

SUCCESSOR AGENCY CITY OF BRISBANE

OVERSIGHT BOARD MEETING DATE: August 9, 2012

ITEM TITLE: January-June 2012 Recognized Obligation Payment Schedule

Recommendation:

Adopt the January through June 2013 ROPS (Recognized Obligation Payment Schedule)

Background:

The State of California adopted ABx 1 26 on June 28, 2011 and the California Supreme Court upheld that law on December 28, 2011, effectively dissolving all Redevelopment Agencies in the state as of January 31, 2012. This law requires that recognized obligations be approved by the Successor Agency and by the Oversight Board bi-annually. The ROPS for January through June 2013 is due by September 1, 2012.

The Successor Agency adopted its first ROPS for the period January through June 2012, on February 21, 2012. The ROPS was reviewed and commented upon by auditors hired by the County. The auditors commented given the current law there was not a clear indication that the loans between the RDA and the City should be repaid or the loan between the RDA and the Low/Mod Housing Fund. The Oversight Board reviewed the ROPS and the County Auditor's comments and concluded that the obligations in fact did exist between these entities and the RDA but current law did not provide for their repayment. The Oversight Board decided to leave the obligations on the ROPS but to not provide for repayment until such time as the law changes. The State Legislature passed AB1484, Redevelopment Dissolution/Unwind Trailer Bill, on June 27, 2012. It changes some of the requirements, adds a section on affordable housing, and institutes a timeline with penalties if not met. Additionally, it will allow consideration of the loans between the City and the Agency once the new requirements have been met.

The Successor Agency returned the tax increment paid to us in December 2011 and processed the January through June 2012 debt service with existing cash. This included cash that was transferred from the Low & Moderate Income Housing Fund as directed by ABx 1 26. AB1484 is requiring a new procedure for reviewing the available cash assets of the Dissolved RDA (the Review) by a licensed accountant with experience and expertise in local government accounting. Once this is done and all non-encumbered cash is returned to the county for distribution to the underlying taxing entities, the Department of Finance will issue a finding of completion.

Discussion:

Our ROPS is primarily the debt service payments due on the 1998 Housing Bonds, the 2001A Refunding bonds and a portion of the 2005 Lease Revenue bonds that refinanced the 1995 COPs. By law, the Successor Agency is entitled to a minimum administration fee of \$250,000 per year.

Fiscal Impact:

This is how we can access property tax (formerly tax increment) to pay for the bonds issued for redevelopment. Without the ROPS, we will not receive any funding.

Attachments:

Resolution OB 2012-01 approving the Recognized Obligation Payment Schedule for January through June 2013.


Stuart Schillinger
Administrative Services Director

BRISBANE SUCCESSOR AGENCY OVERSIGHT BOARD

RESOLUTION NO. OB 2012-01

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE BRISBANE
SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION
PAYMENT SCHEDULE FOR THE JANUARY 1 – JUNE 30, 2012 SIX-
MONTH FISCAL PERIOD ("THIRD ROPS"), AND MAKING RELATED
FINDINGS AND DECLARATIONS AND TAKING RELATED ACTIONS IN
CONNECTION THEREWITH.**

WHEREAS, pursuant to AB x1 26 (as amended by AB 1484, the "Dissolution Act"), the separate legal entity known as the Brisbane Successor Agency (the "Successor Agency") must prepare "Recognized Obligation Payment Schedules" ("ROPS") that enumerate the enforceable obligations and expenses of the Successor Agency for each successive six-month fiscal period until the wind down and disposition of assets of the dissolved Redevelopment Agency of the City of Brisbane (the "Dissolved RDA") has been completed; and

WHEREAS, the Successor Agency staff has prepared a ROPS for the six-month fiscal period commencing on January 1, 2013 and continuing through June 30, 2013 (the "Third ROPS"); and

WHEREAS, under the Dissolution Act, the Third ROPS must be approved by the Successor Agency's oversight board (the "Oversight Board") to enable the Successor Agency to continue to make payments on enforceable obligations; and

WHEREAS, pursuant to the Dissolution Act, the duly constituted Oversight Board for the Successor Agency met at a duly noticed public meeting on August 9, 2012 to consider specific obligations listed on the Third ROPS and to consider approval of the Third ROPS, among other approvals; and

WHEREAS, after reviewing the Third ROPS presented to and recommended for approval to the Oversight Board by Successor Agency staff, and after reviewing written and oral comments from the public relating thereto, the Oversight Board desires to approve the Third ROPS and to make the following accompanying findings, resolutions and determinations.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency hereby finds, resolves, and determines as follows:

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

SECTION 2. Under Health and Safety Code Section 34180(g), the Oversight Board must approve establishment of a ROPS for the Successor Agency.

SECTION 3. The Oversight Board hereby approves the Third ROPS in the form presented to the Oversight Board and attached hereto as Exhibit A, including the agreements and obligations described in the Third ROPS, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act. In connection with such approval, the Oversight Board makes the specific findings set forth below.

SECTION 4. The Oversight Board has examined the items contained on the Third ROPS and finds 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 ongoing agreements herein approved by the Oversight Board, or the expeditious wind-down of the affairs of the Dissolved RDA by the Successor Agency.

SECTION 5. The Successor Agency is authorized and directed to enter into any agreements and amendments to agreements consistent with the Dissolution Act and necessary to memorialize and implement the agreements and obligations in the Third ROPS as herein approved by the Oversight Board.

