



ITEM NO. _____

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STAFF REPORT

DATE: FEBRUARY 21, 2012

TO: MAYOR AND CITY COUNCIL MEMBERS, ACTING AS
SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT
AGENCY FOR THE CITY OF COLTON

FROM: ROD FOSTER, CITY MANAGER
BONNIE JOHNSON, MANAGEMENT SERVICES DIRECTOR

PREPARED BY: DEAN DERLETH, CITY ATTORNEY
DELMAR WILLIAMS, CITY ATTORNEY

SUBJECT: ADOPTION OF THE FOLLOWING CITY RESOLUTION, AS
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR
THE CITY OF COLTON: APPROVING AND ADOPTING AN
INITIAL DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT
SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE
SECTION 34177(l)

RECOMMENDED ACTION

It is recommended that the City Council of the City of Colton, acting as the successor agency to the dissolved Redevelopment Agency for the City of Colton, adopt Resolution No. SAR-02-12, approving and adopting a draft Recognized Obligation Payment Schedule, pursuant to Health and Safety Code section 34177(l).

GOAL STATEMENT

Prepare required draft "Recognized Obligation Payment Schedule" pursuant to Health and Safety Code section 34177(l).

BACKGROUND

AB 1X 26 dissolved the Redevelopment Agency for the City of Colton ("Agency") as of February 1, 2012. The City of Colton ("RDA Successor Agency") is the successor agency of the Agency. One of the RDA Successor Agency's responsibilities under AB 1X 26 is to prepare a draft Recognized Obligation Payment Schedule ("ROPS") listing all of the outstanding debts and obligations of the former Agency, submit the draft ROPS to the County of San Bernardino Auditor-Controller ("Auditor-Controller") for certification and, after certification, submit the draft ROPS to the RDA Successor Agency's Oversight Board for approval.

ISSUE/ANALYSIS

One of the responsibilities of the RDA Successor Agency is to prepare a draft ROPS for each six (6) month fiscal period listing the nature, amount, and source(s) of payment of all outstanding “enforceable obligations” of the dissolved Agency (as defined by law) to be paid or performed by the RDA Successor Agency. Each ROPS is required to be forward-looking and show obligations over each six month fiscal period. The initial draft ROPS is required to cover the period from February 1, 2012, through June 30, 2012. Only payments required pursuant to the ROPS may be made by the RDA Successor Agency, after May 1, 2012.

The “enforceable obligations” listed in the ROPS may include the following: (1) bonds; (2) loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; (3) payments required by the federal government, preexisting obligations to the state or obligations imposed by state law; (4) judgments, settlements or binding arbitration decisions that bind the agency; (5) legally binding and enforceable agreements or contracts; (6) contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies; and (7) amounts borrowed from or payments owing to the Low and Moderate Income Housing Fund that had been deferred as of June 29, 2011.

Pursuant to Health and Safety Code section 34177(1)(2), as modified by the Supreme Court, by March 1, 2012, the RDA Successor Agency is required to prepare a draft ROPS covering the period from February 1, 2012, through June 30, 2012. This draft ROPS is to be submitted to the County of San Bernardino Auditor-Controller or its designee for review and certification as to its accuracy. The certified ROPS is to be submitted to the RDA Successor Agency’s Oversight Board for approval. The Oversight Board approved ROPS is to be submitted to the County of San Bernardino Auditor-Controller, the State Controller’s office and the State Department of Finance and posted on the RDA Successor Agency’s website.

The RDA Successor Agency has prepared a draft ROPS covering the period from February 1, 2012 through June 30, 2012. The draft ROPS, if approved by the RDA Successor Agency, will need to be submitted to the County of San Bernardino Auditor-Controller for review and certification and, after certification, submitted to the RDA Successor Agency’s Oversight Board for approval.

The RDA Successor Agency Oversight Board will be composed of seven members, as follows: (1) one member appointed by the County of San Bernardino Board of Supervisors; (2) one member appointed by the Mayor of the City; (3) one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the Agency that is eligible to receive property tax revenues pursuant to Health and Safety Code Section 34188; (4) one member appointed by the County of San Bernardino Superintendent of Education, if the Superintendent is elected, otherwise by the County of San Bernardino Board of Education; (5) one member appointed by the Chancellor of the California Community Colleges; (6) one member of the public appointed by the County of San Bernardino Board of Supervisors; and (7) one member representing the employees of the Agency appointed by the Mayor of the City from the recognized employee organization representing the largest number of Agency employees

employed by the City at that time. The RDA Successor Agency Oversight Board is required by law to report its membership to the State of California Department of Finance by May 1, 2012. The Governor may appoint individuals to fill any oversight board positions that are not filled by May 15, 2012, or any position that remains vacant for more than 60 days.

