

## RESOLUTION OBSA-026

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2015 THROUGH DECEMBER 31, 2015 (ROPS 15-16A) AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH.**

**WHEREAS**, the Solana Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Solana 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 Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

**WHEREAS**, Assembly Bill No. X1 26 (2011-2012 1<sup>st</sup> 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 ("Health and Safety 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 Health and Safety 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**, on January 11, 2012, the City Council of the City adopted Resolution 2012-011, 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 under AB 26 ("Successor Agency"); and

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

**WHEREAS**, Health and Safety Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency 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 Health and Safety Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

**WHEREAS**, pursuant to Health and Safety Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in Section 34177(m) of the Health and Safety Code; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(l)(3) of the Dissolution Act, the ROPS shall be forward looking to the next six (6) months; and

**WHEREAS**, according to Health and Safety Code Section 34177(l)(1) of the Dissolution Act, 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 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 Act, 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 Act; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(a)(1) of the Dissolution Act, the Successor Agency may only make payments required pursuant to an approved ROPS; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177 of the Dissolution Act, the Successor Agency, on February 11, 2015, received the ROPS covering the period from July 1, 2015 through December 31, 2015 ("ROPS 15-16A"), in substantial form attached to this Resolution as Exhibit "A", and the Successor Agency authorized the submission of the ROPS 15-16A to the Oversight Board for its approval; and

**WHEREAS**, the ROPS 15-16A is now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(l)(2)(B) and 34180(g) of the Dissolution Act; and

**WHEREAS**, the proposed ROPS 15-16A attached to this Resolution as Exhibit "A" is consistent with the requirements of the Health and Safety Code and other applicable law; and

**WHEREAS**, ROPS 15-16A contains the schedules for payments on enforceable obligations required of the Successor Agency for the applicable six-month period and sources of funds for payment as required pursuant to Health and Safety Code Section 34177(l) of the Dissolution Act; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(m) of the Dissolution Act, the Successor Agency is required to submit the ROPS 15-16A, after its approval by the Oversight Board, to the California Department of Finance ("Department of Finance") and the San Diego County Auditor-Controller ("County Auditor-Controller") no fewer than 90 days before the date of property tax distribution on June 1, 2015, which is no later than March 3, 2015; and

**WHEREAS**, pursuant to Health and Safety Code Section 34177(l)(2)(C) of the Dissolution Act, a copy of the Oversight Board-approved ROPS 15-16A 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 Health and Safety Code Section 34177(m)(1) of the Dissolution Act, the Successor Agency shall submit a copy of the Oversight Board-approved ROPS 15-16A to the Department of Finance electronically and the Successor Agency shall have completed the ROPS 15-16A in the manner provided by the Department of Finance; and

**WHEREAS**, pursuant to the Dissolution Act, the Oversight Board met at a duly noticed public meeting on February 23, 2015 to consider approval of the ROPS 15-16A among other approvals; and

**WHEREAS**, after reviewing the ROPS 15-16A presented to and recommended for approval to the Oversight Board by the Successor Agency, and after reviewing any written and oral comments from the public relating thereto, the Oversight Board desires to approve the ROPS 15-16A; 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, Sections 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 such activity 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by the Successor Agency and the public, form the basis for the approvals, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board hereby approves the ROPS 15-16A in the form presented to the Oversight Board and attached hereto as Exhibit A which includes the approval of the agreements and obligations described in the ROPS 15-16A, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act in connection with the ROPS 15-16A.

SECTION 3. The Oversight Board has examined the items contained on the ROPS 15-16A and determines that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency until disposition and liquidation, the continued administration of the enforceable obligations herein approved by the Oversight Board, and/or the expeditious wind-down of the affairs of the former Redevelopment Agency by the Successor Agency.

SECTION 4. The Oversight Board hereby authorizes the Successor Agency to enter into any agreements and amendments to agreements necessary to implement the agreements and obligations listed on the ROPS 15-16A and herein approved by the Oversight Board unless Oversight Board approval of such Successor Agency action is otherwise required pursuant to the Dissolution Act.

