**MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD**

Marin County Civic Center
3501 Civic Center Drive
San Rafael, CA

**Friday, August 31, 2018**
**2:00 P.M. – 3:00 P.M.**
**Room 324A, Rug Room**
**CHARTER Meeting**

**MINUTES**

1. Call to Order
   The meeting was called to order at 2:05 p.m.

2. Roll Call:

   Present:
   Roy Given, Director of Finance, County of Marin; Sandy Kacharos, Tax Division Chief, County of Marin; Matthew Hymel, County Administrator; Reina Barone, Executive Assistant, Department of Finance, Board Secretary, County of Marin, Nadine Hade, Interim Finance Director, City of San Rafael; Tony Clark, Finance Director, City of Novato (Alternate); Terena Mares, Deputy Superintendent, Marin County Office of Education; Susannah Clark, Citizen; Renee Brewer, County Counsel;

   Absent:
   Greg Nelson, Vice President, College Operations & Fiscal Service, California Community Colleges; Independent Special Districts (to be assigned); Recognized Employee Organization (to be assigned);

   Others in attendance: Dana Proctor, Senior Accountant/Property Tax, Department of Finance, County of Marin; Leelee Thomas, Planning Manager, Community Development Agency, County of Marin; Mark Moses, Finance Director, City of San Rafael; Genevieve Hahn-Kerr, Accountant II, Community Development Agency, County of Marin

3. Administrative Actions:
   a. Oath of Office was delivered to the following Marin Countywide Oversight Board members by Roy Given, Director of Finance:
      - Matthew Hymel, County Administrator, County of Marin
      - Nadine Hade, Interim Finance Director, City of San Rafael
      - Tony Clark, Finance Director, City of Novato (Alternate)
      - Terena Mares, Deputy Superintendent, Marin County Office of Education
      - Susannah Clark, Citizen

   b. Election of the following Officers were voted on by the Marin Countywide Oversight Board members:
      - MOTION by Susannah Clark to nominate Matthew Hymel as Chairperson
        Second by Terena Mares
        AYES: ALL

      - MOTION by Susannah Clark to elect Terena Mares as Vice Chairperson
        Second by Nadine Hade
        AYES: ALL

DRAFT

c. Resolution to adopt Bylaws:
MOTION by Terena Mares to adopt the Bylaws
Second by Susannah Clark
AYES: ALL

Amendment to Article 1 – Name of the Oversight Board:
MOTION by Nadine Hade to name the Oversight Board, "Marin Countywide Successor Agency Oversight Board," hereinafter referred to as the "Oversight Board"
Second by Susannah Clark
AYES: ALL

Amendment to Article III, Section I., Annual Meetings:
MOTION by Terena Mares to hold the Annual Meeting on or before January 31st of each year
Second by Susannah Clark
AYES: ALL

d. