of the current agreement by two years, through June 30, 2017. Additionally, the hourly rates for legal services for the Successor Agency are still considered special services to be billed at an hourly rate that will be set at \$150.00 (previously set at \$144.50).

Because the original agreement and Third Amendment pertain to services performed for the City of Imperial Beach as well, the Third Amendment is already effective as to the City of Imperial Beach pursuant to City Council approval on June 17, 2015. The Successor Agency Board adopted a resolution which approved the Third Amendment at their meeting on June 17, 2015. Staff is now recommending that the Oversight Board approve the Third Amendment so that it will also be effective as to work performed for the Successor Agency.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

All attorney work for the Successor Agency will be billed at the same rate of \$150.00 per hour. The Successor Agency has budgeted for as-needed legal costs in its biannual administrative budgets provided to the Department of Finance.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Oversight Board adopt Oversight Board Resolution No. OB-15-41 approving the Third Amendment to the Agreement with McDougal, Love, Eckis, Boehmer and Foley for legal services for an additional two year term.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. OB-15-41
2. Resolution No. SA-15-49
3. Third Amendment to Agreement
4. Original Agreement and First & Second Amendments

A RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY, CALIFORNIA, AUTHORIZING THE THIRD AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES

WHEREAS, the Imperial Beach Redevelopment Agency Successor Agency desires effective, efficient, and cost effective legal services; and

WHEREAS, pursuant to Health & Safety Code Sections 34173 (b) and 34175(b), the City of Imperial Beach became the Successor Agency to the Imperial Beach Redevelopment Agency and assumed all obligations of the former Imperial Beach Redevelopment Agency as of February 1, 2012. The Imperial Beach Redevelopment Agency Successor Agency, therefore, became the successor-in-interest to the contract for legal services that existed between the former Imperial Beach Redevelopment Agency and McDougal, Love, Eckis, Boehmer & Foley ("Firm") at that time; and

WHEREAS, the current Agreement with the Firm and the former Imperial Beach Redevelopment Agency expires on June 30, 2015 pursuant to the terms of the Second Amendment and the Board now wishes to extend the term of the current Agreement by two years because it is necessary and convenient for the management of Successor Agency affairs; and

WHEREAS, the Firm will perform these services and responsibilities as stated in the Agreement and the Amendments to the Agreement; and

WHEREAS, the Successor Agency Board adopted Resolution No. SA-15-49 which approved the Third Amendment at their meeting on June 17, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency as follows:

1. The above-listed recitals are true and correct and are hereby incorporated as findings.
2. The Oversight Board hereby approves the Third Amendment to the Agreement with McDougal, Love, Eckis, Boehmer & Foley to extend the term of the Agreement to June 30, 2017 and to pay the hourly rate as indicated in the Third Amendment.
3. The Oversight Board hereby authorizes and directs the Chairman of the Successor Agency to execute said Third Amendment to the Agreement for and on behalf of the Imperial Beach Redevelopment Agency Successor Agency upon taking any necessary steps for approval as required by law.

PASSED, APPROVED, AND ADOPTED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 12th day of August 2015, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

MAYDA C. WINTER, CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SECRETARY

RESOLUTION NO. SA-15-49

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY, AUTHORIZING THE THIRD AMENDMENT TO THE AGREEMENT WITH MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO EXTEND THE TERM FOR TWO YEARS FOR LEGAL SERVICES

WHEREAS, the Imperial Beach Redevelopment Agency Successor Agency desires effective, efficient, and cost effective legal services; and

WHEREAS, pursuant to Health & Safety Code Sections 34173 (b) and 34175(b), the City of Imperial Beach became the Successor Agency to the Imperial Beach Redevelopment Agency and assumed all obligations of the former Imperial Beach Redevelopment Agency as of February 1, 2012. The Imperial Beach Redevelopment Agency Successor Agency, therefore, became the successor-in-interest to the contract for legal services that existed between the former Imperial Beach Redevelopment Agency and McDougal, Love, Eckis, Boehmer & Foley ("Firm") at that time; and

WHEREAS, the current Agreement with the Firm and Successor Agency expires on June 30, 2015 pursuant to the terms of the Second Amendment and the Board now wishes to extend the term of the current Agreement by two years because it is necessary and convenient for the management of Successor Agency affairs; and

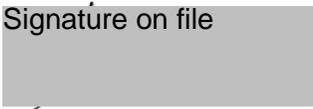
WHEREAS, the Firm will perform these services and responsibilities as stated in the Agreement and the First, Second, and Third Amendments to the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Imperial Beach Redevelopment Agency Successor Agency as follows:

1. The above-listed recitals are true and correct and are hereby incorporated as findings.
2. The Board hereby approves the Third Amendment to the Agreement with McDougal, Love, Eckis, Boehmer & Foley to extend the term of the Agreement to June 30, 2017 and to pay the hourly rate as indicated in the Third Amendment.
3. The Board hereby authorizes and directs the Chairman to execute said Third Amendment to the Agreement for and on behalf of the Imperial Beach Redevelopment Agency Successor Agency upon taking any necessary steps for approval as required by law.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 17th day of June 2015, by the following vote:

AYES:	COUNCILMEMBERS:	PATTON, BRAGG, SPRIGGS, DEDINA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	BILBRAY

Signature on file


**SERGE DEDINA,
CHAIRPERSON**

ATTEST:

Signature on file


**JACQUELINE M. HALD, MMC
SECRETARY**



**THIRD AMENDMENT TO THE AGREEMENT FOR CITY ATTORNEY SERVICES
BETWEEN
THE CITY OF IMPERIAL BEACH, IMPERIAL BEACH REDEVELOPMENT AGENCY
SUCCESSOR AGENCY**

AND

**McDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY
A Professional Corporation**

THIS THIRD AMENDMENT TO AGREEMENT (hereinafter referred to as "Third Amendment") is made this 17th day of June 2015, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency Successor Agency (hereinafter referred to as "Successor Agency"), and McDougal, Love, Eckis, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"), (collectively the "Parties").

RECITALS

- A. The City and former Imperial Beach Redevelopment Agency entered into an agreement with the Firm for legal services (hereinafter referred to as "Agreement") on July 1, 2009.
- B. On May 4th, 2011, the Parties executed the First Amendment to the Agreement ("First Amendment") to extend the term of the Agreement to June 30, 2013.
- C. Pursuant to Health & Safety Code Sections 34173 (b) and 34175(b), the City of Imperial Beach became the Successor Agency to the Imperial Beach Redevelopment Agency and assumed all obligations of the former Imperial Beach Redevelopment Agency as of February 1, 2012. The Imperial Beach Redevelopment Agency Successor Agency, therefore, became the successor-in-interest to the contract for legal services that existed between the former Imperial Beach Redevelopment Agency and the Firm at that time.
- D. The Parties approved the Second Amendment to the Agreement in May of 2013 to extend the term of the Agreement to June 30, 2015 and make other changes based upon the dissolution of the former Imperial Beach Redevelopment Agency.
- E. The Parties are executing this Third Amendment in accordance with Resolutions 2015-7597 and SA-15-49, which authorize a change in the term for an additional two years and authorize changes in the rates.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Section 2.1 of the Agreement entitled "Basic Retainer for General Services" is amended in its entirety to read as follows:

The City agrees to pay to Attorneys a monthly retainer in the amount of Nine Thousand Two Hundred and Twenty-Seven and no/100 Dollars (\$9227.00) for all services defined as "general services" in Exhibit "A." All services rendered which are not "general services" shall be approved by the City Manager in advance of the services being performed, and are deemed "special services" and shall be compensated at the rates set forth in Exhibit "B" attached hereto.

2. Section 6 "Term" of the Agreement is amended in its entirety to read as follows:

The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2017.

3. Exhibit "B" is amended in its entirety to read as follows:

Hourly Billing Rates

Attorney \$150.00

Deputy City Attorney \$150.00

Special Counsel \$150.00

Paralegal \$85.00

4. This Third Amendment shall become effective and enforceable with respect to the City and Firm upon execution by the City and Firm. The Third Amendment shall become effective and enforceable with respect to the Successor Agency upon both: (1) the Successor Agency's approval and execution of the Amendment; and (2) the Oversight Board's approval of the Amendment by Resolution, subject to the Oversight Board's actions and approval becoming effective pursuant to Health and Safety Code Section 34179(h) of the Dissolution Act.

5. Capitalized Terms. Capitalized terms used but not otherwise defined in this Third Amendment shall have the meanings assigned to them in the Agreement.

6. Continuing Effect. Except as expressly modified or amended by this Third Amendment, all terms and provisions of the Agreement and the First and Second Amendments shall remain in full force and effect.

7. Conflicts. If there is a conflict between any provisions of the Agreement, the First Amendment, the Second Amendment, and this Third Amendment, all provisions of this Third Amendment shall control.

