

RESOLUTION NO. 2012-\_\_\_\_\_

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE FORMER CITY OF CERES REDEVELOPMENT AGENCY APPROVING THE CITY OF CERES SUCCESSOR AGENCY RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)**

**WHEREAS**, the Ceres Redevelopment Agency (the "Agency") was a Redevelopment Agency organized and existing under the California Community Redevelopment Law (Health and Safety Code § 33000, *et seq.*; hereinafter, the "CCRL") and pursuant to the CCRL was responsible for the administration of redevelopment activities within the City of Ceres; and

**WHEREAS**, pursuant to Ordinance No. 91-783 adopted July 15, 1991, the City Council (the "City Council") of the City of Ceres (the "City") adopted a redevelopment plan ("Redevelopment Plan") for the Ceres Redevelopment Project Area No. 1 (the "Original Project Area"); and

**WHEREAS**, pursuant to Ordinance No. 2002-913 adopted July 8, 2002, the City Council of the City of Ceres amended the Redevelopment Plan to add certain territory (the "Added Area") to the Original Project Area; and

**WHEREAS**, on a combined basis, the territory of the Original Project Area and the Added Area constitute the Redevelopment Project Area for Ceres Redevelopment Project Area No.1; and

**WHEREAS**, AB 1X 26 and AB 1X 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with § 34161) ("Part 1.8") and Part 1.85 (commencing with § 34170) ("Part 1.85") to Division 24 of the California 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 1X 26 and AB 1X 27 were unconstitutional; and

**WHEREAS**, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB 1X 26, invalidating AB 1X 27, and holding that AB 1X 26 may be severed from AB 1X 27 and enforced independently; and

**WHEREAS**, as a result of the Supreme Court's decision, on February 1, 2012, all California redevelopment agencies were dissolved and successor agencies were designated as successor entities to the former redevelopment agencies; and

**WHEREAS**, pursuant to Health and Safety Code § 34169, until successor agencies were authorized, redevelopment agencies continued to make all scheduled payments for enforceable obligations as defined in Health and Safety Code § 34167(a); and

**WHEREAS**, pursuant to Health and Safety Code § 34167, redevelopment agencies shall not make payments unless they were listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness; and

**WHEREAS**, on August 25, 2011, the Agency adopted Resolution No. 2011-13 CRA approving an original Enforceable Obligation Payment Schedule (the "EOPS"); and

**WHEREAS**, on January 23, 2012, the Agency adopted Resolution No. 2012-01 CRA approving an amended EOPS; and,

**WHEREAS**, prior to March 1, 2012 the Agency prepared a Recognized Obligation Payment Schedule, per the requirements of Health and Safety Code § 34177(1)(3); and,

**WHEREAS**, the Agency prepared a ROPS for the time period of 1/1/12 through 6/30/12 and once approved will be posted to the City Internet Web site; and

**WHEREAS**, the Agency's proposed ROPS, which is consistent with the requirements of Health and Safety Code § 34177(1)(3), is attached to this Resolution as Exhibit "A"; 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 Agency's environmental guidelines; and

**WHEREAS**, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 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 § 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 Successor Agency of the former City of Ceres Redevelopment Agency, as follows:

**Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.

**Section 2.** The Agency's ROPS, which is attached hereto as Exhibit "A", is approved and adopted.

**Section 3.** The Executive Director, or designee, is hereby authorized and directed to: i) post the ROPS on the City's website; ii) notify the County Auditor-Controller, the State Controller and the State Department of Finance concerning this Resolution, in accordance with the applicable provisions of the Health and Safety Code; and iii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, to implement the ROPS on behalf of the Agency, including making such payments.

**Section 4.** The Agency determines that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 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 § 15378(b)(5) of the Guidelines.

