

# *City of Brisbane Redevelopment Agency*

## *Agenda Report*

To: City Council via City Manager

From: Administrative Services Director

Subject: Adoption of Resolution RA 2012-0 for the approval of an additional Enforceable Obligations for the Redevelopment Agency

Date: January 23, 2012

### **Purpose:**

Abide by AB 1X 26 and publicly approve the Redevelopment Agency's additional Enforceable Obligations through the end of June 2012.

### **Recommendation:**

Adopt Resolution RA 2012-01 which directs staff to post the enforceable obligations on the City website, designate an Agency representative to whom all questions related to the Enforceable Obligation Payment Schedule can be directed, notify the County Auditor-Controller, the Department of Finance, and the State Controller of the Agency action to adopt the Enforceable Obligation Payment Schedule, and to take other actions needed to effectuate the intent of the Resolution

### **Background:**

On Thursday August 11, 2011 the Supreme Court issued a stay relating to the State's AB 1X 26 and AB 1X 27. However, Health and Safety Code Section 34167(h), which was not stayed by the court order, provides that after sixty days after the effectiveness of AB 1X 26, an agency cannot make a payment on any enforceable obligation unless it is listed on an Enforcement Obligations Payment Schedule.

On August 22, 2011 the Redevelopment Agency Board adopted RA 2011-02 which included all of the known obligations at that time and then has been updating that schedule as needed since that time.

The attached Resolution and Schedule indicate new obligations in italics

### **Discussion:**

In order to pay these bills the RDA needs to amend its Enforceable Obligation Schedule to include this additional payments.

Newly included items are Bank of New York Trustee Costs, NBS continuing disclosure costs, loans made from the City to the Redevelopment Agency, Loans made from the Housing Fund to the Redevelopment Agency Area 1, Pass Through payment from the Redevelopment Agency to the City of Brisbane, and Davey Tree for maintaining our property on Visitacion.

**Fiscal Impact:**

These are existing obligations of the Redevelopment Agency and therefore there is not further impact on the Agency.

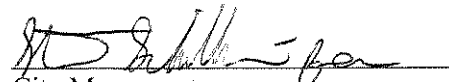
**Measure of Success**

The Agency complies with AB 1X 26.

**Attachments:**

Resolution RA 2012-01  
Enforceable Obligation Payment Schedule

  
\_\_\_\_\_  
Administrative Services Director  
Stuart Schillinger

  
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City Manager  
Clay Holstine

RESOLUTION NO. RA 2012-01

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY  
OF BRISBANE APPROVING AND ADOPTING THE ENFORCEABLE  
OBLIGATION PAYMENT SCHEDULE PURSUANT TO  
PART 1.8 OF THE REDEVELOPMENT LAW

WHEREAS, the City Council of the City of Brisbane ("City Council") adopted the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number One by Ordinance No. 219, adopted on December 6, 1976, as amended by Ordinance No. 396, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 465, adopted on March 25, 2002, as amended by Ordinance No. 464, adopted on May 13, 2002, as amended by Ordinance No. 491, adopted on July 19, 2004, and as further amended by Ordinance No. 510, adopted on April 17, 2006, establishing the Brisbane Community Redevelopment Project Area Number One ("Redevelopment Plan One"); and

WHEREAS, the City Council also adopted the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number Two by Ordinance No. 284, adopted on June 14, 1982, as amended by Ordinance No. 342, adopted on October 12, 1988, as amended by Ordinance No. 397, adopted on January 9, 1995, as amended by Ordinance No. 442, adopted on November 8, 1999, as amended by Ordinance No. 471, adopted on July 22, 2002, as amended by Ordinance No. 472, adopted on July 22, 2002, as amended by Ordinance No. 492, adopted on July 19, 2004, and as further amended by Ordinance No. 511, adopted on April 17, 2006, establishing the Brisbane Community Redevelopment Project Area Number Two ("Redevelopment Plan Two ") (collectively, Redevelopment Plan One and Redevelopment Plan Two shall be referred to as "Redevelopment Plans"); and

WHEREAS, the Redevelopment Agency of the City of Brisbane (the "Agency") is responsible for implementing the Redevelopment Plans pursuant to the Redevelopment Law; and

WHEREAS, Section 34169 of the California Redevelopment Law provides that the Agency may adopt an Enforceable Obligation Schedule listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law and to designate an official of the Agency whose responsibility shall be to provide information and documentation for items listed in the Enforceable Obligation Payment Schedule; and

WHEREAS, as further set forth in the staff report accompanying this Resolution (the "Staff Report"), the Agency has prepared a schedule setting forth all of the obligations which the Agency has determined are enforceable obligations under Section 34167(d) of the Redevelopment Law (the "Enforceable Obligation Payment Schedule"); and

WHEREAS under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of this Enforceable Obligation Payment Schedule is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future

projects and programs, and does not commit funds to any specific project or program, because it merely lists enforceable obligations previously entered into and approved by the Agency; and

WHEREAS, the Agency Board has reviewed and duly considered the Staff Report, the proposed Enforceable Obligation Payment Schedule, and documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, that the Agency Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The Agency Board therefore directs that a Notice of Exemption be filed with the County Clerk of the County of San Mateo in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED, that the Agency Board hereby approves and adopts the Enforceable Obligation Payment Schedule.