8. Execution in Counterparts. This Third Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,
a Municipal Corporation

McDOUGAL, LOVE, ECKIS, BOEHMER
& FOLEY, a Professional Corporation

By _____
SERGE DEDINA, Mayor

By _____
STEVEN E. BOEHMER

IMPERIAL BEACH REDEVELOPMENT
AGENCY SUCCESSOR AGENCY

By _____
SERGE DEDINA, CHAIRMAN

Concurrence:

Jennifer M. Lyon

**AGREEMENT FOR CITY ATTORNEY SERVICES BETWEEN
THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT
AGENCY**

AND

**McDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY
A Professional Corporation**

THIS AGREEMENT is made this 1st day of July 2009 and amended as of February 3, 2010, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency, (hereinafter referred to as "Agency"), and McDougal, Love, Eckis, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"). The parties agree that City and Agency shall retain the Attorneys to perform legal services on the terms and conditions set forth herein.

RECITALS

- A. The City and Agency require legal services customarily provided by the offices of a city attorney appointed by the City Council.
- B. Attorneys are fully qualified to provide the legal services sought by the City and Agency and willing to provide such legal services.
- C. Attorneys are willing to devote such time as may be necessary to provide such services in keeping with the highest standards of the legal profession and refrain from any employment that would conflict with representation of the City and Agency.

NOW, THEREFORE, the parties hereby agree as follows:

1. GENERAL RETAINER SERVICES

1.1 Designation of City and Agency Attorney.

The City and Agency shall appoint the following designated members of the law firm of McDougal, Love, Eckis, Boehmer & Foley in the following capacities:

Jennifer M. Lyon	City Attorney, General Counsel (hereinafter "City Attorney")
Hilda R. Mendoza	Deputy City Attorney

David M. Stotland

Deputy City Attorney

Steven E. Boehmer

Special Counsel

The City Attorney may assign other attorneys in the Firm to work on City and Agency matters on an as-needed basis.

Attorneys shall not replace the designated City Attorney without the City Council's prior approval, except as may be necessary from time to time due to illness or vacation scheduling, in which case approval of a substitute attorney shall be obtained from the City Manager.

The City Attorney shall devote such time as necessary to perform those duties set forth on Exhibit "A", including the provision of Political Reform Act conflict of interest assistance (related to the Political Reform Act and other applicable conflict of interest laws) on behalf of the City to City employees and officials upon appropriate request. The Attorneys shall represent the City in all litigation except where the City Council may otherwise direct.

General Counsel shall perform those duties set forth on Exhibit "A" applicable to general counsel, including the provision of conflict of interest assistance (related to the Political Reform Act and other applicable conflict of interest laws) on behalf of the Agency to Agency employees and officials upon appropriate request. General Counsel shall represent the Agency in all litigation except where Agency may otherwise direct.

The Attorneys' duties shall specifically include those set forth in Exhibit "A" attached and shall be performed by such members of the law firm as designated by the City Attorney and under the City Attorney's supervision.

1.2 Independent Contractor.

No employment relationship is created by this Agreement. Attorneys shall, for all purposes, be independent contractors to the City.

Attorneys shall not at any time or in any manner represent that they or any of their employees or agents are in any manner employees of the City. City acknowledges and agrees that the City Attorney, Assistant City Attorney, Deputy City Attorney and special counsel representing the City and the Agency will need to represent to others their capacity and relationship to the City.

Attorneys shall fulfill the professional responsibilities and duties under this Agreement in the manner that in Attorneys' sole discretion is deemed appropriate, subject to customary limitations that exist between an attorney and the client. Attorneys shall maintain independent ethical judgment in the conduct of legal services on behalf of the City and Agency.

1.3 Client is the City

Attorneys have been retained to represent the City and Agency as organizations, and owe a duty of loyalty to the organization. In the event the City's interest becomes adverse to the interest of a Council Member or staff member, Attorneys shall explain to the individual(s) that the organization is the client, that he/she cannot represent the individual(s) due to the conflict or potential conflict of interest, and that the individual(s) may wish to obtain independent counsel. When appropriate, Attorneys shall advise such individual(s) that any discussions with Attorneys may no longer be privileged.

In the event that Attorneys know that an individual intends to act (or refuses to act) in a manner related to the representation that is (1) a violation of a legal duty to the City, or (2) a violation of law which reasonably might be imputed to the City, and the individual's act (or refusal to act) is likely to result in substantial injury to the City, Attorneys shall proceed as is reasonably necessary in the best interest of the City.

1.4 City Attorney Services.

Attorneys shall perform those services as set forth in Exhibit "A" hereto.

2. COMPENSATION

2.1 Basic Retainer for General Services

The City agrees to initially pay to Attorneys a monthly retainer in the amount of Eight Thousand Two Hundred Twenty-seven and No/100 Dollars (\$8,227.00) for all services defined as "general services" in Exhibit "A". All services rendered which are not "general services" shall be approved by the City Manager in advance of the services being performed, and are deemed "special services" and shall be compensated at the rates set forth in Exhibit "B" attached hereto.

2.2 Payment Terms

The monthly retainer for City Attorney services and the monthly retainer for General Counsel services shall become due and payable on receipt of invoice no sooner than the first day of the month immediately following the month in which such services were provided. Payment for special services shall be made upon receipt of a detailed and itemized invoice. Payment for special services shall be made within thirty (30) days from the last day of the month in which Attorneys' services were provided.

2.3 Payments for Travel and Meeting Expenses

The City shall reimburse the City Attorney for travel and meeting expenses approved by the City Council that are deemed necessary and reasonable. Meal costs, excluding

alcoholic beverages, will be reimbursed if deemed necessary in connection with the approved travel authorized by the City.

2.4 Invoice Requirements

2.4.1 **General Legal Services.** Billing for monthly legal services, including those services set forth in Exhibit "A", shall be submitted on separate invoices for each matter being handled.

2.4.2 **Billing Increments.** All invoices shall be detailed in six (6) minute, or one-tenth (0.1) hour increments.

2.4.3 **Description of Work Performed.** The invoice must briefly describe each item of work performed, the identity of the attorney, paralegal, or expert who performed the work and the date of the work. For example, if four distinct tasks were done on a file in one day, the tasks shall be separately noted on the bill with an individual time charge for each.

2.5 Prohibition Against Payment for Specified Activities

Absent special circumstances and the prior written approval by the City, the City is not obligated to pay for the following:

2.5.1 **New Attorneys.** Time spent by new attorneys to become familiar with the matter.

2.5.2 **One Attorney.** More than one attorney to attend any court hearing, deposition, or a meeting with the City's officers and/or employees.

2.5.3 **Paralegals.** Paralegals may perform discovery, coordination of witnesses and other support services normally associated with civil litigation. Paralegal time shall include calendaring, issuance of subpoenas and discovery and coordinating offers in criminal matters filed under the Imperial Beach Municipal Code. No more than one paralegal working shall be tasked to work on the same matter or charge for consulting with another paralegal.

2.5.4 **Expert Consultants and Witnesses.** The need for, identity, and qualifications of experts should be timely reported to the City. The City recognizes the need for well-qualified experts for the successful evaluation of and defense of matters. The City encourages the use of experts not only for defense purposes, but to assist in early evaluation of cases.

2.5.5 **Secretarial Time.** The City will not pay for secretarial time or secretarial overtime. The City does not pay attorneys or paralegals for secretarial tasks or tasks that should be subsumed into the City Attorney's overhead. For example, the City will

not reimburse its City Attorney for time spent faxing, mailing, arranging for messengers, or calendaring.

2.5.6 Word Processing. The City does not reimburse for the costs of word processing.

2.6 Reimbursable Expenses.

2.6.1 Photocopying Charges. The City will reimburse for photocopying costs only on a per-copy basis. The maximum charge reimbursable is \$0.20 per page for the copying of documents less than 25 pages; and \$0.10 per page for the copying of documents 25 pages or greater, including any time spent making the copies. Outside copying services will be used when possible, if the cost of doing so is less expensive to the City, or for special copying services that cannot be performed by Attorneys' staff.

2.6.2 Facsimile Charges. Facsimile transmissions may be used when necessary. The City will pay for facsimile transmissions based upon reasonable rates associated with actual cost, excluding secretarial time.

2.6.3 Telephone/Mail/Delivery Charges. Long distance telephone, cellular phone, and postal charges will be reimbursed at actual cost. Federal Express and similar delivery services shall be reimbursed only if Attorneys have obtained the prior approval of the City. Charges associated with delivery of materials, service of subpoenas and other documents, and filing by messenger services will be reimbursed at actual cost. Attorney should use reasonable efforts to accomplish work sufficiently in advance to allow delivery, filing, and service by U.S. Mail when not otherwise prescribed by law. Rush delivery costs will be reimbursed only if Attorneys have obtained the prior approval of the City.

2.6.4 Invoice Review and Discussion. The City will not pay for time used to prepare invoices or for discussion of invoices. If the City has questions about invoices or requires additional information on invoices, Attorneys must provide the information without charge to the City.

2.6.5 Unit Billing Time. The City will not pay unit billing time charges. Attorneys shall charge only for actual time spent.

2.6.6 File Opening and Closing. The City will not pay for time for file opening or file closing. These are not true tasks or adequate descriptions of legal activities.

2.6.7 Prior Work. The City will not pay for products that Attorneys have performed and billed for in other matters. This applies to the use of forms.

2.6.8 Payment. The City agrees to pay reimbursable costs within thirty (30) days from the last day of the month in which Attorneys incurred such costs.

3. INSURANCE

Attorneys shall maintain their own liability, health, worker's compensation, disability and other insurance and the City shall not be responsible therefor. At a minimum, Attorneys shall maintain two million dollars (\$2,000,000) in malpractice insurance, or such other amounts as may be required by the State Bar of California.

4. INDEMNIFICATION AND HOLD HARMLESS

Attorneys shall defend, indemnify, and hold the City harmless from any and all claims, liabilities, obligations, and causes of action for injury or death of any person and for injury or damage or destruction of property that directly results from Attorneys' sole and exclusive professional negligence, or sole and exclusive negligence involving the operation of any motor vehicle. This provision shall not be construed to waive or affect the immunities of the parties provided to public agencies, their agents, and employees by law.

5. CONFLICT OF INTEREST

Attorneys shall not knowingly represent any person or entity in any matter that may reasonably result in a contrary position to that of the City. However, upon full disclosure to the City, the City may waive this provision in writing.

6. TERM

The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2011.

7. TERMINATION

The City may immediately terminate this Agreement for cause at any time. Either the City or Attorneys may terminate this Agreement with or without cause at any time by providing ninety (90) days' notice in writing to the other party.

8. PERFORMANCE EVALUATION

There will be an evaluation of Attorneys' performance on or about May 1, 2010 and thereafter as deemed necessary and appropriate by the City Council.

9. FILES

Attorneys' files for matters involving the City, and works in progress thereof, are the property of the City and upon termination of this Agreement, shall, upon demand, be immediately delivered to the City. Attorneys may retain copies of pertinent documents, unless expressly prohibited or restricted by the City.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,
a Municipal Corporation

Signature on file

By _____
JIM JANNEY, Mayor

McDOUGAL, LOVE, ECKIS, BOEHMER
& FOLEY, a Professional Corporation

Signature on file

By _____
STEVEN L. BOEHMER

IMPERIAL BEACH REDEVELOPMENT
AGENCY

Signature on file

By _____
Jim Janney, Chair

Concurrence:
Signature on file

Jennifer M. Lyon

EXHIBIT "A"

Attorney Services

Except as provided elsewhere in this Agreement, Attorneys shall provide, in a professional manner, all of the usual, customary and necessary services, normally provided by a City Attorney and Redevelopment Agency General Counsel, to City and the Redevelopment Agency, as those services are required. Scope of services to be provided shall include the following:

A. General Services

1. Attendance at City Council/Redevelopment Agency meetings;
2. Regular established office hours at City Hall;
3. Attendance at departmental meetings, staff meetings or committee meetings deemed necessary and appropriate, or as requested by the City Manager or City Council;
4. Review and comment on City Council agenda items referred by the City Manager;
5. Research, preparation or review of routine written opinions, ordinances, resolutions, agreements, leases, public works contracts, and other routine documents of a legal nature necessary or requested by the City Manager, or City Council;
6. Promptly respond to all requests for legal advice from the City Council Members, City Manager, Commissioners, department heads, and other designated personnel as appropriate;
7. Monitoring and advising the City Council and staff of legislation and case law affecting the City;
8. Rendering general advice and assistance in the administration of the City's general liability risk management and insurance programs;
9. Monitoring activities of any special outside counsel retained by the City;
10. Providing conflict of interest assistance to Council/Agency and staff on behalf of the City/Redevelopment Agency, and assisting members and staff in seeking advice from the Fair Political Practices Commission;

11. Providing advice on issues related to the Brown Act (California Government Code section 54950 et seq.) and the California Public Records Act (California Government Code section 6250 et seq.); and
12. Represent the City in non-adversarial administrative proceedings, legislative hearings, and other intergovernmental meetings.

B. Special Services:

Special Services will be performed upon the request of the City Manager or City Council.

1. Provide legal advice and counsel to commissions and boards and attend commission meetings, board meetings, or committee meetings as deemed necessary by the City Manager or City Council;
2. Commence and prosecute all criminal or civil actions necessary and appropriate to enforce municipal ordinances, including enforcement through administrative proceedings, and the representation of the City and Agency, and their officers, agents and employees in matters in state and federal courts, as well as state and federal administrative agencies (such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, Worker's Compensation Appeals Board, etc);
3. Represent the Redevelopment Agency as General Counsel, in administrative and civil litigation and in public finance matters such as assessments and tax related matters;
4. Render advice and assistance to City's representatives on labor relations matters, complex public records requests, review memoranda of understanding or other labor agreements, development agreements, advise on complex CEQA matters, draft implementing legislation or other pertinent documents and represent City before mediators or arbitrators on matters arising from memoranda of understanding or the City's personnel rules;
5. Render advice and assistance and represent the City/Agency in the administration of all claims and litigation filed by or against it; provided, however, that special counsel may be retained to defend or prosecute actions requiring special expertise, or in the event of a conflict of interest which disqualifies the Attorneys from such representation; and

-
6. **Real property transactions in which the City/Agency is the seller or purchaser, or is involved in any exchange, or is involved in any sale/leaseback or lease/leaseback arrangement.**

EXHIBIT "B"

Hourly Billing Rates

Attorney	\$144.50
Deputy City Attorney	\$144.50
Special Counsel	\$144.50
Paralegal	\$ 85.00

**AMENDMENT TO THE AGREEMENT FOR CITY ATTORNEY SERVICES BETWEEN
THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT
AGENCY**

AND

**McDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY
A Professional Corporation**

THIS AMENDMENT TO AGREEMENT (hereinafter referred to as "Amendment") is made this 4th day of May 2011, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency, (hereinafter referred to as "Agency"), and McDougal, Love, Eckis, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"), (collectively the "Parties").

RECITALS

- A. The City and Agency entered into an agreement with the Attorneys for legal services (hereinafter referred to as "Agreement") on February 3, 2010.
- B. The Parties are executing this Amendment to the Agreement in accordance with Resolution No. 2011-7033 and Resolution No. R-11-256, which authorize a change in the term for an additional two years.

NOW, THEREFORE, the parties hereby agree as follows:

- 1. Section 6, Term, of the Agreement is amended in its entirety to read as follows:

"The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2013."
- 2. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement.
- 3. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

4. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,
a Municipal Corporation

Signature on file

By _____
JIM JANNEY, Mayor

McDOUGAL, LOVE, ECKIS, BOEHMER
& FOLEY, a Professional Corporation

Signature on file

By _____
STEVEN E. BOEHMER

IMPERIAL BEACH REDEVELOPMENT
AGENCY

Signature on file

By _____
Jim Janney, Chair

Concurrence:
Signature on file

Jennifer M. Lyon

**SECOND AMENDMENT TO THE AGREEMENT FOR CITY ATTORNEY SERVICES
BETWEEN
THE CITY OF IMPERIAL BEACH, IMPERIAL BEACH REDEVELOPMENT AGENCY
SUCCESSOR AGENCY**

AND

**McDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY
A Professional Corporation**

THIS SECOND AMENDMENT TO AGREEMENT (hereinafter referred to as "Second Amendment") is made this 15th day of May 2013, by and between the City of Imperial Beach, a Municipal Corporation, (hereinafter referred to as "City"), the Imperial Beach Redevelopment Agency Successor Agency (hereinafter referred to as "Successor Agency"), and McDougal, Love, Eckis, Boehmer & Foley, a Professional Corporation, (hereinafter referred to as "Attorneys" or "Firm"), (collectively the "Parties").

RECITALS

- A. The City and former Imperial Beach Redevelopment Agency entered into an agreement with the Firm for legal services (hereinafter referred to as "Agreement") on July 1, 2009.
- B. On May 4th, 2011, the Parties executed the First Amendment to the Agreement ("First Amendment") to extend the term of the Agreement to June 30, 2013.
- C. Pursuant to Health & Safety Code Sections 34173 (b) and 34175(b), the City of Imperial Beach became the Successor Agency to the Imperial Beach Redevelopment Agency and assumed all obligations of the former Imperial Beach Redevelopment Agency as of February 1, 2012. The Imperial Beach Redevelopment Agency Successor Agency, therefore, became the successor-in-interest to the contract for legal services that existed between the former Imperial Beach Redevelopment Agency and the Firm at that time.
- D. The Parties are executing this Second Amendment to the Agreement in accordance with Resolutions 2013-7335 and SA-13-23, which among other minor changes authorize a change in the term for an additional two years.

NOW, THEREFORE, the Parties hereby agree as follows:

- 1. Section 1.1 "Designation of City and Agency Attorney" is amended as follows:

"The City and Agency appoint the following designated members of the law firm of McDougal, Love, Eckis, Boehmer & Foley in the following capacities:

Jennifer M. Lyon City Attorney, General Counsel (hereinafter "City Attorney")

~~Hilda R. Mendoza Deputy City Attorney~~

~~David M. Stotland Deputy City Attorney~~

Steven E. Boehmer Special Counsel"

(The remainder of Section 1.1 is unchanged.)