FISCAL IMPACT

No RDA Successor Agency funds are involved with the adoption of the draft ROPS. The initial draft of the ROPS simply lists outstanding obligations of the dissolved Agency that are to be performed by the RDA Successor Agency with property tax increment revenues to be allocated to the RDA Successor Agency, subject to the payment priority provisions of AB 1X 26.

ALTERNATIVE

The RDA Successor Agency may wish to consider the following alternative:

1. Provide alternative direction to staff.

ATTACHMENT

1. RDA Successor Agency Resolution No. SAR-02-12

RESOLUTION NO. SAR-02-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, SERVING AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY FOR THE CITY OF COLTON, APPROVING AND ADOPTING AN INITIAL DRAFT OF A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the City of Colton ("RDA Successor Agency") is the successor agency to the dissolved Redevelopment Agency for the City of Colton ("Agency"), confirmed by Resolution No. R-01-12 adopted on January 11, 2012; and

WHEREAS, Health and Safety Code section 34177(l)(2), as modified by the Supreme Court opinion in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, requires the RDA Successor Agency to prepare an initial draft of a "recognized obligation payment schedule" ("ROPS") by March 1, 2012, listing outstanding obligations of the Agency to be performed by the RDA Successor Agency during the time period from February 1, 2012, through June 30, 2012; and

WHEREAS, Health and Safety Code section 34177(l)(2) requires the RDA Successor Agency to submit the initial draft of the ROPS to either the County of San Bernardino Auditor-Controller or its designee, for the auditor's review and certification as to the accuracy of the ROPS; and

WHEREAS, Health and Safety Code section 34177(l)(2) requires the RDA Successor Agency to submit the ROPS certified by the external auditor to the RDA Successor Agency's "oversight board" ("Oversight Board") for approval and, upon such approval, the RDA Successor Agency is required to submit a copy of such approved ROPS to the County of San Bernardino Auditor-Controller, the California State Controller, and the State of California Department of Finance and post the Approved ROPS on the RDA Successor Agency's website;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON, SERVING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON, DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The approval of the initial draft of the ROPS through this Resolution does not commit the RDA Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk, acting on behalf of the RDA Successor Agency, is authorized and directed to file a Notice of Exemption with the appropriate official of the County of San Bernardino, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Approval of Initial Draft of the ROPS. The RDA Successor Agency hereby approves and adopts the initial draft of the ROPS, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. Transmittal of Initial Draft of the ROPS. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding preparation of the initial ROPS, including submitting the initial draft of the ROPS to the County of San Bernardino Auditor-Controller or its designee for certification, submission of the external auditor certified ROPS to the Oversight Board for approval, submission of the Oversight Board approved ROPS to the County of San Bernardino Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the approved ROPS on the RDA Successor Agency website.

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The RDA Successor Agency declares that the RDA Successor Agency would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Certification. The City Clerk, acting on behalf of the RDA Successor Agency, shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 21st day of February, 2012.

Sarah S. Zamora, Mayor

ATTEST:

Eileen C. Gomez, CMC
City Clerk

EXHIBIT A

INITIAL DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE

[Attached behind this page]