SECTION 6. The Oversight Board authorizes and directs the Successor Agency staff to take all actions necessary under the Dissolution Act to post the Third ROPS on the Successor Agency website, transmit the Third ROPS to the Auditor-Controller of the County of San Mateo and to the State Controller and the State Department of Finance (the "DOF"), and to take any other actions necessary to ensure the validity of the Third ROPS and the validity of any enforceable obligation approved by the Oversight Board in this Resolution. In addition, the Oversight Board authorizes and directs the Successor Agency staff to make such non-substantive revisions to the Third ROPS as may be necessary to submit the Third ROPS in any modified form required by the DOF, and the Third ROPS as so modified shall thereupon constitute the Third ROPS as approved by the Oversight Board pursuant to this Resolution.

SECTION 7. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

Paul Scannell, Chair

ADOPTED on August 9, 2012, by the Members of the Oversight Board of the
Successor Agency with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sheri Marie Spediacci, Board Secretary

Successor Agency Contact Information

Name of Successor Agency:	City of Brisbane Redevelopment
County:	Agency
	San Mateo
Primary Contact Name:	Stuart Schillinger, Administrative
Primary Contact Title:	Services Director, 50 Park Place
Address	Brisbane Ca 94005
Contact Phone Number:	415-508-2151
Contact E-Mail Address:	schillinger@ci.brisbane.ca.us
Secondary Contact Name:	Betsy Cooper
Secondary Contact Title:	Financial Services Manager
Secondary Contact Phone Number:	415-508-2152
Secondary Contact E-Mail Address:	bcooper@ci.brisbane.ca.us

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the January 1, 2013 to June 30, 2013 Period

Name of Successor Agency: City of Brisbane Redevelopment Agency

	Total Outstanding Debt or Obligation
Outstanding Debt or Obligation	\$ 42,076,574
Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	0
B Enforceable Obligations Funded with RPTTF	1,719,280
C Administrative Allowance Funded with RPTTF	109,000
D Total RPTTF Funded (B + C = D)	1,828,280
Total Current Period Outstanding Debt or Obligation (A + B + C = E) Should be same amount as ROPS form six-month total	\$ 1,828,280
E Enter Total Six-Month Anticipated RPTTF Funding	
F Variance (D - E = F) Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding	\$ (1,828,280)
Prior Period (January 1, 2012 through June 30, 2012) Estimated vs. Actual Payments (as required in HSC section 34.186 (a))	
G Enter Estimated Obligations Funded by RPTTF (Should be the same amount as RPTTF approved by Finance, including admin allowance)	
H Enter Actual Obligations Paid with RPTTF	
I Enter Actual Administrative Expenses Paid with RPTTF	
J Adjustment to Redevelopment Obligation Retirement Fund (G - (H + I) = J)	0
K Adjustment to RPTTF	\$ 1,828,280.00

Certification of Oversight Board Chairman:
Pursuant to Section 34.177(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	Title
Signature	Date

Name of Successor Agency:
County:

City of Bismarck Redevelopment Agency
San Mateo:

Overnight Board Approval Date:

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS III)
January 1, 2013 through June 30, 2013

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-13	Funding Source						
									LIMF	Bond Proceeds	Reserve Balance	Admin Allowance	RPYTF	Other	See Month Total
Grand Total															
1	2001 Tax Allocation Bond	March 1, 2001		Bismarck Financing Authority	Refinance of 1984 Bonds and Leaseholdback Agreement	#1	\$ 42,035,574	\$ 2,035,770.00				\$ 109,000	\$ 1,474,285		\$ 1,425,285
2	2001 Tax Allocation Bond	March 1, 2001		City of Bismarck	Refinance of 1984 Leaseholdback Agreement	#1	\$ 2,629,352.00								
3	2001 Tax Allocation Bond	March 1, 2001		Bank of New York Mellon	Annual Trustee Fee for bond issue	#1		\$ 3,500.00							\$ 3,500
4	2001 Tax Allocation Bond	March 1, 2001		NYGS Government Finance	Continuing Disclosure Costs & 1915 Act Administration	#1		\$ 1,700.00							
5	Due to Housing Fund	1984-2000		Housing Successor Authority	SEERAF Payment from State Take-Away	#1	\$ 4,053,895.00								
6	Due to Housing Fund	May, 2010		Housing Successor Authority	SEERAF Payment from State Take-Away	#1	\$ 413,018.00								
7															
8	2005 Lease Revenue Bond	February 1, 2005		Bismarck Financing Authority	Refinance of 1985 Certificates of Participation	#2	\$ 3,173,744.46	\$ 217,342.00							\$ 196,095
9	2005 Lease Revenue Bond	February 1, 2005		Bank of New York Mellon	Annual Trustee Fee for bond issue	#2		\$ 2,500.00							
10	1998 Tax Allocation Bonds	February 1, 1998		Bank of New York Mellon	Serial Housing Bonds	#1	\$ 1,949,205.00								\$ 33,190
11	1998 Tax Allocation Bonds	February 1, 1998		Bank of New York Mellon	Annual Trustee Fee for bond issue	#1		\$ 2,120.00							\$ 2,120
12	HCFA 2 Revenue Shortfall	June, 1998		City of Bismarck	1996 1945 shortfall advanced from the city	#2	\$ 1,984,834.00								
13	Due to Housing Fund	May, 2010		Housing Successor Authority	SEERAF Payment from State Take-Away	#2	\$ 572,609.00								
14															
15	Annual Administration Costs			City of Bismarck	Administration of Successor Agency			\$ 250,000.00				\$ 109,000			\$ 109,000
16	AB 1144 Review	June, 2012		To be determined	Joint Review of Low Mid Housing and Successor Agency	#1		\$ 10,900.00				\$ 10,900			\$ 10,900