2. Section 6 "Term" of the Agreement is amended in its entirety to read as follows:

"The services to be provided by Attorneys under this Agreement shall begin on July 1, 2009 and end on June 30, 2015."

3. Section B.7., of Exhibit "A" "Attorney Services" is hereby added to read as follows:

"Notwithstanding anything in the Agreement or the First Amendment, all legal advice pertaining to the Imperial Beach Redevelopment Agency Successor Agency shall be billed at the hourly rates set forth on Exhibit B."

4. All references to "Imperial Beach Redevelopment Agency," "Redevelopment Agency" or "Agency" in the Agreement and First Amendment shall refer to the "Successor Agency."

5. This Second Amendment shall become effective and enforceable with respect to the City and Firm upon execution by the City and Firm. The Second Amendment shall become effective and enforceable with respect to the Successor Agency upon both: (1) the Successor Agency's approval and execution of the Amendment; and (2) the Oversight Board's approval of the Amendment by Resolution, subject to the Oversight Board's actions and approval becoming effective pursuant to Health and Safety Code Section 34179(h) of the Dissolution Act.

6. Capitalized Terms. Capitalized terms used but not otherwise defined in this Second Amendment shall have the meanings assigned to them in the Agreement.

7. Continuing Effect. Except as expressly modified or amended by this Second Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

8. Conflicts. If there is a conflict between any provisions of the Agreement, the First Amendment and/or this Second Amendment, all provisions of this Second Amendment shall control.

9. Execution in Counterparts. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

Executed on the date and year first indicated above at Imperial Beach, California.

CITY OF IMPERIAL BEACH,
a Municipal Corporation
Signature on file
By _____
JIM JANNEY, Mayor

McDOUGAL, LOVE, ECKIS, BOEHMER
& FOLEY, a Professional Corporation
Signature on file
By _____
STEVEN E. BOEHMER

IMPERIAL BEACH REDEVELOPMENT
AGENCY SUCCESSOR AGENCY
Signature on file
By _____
JIM JANNEY, CHAIRMAN

Concurrence:
Signature on file

Jennifer M. Lyon

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STAFF REPORT
OVERSIGHT BOARD
TO THE

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

TO: CHAIR AND MEMBERS OF THE OVERSIGHT BOARD TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR
AGENCY

FROM: ANDY HALL, EXECUTIVE DIRECTOR *AH*

MEETING DATE: SEPTEMBER 9, 2015

ORIGINATING DEPT.: STEVEN DUSH, DEPUTY EXECUTIVE DIRECTOR *SD*

SUBJECT: ADOPTION OF RESOLUTION NO. OB-15-42 OF THE
OVERSIGHT BOARD TO THE IMPERIAL BEACH
REDEVELOPMENT AGENCY SUCCESSOR AGENCY
APPROVING THE ADMINISTRATIVE BUDGET FOR THE
PERIOD OF JANUARY 1, 2016 THROUGH JUNE 30, 2016 AND
RELATED ACTIONS

EXECUTIVE SUMMARY:

Successor Agency staff is seeking adoption of Resolution No. OB-15-42 by the Oversight Board to the Successor Agency approving the Successor Agency's Administrative Budget for the period of January 1, 2016 through June 30, 2016. Pursuant to Section 34177(j) of the Dissolution Laws, the Successor Agency is required to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. Based upon the total amount of enforceable obligations, the amount of administrative cost allowance available for Imperial Beach from the Redevelopment Property Tax Trust Fund (RPTTF) is capped at the minimum amount of \$250,000 per fiscal year. Therefore, the proposed Administrative Budget for January to June 2016 totals \$125,000, which is half of the fiscal year allowance.

RECOMMENDATION:

Staff recommends that the Oversight Board to the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number OB-15-42 approving the Administrative Budget for the period of January 1, 2016 through June 30, 2016, and other related actions.

RATIONALE:

The Successor Agency is entitled to an Administrative Cost Allowance of \$125,000 for the period of January 1 through June 30, 2016, since the Successor Agency had received \$125,000 for the first half of Fiscal Year 2015-2016.

OPTIONS:

1. Adopt the resolution approving the Administrative Budget for the period of January 1, 2016 through June 30, 2016.
2. Provide staff with direction for alternative action.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB 26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies to the former redevelopment agencies were established and were tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of the former redevelopment agencies.

As part of the wind-down process enacted by AB 26, the City Council adopted Resolution No. 2012-7136 on January 5, 2012, electing for the City to serve as the successor agency to the Redevelopment Agency ("Successor Agency") upon the dissolution of the Redevelopment Agency under AB 26. The Successor Agency does not directly employ its own staff but relies on the employees and staff members of the City to perform its functions and operations required by the Dissolution Laws.

AB 26 has since been amended by various assembly and senate bills enacted and signed by the Governor. AB 26 as amended is hereinafter referred to as the "Dissolution Laws".

ANALYSIS:

Pursuant to Section 34177(j) of the Dissolution Laws, the Successor Agency is required to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity. Section 34177(k) of the Dissolution Laws requires the Successor Agency to provide to the San Diego County Auditor-Controller for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund (RPTTF) established for the Successor Agency.

Pursuant to the Dissolution Laws, an "Administrative Cost Allowance" is paid to the Successor Agency from property tax revenues allocated by the County Auditor-Controller from the RPTTF. The Administrative Cost Allowance is defined as an amount, subject to the approval of the Oversight Board, which is up to 3% of the total amount of property tax allocated to the Successor Agency's Redevelopment Obligation Retirement Fund (RORF) to pay for enforceable obligations for each fiscal year, subject to a minimum annual amount of \$250,000 unless the Oversight Board reduces this amount.

On September 2, 2015, the Successor Agency adopted Resolution No. SA-15-50 approving the Administrative Budget and authorizing its submittal to the Oversight Board for consideration and forwarding it to the San Diego County Auditor-Controller. Successor Agency staff is now seeking the Oversight Board's approval of the Administrative Budget for the period of January 1, 2016 through June 30, 2016 ("Administrative Budget"), in the form attached to Resolution Number OB-15-42 as Exhibit "A". As noted in the Executive Summary, the amount of administrative cost allowance available to the Successor Agency from the RPTTF is set at the minimum amount of \$250,000 per fiscal year. Therefore, the proposed Administrative Budget for January to June 2016 totals \$125,000, which is half the annual allowance.

ENVIRONMENTAL DETERMINATION:

The activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

FISCAL IMPACT:

As noted above, the Administrative Cost Allowance is defined as an amount, subject to the approval of the Oversight Board, which is up to 3% of the total amount of property tax allocated to the Successor Agency's RORF to pay for enforceable obligations for each fiscal year, or a minimum of \$250,000 unless the Oversight Board reduces this amount. Based upon a total requested RPTTF of \$2,391,668 for enforceable obligations in the Recognized Obligation Payment Scheduled for January 1, 2016 to June 30, 2016 (the "ROPS 15-16B"), the Successor Agency is entitled to receive no more than the minimum amount of \$250,000 for this fiscal year. For the six-month period of January 1, 2016 through June 30, 2016, therefore, staff has proposed an Administrative Budget totaling \$125,000 as this is the remaining amount of the Administrative Cost Allowance we expect to be approved by the DOF for this Fiscal Year 2015-2016. This amount is listed as Item No. 11 on the proposed Recognized Obligation Payment Scheduled for January 1, 2016 to June 30, 2016 (the "ROPS 15-16B").

Attachments:

1. Resolution No. OB-15-42

RESOLUTION NO. OB-15-42

A RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE 6-MONTH PERIOD FROM JANUARY 1, 2016 THROUGH JUNE 30, 2016 (ROPS 15-16B PERIOD) AND APPROVING RELATED ACTIONS

WHEREAS, the Imperial Beach Redevelopment Agency (“Redevelopment Agency”) was a redevelopment agency in the City of Imperial Beach (“City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (“Redevelopment Law”); and

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) (“AB 26”) was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code (“H&S Code”), 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 H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 (“Successor Agency”); and

WHEREAS, on February 1, 2012, the Redevelopment Agency was dissolved by operation of law and the Successor Agency was established pursuant to AB 26; and

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the “Imperial Beach Redevelopment Agency Successor Agency,” the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, AB 26 has since been amended by various assembly and senate bills enacted and signed by the Governor. AB 26 as amended is hereinafter referred to as the “Dissolution Laws”; and

WHEREAS, H&S Code Section 34179 of the Dissolution Laws establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the “oversight board.” The oversight board has been established for the Successor Agency (hereinafter referred to as the “Oversight Board”) and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Laws; and

WHEREAS, on April 12, 2013, the California Department of Finance ("Department of Finance") issued the Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Laws; and

WHEREAS, H&S Code Section 34177(j) of the Dissolution Laws requires the Successor Agency to prepare an administrative budget for each 6-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming 6-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity; and