**Section 5.** This Resolution shall take effect upon the date of its adoption.

**PASSED AND ADOPTED** by the Oversight Board to the Successor Agency of the former City of Ceres Redevelopment Agency at a regular meeting thereof held on the 29th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**  
Per Health & Safety Code Section 34177 (f)

| Project Name / Debt Obligation     | Payee                      | Description                           | Payment Source   | Total Due During Fiscal Year | Payments by month - Q1 & Q2 2012 |               |               |                 |               |               | Total      |                 |
|------------------------------------|----------------------------|---------------------------------------|------------------|------------------------------|----------------------------------|---------------|---------------|-----------------|---------------|---------------|------------|-----------------|
|                                    |                            |                                       |                  |                              | Jan.                             | Feb.          | March         | April           | May           | June          |            |                 |
| 1) 2003 Tax Allocation Bonds       | US Bank NA                 | Funding for RDA Projects              | RPTTF (a)        | 954,953.00                   |                                  |               |               | 322,477.00      |               |               |            | \$ 322,477.00   |
| 2) 2006 Tax Allocation Bonds       | US Bank NA                 | Funding for RDA Projects              | RPTTF            | 2,127,163.00                 |                                  |               |               | 703,582.00      |               |               |            | \$ 703,582.00   |
| 3) 2006 Tax Allocation Bonds (Hsg) | US Bank NA                 | Funding for RDA Projects              | RPTTF            | 98,068.00                    |                                  |               |               | 26,534.00       |               |               |            | \$ 26,534.00    |
| 4) Employee Costs                  | City of Ceres              | Salaries/Benefits per adopted budget  | RPTTF            | 349,770.00                   | 29,148.50                        | 29,148.50     | 29,148.50     | 29,148.50       | 29,148.50     | 29,148.50     |            | \$ 174,891.00   |
| 5) Employee Costs                  | City of Ceres              | Compensated Absences                  | RPTTF            | 22,226.00                    |                                  |               |               | 22,226.00       |               |               |            | \$ 22,226.00    |
| 6) Operating Expenses              | City of Ceres              | Reimbursement per adopted budget      | RPTTF            | 85,851.00                    | 7,137.58                         | 7,137.58      | 7,137.58      | 7,137.58        | 7,137.58      | 7,137.58      |            | \$ 42,825.50    |
| 7) Legal Expenses                  | Best, Best & Krieger       | Successor Agency Legal Services       | RPTTF            | 60,000.00                    | 5,000.00                         | 5,000.00      | 5,000.00      | 5,000.00        | 5,000.00      | 5,000.00      |            | \$ 30,000.00    |
| 8) Annual Audit                    | CPA                        | Prepare Financial Statements          | RPTTF            | 7,000.00                     |                                  |               |               | 3,500.00        |               |               |            | \$ 3,500.00     |
| 9) Professional Services           | Various                    | Contract Services to Successor Agency | RPTTF            | 67,500.00                    | 5,625.00                         | 5,625.00      | 5,625.00      | 5,625.00        |               |               |            | \$ 28,125.00    |
| 10) Continuing Disclosure          | Urban Futures, Inc.        | Annual Disclosure - Tax Alloc. Bonds  | RPTTF            | 4,300.00                     |                                  |               |               | 4,300.00        |               |               |            | \$ 4,300.00     |
| 11) Consulting Services            | Urban Futures, Inc.        | RDA Wind-Down Services                | RPTTF            | 40,000.00                    | 5,000.00                         | 5,000.00      | 5,000.00      | 5,000.00        | 10,000.00     | 10,000.00     |            | \$ 40,000.00    |
| 12) Contractual Services           | City of Ceres              | Rentals & leases; R & M expenses      | RPTTF            | 7,176.00                     | 598.00                           | 598.00        | 598.00        | 598.00          | 598.00        | 598.00        |            | \$ 3,588.00     |
| 13) Fourth Street Parking          | George Reed Const.         | Parking Lot Improvements              | Bond Proceeds    | 519,200.00                   | 34,710.00                        | 36,024.00     |               |                 | 45,134.00     |               |            | \$ 115,868.00   |
| 14) Whitmore House Museum          | City of Ceres              | Master Plan                           | Bond Proceeds    | 6,435.00                     |                                  |               |               |                 |               |               | 6,435.00   | \$ 6,435.00     |
| 15) Economic Development           | City of Ceres              | Economic Development Strategy         | Bond Proceeds    | 3,000.00                     |                                  |               |               |                 |               |               | 3,000.00   | \$ 3,000.00     |
