

OVERSIGHT BOARD CITY OF BRISBANE

OVERSIGHT BOARD MEETING DATE: September 11, 2013

ITEM TITLE: January-June 2014 ROPS (13-14B)

RECOMMENDATION:

Review and approve the Recognized Obligation Payment Schedule (ROPS) for January 2014 through June 2014.

FISCAL IMPLICATIONS:

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

BACKGROUND:

The law dissolving the Redevelopment agencies requires recognized obligations be approved by the Successor Agency and by the Oversight Board semi-annually. The ROPS for January-June 2014 is due October 1, 2013.

Our first ROPS was adopted on February 21, 2012 and had lines for the loans between the RDA and the City and the loans between the Low Mod Housing and the Project Areas. At that time the law was unclear that these loans should be repaid. The Oversight Board concluded 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 reporting requirements, added back in some affordable housing provisions and instituted a timeline with penalties if the requirements are not met. Additionally, AB1484 will allow consideration of the loans between the City and the Agency once the new requirements have been met and the Certificate of Completion is issued by the Department of Finance.

We have received our Certificate of Completion from the Department of Finance. We will be submitting the Long Range Property Management Plan by October 1, 2013 also. Once that is finalized, we may begin paying back the Low Moderate Income Housing Fund and then the City.

Discussion:

The items on our ROPS are primarily the debt service payments due on the 1998 Housing Bonds, the 2001 Tax Allocation 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.

Attachments:

Recognized Obligation Payment Schedule for January-June 2014.
Resolution OB 2013-05

A handwritten signature in cursive script, appearing to read "Betsy Cooper", is written over a horizontal line.

Betsy Cooper
Deputy Finance Director

BRISBANE SUCCESSOR AGENCY OVERSIGHT BOARD

RESOLUTION NO. OB 2013-05

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE BRISBANE
SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION
PAYMENT SCHEDULE FOR THE JANUARY 1 – JUNE 30, 2014 SIX-
MONTH FISCAL PERIOD(ROPS 13-14B), 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, 2014 and continuing through June 30, 2014 (the ROPS 13-14B); and

WHEREAS, under the Dissolution Act, the ROPS 13-14B 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 September 3, 2013 to consider specific obligations listed on the ROPS 13-14B and to consider approval of the ROPS 13-14B, among other approvals; and

WHEREAS, after reviewing the ROPS 13-14B 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 ROPS 13-14B 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 ROPS 13-14B in the form presented to the Oversight Board and attached hereto as Exhibit A, including the agreements and obligations described in the ROPS 13-14B, 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 ROPS 13-14B 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 ROPS 13-14B 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 ROPS 13-14B on the Successor Agency website, transmit the ROPS 13-14B 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 ROPS 13-14B 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 ROPS 13-14B as may be necessary to submit the ROPS 13-14B in any modified form required by the DOF, and the ROPS 13-14B as so modified shall thereupon constitute the ROPS 13-14B 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 September 11, 2013, by the Members of the Oversight Board of the Successor Agency with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sheri Marie Spediacci, Board Secretary

Exhibit A

[Insert ROPS, including cover page]

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Brisbane
 Name of County: San Mateo

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF)		
A	Funding Sources (B+C+D):	\$
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 1,854,146
F	Non-Administrative Costs (ROPS Detail)	1,729,146
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 1,854,146

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I	Enforceable Obligations funded with RPTTF (E):
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)
K	Adjusted Current Period RPTTF Requested Funding (I-J)
	\$ 1,846,692

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L	Enforceable Obligations funded with RPTTF (E):
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)
N	Adjusted Current Period RPTTF Requested Funding (L-M)
	1,854,146

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 _____ Title _____
 /s/ _____
 Signature _____ Date _____