SECTION 5. The Oversight Board hereby authorizes and directs the Successor Agency to submit copies of the ROPS 15-16A adopted by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, the Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the ROPS 15-16A, as approved by the Oversight Board, to the Department of Finance (electronically) and the County Auditor-Controller no later than March 3, 2015; (ii) submit a copy of the ROPS 15-16A, as approved by the Oversight Board, to the State Controller's Office and post the ROPS 15-16A on the Successor Agency's internet website; and (iii)

revise the ROPS 15-16A, and make such changes and amendments as necessary, before official submittal of the ROPS 15-16A to the Department of Finance, in order to complete the ROPS 15-16A in the manner provided by the Department of Finance and to conform the ROPS 15-16A to the form or format as prescribed by the Department of Finance.

SECTION 6. The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution.

SECTION 7. 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 8. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Sections 34177(m) and 34179(h) of the Dissolution Act.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of February, 2015, at a special meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES: Golich, Deaver, Sheres, Ng, Ott  
NOES: None  
ABSENT: Vacant, Estrella  
ABSTAIN: None

APPROVED AS TO FORM:

  
KENDALL D. LEVAN, General Counsel

  
Thomas Golich, Board Chair

ATTEST:

  
ANGELA WEY, Successor  
Agency Secretary

**Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary**  
 Filed for the July 1, 2015 through December 31, 2015 Period

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

<u>Current Period Requested Funding for Outstanding Debt or Obligation</u>		<u>Six-Month Total</u>
<u>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</u>		
<b>A</b>	<b>Sources (B+C+D):</b>	<b>\$ -</b>
<b>B</b>	Bond Proceeds Funding (ROPS Detail)	-
<b>C</b>	Reserve Balance Funding (ROPS Detail)	-
<b>D</b>	Other Funding (ROPS Detail)	-
<b>E</b>	<b>Enforceable Obligations Funded with RPTTF Funding (F+G):</b>	<b>\$ 437,633</b>
<b>F</b>	Non-Administrative Costs (ROPS Detail)	312,633
<b>G</b>	Administrative Costs (ROPS Detail)	125,000
<b>H</b>	<b>Current Period Enforceable Obligations (A+E):</b>	<b>\$ 437,633</b>

<u>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</u>		
<b>I</b>	Enforceable Obligations funded with RPTTF (E):	437,633
<b>J</b>	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
<b>K</b>	<b>Adjusted Current Period RPTTF Requested Funding (I-J)</b>	<b>\$ 437,633</b>

<u>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</u>		
<b>L</b>	Enforceable Obligations funded with RPTTF (E):	437,633
<b>M</b>	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
<b>N</b>	<b>Adjusted Current Period RPTTF Requested Funding (L-M)</b>	<b>437,633</b>

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  
 /s/  
 Signature

\_\_\_\_\_  
 Title  
 Date

**Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail**  
**July 1, 2015 through December 31, 2015**  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
																Item #
1	2009 1st Acquisition Bond	Bond Issued On or Before 07/2009	07/2009	07/2035	Wells Fargo Bank	Bonds to fund public improvements	Solana Beach Redevelopment Project	\$ 11,500,000	0	\$ 11,500,000	\$ 3,172,031	\$ 8,327,969	\$ 125,000	\$ 11,652,969	\$ 12,603	\$ 11,640,366
2	Trustee Services	Fees	07/2008		Wells Fargo Bank	Trustee Services	Solana Beach Redevelopment Project	47,000	0	47,000						47,000
3	Community Disbursement	Fees	07/2008		Utahns Fours	Contact for Professional Services - Continuing Disburse	Solana Beach Redevelopment Project	54,822	0	54,822						54,822
4	Arbitrage	Fees	07/2008		Koppell & Dwyer	Contact for Professional Services - Arbitrage	Solana Beach Redevelopment Project	68,300	0	68,300						68,300
15	1st Loan from City to Successor Agency (approved by Oversight Board 04/12/11)	City/County Loans	07/2012		City of Solana Beach	Purchase to M&S 34173(h), 34178(a) and 34182(h)	Solana Beach Redevelopment Project	99,215	0	99,215						99,215
16	2nd Loan from City to Successor Agency (approved by Oversight Board 07/2/11)	City/County Loans	07/2012		City of Solana Beach	Purchase to M&S 34174(h), 34178(a), 34182(h) and 34182(b)	Solana Beach Redevelopment Project	115,665	0	115,665						115,665
17	Interest on 1st Loan from City to Successor Agency	City/County Loans	07/2012		City of Solana Beach	Purchase to M&S 34173(h), 34178(a), 34182(h) and 34182(b)	Solana Beach Redevelopment Project	1,025	0	1,025						1,025
18	Interest on 2nd Loan from City to Successor Agency	City/County Loans	07/2012		City of Solana Beach	Purchase to M&S 34173(h), 34178(a), 34182(h) and 34182(b)	Solana Beach Redevelopment Project	787	0	787						787
21	Legal Services	Liability	07/2014		Macgregor, Lohr, et al. and Goldfarb and Uppman, LLP	Legal Third Party Assessor external Successor Agency regarding Case The Affordable Housing Coalition of San Diego v. Somborn et al. Case No. 14-2012-00001158 CU VAL003	Solana Beach Redevelopment Project	43,000	0	43,000				25,000		18,000
22	Successor Agency Administrative Expenses	Admin Costs	07/2014		City of Solana Beach	Successor Agency administrative obligations relating to maintaining payments on enforceable obligations and other activities as required by AB1129	Solana Beach Redevelopment Project	5,825,000	0	5,825,000					125,000	5,700,000
23	Amendment to Public Improvement Agreement between the City and the Successor Agency (An amendment received approval by Oversight Board on 09/11/14)	Bonds Issued On or Before 12/31/10	07/2013		City of Solana Beach	Highway 101 Corridor Improvements and La Cañona Park and Recreation Center Improvements Projects	Solana Beach Redevelopment Project	10,000	0	10,000						10,000