BE IT FURTHER RESOLVED, that the Agency Board authorizes and directs the Agency's Executive Director or the Executive Director's designee to: (1) post the Enforceable Obligation Payment Schedule on the Agency and the City's websites, (2) designate an Agency representative to whom all questions related to the Enforceable Obligation Payment Schedule can be directed, (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the State Controller of the Agency's action to adopt the Enforceable Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Agency's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the Agency.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

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Cliff Lentz, Agency Chairperson

The above and foregoing resolution was duly and regularly passed and adopted at a meeting by the Agency Board on the 23rd day of January, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the Agency Secretary of the Redevelopment Agency of the City of Brisbane.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Redevelopment Agency of City of Brisbane this 23rd day of January, 2012.

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Sheri Marie Spediacci, Agency Secretary

**AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)  
 1/23/2012

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						Total
					January	February	March	April	May	June	
1) 2001 Tax Allocation Bond	Brisbane Financing Authority	Non-housing projects	25,990,600.00	1,934,800.00							\$ 1,447,740.00
2) 2001 Tax Allocation Bond	Bank of New York	Trustee Costs for processing bond issue		3,821.00					1,447,740.00		\$ 3,821.00
3) 2001 Tax Allocation Bond	NES Government Finance	Continuing Disclosure Costs		2,447.72							\$ -
4) 2005 Lease Revenue Bond	Brisbane Financing Authority	Non-housing projects	1,479,522.30	216,057.00							\$ 148,338.64
5) 2005 Lease Revenue Bond	Bank of New York	Trustee Costs for processing bond issue		2,500.00				148,338.64			\$ 2,500.00
6) 1998 Tax Allocation Bond	Bank of New York	Housing projects	1,964,633.75	115,428.75							\$ 34,590.00
7) Completion of 2001 Marina Refinancing	City of Brisbane	Development of Marina	2,629,662.37	45,920.00						45,920.00	\$ 45,920.00
8) RDA 2 Revenue Shortfall	City of Brisbane	Housing Fund Payments	1,294,401.11	1,294,401.11							\$ 1,294,401.11
9) Due to Housing Fund	City of Brisbane	RDA 1 missed payments to Housing Fund	4,693,935.68	0.00							\$ -
10) Employee Costs	City of Brisbane	Payroll and benefits for employees	500,188.00	500,188.00							\$ 45,471.64
11) Purchase land for low-income housing	City of Brisbane	Housing projects	1,950,000.00	1,950,000.00							\$ -
12) Litigation with San Mateo Community College District	Goldfarb and Lipman	Attorney Fees		200,000.00							\$ 16,000.00
13) General County Tax	San Mateo County	pass-through payments under H&S Code section 33607.7		55,382.90					55,382.90		\$ 55,382.90
14) City of Brisbane	City of Brisbane	pass-through payments under H&S Code section 33607.7		60,500.00					60,500.00		\$ 60,500.00
15) Free Library	San Mateo County	pass-through payments under H&S Code section 33607.7		8,073.29					8,073.29		\$ 8,073.29
16) Bayshore Elementary General Purpose	Bayshore Elementary School District	pass-through payments under H&S Code section 33607.7		13,474.77					13,474.77		\$ 13,474.77
17) Brisbane Elementary General Purpose	Brisbane Elementary School District	pass-through payments under H&S Code section 33607.7		43,060.04					43,060.04		\$ 43,060.04
18) Jefferson High General Purpose	Jefferson Union High School District	pass-through payments under H&S Code section 33607.7		67,529.02					67,529.02		\$ 67,529.02
19) SM Jr. College General Purpose	San Mateo Junior College District	pass-through payments under H&S Code section 33607.7		18,694.28					18,694.28		\$ 18,694.28
20) Bayshore Sanitary District	Bayshore Sanitary District	pass-through payments under H&S Code section 33607.7		2,139.62					2,139.62		\$ 2,139.62
21) Bay Area Air Quality Management	Bay Area Air Quality Management	pass-through payments under H&S Code section 33607.7		576.53					576.53		\$ 576.53
22) County Harbour District	San Mateo County Harbour District	pass-through payments under H&S Code section 33607.7		972.60					972.60		\$ 972.60
23) County Education Tax	San Mateo County	pass-through payments under H&S Code section 33607.7		9,737.02					9,737.02		\$ 9,737.02
24) CRA Lawsuit	California Redevelopment Association	Agency portion of CRA law suit	200.00	200.00							\$ 200.00
25) Maintenance of Property on Visitation	Davey Tree	Removal of a hazardous tree at 105 Visitation	765.00	765.00							\$ 765.00
<b>Totals - This Page</b>			\$ 43,453,608.21	\$ 6,496,666.65	\$ 62,236.64	\$ -	\$ -	\$ 148,338.64	\$ 1,727,860.07	\$ 45,920.00	\$ 3,319,887.46
<b>Totals - Other Obligations</b>			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Grand total - All Pages</b>			\$ 43,453,608.21	\$ 6,496,666.65	\$ 62,236.64	\$ -	\$ -	\$ 148,338.64	\$ 1,727,860.07	\$ 45,920.00	\$ 3,319,887.46