RESOLUTION NO. OB-12-04

RESOLUTION OF THE OVERSIGHT BOARD OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2012 ENDING DECEMBER 31, 2012

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, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, AB x1 26 ("AB 26") and AB x1 27 ("AB 27") were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California *(California Redevelopment Association, et al. v. Matosantos, et al.,* Case No. S194861) alleging that AB 26 and AB 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding as constitutional AB 26, invalidating as unconstitutional AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

WHEREAS, the Supreme Court generally reformed and revised the effective dates and deadlines for performance of obligations under Health and Safety Code Part 1.85 of AB 26 arising before May 1, 2012 to take effect four months later, while leaving the effective dates or deadlines for performance of obligations under Health and Safety Code Part 1.8 of AB 26 unchanged; and

WHEREAS, 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 pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the 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, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); 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 requires that there shall be an oversight board ("Oversight Board") established for each of the former California redevelopment agency's successor agencies to supervise the activities of the Successor Agency and the wind down of the dissolved Redevelopment Agency's affairs pursuant to AB 26; and

WHEREAS, on April 11, 2012, the first meeting of the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency took place and Oversight Board Members were duly sworn into office.

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(A) of AB 26, the Successor Agency was required to prepare its draft Recognized Obligation Payment Schedule ("ROPS") by March 1, 2012; and

WHEREAS, in accordance with Health and Safety Code Section 34177(l)(2)A) of AB 26, the Successor Agency adopted the draft ROPS on February 15, 2012 by Resolution No. SA-12-02, for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, after the Successor Agency's adoption of the draft ROPS, the San Diego County Auditor-Controller requested that the draft ROPS cover the period of October 1, 2011 through June 30, 2012; and

WHEREAS, to accommodate the request of the County Auditor-Controller, the Executive Director of the Successor Agency modified the draft ROPS, pursuant to administrative authority provided to the Executive Director by the Successor Agency as set forth in Resolution No. SA-12-02, and included the period of October 1, 2011 through December 31, 2011 to the draft ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the first ROPS shall be submitted to the State of California Controller's Office and the State of California Department of Finance by April 15, 2012 for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, due to ambiguity in timing and apparent conflict in dates set forth in AB 26 for the certification of the ROPS by the County, the approval of the ROPS by the Oversight Board, and the submission of the first ROPS to the State Controller's Office and the Department of Finance, staff of the Successor Agency determined that the draft ROPS should be amended as the first ROPS for submission to the State Controller's Office and the Department of Finance by April 15, 2012 and revised to reflect the time period of January 1, 2012 through June 30, 2012 as required by Health and Safety Code Section 34177(l)(3) of AB 26. In addition, staff determined that certain information relating to the recognized obligations set forth in the ROPS must be added to and clarified in the ROPS; and

WHEREAS, the amended ROPS for the period of January 31, 2012 through June 30, 2012 is substantively the same as the previously approved Successor Agency draft ROPS with the following exceptions: (1) the exclusion of October 1, 2011 through December 31, 2011; (2)

the Administrative Budget has been updated; and (3) the funding source for item 51 on the RDA Projects page has been corrected to read "Non Housing Funds"; and

WHEREAS, the Successor Agency approved the amended ROPS on April 4, 2012 and thereafter the amended ROPS shall be reviewed and certified by the County, through the use of an external auditor, and submitted to the Oversight Board for review and approval. A copy of the approved amended ROPS 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. The first ROPS shall be submitted to the State Controller's Office and the Department of Finance by April 15, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of AB 26, the ROPS shall be forward looking to the next six (6) months and, according to Health and Safety Code Section 34177(l)(1) of AB 26, 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, and (v) the Redevelopment Property Tax Trust Fund 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 AB 26; and

WHEREAS, it is the intent of AB 26 that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's bi-annual payment obligations by amount and source and, subsequent to the audit and approval of the ROPS as specified in AB 26, the 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, notwithstanding the provisions of Health and Safety Code Section 34177(a)(1), agreements between the City and the Redevelopment Agency have been included in the ROPS because, among other things, they have been validated by operation of law prior to the Governor's signature of AB 26 on June 28, 2011; and

WHEREAS, the second ROPS covering the period of July 1, 2012 through December 3, 2012 is attached hereto as Exhibit "A"; and

WHEREAS, the proposed secondROPS attached to this Resolution as Exhibit "A" which was approved by the Successor Agency on April 4, 2012 by Resolution SA-12-06 is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, 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, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because 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 foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any rights the Successor Agency may have to challenge the effectiveness and/or legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 3. The Successor Agency's second ROPS, which is attached hereto as Exhibit "A", is approved and adopted.

