

**AGENCY RESOLUTION NO. RA2011-007**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BUENAVENTURA APPROVING AND ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO AB 1X 26**

**WHEREAS**, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), the City Council of the City of San Buenaventura ("City") created the Redevelopment Agency of the City of San Buenaventura ("Agency"); and

**WHEREAS**, the City Council of the City of San Buenaventura (the "City Council") adopted Ordinance No. 1416 on February 7, 1966, approving and adopting the Urban Renewal Plan for the Beachfront Redevelopment Project (No. Calif. R-80) (the "Beachfront Project") covering certain area (the "Beachfront Original Area"); Ordinance No. 1495 on December 4, 1967, to amend the Urban Renewal Plan to refer to said Plan as a Redevelopment Plan; Ordinance No. 1652 on February 8, 1971, to add certain area (the "Beachfront Amendment Area") to the Beachfront Project; and Ordinance No. 94-18 on December 12, 1994, to amend and add certain time limitations as required by Section 33333.6 of the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) (the "CRL") (all of said ordinances are collectively referred to herein as the "Beachfront Ordinances"); and

**WHEREAS**, the City Council adopted Ordinance No. 1769 on December 18, 1972, approving and adopting the Redevelopment Plan for the Mission Plaza Redevelopment Project (the "Mission Plaza Project") covering certain area (the "Mission Plaza Area"); Ordinance No. 1806 on July 20, 1973, to delete certain properties from the Mission Plaza Area; and Ordinance No. 94-18 on December 12, 1994, to amend and add certain time limitations as required by Health and Safety Code Section 33333.6 (all of said ordinances are collectively referred to herein as the "Mission Plaza Ordinances"); and

**WHEREAS**, the City Council approved and adopted Ordinance No. 78-13 on March 20, 1978, approving and adopting the Redevelopment Plan for the Downtown Redevelopment Project (the "Downtown Project") covering certain area (the "Downtown Original Area"); Ordinance No. 80-30 on November 17, 1980, to add certain area (the "Downtown 1980 Amendment Area") to the Downtown Project; Ordinance No. 83-28 on July 18, 1983, amending certain land use designations in the Downtown Project; Ordinance No. 90-23 on September 10, 1990, to make certain changes to the Downtown Plan and add certain additional area (the "Downtown 1990 Amendment Area") to the Downtown Project; Ordinance No. 93-26 on July 26, 1993, to update certain land uses within the Downtown Project; Ordinance No. 94-18 on December 12, 1994, to amend and add certain time limitations as required by Health and Safety Code Section 33333.6; and Ordinance No. 95-13 on July 10, 1995, to add certain additional area (the "Downtown 1995 Amendment Area") to the Downtown Project and make additional modifications to the time and financial limits for the Downtown Project (all of said ordinances are collectively referred to herein as the "Downtown Ordinances"); and

**WHEREAS**, by Ordinances Nos. 97-17, 97-18 and 97-19, adopted on November 17, 1997 (collectively, the "Merger Ordinances"), the City Council further amended and merged the Beachfront Project, the Mission Plaza Project and the Downtown Project, and approved and adopted an Amended and Restated Redevelopment Plan for the Merged San Buenaventura Redevelopment Projects (the "Merged Redevelopment Plan") to replace the previously existing individual Redevelopment Plans for the Beachfront, Mission Plaza and Downtown Projects; and

**WHEREAS**, the Agency has been responsible for implementing the Merged Redevelopment Plan;

**WHEREAS**, as part of the 2011-2012 State budget bill, the California State Legislature recently enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, which eliminate every redevelopment agency unless the community that created it adopts an ordinance ("Continuation Ordinance") agreeing to participate in an Alternative Voluntary Redevelopment Program ("Alternate Redevelopment Program") which requires the payment of an annual "community remittance" payment; and

**WHEREAS**, Health and Safety Code Section 34169, enacted by AB 1X 26, requires redevelopment agencies to adopt, by August 27, 2011, an Enforceable Obligation Payment Schedule ("EOPS") which will serve as the basis for the payment of the Agency's outstanding financial obligations if the City does not adopt the Continuation Ordinance and the Agency is dissolved; and

**WHEREAS**, on July 18, 2011, the League of California Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of and requesting a stay of enforcement of AB 1X 26 and AB 1X 27; and

**WHEREAS**, on August 11, 2011, the Supreme Court agreed to take the case and issued an order for the immediate stay of the enforcement of AB 1X 26 in part and AB 1X 27 in its entirety; and

**WHEREAS**, the City adopted the Continuation Ordinance on August 1, 2011 (#2011-011); and

**WHEREAS**, since the adoption of the Continuation Ordinance, the Agency has been operating under the provisions of AB 1X 27; and

**WHEREAS**, as a result of the stay on AB 1X 27, the City's adopted Continuation Ordinance is not effective for the duration of the stay; and

**WHEREAS**, although the Court order stayed enforcement of Health and Safety Code Section 34169, the Court did not stay the enforcement of Health and Safety Code Section 34167, also enacted by AB 1X 26, which relies upon and makes reference to an adopted EOPS; and

**WHEREAS**, adoption of the EOPS would allow the Agency to make payments on debts and obligations listed on the EOPS while the stay is in effect.

**NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BUENAVENTURA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.

**Section 2. Approval of EOPS.** The Agency hereby approves and adopts the Enforceable Obligation Payment Schedule, in substantially the form attached hereto as Exhibit A, as required by Health and Safety Code Section 34167 and in accordance with the requirements of Health and Safety Code Section 34169, added by the recently enacted legislation AB 1X 26.

**Section 3. Posting; Transmittal to Appropriate Agencies.** The Executive Director is hereby authorized and directed to post a copy of the EOPS on the City's website. The Executive Director is further authorized and directed to transmit, by mail or electronic means, to the Ventura County Auditor-Controller, the State Controller and the Department of Finance, notification providing the website location of the posted EOPS and other information as required by AB 1X 26.

**Section 4. Effective Date.** Pursuant to Health and Safety Code Section 34169(i), the Agency's action to adopt the EOPS as set forth herein shall not be effective for three (3) business days following adoption of this Resolution, pending a request for review of the EOPS by the Department of Finance.

PASSED AND ADOPTED AT A SPECIAL MEETING OF THE REDEVELOPMENT AGENCY OF THE City of San Buenaventura on the 22<sup>nd</sup> day of August, 2011.

  
\_\_\_\_\_  
Bill Fulton, Chairman

ATTEST:

  
\_\_\_\_\_  
Elaine M. Preston, Interim Agency Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ariel Pierre Calonne, Agency Attorney

EXHIBIT A

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Name of Redevelopment Agency: Redevelopment Agency of the City of San Buenaventura  
 Project Area(s): Merged Project Area

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						Total
					Aug**	Sept	Oct	Nov	Dec		
1) Tax Allocation Bonds - 2003	Bank of New York	Bonds issued to repay City advances	8,674,472.55	513,457.50							\$
2) Tax Allocation Bonds - 2008	Bank of New York	Bonds issued to repay City advances	18,512,990.83	676,418.78							\$
3) Cooperation Agreement LOC	City of Ventura	Advances made to RDA by City	19,347,719.30	562,864.27							\$
4) City Loan Agreement 2008-005	City of Ventura	Facilitate construction of WAV project	1,181,742.00	0.00							\$
5) CALHFA Loan	Calif Housing Finance Agency	Facilitate construction of WAV project	1,972,500.00	0.00							\$
6) El Patio Hotel Loan Agreement	El Patio, L.P.	Loan Agreement-rehab of El Patio Hotel	57,050.00	28,550.00							\$
7) Soho Project Loan Agreement	Soho Associates, L.P.	Loan Agreement-const of Soho Project	72,000.00	72,000.00							\$
8) Azahar Project OPA	Azahar Place Associates, L.P.	OPA-for acq/const of Azahar Place Project	300,000.00	300,000.00							\$
9) Legal Services Agreement	Best Best & Kreiger	Legal Services - RDA Affordable Housing	42,912.88	42,912.88							\$
10) Legal Services Agreement	Best Best & Kreiger	Legal Services - RDA Affordable Housing (Soho)	1,400.00	1,400.00							\$
11) Professional Services Agreement	Housing Authority	Legal Services - OPA / ENA / DDA Affordable Housing Program	48,827.27	48,827.27							\$
12) Professional Services Agreement	Keyser Marston Associates	Economic Analysis for RDA Projects	10,000.00	10,000.00							\$
13) Professional Services Agreement	Keyser Marston Associates	RDA Inclusionary Housing Analysis	40,000.00	40,000.00							\$
14) Professional Services Agreement	Kimley Horn Associates	California Street Off-Ramp Project	21,987.64	21,987.64							\$
15) Professional Services Agreement	Willdan Engineering	CEQA Review - Terrace Project	1,031.75	1,031.75							\$
16) Professional Services Agreement	Willdan Engineering	CEQA Review - Terrace Project	1,031.75	1,031.75							\$
17) Employee Cost	Employees of Agency	Payroll for Employees	324,882.00	334,882.00	8,097.00	27,073.00	27,073.00	27,073.00	27,073.00	27,073.00	\$
18)											\$
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Totals - This Page			\$ 50,667,516.22	\$ 2,711,832.09	\$ 8,097.00	\$ 427,623.00	\$ 47,373.00	\$ 47,373.00	\$ 42,573.00	\$ 41,373.00	\$ 567,039.00
Totals - Page 2			\$ 403,009.00	\$ 892,959.61	\$ 55,350.00	\$ 103,320.00	\$ 28,320.00	\$ 28,320.00	\$ 28,320.00	\$ 269,204.33	\$ 484,514.33
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 51,070,525.22	\$ 3,604,791.70	\$ 63,447.00	\$ 530,943.00	\$ 75,693.00	\$ 75,693.00	\$ 70,893.00	\$ 310,577.33	\$ 1,051,553.33

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
 \*\* Include only payments to be made after the adoption of the EOPS.