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(f), 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.														
A	B	C	D	E	F	G	H	I	J	K				
Fund Sources														
		Bond Proceeds		Reserve Balance		Other	RPTTF		Total					
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin						
Fund Balance Information by ROPS Period														
ROPS III Actuals (01/01/13 - 6/30/13)														
Beginning Available Fund Balance (Actual 01/01/13)														
1	Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)						(20,589,865)			\$ (20,589,865)	The 1,004,796 is the July-December 2013 RPTTF paid in June 2013, so it increases the fund balance.			
Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller					1,004,796		1,719,280		109,000	\$ 2,833,076				
Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs							1,714,326		144,664	\$ 1,858,990				
Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III										\$ -				
ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.				No entry required										
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ 1,004,796	\$ -	\$ (20,584,911)	\$ (35,664)	\$ -	\$ 7,454	\$ (19,623,233)			
ROPS 13-14A Estimate (07/01/13 - 12/31/13)														
Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)		\$ -	\$ -	\$ -	\$ 1,004,796	\$ -	\$ (20,577,457)	\$ (35,664)	\$ -	\$ (19,615,779)				
Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller							1,004,796			\$ 1,004,796				
Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)							1,004,796			\$ 1,004,796				
Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A										\$ -				
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ 1,004,796	\$ -	\$ (20,577,457)	\$ (35,664)	\$ -	\$ (19,615,779)				

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

Item #	Project Name / Debt Obligation	C	D	E	F	G	H	I	J	K	L	Funding Source					P		
												Non-Redevelopment Property Tax Trust Fund							
												(Non-RTTF)							
												RTTF							
												Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six Month Total		
												\$	\$	\$	\$	\$	\$	\$	
1	2001 Tax Allocation Bonds		3/1/2001		Housing Financing Authority	Refinance of 1984 Bonds and Leases/Leaseback Agreement	#1	\$ 39,863,412	N								\$ 1,729,146	\$ 125,000	\$ 1,854,146
2	Completion of 2001 Marina Financing		3/1/2001		City of Esplanade	Refinance of 1984 Leases/Leaseback Agreement	#1	2,620,962	N								3,620		3,620
3	2001 Tax Allocation Bonds		3/1/2001		Bank of New York Mellon	Annual Trustee Fee for bond issue	#1		N								3,620		3,620
4	2001 Tax Allocation Bonds		3/1/2001		NBS Government Finance	Continuing Disclosure Costs & 1915 Act Administration	#1		N								700		700
5	Due to Housing Fund				Housing Successor Agency	Ordered Housing Set-aside	#1	4,892,936	N										
6	Due to Housing Fund				Housing Successor Agency	SENAP Payment from State Take-Away	#1	845,019	N										
8	2005 Leased Revenue Bond		2/1/2005		Housing Financing Authority	Refinance of 1995 Certificates of Participation	#2	1,254,866	N								194,555		194,555
9	2005 Leased Revenue Bond		2/1/2005		Bank of New York Mellon	Annual Trustee Fee for bond issue	#2		N								2,500		2,500
10	1998 Tax Allocation Bonds		2/1/1998		Bank of New York Mellon	Senior Housing Bonds	#1	1,764,615	N								31,778		31,778
11	1998 Tax Allocation Bonds		2/1/1998		Bank of New York Mellon	Annual Trustee Fee for bond issue	#1		N								2,120		2,120
12	REDA 2 Revenue Shortfall		8/1/1999		City of Esplanade	1986 TABS shortfall advanced from the city	#2	1,964,824	N										
13	Due to Housing Fund				Housing Successor Agency	SENAP Payment from State Take-Away	#2	572,509	N										
15	Annual Administrative Costs				City of Esplanade	Amortization of Successor Agency	#1		N									125,000	
16	AB 1434 Review		6/1/2012		To be determined	Audit Year review of Low-Mid Housing and Successor Agency	#1		Y										

Recognized Obligation Payment Schedule 13-14B - Notes January 1, 2014 through June 30, 2014	
Item #	Notes/Comments
	We are looking to refinance all the bonds into a single issue. Should this happen, then the debt service for January to June 2014 would decrease