Section 4. The Executive Director, or designee, is hereby authorized and directed toii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency.

Section 5. The Oversight Board determines that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because 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.

PASSED, APPROVED, AND ADOPTED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 11th day of April 2012, by the following vote:

AYES:	**BOARD MEMBERS:**	**WINTER, WEST, SAADAT, HENTSCHKE, GOODWIN-COLBERT, FOLTZ, FERNANDEZ**
NOES:	**BOARD MEMBERS:**	**NONE**
ABSENT:	**BOARD MEMBERS:**	**NONE**

Mayda Winter

MAYDA WINTER, CHAIRPERSON

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, MMC
SECRETARY

EXHIBIT "A"

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
RECOGNIZED OBLIGATION PAYMENT SCHEDULE
July 1, 2012 through December 31, 2012
("Second ROPS")

Approved on April 4, 2012

(See Attachment)

Name of Redevelopment Agency Imperial Beach Redevelopment Agency

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						
					July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
Debt Obligations											
1	2003 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing & Low Mod					$ 533,092		$533,092
2	2010 Tax Allocation Bonds Series	Wells Fargo Bank	Bond Debt Service	Non-Housing					$ 525,953		$525,953
3	City Loan 1995	City of Imperial Beach	Loan to finance start up costs	Non-Housing					$ 224,286		$224,286
4											$0
5											$0
6											$0
7											$0
8											$0
9											$0
10											$0
11											$0
12											$0
13											$0
14											$0
15											$0
16											$0
17											$0
18											$0
19											$0
20											$0
	Totals - Debt Obligations - This Page				$ -	$ -	$ -	$ -	$ 1,283,331	$ -	$ 1,283,331
	Totals - Housing Program Related - Page 2				$15,000	$15,000	$15,000	$15,000	$15,000	$15,000	$90,000
	Totals - RDA Operating - Page 3				$119,573	$128,798	$119,573	$119,573	$119,573	$124,794	$731,884
	Totals - RDA Projects - Page 4				$0	$0	$0	$0	$0	$0	$0
	Totals - Pass Through Obligations- Page 5				$0	$0	$0	$0	$0	$0	$0
	Total Enforceable Obligations				$134,573	$143,798	$134,573	$134,573	$1,417,904	$139,794	$2,105,215

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABx1 26 on June 28, 2011.

Name of Redevelopmen Imperial Beach Redevelopment Agency

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

	Project Name / Debt Obl	Payee	Description	Funding	Payments by month						
					July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
Housing Programs											
1	Housing Management	See Attached	Mgt costs for Low/Mod Housing Program	Low/Mod funds	$ -	$ -	$ -	$ -	$ -	$ -	$ -
2	Housing Agreement	Imperial Beach	Support costs	Low/Mod funds	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 90,000
3	Hemlock Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds							$ -
4	Calla Monitoring	Housing Authority/City Finance	South Bay Comm. Svcs Loan	Low/Mod funds							$ -
5	Beachwind Monitoring	Housing Authority/City Finance	Beachwood Loan	Low/Mod funds							$ -
6	Housing Reporting	Housing Authority/City Finance	RDA Statatory Compliance	Low/Mod funds							$ -
7	Clean & Green Monitorin	Housing Authority	10 yr Contract Compliance	Low/Mod funds							$ -
8	Deficit Housing Oblig.	Housing Authority	RDA Statatory Compliance	Low/Mod funds							$ -
9	Age Proportionality	Housing Authority	RDA Statatory Compliance	Low/Mod funds							$ -
10											$ -
11											$ -
12											$ -
13											$ -
14											$ -
15											$ -
16											$ -
17											$ -
18											$ -
19											$ -
20											$ -
21											$ -
22											$ -
23											$ -
24											$ -
25											$ -
26											$ -
27											$ -
28											$ -
29											$ -
	Totals - This Page				$15,000	$15,000	$15,000	$15,000	$15,000	$15,000	$90,000