WHEREAS, H&S Code Section 34177(k) of the Dissolution Laws requires the Successor Agency to provide to the San Diego County Auditor-Controller ("County Auditor-Controller") for each 6-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund ("RPTTF") established for the Successor Agency; and

WHEREAS, the administrative budget covering the 6-month period from January 1, 2016 through June 30, 2016 ("Administrative Budget") was approved by the Successor Agency at its meeting conducted on September 2, 2015; and

WHEREAS, the Administrative Budget is attached to this Resolution as Exhibit "A" and is presented to the Oversight Board at this meeting for review and approval; and

WHEREAS, the Administrative Budget has been prepared in accordance with H&S Code Section 34177(j) of the Dissolution Laws and is consistent with the requirements of the H&S Code and other applicable law. As indicated in the Administrative Budget, the Successor Agency does not directly employ its own staff but relies on the employees and staff members of the City to perform its functions and operations required by the Dissolution Laws; and

WHEREAS, the proposed source of payment of the costs set forth in the Administrative Budget in the amount of \$125,000 is property taxes from the County's RPTTF established for the Successor Agency. These costs in the amount of \$125,000 are listed as Item #11 on the proposed Recognized Obligation Payment Schedule for the 6-month period from January 1, 2016 through June 30, 2016 ("ROPS 15-16B") for funding from RPTTF, which ROPS 15-16B is proposed to be considered by the Oversight Board at this same meeting of the Oversight Board; and

WHEREAS, in accordance with H&S Code Section 34180(j) of the Dissolution Laws, the Successor Agency submitted a copy of the Administrative Budget to the San Diego County Administrative Officer, the County Auditor-Controller, and the Department of Finance at the same time that the Successor Agency submitted the Administrative Budget to the Oversight Board for review and approval; and

WHEREAS, as required by H&S Code Section 34179(f) of the Dissolution Laws, all notices required by law for proposed actions of the Oversight Board will be posted on the Successor Agency's internet website or the Oversight Board's internet website; and

WHEREAS, pursuant to H&S Code Section 34179(h) of the Dissolution Laws, the Successor Agency is required to provide written notice and information about all actions taken by the Oversight Board to the Department of Finance by electronic means and in the manner of the

Department of Finance's choosing; and

WHEREAS, in furtherance of Part 1.85 of the Dissolution Laws, a copy of the Administrative Budget as approved by the Oversight Board will be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and will be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Laws, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on January 2, 2016 for payments to be made toward recognized obligations listed on the approved ROPS 15-16B and for the administrative cost estimates from its approved Administrative Budget; and

WHEREAS, the activity proposed for approval by 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, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The Oversight Board determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Oversight Board approves the Successor Agency's Administrative Budget covering the 6-month period from January 1, 2016 through June 30, 2016, in substantially the form attached to this Resolution as Exhibit "A".
- Section 3.** The Oversight Board approves property taxes from the County's Redevelopment Property Tax Trust Fund ("RPTTF") established for the Successor Agency as the source of payment of the costs set forth in the Administrative Budget in the amount of \$125,000, to be incurred and paid during the 6-month period from January 1, 2016 through June 30, 2016.
- Section 4.** The Oversight Board authorizes and directs the Executive Director, or designee, of the Successor Agency to: (i) submit the Administrative Budget, as approved by the Oversight Board, and written notice of the Oversight Board's approval of the Administrative Budget, to the Department of Finance electronically pursuant to H&S Code Section 34179(h) of the Dissolution Laws; (ii) submit a copy of the Administrative Budget, as approved by the Oversight Board, to the County Auditor-Controller and the State Controller's Office; (iii) post the Administrative Budget, as approved by the Oversight Board, on the Successor Agency's

internet website; (iv) submit to the County Auditor-Controller the administrative cost estimates from the Administrative Budget in the amount of \$125,000 that are to be paid from property tax revenues deposited in the County's RPTTF established for the Successor Agency; and (v) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Oversight Board.

Section 5. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 7. This Resolution shall take effect upon the date of its adoption and is subject to review by the Department of Finance in accordance with H&S Code Section 34179(h) of the Dissolution Laws.

PASSED, APPROVED, AND ADOPTED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 9th day of September 2015, by the following vote:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SUCCESSOR AGENCY SECRETARY

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
ADMINISTRATIVE BUDGET**

January 1, 2016 through June 30, 2016

JANUARY 1, 2016 THROUGH JUNE 30, 2016

LABOR COSTS

Position Title	SA Admin Labor Cost
Assistant City Manager/Comm Dev Director	\$ 35,749.01
Administrative Secretary II	\$ 1,090.00
City Manager	\$ 16,954.14
Clerk Typist	\$ 1,180.82
City Clerk	\$ 8,291.30
Administrative Services Director	\$ 20,499.38
Financial Services Assistant	\$ 1,994.75
Senior Account Technician	\$ 1,740.83
Labor Cost SA Calculation Totals	\$ 87,500.00

OTHER OPERATING EXPENSES

Legal Costs (6-months)	37,500.00
Other Operating Expenses Totals:	\$ 37,500.00
Successor Agency Administrative Cost Total:	\$ 125,000.00



**STAFF REPORT
OVERSIGHT BOARD
TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

TO: CHAIR AND MEMBERS OF THE OVERSIGHT BOARD TO THE
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR
AGENCY

FROM: ANDY HALL, CITY MANAGER/EXECUTIVE DIRECTOR *AH*

MEETING DATE: SEPTEMBER 9, 2015

ORIGINATING DEPT.: SUCCESSOR AGENCY STAFF
STEVEN DUSH, DEPUTY DIRECTOR *SD*

SUBJECT: ADOPTION OF RESOLUTION NO. OB-15-43 OF THE
OVERSIGHT BOARD OF THE IMPERIAL BEACH
REDEVELOPMENT AGENCY SUCCESSOR AGENCY
APPROVING AND ADOPTING THE RECOGNIZED
OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) FOR THE
6-MONTH PERIOD FROM JANUARY 1, 2016 THROUGH JUNE
30, 2016 AND APPROVING RELATED ACTIONS

EXECUTIVE SUMMARY:

Staff is seeking adoption of Resolution No. OB-15-43 which would approve the Recognized Obligation Payment Schedule (ROPS) for the period of January 1, 2016 through June 30, 2016 (the "ROPS 15-16B"). A total of \$2,541,668 from the Redevelopment Property Tax Trust Fund (RPTTF) is being requested for the upcoming six-month period. The request includes both June and December bond payments. In addition, funds are requested for the 9th and Palm Project, Pier South Hotel, and Affordable Housing Litigation.

RECOMMENDATION:

Staff recommends that the Oversight Board to the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number OB-15-43 approving the Recognized Obligation Payment Schedule for the period of January 1, 2016 through June 30, 2016 (referred to as the "ROPS 15-16B")

RATIONALE:

A total of \$2,541,668 from the Redevelopment Property Tax Trust Fund (RPTTF) is being requested for the upcoming six-month period to meet the obligations of the Successor Agency.

OPTIONS:

1. Adopt the resolution and approve ROPS 15-16B.
2. Provide staff with direction for alternative action.

BACKGROUND:

On June 28, 2011, Assembly Bill No. X1 26 ("AB 26") was signed into law by the Governor of California which called for the dissolution of redevelopment agencies throughout the state and established the procedures by which this was to be accomplished. On December 29, 2011, AB 26 was largely upheld by the California State Supreme Court with some of the dates by which certain dissolution actions were to occur pushed back by four months. As a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the affairs of the former redevelopment agencies.

AB 26 has since been amended by various assembly and senate bills enacted and signed by the Governor. AB 26 as amended is hereinafter referred to as the "Dissolution Laws".

According to the Dissolution Laws, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of the Dissolution Laws, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board.

It is the intent of the Dissolution Laws that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period.

The Successor Agency is required to submit the ROPS 15-16B, after its approval and adoption by the Oversight Board, to the DOF and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on January 2, 2016, which is no later than October 4, 2015. The DOF would complete its review of the ROPS 15-16B no later than 45 days after the ROPS is submitted. Upon approval by the DOF, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on January 2, 2016 for payments to be made toward recognized obligations listed on the ROPS 15-16B and approved by the DOF.

ANALYSIS:

As noted above, the ROPS 15-16B must be approved by the Oversight Board and submitted to the DOF by October 4, 2015. The ROPS 15-16B, a copy of which is attached to this staff report, includes requested RPTTF for enforceable obligations for the up-coming six-month period of January 1, 2016 through June 30, 2016. A total of \$2,541,668 from the RPTTF is being requested for the upcoming six-month period. The request includes both June and December bond payments. In addition, funds are requested for the 9th and Palm Project, Pier South Hotel, and Affordable Housing Litigation.

The total RPTTF requested also includes the annual Administrative Cost Allowance of \$125,000 which is half of the fiscal year amount of \$250,000 allowed for distribution to the Successor Agency pursuant to the Administrative Cost Allowance provisions of the Dissolution Laws.

