

RESOLUTION NO. 13-08

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JANUARY 1, 2014, THROUGH JUNE 30, 2014, PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34179, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

WHEREAS, The City of Montclair Redevelopment Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Montclair ("City"); and

WHEREAS, Assembly Bill X1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012, under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution considered and approved by the City Council at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34179, the Successor Agency's Oversight Board has been formed and the initial meeting has occurred on April 25, 2012; and

WHEREAS, the State Legislature approved and the Governor signed AB 1484 on June 29, 2012; and

WHEREAS, AB 1484 changed the date for submittal of the ROPS to no fewer than 90 days before the date of property tax distribution and included a \$10,000 per day fine for each day the ROPS is delinquent; and

WHEREAS, the ROPS for January 1, 2014, through June 30, 2014, must be submitted to the County and State by October 1, 2013; and

WHEREAS, the Oversight Board approved the ROPS for January 1, 2014, through June 30, 2014, on September 11, 2013 and authorized the Successor Agency to post the ROPS on the City/Successor Agency website and transmitted the ROPS to the County Auditor-Controller, the State Department of Finance ("DOF"), and the State Controller's Office; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for five (5) business days pending any request for review by DOF; and if DOF requests review

hereof, DOF will have 45 days from the date of its request to approve this Oversight Board action.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

Section 1. The Oversight Board finds and determines that the foregoing recitals incorporated into this Resolution by this reference are true and correct and constitute a material part of this Resolution.

Section 2. The Oversight Board approves the ROPS for the period of January 1, 2014, through June 30, 2014.

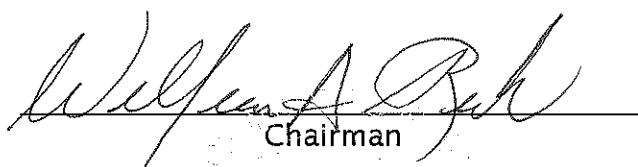
Section 3. The Oversight Board authorizes the Successor Agency to transmit the ROPS to the County Auditor-Controller, DOF, and the State Controller's Office.

Section 4. The Secretary of the Successor Agency or her authorized designee is directed to post the ROPS on the City/Successor Agency website pursuant to the Dissolution Act.

Section 5. This Resolution shall become effective after transmittal of this Resolution with the ROPS attached to DOF and the expiration of five (5) business days pending a request for the review of DOF within the time periods set forth in the Dissolution Act; in this regard, if DOF requests review hereof, it will have ten days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, would not be effective until approved by DOF.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution and shall maintain this Resolution on file as a public record and the ROPS as approved hereby.

APPROVED AND ADOPTED this 11th day of September, 2013.

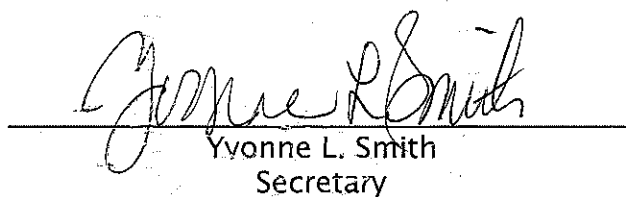

Chairman

ATTEST:


Secretary

I, Yvonne L. Smith, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 13-08 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the 11th day of September, 2013, and that it was adopted by the following vote, to-wit:

AYES: Stallings, Richardson, Kulbeck, Erickson, Catlin, Ruh
NOES: None
ABSTAIN: None
ABSENT: Johnson


Yvonne L. Smith
Secretary

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

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

Name of Successor Agency: Montclair
Name of County: San Bernardino

Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding	
A Sources (B+C+D):	\$ 129,196
B Bond Proceeds Funding (ROPS Detail)	-
C Reserve Balance Funding (ROPS Detail)	129,196
D Other Funding (ROPS Detail)	-
E Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 3,906,463
F Non-Administrative Costs (ROPS Detail)	3,906,463
G Administrative Costs (ROPS Detail)	-
H Current Period Enforceable Obligations (A+E):	\$ 4,035,659

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I Enforceable Obligations funded with RPTTF (E):	3,906,463
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
K Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 3,906,463

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L Enforceable Obligations funded with RPTTF (E):	3,906,463
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N Adjusted Current Period RPTTF Requested Funding (L-M)	3,906,463

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.

<u>Bill Ruh</u>	<u>Chairman</u>
Name	Title
<i>William A. Ruh</i>	<i>11, Sept. 2013</i>
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								Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF				
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Due Diligence Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc. (See Note Under Comments Heading)	Non-Admin	Admin	Total		
	Fund Balance Information by ROPS Period										
ROPS III Actuals (01/01/13 - 6/30/13)											
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)	18,128,386		248,408						\$ 18,376,794	Bond proceeds equals \$14,164,573 unexpended and \$3,963,812 with trustee. Due Diligence Review balances are available amounts after DDR payments.
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller						3,926,065	443,235		\$ 4,369,300	RPTTF receipts were ROPS III of \$1,240,282 for non-admin and \$193,235 of admin. received January 2013 and ROPS 13-14A of \$2,685,783 for non-admin and \$250,000 of admin. received June 2013. ROPS 13-14A amount was included to balance with 6/30/13 accounting and reporting records.
3	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	36		119,237			1,240,282	193,235		\$ 1,552,790	Expenditures from Reserves and RPTTF agree with Prior Period Adjustment Form.
4	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									\$ -	
5	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)	\$ 18,128,350	\$ -	\$ 129,171	\$ -	\$ -	\$ 2,685,783	\$ 250,000		\$ 21,193,304	Balance of bond proceeds represents \$14,164,573 of pre 2011 proceeds for projects and \$3,963,777 of trustee held restricted amounts.
ROPS 13-14A Estimate (07/01/13 - 12/31/13)											
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ 18,128,350	\$ -	\$ 129,171	\$ -	\$ -	\$ 2,685,783	\$ 250,000		\$ 21,193,304	Agrees with general ledger as of 6/30/13 and 7/1/13.
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller			25						\$ 25	
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)						2,685,783	250,000		\$ 2,935,783	
10	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			129,196						\$ 129,196	Obligated for administrative costs in excess of administrative cost allowance in accordance with HS Code §34171(b) as reserve utilization is allowed.
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ 18,128,350	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 18,128,350	Bond amounts held with Trustee are included but those amounts are not under control of the Agency and must be used as bond issues specify.