Name of Redevelopment Agency: Redevelopment Agency of the City of San Buenaventura  
 Project Area(s): Merged Project Area

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month				Total		
					Aug**	Sept	Oct	Nov		Dec	
1) Unified Sch Gen Via	County Superintendent of Schools	Passthrough Payments (Fund 2014)		121,883.52					60,841.76	\$ 60,841.76	
2) Via Com College Gen	Ventura Comm. College	Passthrough Payments (Fund 2015)		19,362.26					9,681.13	\$ 9,681.13	
3) Via College Child Ctr	Ventura Comm. College	Passthrough Payments (Fund 2019)		137.48					68.74	\$ 68.74	
4) Prop 13 Maximum 1% Tax	County of Ventura	Passthrough Payments (Fund 4001)		77,304.49					38,652.25	\$ 38,652.25	
5) Ventura Co Office of Educ	County Superintendent of Schools	Passthrough Payments (Fund 4005)		4,889.56					2,434.78	\$ 2,434.78	
6) Ventura County Library	County of Ventura	Passthrough Payments (Fund 4401)		8,205.89					4,102.95	\$ 4,102.95	
7) County Flood Zn Adm	County of Ventura	Passthrough Payments (Fund 6100)		1,270.37					635.19	\$ 635.19	
8) County Flood Zn #1	County of Ventura	Passthrough Payments (Fund 6110)		12,794.95					6,397.48	\$ 6,397.48	
9) Ventura Port	Ventura Port District	Passthrough Payments (Fund 7580)		4,951.30					2,475.65	\$ 2,475.65	
10) City of San Buenaventura	City of San Buenaventura	Passthrough Payments (Fund 8080)		78,216.60					39,108.30	\$ 39,108.30	
11) Casitas Mun Water	Casitas Municipal Water District	Passthrough Payments (Fund 8604)		14,892.48					7,446.24	\$ 7,446.24	
12) E.R.A.F.	County Auditor-Controller	Passthrough Payments (Fund 4002)		19,925.17					9,962.59	\$ 9,962.59	
13) E.R.A.F. 93-94 Shift	County Auditor-Controller	Passthrough Payments (Fund 4004)		33,015.54					16,507.77	\$ 16,507.77	
14) Property Tax Administration Fee	County of Ventura	Property Tax Administration Fee		5,500.00					2,750.00	\$ 2,750.00	
15) Repayment to Low/Mod Housing	Low/Mod Housing Fund	Repayment to Low/Mod Housing		72,337.00					36,168.50	\$ 36,168.50	
16) Prop Based Improvement Distr.	Downtown Ventura Partners	PBID of RDA Projects in Project Area	3,651.00	3,651.00					3,651.00	\$ 3,651.00	
17) Internal Services per Adopted Budget	City of Ventura	Legal/Finance/Payroll/IT/GIS/Bidg Maint	324,358.00	324,358.00	27,030.00	27,030.00	27,030.00	27,030.00	27,030.00	\$ 162,180.00	
18) Downtown Property Security	City of Ventura	Downtown Property Security	75,000.00	75,000.00	75,000.00					\$ 75,000.00	
19) Operating Expenses	Various	Minimal Operating Expenses		15,484.00	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00	\$ 6,450.00	
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<b>Totals - This Page</b>			<b>\$ 403,009.00</b>	<b>\$ 892,959.61</b>	<b>\$ 103,320.00</b>	<b>\$ 28,320.00</b>	<b>\$ 28,320.00</b>	<b>\$ 28,320.00</b>	<b>\$ 28,320.00</b>	<b>\$ 289,204.33</b>	<b>\$ 484,514.33</b>

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STATE OF CALIFORNIA            )  
COUNTY OF VENTURA         ) ss  
CITY OF SAN BUENAVENTURA    )

I, Roxanne Fiorillo, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the Redevelopment Agency of the City of San Buenaventura at a special meeting on August 22, 2011, by the following vote:

AYES:        Agency Members Brennan, Weir, Morehouse, Andrews,  
              Monahan, Vice Chair Tracy, and Chair Fulton.

NOES:        None.

ABSENT:     None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on August 23, 2011.

  
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Deputy City Clerk