ENVIRONMENTAL DETERMINATION:

The activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines Section 15378, because the activity proposed by these Resolutions are an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the CEQA Guidelines.

FISCAL IMPACT:

Approval of the obligations listed on the ROPS 15-16B and their funding from RPTTF will allow the Successor Agency to make required and timely payments for those obligations during the period from January 1, 2016 through June 30, 2016. The amount of RPTTF requested to fund enforceable obligations totals \$2,541,668.

Attachments:

1. Resolution No. OB-15-43
2. ROPS 15-16B

RESOLUTION NO. OB-15-43

A RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) FOR THE 6-MONTH PERIOD FROM JANUARY 1, 2016 THROUGH JUNE 30, 2016 AND APPROVING RELATED ACTIONS

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

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), 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 H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 ("Successor Agency"); and

WHEREAS, on February 1, 2012, the Redevelopment Agency was dissolved by operation of law and the Successor Agency was established pursuant to AB 26; and

WHEREAS, on February 15, 2012, the Board of Directors of the Successor Agency, adopted Resolution No. SA-12-01 naming itself the "Imperial Beach Redevelopment Agency Successor Agency," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB 26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, AB 26 has since been amended by various assembly and senate bills enacted and signed by the Governor. AB 26 as amended is hereinafter referred to as the "Dissolution Laws"; and

WHEREAS, H&S Code Section 34179 of the Dissolution Laws establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Laws; and

WHEREAS, on April 12, 2013, the California Department of Finance ("Department of Finance") issued the Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Laws; and

WHEREAS, pursuant to H&S Code Section 34171(h) of the Dissolution Laws, a "Recognized Obligation Payment Schedule" ("ROPS") means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations of the Successor Agency for each 6-month fiscal period as provided in H&S Code Section 34177(m) of the Dissolution Laws; and

WHEREAS, pursuant to H&S Code Section 34177(l)(3) of the Dissolution Laws, the ROPS shall be forward looking to the next six (6) months; and

WHEREAS, according to H&S Code Section 34177(l)(1) of the Dissolution Laws, the Successor Agency shall prepare a ROPS before each 6-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund ("RPTTF") but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Laws, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Laws; and

WHEREAS, it is the intent of the Dissolution Laws that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's minimum bi-annual payment obligations by amount and source and that the San Diego County Auditor-Controller ("County Auditor-Controller") will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, pursuant to H&S Code Section 34177(m) of the Dissolution Laws, the Successor Agency is required to submit the ROPS for the 6-month period of January 1, 2016 through June 30, 2016, after its approval and adoption by the Oversight Board, to the Department of Finance and the County Auditor-Controller no fewer than 90 days before the date of property tax distribution on January 2, 2016, which is no later than October 4, 2015; and

WHEREAS, the ROPS covering the 6-month period from January 1, 2016 through June 30, 2016 ("ROPS 15-16B") was approved and adopted by the Successor Agency at its meeting conducted on September 2, 2015; and

WHEREAS, the ROPS 15-16B is attached to this Resolution as Exhibit "A" and is presented to the Oversight Board at this meeting for review, approval, and adoption; and

WHEREAS, in accordance with H&S Code Section 34177(l)(2)(B) of the Dissolution Laws, the Successor Agency submitted a copy of the ROPS 15-16B to the San Diego County Administrative Officer ("County Administrative Officer"), the County Auditor-Controller, and the Department of Finance at the same time that the Successor Agency submitted the ROPS 15-16B to the Oversight Board for review, approval and adoption; and

WHEREAS, as required by H&S Code Section 34179(f) of the Dissolution Laws, all notices required by law for proposed actions of the Oversight Board will be posted on the

Successor Agency's internet website or the Oversight Board's internet website; and

WHEREAS, pursuant to H&S Code Section 34177(l)(2)(C) of the Dissolution Laws, a copy of the Oversight Board-approved ROPS 15-16B shall be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to H&S Code Section 34177(m)(1) of the Dissolution Laws, the Successor Agency shall submit a copy of the Oversight Board-approved ROPS 15-16B to the Department of Finance electronically and the Successor Agency shall have completed the ROPS 15-16B in the manner provided by the Department of Finance; and

WHEREAS, pursuant to H&S Code Section 34183(a)(2) of the Dissolution Laws, the County Auditor-Controller is required to make a payment of property tax revenues (i.e. former tax increment funds) from the RPTTF to the Successor Agency on January 2, 2016 for payments to be made toward recognized obligations listed on the ROPS 15-16B and approved by the Department of Finance; and

WHEREAS, the proposed ROPS 15-16B is consistent with the requirements of the H&S Code and other applicable law; and

WHEREAS, the proposed ROPS 15-16B contains the schedules for payments on enforceable obligations required for the applicable 6-month period and sources of funds for payments as required pursuant to H&S Code Section 34177(l) of the Dissolution Laws; and

WHEREAS, pursuant to H&S Code Section 34177(m) of the Dissolution Laws, the ROPS 15-16B as approved and adopted by the Oversight Board shall be submitted to the Department of Finance and the County Auditor-Controller by October 4, 2015. Section 34177(m) further provides that the Department of Finance shall make its determination of the enforceable obligations and the amounts and funding sources of enforceable obligations no later than 45 days after the ROPS is submitted and that the Successor Agency may, within 5 business days of the Department of Finance's determination, request an additional review by the Department of Finance and an opportunity to meet and confer on disputed items. In the event of a meet and confer and request for additional review, the meet and confer period may vary but the Department of Finance shall notify the Successor Agency and the County Auditor-Controller as to the outcome of its review at least 15 days before the date of property tax distribution on January 2, 2016; and

WHEREAS, the activity proposed for approval by 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, Section 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The Oversight Board determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Oversight Board approves and adopts the ROPS 15-16B for the 6-month period from January 1, 2016 through June 30, 2016, in substantially the form attached to this Resolution as Exhibit "A", and determines that all obligations listed on the ROPS 15-16B constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Laws.
- Section 3.** The Oversight Board authorizes and directs the Executive Director, or designee, of the Successor Agency to: (i) submit the ROPS 15-16B, as approved and adopted by the Oversight Board, to the Department of Finance electronically and to the County Auditor-Controller no later than October 4, 2015; (ii) submit a copy of the ROPS 15-16B, as approved and adopted by the Oversight Board, to the State Controller's Office and post the ROPS 15-16B on the Successor Agency's internet website; (iii) revise the ROPS 15-16B, and make such changes and amendments as necessary, before official submittal of the ROPS 15-16B to the Department of Finance in order to complete the ROPS 15-16B in the manner provided by the Department of Finance and to conform the ROPS 15-16B to the form or format as may be prescribed by the Department of Finance; (iv) make other non-substantive changes and amendments to the ROPS 15-16B as may be approved by the Executive Director of the Successor Agency and its legal counsel; and (v) take such other actions and execute such other documents as are necessary or desirable to effectuate the intent of this Resolution on behalf of the Oversight Board.
- Section 4.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
- Section 5.** The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.
- Section 6.** This Resolution shall take effect upon the date of its adoption and is subject to review by the Department of Finance in accordance with H&S Code Section 34177(m) of the Dissolution Laws.

PASSED, APPROVED, AND ADOPTED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 9th day of September 2015, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:

CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, MMC
SUCCESSOR AGENCY SECRETARY

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

**January 1, 2016 through June 30, 2016
("ROPS 15-16B")**

(attached)

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Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary

Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Imperial Beach
 Name of County: San Diego

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A Sources (B+C+D):		\$ -
B Bond Proceeds Funding (ROPS Detail)		-
C Reserve Balance Funding (ROPS Detail)		-
D Other Funding (ROPS Detail)		-
E Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 2,541,668
F Non-Administrative Costs (ROPS Detail)		2,416,668
G Administrative Costs (ROPS Detail)		125,000
H Total Current Period Enforceable Obligations (A+E):		\$ 2,541,668

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I Enforceable Obligations funded with RPTTF (E):		2,541,668
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		(30,825)
K Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 2,510,843

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L Enforceable Obligations funded with RPTTF (E):		2,541,668
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
N Adjusted Current Period RPTTF Requested Funding (L-M)		2,541,668

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (m) of the Health and Safety code, I
 hereby certify that the above is a true and accurate Recognized
 Obligation Payment Schedule for the above named agency.