| 16) Public Safety Facility Design  | City of Ceres              | Police and Fire Facility Improvements | Bond Proceeds    | 3,000.00                     |                                  |               |               |                 |               |               | 3,000.00   | \$ 3,000.00     |
| 17) SERAF Repayment                | Housing Successor          | LMI Funds used for SERAF pmt.         | RPTTF            | 550,581.00                   |                                  |               |               |                 |               |               | 550,581.00 | \$ 550,581.00   |
| 18) Oversight Board                | City of Ceres              | Oversight Board Legal & other exp.    | RPTTF            | 30,000.00                    | 2,000.00                         | 2,000.00      | 4,000.00      |                 | 11,000.00     |               |            | \$ 25,000.00    |
| 19) Successor Agency Admhn.        | City of Ceres              | Admin. Allowance for FY 2012-13       | RPTTF            | 125,000.00                   |                                  |               |               |                 |               |               | 125,000.00 | \$ 125,000.00   |
| 20) Economic Development           | Stan. Business Alliance    | Annual Economic Development Exp.      | RPTTF            | 11,900.00                    |                                  |               |               | 11,900.00       |               |               |            | \$ 11,900.00    |
| 21) Economic Development           | City of Ceres              | Our Town NEA Grant Match              | RPTTF            | 25,000.00                    |                                  |               |               |                 |               |               | 25,000.00  | \$ 25,000.00    |
| 22) Economic Development           | City of Ceres              | Downtown Idea Exchange costs          | RPTTF            | 250.00                       |                                  |               |               | 250.00          |               |               |            | \$ 250.00       |
| 23) Economic Development           | City of Ceres              | IEDC Training & Expenses              | RPTTF            | 16,500.00                    | 883.00                           | 1,195.00      |               | 3,381.00        |               |               |            | \$ 5,459.00     |
| 24) LMI Housing                    | City of Ceres              | Contract Services                     | LMI Housing Fund | 52,885.00                    | 4,407.08                         | 4,407.08      | 4,407.08      | 4,407.08        | 4,407.08      | 4,407.08      |            | \$ 26,442.50    |
| 25) Whitmore House Museum          | City of Ceres              | Paint Materials                       | RPTTF            | 3,000.00                     |                                  |               |               | 3,000.00        |               |               |            | \$ 3,000.00     |
| 26) Economic Development           | City of Ceres              | Code Enforcement                      | RPTTF            | 357,207.00                   | 20,280.00                        | 20,280.00     | 34,700.00     | 34,700.00       | 34,700.00     | 34,700.00     |            | \$ 179,360.00   |
| 27) Mitchell/Service Rpt./Environ. | City of Ceres              | EIR for Capital Improvement           | Bond Proceeds    | 149,800.00                   | 8,482.00                         | 4,195.00      | 45,715.00     | 45,715.00       | 45,715.00     | 45,715.00     |            | \$ 149,802.00   |
| 28) Graffiti Removal               | Affordable Custom Painting | Multi-Year Graffiti Removal Services  | RPTTF            | 57,600.00                    | 4,800.00                         | 4,800.00      | 4,800.00      | 4,800.00        | 4,800.00      | 4,800.00      |            | \$ 29,800.00    |
| Totals - This Page                 |                            |                                       |                  | \$ 5,735,165.00              | \$ 82,879.16                     | \$ 128,363.16 | \$ 167,585.16 | \$ 1,224,331.16 | \$ 201,021.16 | \$ 871,147.20 |            | \$ 2,689,327.00 |
| Totals - Other Obligations (b)     |                            |                                       |                  | \$ -                         | \$ -                             | \$ -          | \$ -          | \$ -            | \$ -          | \$ -          |            | \$ -            |
| Grand total - All Pages (c)(d)     |                            |                                       |                  | \$ 5,735,165.00              | \$ 82,879.16                     | \$ 128,363.16 | \$ 167,585.16 | \$ 1,224,331.16 | \$ 201,021.16 | \$ 871,147.20 |            | \$ 2,689,327.00 |

(a) RP TTF = Redevelopment Property Tax Trust Fund.

(b) Assumes County Auditor/Controller will directly pay all pass-thru payments from Property Tax Fund.

(c) This final draft ROPS is forward looking and does not include prior period obligations (i.e., August 2011 through December 2011) which were disclosed on prior versions of EOPS adopted by the former redevelopment agency.

(d) Per Health and Safety Code Section 34177(f)(3) and notwithstanding that the Successor Agency did not exist prior to February 1, 2012, this ROPS includes the month of January 2012, which was disclosed on a prior version of the ROPS adopted by the former redevelopment agency.