

RESOLUTION NO. 2013-02 SA-CRA

RESOLUTION OF THE SUCCESSOR AGENCY FOR THE FORMER CERES REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JANUARY 1, 2014 THROUGH JUNE 30, 2014 AND THE LONG RANGE PROPERTY MANAGEMENT PLAN (LRPMP) PREPARED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34191.5

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 certain unincorporated areas with the City of Ceres; 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, pursuant to California Health and Safety Code Section 34191.5(b) the Successor shall prepare and submit a Long Range Property Management Plan no later than six (6) months after the State Department of Finance issues a Finding of Completion for the Successor Agency; and,

WHEREAS, the State Department of Finance issued a Finding of Completion to the Ceres Successor Agency on April 23, 2013; and,

WHEREAS, the properties being retained by the Successor Agency have been identified and included in an approved redevelopment plan, per HSC 34191.5(c)(2); and,

WHEREAS, the properties that are not being retained will be disposed of and the proceeds remitted to the State Department of Finance for distribution to the taxing entities per HSC 34191.5(2)(B); and,

WHEREAS, a Long Range Property Management Plan has been prepared and reviewed by the City of Ceres Successor Agency at a regularly scheduled Successor Agency meeting on August 26, 2013; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency of the former 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 ratified, approved and adopted.
- Section 3.** The Agency’s Long Range Property Management Plan, which is attached hereto as Exhibit “B”, is ratified, approved and adopted.
- Section 4** The Acting Executive Director, or designee, is hereby authorized and directed to: i) post the ROPS for the period of January 1, 2014 through June 30, 2014 and the LRPMP on the City’s website; ii) transmit the ROPS and LRPMP to the OS Board for their review; iii) subsequent to OS Board approval, transmit the ROPS and LRPMP to the County Auditor-Controller, County Administrative Officer, the State Controller and the State Department of Finance; and iv) make ministerial revisions to the ROPS and LRPMP, take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, and to implement the ROPS and LRPMP on behalf of the Successor Agency, including authorizing and causing such payments and dispositions of real property.
- Section 5.** 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 6.** This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED by the Successor Agency of the former Ceres Redevelopment Agency at a regular meeting thereof held on the 26th day of August 2013 by the following vote:

AYES: Board Members Durossette, Ingwerson, Kline, Lane

NOES: None

ABSENT: Chairperson Vierra

ABSTAIN: None

APPROVED:


Chris Vierra, Chairperson

ATTEST:

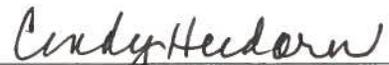

Cindy Heidorn, Secretary

EXHIBIT "A"

Successor Agency

ID: 362
County: Stanislaus
Successor Agency: Ceres

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Mr.
Bryan
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1-209-538-5756
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Secondary Contact

Honorific (Ms, Mr, Mrs)

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Last Name

Title

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Email Address

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CERES (ST. JOHNS)
 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14B) -- Notes (Optional)
 January 1, 2014 through June 30, 2014

Item #	Project Name / Debt Obligation	Notes/Comments
1	2003 Tax Allocation Bonds	None
2	2006 Tax Allocation Bonds	None
3	2006 Tax Allocation Bonds (Housing)	None
4	Intentionally Left Blank	None
5	Intentionally Left Blank	None
6	Consulting Services	None
7	SERAF Loan Repayment	Per HSC § 34176(e)(6)(B), SERAF repayments shall not be made prior to FY 2013-14. Due to cash flow insolvency, repayment will be delayed until revenue is sufficient and placed on future ROPS.
8	Intentionally Left Blank	None
9	Continuing Disclosure	None
10	Intentionally Left Blank	None
11	Intentionally Left Blank	None
12	Successor Agency Admin	None
13	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
14	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
15	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
16	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
17	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
18	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
19	Intentionally Left Blank	Per DOF August 7, 2013 FOC, all bond proceeds derived from pre-January 1, 2011 TABs to be used consistent with HSC § 34191.4 (c).
20	Intentionally Left Blank	None
21	HSC § 34171 (1)(A) Reserve	The amount shown is equal to 50% of the principal reduction payments due during calendar year 2014. The remaining 50% will be placed on ROPS 14-15 A.
22	HSC § 34171 (1)(A) Reserve	Due to the Successor Agency's cash flow insolvency, the amount shown was drawn against the DSRF to make a portion of the ROPS 13-14 A debt service payments. The amount shown will replenish the DSRF draws.
23	Debt Service Inefficiency Refund	Due to the Successor Agency's cash flow insolvency, it was necessary to call upon the applicable pass-thru subordination clauses with Taxing Entities to assist in making debt service payments during ROPS 13-14 A. The County Auditor/Controller has requested that the subordinated funds be repaid (per HSC § 34183 (b)). The Successor Agency requests that DOF determine the eligibility for such repayments under the HSC.

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Filed for the January 1, 2014 to June 30, 2014 Period

Name of Successor Agency: CERES (STANISLAUS)

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$78,094,486.00
Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$0.00
B Enforceable Obligations Funded with RPTTF	\$2,166,224.00
C Administrative Allowance Funded with RPTTF	\$125,000.00
D Total RPTTF Requested (B + C = D)	\$2,291,224.00
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be the same amount as ROPS form six-month total</i>	\$2,291,224.00
F Enter Total Six-Month Anticipated RPTTF Funding	\$2,291,224.00
G Variance (F - D = G) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	\$ -

Prior Period (January 1, 2013 through June 30, 2013) Estimated vs. Actual Payments (as required in HSC section 34186 (a))

H Enter Estimated Obligations Funded by RPTTF <i>(lessor of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)</i>	\$1,272,252.00
I Enter Actual Obligations Paid with RPTTF	\$1,147,252.00
J Enter Actual Administrative Expenses Paid with RPTTF	\$125,000.00
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$0.00
L Adjustment to RPTTF (D - K = L)	\$2,291,224.00

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 ("ROPS") for the above named agency.

Michael L. Lyons

Name

Vice Chairperson

Title

Michael L. Lyons

Signature

8/29/13

Date