Name	Title
/s/ _____	
Signature	Date

Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail
January 1, 2016 through June 30, 2016
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					O	P	
										M							N
										L			RPTTF				
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total		
								\$ 40,392,486					\$ 2,416,668	\$ 125,000	\$ 2,541,668		
2	2010 Tax Allocation Bonds Series	Bonds Issued On or Before 12/31/10	11/18/2010	6/1/2040	Wells Fargo Bank	Bond Debt Service pursuant to	Palm Ave	21,000,000	N				762,028		\$ 762,028		
4	2010 Tax Allocation Bonds Series Reserve	Bonds Issued On or Before 12/31/10	11/18/2010	6/1/2040	Wells Fargo Bank	Reserve for bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171(d)(1)(E) and as mandated by the bond indenture.	Palm Ave Commercial Corridor PA1, PA2		N				513,353		\$ 513,353		
5	Housing Loan/Advance to make Bond Payment	City/County Loans On or Before 6/27/11	5/1/2012	6/30/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay May 2012 Bond Payments. Section 34171 (d) (1) (G).	Palm Ave Commercial Corridor PA1, PA2		N						\$ -		
6	Housing Loan/Advance to pay Enforceable Obligations	City/County Loans After 6/27/11	6/1/2012	7/1/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G).	Palm Ave Commercial Corridor PA1, PA2		N						\$ -		
7	Housing (HA) Loan/Advance to pay Enforceable Obligations	City/County Loans After 6/27/11	6/1/2012	7/2/2015	Housing Authority	Advance/loaned Housing Deficiency Low Mod Tax Increment Funds (HA) loaned/advanced to pay ROPS 1 & 2 enforceable obligations. Section 34171 (d) (1) (G).	Palm Ave Commercial Corridor PA1, PA2		N						\$ -		
8	Housing Agreement	Miscellaneous	1/1/2011	7/3/2015	Imperial Beach	For provisions of housing costs under CRL pursuant to Health and Safety Code 34171 (d) (3), 34176.	Palm Ave Commercial Corridor PA1, PA2		N						\$ -		
11	Admin Budget	Admin Costs	1/1/2016	6/30/2016	Successor Agency & City of Imperial Beach	Per Sections 34177(j) and 34177(k) of the Dissolution Act, the Administrative Budget and estimated payment with RPTTF was approved by Successor Agency by Resolution and presented to the Oversight Board for approval by Resolution. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	125,000	N					125,000	\$ 125,000		
12	City Service Agreement	City/County Loans On or Before 6/27/11	7/1/2007	12/31/2014	City of Imperial Beach	Per AB 26/AB 1484 - Section 34171 (d) (1) (F), 34178 (a), 34180 (h). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2		N						\$ -		
13	Legal	Legal	1/1/2016	6/30/2016	McDougal Love/Kane Ballmer	Legal Services provided to Successor Agency per enforceable obligations.	Palm Ave Commercial Corridor PA1, PA2	-	N						\$ -		
14	Pier South Hotel Project Requirements	OPA/DDA/Construction	12/1/2010	3/15/2066	Successor Agency & City of Imperial Beach	Fulfillment of Project requirements per Developer/Former RDA DDA and Ground Lease, per H&S Code Section 34171(d)(1)(E). See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	100,000	N				15,000		\$ 15,000		
18	Litigation - Defense Costs/Fees	Litigation	4/25/2012	6/30/2016	Successor Agency, City of Imperial Beach, McDougal Love, and Kane Ballmer	Lawsuit filed by Affordable Housing Coalition of San Diego County re obligations of Former RDA. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	100,000	N				30,000		\$ 30,000		
19	Oversight Board Costs Required by State Law	Admin Costs	7/1/2015	12/31/2015	Successor Agency & City of Imperial Beach	Costs incurred by Successor Agency as requested and required by the Oversight Board per State law.	Palm Ave Commercial Corridor PA1, PA2	-	N						\$ -		
22	9th & Palm Avenue Real Estate Management	Property Dispositions	7/1/2015	6/30/2016	Successor Agency & City of Imperial Beach	Costs relating to Successor Agency owned asset per LRPMP and PSA. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	100,000	N				75,000		\$ 75,000		
23	Tax Allocation Bonds Required Annual Continuing Disclosure	Fees	11/18/2010	6/1/2040	NBS	Costs relating to required annual continuing disclosure obligations of the Successor Agency on the 2013 Series A TABs and 2010 TABs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	3,800	N				3,800		\$ 3,800		

Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail
 January 1, 2016 through June 30, 2016
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K				P	
										M					
										N			O		
Funding Source											Six-Month Total				
Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF												
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
24	Tax Allocation Bonds Property Tax Data Collection/Monitoring	Fees	1/14/2004	6/1/2040	HdL	Data used by NBS for preparation of the required annual continuing disclosure obligations of the Successor Agency on the 2013 Series A TABs and 2010 TABs. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	2,025	N				2,025		\$ 2,025
25	Successor Agency Annual Financial Audit and Financial Statements Required by State Law	Dissolution Audits	1/1/2016	6/30/2016	Lance, Soll Lundgard, CPA Firm	Costs relating to the Successor Agency's preparation of Annual Audit and Financial Statements required by State law. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	-	N						\$ -
29	City Loan Repayment Indebtedness - Loan from City to Former RDA within 2 years of Redevelopment Plan Adoption and Expansion/Amendment - H&S Code Section 34191.4(b)	City/County Loans On or Before 6/27/11	6/7/1995	12/21/2023	City of Imperial Beach	City loan to Former RDA executed within 2 years of Redevelopment Agency formation and repaid per H&S Code Section 34191.4(b) as approved by the DOF by letter dated April 18, 2014. See Notes Page.	Palm Ave Commercial Corridor PA1, PA2	1,476,661	N						\$ -
34	Bond Services 2010 TABs and 2013 Series A Tax Allocation Refunding Bonds	Fees	11/18/2010	6/1/2040	Wells Fargo	Trustee Services for 2010 TABs and the 2013 Series A Tax Allocation Refunding Bonds. See Notes Page.	Palm Ave Commercial Corridor PA1, PA3	-	N						\$ -
36	2013 Series A Tax Allocation Refunding Bonds issued by the SA in compliance with H&S Code Section 34177.5 as approved by the DOF	Bonds Issued On or Before 12/31/10	12/4/2013	6/1/2033	Wells Fargo Bank	Bond Debt Service pursuant to H&S Code Section 34171 (d) (1) (A) and 34171(d)(1)(E).		17,260,000	N				395,231		\$ 395,231
37	Reserve for the 2013 Series A Tax Allocation Refunding Bonds	Reserves	12/4/2013	6/1/2033	Wells Fargo Bank	Reserve for Bond Debt Service pursuant to Section 34171 (d) (1) (A) and 34171(d)(1)(E) and as mandated by the bond indenture.			N				395,231		\$ 395,231
38	Successor Housing Entity Administrative Cost Allowance per AB 471	Admin Costs	1/1/2016	6/30/2016	Housing Authority	Housing Entity Administrative Costs per Assembly Bill 471. See Notes Page.		75,000	N				75,000		\$ 75,000
39	Agreement Regarding Retention and Expenditure of Bond Proceeds from 2010 Tax Allocation Bond Proceeds	Bonds Issued On or Before 12/31/10	1/1/2015	6/30/2015	City of Imperial Beach	Agreement to retain and expend Bond Proceeds from 2010 Tax Allocation Bonds in a manner consistent with the purposes for which they were sold and consistent with the original bond covenants pursuant to Section 34191.4(c) and as allowed pursuant to issuance of our Finding of Completion dated April 12, 2013.		-	N						\$ -
	Unpaid Housing Administrative Cost Allowance	Admin Costs	1/1/2015	12/31/2015	Housing Authority	Unpaid Housing Administrative Cost on ROPS 14-15B and ROPS 15-16A pursuant to H&S Code Ssection 34171(p) enacted by Assembly Bill No. 471 and as expressly allowed by the Sacramento Superio Court		150,000	N				150,000		\$ 150,000

**Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [\[INSERT URL LINK TO CASH BALANCE TIPS SHEET \]](#)

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
	Cash Balance Information by ROPS Period	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	Comments	
ROPS 14-15B Actuals (01/01/15 - 06/30/15)									
1	Beginning Available Cash Balance (Actual 01/01/15)	4,085,782	-	-	-	7,282	41,272	C-1: \$2,811,330 of the \$4,085,782 of the 2010 bon	
2	Revenue/Income (Actual 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015						2,264,403		
3	Expenditures for ROPS 14-15B Enforceable Obligations (Actual 06/30/15) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	1,274,452					1,354,434	C-3: \$1,274,452 are the 2010 bond funds also incl	
4	Retention of Available Cash Balance (Actual 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	2,811,330					912,259	C-4: \$2,811,330 are 2010 bond funds being held b	
5	ROPS 14-15B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15B PPA in the Report of PPA, Column S	No entry required						30,825	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ 7,282	\$ 8,157	G-1 & G-6: \$7,282 is interest earned on all Succes	
ROPS 15-16A Estimate (07/01/15 - 12/31/15)									
7	Beginning Available Cash Balance (Actual 07/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 2,811,330	\$ -	\$ -	\$ 912,259	\$ 7,282	\$ 38,982	H-4, F-7 & F-9: \$912,259 is the RPTTF distributed	
8	Revenue/Income (Estimate 12/31/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during June 2015						1,386,277		
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 12/31/15)				912,259		1,460,259		
10	Retention of Available Cash Balance (Estimate 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 2,811,330	\$ -	\$ -	\$ -	\$ 7,282	\$ (35,000)		

Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Prior Period Adjustments
 Reported for the ROPS 14-15B (January 1, 2015 through June 30, 2015) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS 14-15B Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15B (January through June 2015) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16B (January through June 2016) period will be offset by the SA's self-reported ROPS 14-15B prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T		
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures						RPTTF Expenditures												Net SA Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16B Requested RPTTF)	SA Comments
		Bond Proceeds		Reserve Balance		Other Funds		Non-Admin						Admin							
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15B distributed + all other available as of 01/1/15)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15B distributed + all other available as of 01/1/15)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)	Net Difference (M+R)			
		\$ 3,074,452	\$ 3,074,452	\$ -	\$ -	\$ -	\$ -	\$ 2,172,518	\$ 2,172,518	\$ 2,172,518	\$ 2,141,693	\$ 30,825	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ -	\$ 30,825			
2	2010 Tax Allocation	-	-	-	-	-	-	755,553	755,553	755,553	755,553	\$ -						\$ -			
4	2010 Tax Allocation	-	-	-	-	-	-	517,028	517,028	517,028	517,028	\$ -						\$ -			
5	Housing Loan/Advance to make Bond Payment	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
6	Housing Loan/Advance to pay Enforceable Obligations	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
7	Housing (HA) Loan/Advance to pay Enforceable Obligations	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
8	Housing Agreement	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
11	Admin Budget	-	-	-	-	-	-	-	-	\$ -	-	\$ -	125,000	125,000		125,000		\$ -			
12	City Service Agreement	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
13	Legal	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
14	Pier South Hotel Project Requirements	-	-	-	-	-	-	10,000	10,000	\$ 10,000	10,000	\$ -						\$ -			
18	Litigation - Defense Costs/Fees	-	-	-	-	-	-	30,000	30,000	\$ 30,000	2,825	\$ 27,175						\$ 27,175			
19	Oversight Board Costs Required by State Law	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			
22	9th & Palm Avenue Real Estate Management	-	-	-	-	-	-	60,000	60,000	\$ 60,000	60,000	\$ -						\$ -			
23	Tax Allocation Bonds Required Annual Continuing Disclosure	-	-	-	-	-	-	3,950	3,950	\$ 3,950	3,800	\$ 150						\$ 150			
24	Tax Allocation Bonds Property Tax Data Collection/Monitoring	-	-	-	-	-	-	2,025	2,025	\$ 2,025	2,025	\$ -						\$ -			
25	Successor Agency Annual Financial Audit and Financial Statements Required by State Law	-	-	-	-	-	-	-	-	\$ -	-	\$ -						\$ -			

Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Prior Period Adjustments
 Reported for the ROPS 14-15B (January 1, 2015 through June 30, 2015) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS 14-15B Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15B (January through June 2015) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16B (January through June 2016) period will be offset by the SA's self-reported ROPS 14-15B prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

29	City Loan Repayment Indebtedness - Loan from City to Former RDA within 2 years of Redevelopment Plan Adoption and Expansion/Amendment - H&S Code Section 34191.4(b)	-								\$ -		\$ -						\$ -
34	Bond Services 2010 TABs and 2013 Series A Tax Allocation Refunding Bonds	-					3,500	3,500		\$ 3,500		\$ 3,500						\$ 3,500
35	ROPS II Unfunded Obligations Cash-Flow Deficit	-								\$ -		\$ -						\$ -
36	2013 Series A Tax Allocation Refunding Bonds issued by the SA in compliance with H&S Code Section 34177.5 as approved by the DOF	-					395,231	395,231		\$ 395,231	395,231	\$ -						\$ -
37	Reserve for the 2013 Series A Tax Allocation Refunding Bonds	-					395,231	395,231		\$ 395,231	395,231	\$ -						\$ -
38	Successor Housing Entity Administrative Cost Allowance per AB 471	-								\$ -		\$ -						\$ -
39	Agreement Regarding Retention and Expenditure of Bond Proceeds from 2010 Tax Allocation Bond Proceeds	3,074,452	3,074,452							\$ -		\$ -						\$ -

Imperial Beach Recognized Obligation Payment Schedule (ROPS 15-16B) - Notes
January 1, 2016 through June 30, 2016

Item #	Notes/Comments
11	The amount of the Administrative Cost Allowance is not intended to limit the use and amount of other funds available to the Successor Agency, if any is available, to be used to pay for additional administrative costs included in the Administrative Budget for the period January 1, 2016 through June 30, 2016.
14	These costs are associated with a DDA entered into by the Former RDA on December 16, 2010 and the Ground Lease, as required by the DDA, on March 15, 2011. Pursuant to H&S Code Section 34171(d)(1)(E), this item constitutes an enforceable obligation. This item is specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a project-related cost pursuant to H&S Code Section 34171(b). Payment of this obligation is required by the underlying Former RDA DDA and Ground Lease and therefore constitutes an enforceable obligation of the Successor Agency pursuant to H&S Code Section 34171(d)(1)(E) and shall be payable from RPTTF monies.
18	Litigation costs due to the filing of a lawsuit by the Affordable Housing Coalition of San Diego County alleging that unmet obligations of the Former RDA pursuant to the California Community Redevelopment Law constitute an enforceable obligation of the Successor Agency payable from RPTTF. Costs relating to potential and pending litigation in connection with assets or obligations constitute an enforceable obligation of the Successor Agency and shall be payable from RPTTF monies, not as an administrative cost, pursuant to H&S Code Section 34171(b).
22	These costs are associated with managing this real estate asset owned by the Successor Agency per the LRPMP and Purchase and Sale Agreement approved by the DOF. Further, these costs are specifically excluded from the definition of and payment by the administrative cost allowance and does not constitute an administrative cost as a cost for maintaining assets pursuant to H&S Code Section 34171(b) and constitutes an enforceable obligation pursuant to H&S Code Section 34171(d)(1)(E). Payment of these obligations constitute an enforceable obligation of the Successor Agency and shall be payable from RPTTF monies.
23	Costs relating to annual continuing disclosure obligations of the Successor Agency on the 2013 Series A Tax Allocation Refunding Bonds and the 2010 TABs are required by the Indentures governing the issuance of the TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
24	Costs relating to data collection and monitoring for the annual continuing disclosure obligations of the Successor Agency on the 2013 Series A Tax Allocation Refunding Bonds and the 2010 TABs are required by the Indentures governing the issuance of the TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
25	These are costs relating to the Successor Agency's obligation to cause a CPA to prepare an annual post audit of its financial transactions and records as required by H&S Code Section 34177(n). Payment of this obligation is required by State law at H&S Code Section 34177(n) and therefore constitutes an enforceable obligation of the Successor Agency pursuant to H&S Code Section 34171(d)(1)(C) and shall be payable from RPTTF monies, and is not an administrative cost.
29	City loan to Former RDA executed within 2 years of Redevelopment Agency formation and repaid per H&S Code Section 34191.4(b) as approved Oversight Board Resolution No. OB-14-31 and subsequently approved by the DOF by letter dated April 8, 2014. A portion of the City loan was repaid by RPTTF during the ROPS 14-15A and ROPS 15-16A periods and will be requested during subsequent ROPS periods until repaid in full.
34	Costs relating to Trustee services provided to the Successor Agency for both the 2010 Series A Tax Allocation Bonds and the 2013 Series A Tax Allocation Refunding Bonds are required by the Indenture governing the issuance of these TABs and constitute enforceable obligations of the Successor Agency pursuant to H&S Code Sections 34171(d)(1)(A) and 34171(d)(1)(E), and shall be payable from RPTTF monies, not as an administrative cost.
38	This \$75,000 is half the FY 2015-16 allowable amount of \$150,000 to the Housing Successor for eligible Housing Administrative Cost Allowance pursuant to H&S Code Section 34171(p) enacted by Assembly Bill No. 471, and expressly allowed by the Sacramento Superior Court (Case No. 34-2014-80001948). The Housing Authority serves as the Housing Successor. This item constitutes an enforceable obligation per H&S Code Section 34171(p).
New item	This \$150,000 is the total amount of unpaid Housing Administrative Cost Allowance previously requested by the Successor Agency on the ROPS 14-15B and ROPS 15-16A, including via meet and confer processes, but incorrectly denied by the Department of Finance. The Housing Successor is eligible to receive these requested Housing Administrative Cost Allowance amounts pursuant to H&S Code Section 34171(p) enacted by Assembly Bill No. 471, and as expressly allowed by the Sacramento Superior Court (Case No. 34-2014-80001948). The Housing Authority serves as the Housing Successor. This item constitutes an enforceable obligation per H&S Code Section 34171(p).
All	The actual amounts provided on this ROPS are solely estimates and the actual amount paid due to final costs owed by the Successor Agency may end up being greater than shown in the ROPS detail. Therefore, the approval of this ROPS by the Successor Agency, the Oversight Board and the DOF includes the approval of such increased amount actually paid by the Successor Agency.
All	To the extent RPTTF is not available to pay an enforceable obligation listed on this ROPS, the approval of this ROPS by the Successor Agency, the Oversight Board, and the DOF includes authorizing the Successor Agency to make payments on an enforceable obligation from any other funds the Successor Agency may have available, if any, at the time a payment is to be made.