**Recognized Obligation Payment Schedule (ROPS 15-16A) - 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 [https://rad.dof.ca.gov/rad-50/pdf/Cash\\_Balance\\_Agency\\_Tips\\_Sheet.pdf](https://rad.dof.ca.gov/rad-50/pdf/Cash_Balance_Agency_Tips_Sheet.pdf).

A	B	C	D	E	F	G	H	I						
									Fund Sources					
									Bond Proceeds		Reserve Balance		Other	
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.	RPTTF	Non-Admin and Admin	Comments							
<b>Cash Balance Information by ROPS Period</b>														
<b>ROPS 14-16A Actuals (07/01/14 - 12/31/14)</b>														
1	Beginning Available Cash Balance (Actual 07/01/14)	10,000				131,144	985	Other Beginning FB amount is remaining loan proceeds per cash flow loans from City ID Successor Agency						
2	Revenue/Income (Actual 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014					12	347,252	Other revenue is interest earned on Bond Reserve account held by Inustee and applied to bond payment						
3	Expenditures for ROPS 14-16A Enforceable Obligations (Actual 12/31/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q						299,157	Terms of the City-Agency cash flow loans provide that administrative costs will be repaid from RPTTF prior to repayment of the City-Agency loans from RPTTF.						
4	Retention of Available Cash Balance (Actual 12/31/14) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)													
5	ROPS 14-16A RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S													
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 10,000	\$ -	\$ -	\$ -	\$ 131,156	\$ 49,080							
<b>ROPS 14-16B Estimate (01/01/15 - 06/30/15)</b>														
7	Beginning Available Cash Balance (Actual 01/01/15) (C, D, E, G = 4 + 5, F = H4 + F4 + F6, and H = 5 + 6)	\$ 10,000	\$ -	\$ -	\$ -	\$ 131,156	\$ 49,080							
8	Revenue/Income (Estimate 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015						258,482							
9	Expenditures for ROPS 14-16B Enforceable Obligations (Estimate 06/30/15)	10,000					308,562							
10	Retention of Available Cash Balance (Estimate 06/30/15) 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)													









## CERTIFICATION

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) SS.  
CITY OF SOLANA BEACH)

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, and Secretary of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution OBSA-026** *approving the Recognized Obligation Payment Schedule for the period of July 1, 2015 through December 31, 2015 (ROPS 15-16A) and making related determinations and taking related actions in connection therewith*, as duly passed and adopted at a Regular Meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency held on the 23<sup>rd</sup> day of February 2015 and the original is on file in the City Clerk's Office.

  
Angela Ivey / City Clerk / Agency Secretary

Date of this Certification: 2-23-2015