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Funding Source(s)	Annual Due Date(s)	Obligation End Date	Payments by month											
								Feb	Due Date	Mar	Due Date	Apr	Due Date	May	Due Date	June	Due Date	Feb-Jun Total	
1) 1998 Tax Allocation Bonds Series A & B	US Bank	Bond issue to fund capital projects	33,593,805.00	5,259,813.51	2	Aug. 1 / Feb. 1	Aug. 2018	592,648.00	Feb. 1	178,944.00	Mar. 1					2,352,647.51	Aug. 1	2,945,295.51	
2) 1999 Tax Allocation Bonds	US Bank	Bond issue to fund capital projects	11,734,865.00	739,550.38	2	Sept. 1 / Mar. 1	Sept. 2036									482,888.38	Sept. 1	482,888.38	
3) 2004 Tax Allocation Bonds	US Bank	Bond issue to fund housing projects	8,173,174.00	879,985.75	2	Aug. 1 / Feb. 1	Aug. 2026	128,464.00	Feb. 1							373,463.75	Aug. 1	501,927.75	
4) Reassessment District (RAD) 00-1	Union Bank	Bond issue to fund housing projects	276,700.00	68,487.50	3,4	Sept. 1 / Mar. 1	Sept. 2019			15,957.50	Mar. 1					25,957.50	Sept. 1	41,915.00	
5) CIEDB Loan Agreement	iBank	Loan for Project area	1,623,234.00	149,699.47	2	Jul. 15 / Jan. 15	Jul. 2021									128,676.23	Jul. 15	128,676.23	
6) CIEDB Loan Agreement	iBank	Administration Fee	3,763.52	3,763.52	2	Jul. 15	Jul. 2021									3,763.52	Jul. 15	3,763.52	
7) Price Company CDA	Price Company	Disposition & Development Agrmnt/Promissory Note	2,175,013.00	152,251.00	2	Jun. 30	Jul. 2037	40,559.00	Feb. 28	40,559.00	Mar. 1	40,559.00	Apr. 30	40,559.00	May 31	40,561.00	Jun. 30	152,251.00	
8) Employee Costs **	Employees of Agency	Salary and benefit costs for employees	693,967.42	693,967.42	1,2	Monthly	**											202,787.00	
9) Employee Costs **	PERS	PERS pension cost	47,031.81	27,435.24		Monthly												0.00	
10) Ranch Med HOA Fees	Rancho Mediterranean HOA	HOA fees	45,000.00	45,000.00	3,4	Monthly	Sale of property	4,478.00	Feb. 28	4,478.00	Mar. 31	4,478.00	Apr. 30	4,478.00	May 31	4,485.00	Jun. 30	22,397.00	
11) Elito Management	Elito Management	Property management fees	30,000.00	30,000.00	3,4	Monthly	Sale of property	2,500.00	Feb. 28	2,500.00	Mar. 31	2,500.00	Apr. 30	2,500.00	May 31	5,000.00	Jun. 30	15,000.00	
12) Rancho Med	Alvarado Pacific Insurance Services	Premiums	800.00	800.00	3,4	Monthly	Sale of property									800.00	Jun. 30	800.00	
13) RDA DS Project areas	San Bernardino County	Fees deducted for Tax Increment Allocations	30,000.00	30,000.00	2	Monthly	Expiration of project areas	2,500.00	Feb. 28	2,500.00	Mar. 31	2,500.00	Apr. 30	2,500.00	May 31	6,420.21	Jun. 30	18,420.21	
14) TABS Arbitrage Fees	William Financial Services	Arbitrage calculations	8,750.00	8,750.00	2	Sept. 30 / May 31	Bond repayment									5,000.00	Sept. 30	5,000.00	