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Prior Period Adjustments
 reported for the ROPS III (January 1, 2013 through June 30, 2013) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS III Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS III (July through December 2013) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 13-14B (January through June 2014) period will be offset by the SA's self-reported ROPS III prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

ROPS III CAC PPA: To be completed by the CAC upon submittal of the ROPS 13-14B by the SA to Finance and the CAC

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB		
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures								RPTTF Expenditures																			
		LMIHF (Includes LMIHF Due Diligence Review (DDR) retained balances)		Bond Proceeds		Reserve Balance (Includes Other Funds and Assets DDR retained balances)		Other Funds		Non-Admin				Admin				Net SA Non-Admin and Admin PPA		Non-Admin CAC			Admin CAC			Net CAC Non-Admin and Admin PPA			
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized/ Available	Actual	Difference (If M is less than N, the difference is zero)	Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized/ Available	Actual	Difference (If R is less than S, the difference is zero)	Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (O + T))	Net Lesser of Authorized/ Available	Actual	Difference (If V is less than W, the difference is zero)	Net Lesser of Authorized/ Available	Actual	Difference (If Y is less than Z, the difference is zero)	Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (X + AA)		
		\$ -	\$ -	\$ -	\$ -	\$ 146,610	\$ 119,237	\$ -	\$ -	\$ 1,240,282	\$ 1,240,282	\$ 1,240,282	\$ -	\$ 193,235	\$ 193,235	\$ 193,235	\$ 193,235	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	SA Comments
1	1997 Taxable Tax Allocation Bonds									8,190	8,190	\$ 8,190	8,190	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
2	2007A Tax Allocation Refunding Bonds									534,375	534,375	\$ 534,375	534,375	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
3	2007B Taxable Tax Allocation Bonds									86,410	86,410	\$ 86,410	86,410	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
4	2004 Tax Allocation Bonds									111,188	111,188	\$ 111,188	111,188	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
5	2001 Tax Allocation Bonds									228,105	228,105	\$ 228,105	228,105	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
6	2006A Tax Allocation Bonds									194,114	194,114	\$ 194,114	194,114	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
7	2006B Tax Allocation Bonds									77,900	77,900	\$ 77,900	77,900	\$ -			\$ -		\$ -	\$ -			\$ -			\$ -			
43	City of Montclair Administrative Reimbursement Agreement 12-49					146,610	119,237					\$ -		\$ -	193,235	193,235	\$ 193,235	193,235	\$ -	\$ -			\$ -			\$ -			See Notes for reimbursement agreement

Recognized Obligation Payment Schedule 13-14B - Notes

January 1, 2014 through June 30, 2014

Item #	Notes/Comments
1 - 7	Bond Pledged Revenues - For bond issues, tax increment is pledged entirely for the bond debt service until the amount due during the bond year is received. Therefore, the amount claimed represent the amounts due during the bond year and those amounts should be allocated to satisfy that pledge prior to monies being swept to the taxing entities.
43	<p>Reimbursement Agreement - City Agreement Number 12-49 was executed between the City of Montclair and the City of Montclair as Successor Agency for the City of Montclair Redevelopment Agency as of February 1, 2012 and it covers use of City personnel and resources by the Successor Agency. It was approved by the Oversight Board at its June 3, 2012 meeting. It has been the practice, since the inception of the Successor Agency, to reimburse the City, for costs associated with its operations in accordance with this agreement. However, for EOPS and ROPS reporting that practice has not been previously recognized. In preparing those, the practice of detailing administrative cost items has been used; however, they all were incurred and reimbursed in connection with this agreement. In order to conform the ROPS reporting to the actual operations of the Successor Agency and simplify the reporting, we are reporting administrative costs under the reimbursement agreement as a single line item. This approach has been discussed with DOF and they indicated that it could be utilized. The approved DOF totals have been maintained and are reported in conformance with the approved ROPS III amounts on the Prior Period Adjustment Form.</p> <p>Total obligation amount has been estimated at 250,000 to ending year of longest bond issue outstanding.</p>
As discussed below, dates for some obligations for contract effective and termination purposes are arbitrary and put in as specified in the instructions or to pass validation checks only. These are as follows:	
10, 12, 14-15, 23, 42, 44	These professional and legal services do not have formal termination dates. Therefore, in accordance with the ROPS instructions, the termination date has been entered as the ending date of the ROPS period.
43	In accordance with the ROPS instructions as this is an administrative cost reimbursement agreement the termination date utilized is the ending date of the ROPS period.