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** Pursuant to contract with homeowner participant

Name of Redevelopment Agency Imperial Beach Redevelopment Agency

Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						
					July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
RDA Operating											
1	RDA Management	Various	Admin of RDA	Non-Housing	$ -						$0
2	Admin Costs ***	City of Imperial Beach	Per AB 26	Non-Housing	$ 69,273	$ 69,273	$ 69,273	$ 69,273	$ 69,273	$ 69,272	$415,637
3	RDA Accrued Liabilities	City of Imperial Beach	Vacation/Sick Liability as of 1/31/2012	Non-Housing							$0
4	RDA Unfunded PERS Liability	City of Imperial Beach	Unfunded Pension Liability as of 1/31/2012	Non-Housing							$0
5	RDA 30 Layoff Notice Cost	City of Imperial Beach	Labor Contract Requirement	Non-Housing							$0
6	RDA Outstanding WC Liability	City of Imperial Beach	Workers Compensation Liability 1/31/2012	Non-Housing							$0
7	Graffiti Abatement	Various	RDA Staffing and Program Costs	Non-Housing							$0
8	Continuing Disclosure	Wells Fargo	Mandatory Annual Bond Disclosure	Non-Housing		$3,200					$3,200
9	Continuing Disclosure	Bond Management/NBS	Mandatory Annual Bond Disclosure	Non-Housing		$4,000					$4,000
10	Continuing Disclosure	HDL	Assessment Information	Non-Housing		$2,025					$2,025
11	Continuing Disclosure	Lance Soll	Audit Fees	Non-Housing							$0
12	IBCC Monitoring	City of Imperial Beach	IB Community Clinic Loan	Non-Housing						$ 2,611	$2,611
13	RDA Statue Compliance	City of Imperial Beach	Compliance	Non-Housing						$ 2,611	$2,611
14	City Service Agreement	City of Imperial Beach	Oversight and related costs	Non-Housing	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000	$240,000
15	Hotel DDA Compliance	City of Imperial Beach	DDA Compliance issues	Non-Housing						$0	$0
16	Capital Trailer Rental	Bert's	Temp Trailer for Project Management	Non-Housing	$300	$300	$300	$300	$300	$300	$1,800
17	Legal	McDougal/Kane Balmer		Non-Housing	$10,000	$10,000	$10,000	$10,000	$10,000	$10,000	$60,000
18	Interim Audit Management	City of Imperial Beach	Additional Audit Requirement	Non-Housing							$0
19											$0
	Totals - This Page				$119,573	$128,798	$119,573	$119,573	$119,573	$124,794	$731,884

** Months October through December were added administratively pursuant to Reso SA 12-02 . The Sucessor Agency Board ratification is scheduled for March 7, 2012.

* Notwithstanding the provisions of California Health and Safety Code section 34177(a)(1), agreements between the City and the Agency have been included in this payment schedule because, among other things, they have been validated by operation of law prior to the Governor's signature of ABx1 26 on June 28, 2011.

Name of Redevelopment Agency: Imperial Beach Redevelopment Agency
Project Area(s) All

RECOGNIZED OBLIGATION PAYMENT SCHEDULE July 1 - December 31, 2012 (Second ROPS)

	Project Name / Debt Obligation	Payee	Description	Funding	Payments by month						
					July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Total
RDA Projects											
1	9th & Palm	Nasland Engineering	9th and Palm Project	Non-Housing Funds							$0
2	9th & Palm	Mireles Landscaping	9th and Palm Project	Non-Housing Funds							$0
3	9th & Palm	Project Management/Legal	9th and Palm Project	Non-Housing Bonds							$0
	Totals - This Page				$ -	$ -	$ -	$ -	$ -	$ -	$ -

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