15) TABS Continuing Disclosures	Hdl. Coren & Coren	Annual Continuing Disclosures & Disseminations	9,000.00	9,000.00	2	Mar. 31	Bond repayment			9,000.00	Mar. 31					9,000.00	Mar. 31	9,000.00	
16) RAD 00-1	NBS	Reassessment District Assessment Calculation Fees	2,327.10	2,327.10	3,4	Jul/Sep/Jun/Mar	Sept. 2019			316.00	Mar. 31					827.10	Jul. 31	1,143.10	
17) Property Tax Analysis	Hdl. Coren & Coren	Property tax analysis	7,000.00	7,000.00		Nov/Jun	Expiration of project areas									0.00		0.00	
18) TABS Administration Fees	US Bank	TABS Administration Fees	25,542.00	25,542.00	2	Sept / Nov / Jun	Bond repayment									13,200.00	Jun. 30	13,200.00	
19) Reassessment District 00-1	Union Bank	Reassessment District Administration Fees	3,200.00	3,200.00	3,4	Feb	Bond repayment	3,200.00	Feb. 28									3,200.00	
20) Storage Costs **	Cornerstone Records Management	Storage services	707.00	707.00		Monthly	Expiration of project areas											0.00	
21) Professional Association **	California Redevelopment Association	Membership dues & legal assessments	6,675.00	6,675.00		Sep	Expiration of project areas									0.00		0.00	
22) Professional Association **	Intl Council of Shopping Centers	Membership dues	100.00	100.00		Nov. 30	Expiration of project areas									0.00		0.00	
23) Professional Association **	NAIOP	Annual membership	475.00	475.00		Nov. 30	Expiration of project areas									0.00		0.00	
24) Contract for cellular phone **	Sprint	Cell phone services	315.00	315.00		Monthly	Expiration of project areas											0.00	
25) Rancho Med	Larry Weaver	Legal services	5,000.00	5,000.00	3,4	Monthly	Sale of property	545.00	Feb. 28	545.00	Mar. 31	545.00	Apr. 30	545.00	May 31	539.82	Jun. 30	2,719.82	
26) RDA Audit **	Lance, Soli, Lingham	RDA annual financial audit and report	16,311.00	16,311.00		Oct/Dec/Jan	Expiration of project areas									0.00		0.00	
27) Participation/Cooperation Agreement	East Valley Land Co.	Ownership Participation Agreement	1,914,696.00	239,337.00	2	Quarterly	Jun. 2020			45,000.00	Mar. 31					90,000.00	Jun. 30	135,000.00	
28) Redevelopment Agency **	Urban Futures Inc. (UFI)	Financial advisory services	24,846.43	24,846.43	1	Jun. 30	Jun. 2012									7,713.00	Jun. 30	7,713.00	
Totals - This Page																\$ 3,494,003.02		\$ 4,871,110.92	
Totals - Page 2																\$ 51,832.00		\$ 4,129,869.00	
Totals - Other Obligations																\$ 17,055.80		\$ 4,129,869.00	
Grand total - All Pages																\$ -		\$ 1,709,435.33	
																\$ 68,887.80		\$ 10,510,414.85	

Funding sources:
(1) Administrative Cost Allowance
(2) Redevelopment Property Tax Trust Fund
(3) Low and Moderate Income Housing Fund
(4) Other - Includes rental income and interest income

* This Recognized Obligation Payment Schedule (ROPS) is valid through February 1 through June 30, 2012 and must be prepared by the Successor Agency (City) by March 1, 2012.
** Subject to Administrative Cost Allowance in the amount of 8% of available property tax for 2011-12.

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Funding Source(s)	Annual Due Date(s)	Obligation End Date	Payments by month											
								Feb	Due Date	Mar	Due Date	Apr	Due Date	May	Due Date	June	Due Date	Feb-Jun Total	
1) Redevelopment Agency **	Best Best & Kringer	Legal services	93,300.00	77,947.03	1	Monthly	Expiration of project areas	7,898.00	Feb. 28	7,898.00	Mar. 31	7,898.00	Apr. 30	7,898.00	May 31	7,898.00	Jun. 30	39,490.00	
2) Redevelopment Agency **	Intl Council of Shopping Centers	Annual Conference	490.00	490.00		Nov. 30	Expiration of project areas											0.00	
3) Redevelopment Agency **	Office Depot	Office supplies	30	30		Monthly	Expiration of project areas											0.00	
4) Redevelopment Agency **	Daily Journal	Public notices	0	0		Jun 30	Expiration of project areas											0.00	
5) Redevelopment Agency **	City of Colton- Inventory	Fuel usage	0	0		Monthly	Expiration of project areas											0.00	
6) Rancho Med	City of Colton- Public Works	Lot clearing, capital improvements	49,164.00	49,164.00		Monthly	Expiration of project areas	9,157.80	Feb. 28	9,157.80	Mar. 31	9,157.80	Apr. 30	9,157.80	May 31	9,157.80	Jun. 30	45,789.00	
7) West Valley Project area	RBF Consulting	Habitat Conservation Plan	32,992.00	32,992.00	3,4	Feb/Apr	Expiration of project areas	2,000.00	Feb. 28			763.00	Apr. 30					3,163.00	
8) West Valley Project area	City of Colton -Water Fund	Loan from City of Colton Water Fund	2,073,000.00	2,073,000.00	2	Jun 30	Sale of property									2,073,000.00	Jun. 30	2,073,000.00	
9) Mt. Vernon Project area	City of Colton -CJP Colton Crossing Proj	Laurel Street undercrossing	1,500,000.00	1,500,000.00		Jan 31	January 2012											0.00	
10) Rancho Mill Project area	City of Colton -CJP Colton Crossing Proj	Laurel Street undercrossing	150,000.00	150,000.00		Jan 31	January 2012											0.00	
11) Redevelopment Agency **	City of Colton	Administrative allocation	92,197.00	92,197.00		Monthly	**											0.00	
12) Low/Mod Capital Projects	Chicago Title	Title Reports	1,000.00	1,000.00		Jan 31	January 2012											0.00	
13) Low/Mod Capital Projects	James Smothers Appraisal	Appraisal Services	3,500.00	3,500.00		Jan 31	January 2012											0.00	
21) Rancho Mill Project area	Low/Mod Project area	SERAF	75,000.00	75,000.00	2	Jun 30	June 2012									75,000.00	Jun. 30	75,000.00	
22) Mt. Vernon Project area	Low/Mod Project area	SERAF	442,977.00	442,977.00	2	Jun 30	June 2012									442,977.00	Jun. 30	442,977.00	
23) Downtown 1 Project area	Low/Mod Project area	SERAF	50,000.00	50,000.00	2	Jun 30	June 2012									50,000.00	Jun. 30	50,000.00	
24) Downtown 2 Project area	Low/Mod Project area	SERAF	450,000.00	450,000.00	2	Jun 30	June 2012									450,000.00	Jun. 30	450,000.00	
25) West Valley Project area	Low/Mod Project area	SERAF	442,975.00	442,975.00	2	Jun 30	June 2012									442,975.00	Jun. 30	442,975.00	
26) Santa River Project area	Low/Mod Project area	SERAF	442,975.00	442,975.00	2	Jun 30	June 2012									442,975.00	Jun. 30	442,975.00	
27) All project areas	Colton Chamber of Commerce	Business retention services	50,000.00	50,000.00	2	Apr 15	June 2012					50,000.00	Apr. 15					50,000.00	
28) TABS administration	City of Colton	Bond administration by Successor Agency staff	3,000.00	3,000.00	2	Jun 30	June 2012									3,000.00	Jun. 30	3,000.00	
29) CIEDB administration	City of Colton	Loan administration by Successor Agency staff	1,000.00	1,000.00	2	Jun 30	June 2012									1,000.00	Jun. 30	1,000.00	
30) DDA administration	City of Colton	DDA administration by Successor Agency staff	1,000.00	1,000.00	2	Jun 30	June 2012									1,000.00	Jun. 30	1,000.00	
31) Rancho Med parcel administration	City of Colton	Administration by Successor Agency staff for 26 lots	2,500.00	2,500.00	2	Jun 30	June 2012									2,500.00	Jun. 30	2,500.00	
32) RAD 03-01 administration	City of Colton	Assessment District admin by Successor Agency staff	1,000.00	1,000.00	2	Jun 30	June 2012									1,000.00	Jun. 30	1,000.00	
33) Property tax analysis review	City of Colton	Review of tax analysis by Successor Agency staff	2,500.00	2,500.00	2	Jun 30	June 2012									2,500.00	Jun. 30	2,500.00	
34) Ownership participation agreement admin	City of Colton	Administration of OPA by Successor Agency staff	1,000.00	1,000.00	2	Jun 30	June 2012									1,000.00	Jun. 30	1,000.00	
35) Dissolution of assets	City of Colton	Costs assoc. with sale of assets by Successor Agency	2,500.00	2,500.00	2	Jun 30	June 2012									2,500.00	Jun. 30	2,500.00	
Totals - This Page			\$ 5,964,100.00	\$ 5,948,747.03				\$ 19,455.80		\$ 17,055.80		\$ 67,818.80		\$ 17,055.80		\$ 4,008,482.80		\$ 4,125,869.00	

Funding sources:

- (1) Administrative Cost Allowance
- (2) Redevelopment Property Tax Trust Fund
- (3) Low and Moderate Income Housing Fund
- (4) Other - Includes rental income and interest income

* This Recognized Obligation Payment Schedule (ROPS) is valid through February 1 through June 30, 2012 and must be prepared by the Successor Agency (City) by March 1, 2012.
** Subject to Administrative Cost Allowance in the amount of 5% of available property tax for 2011-12.

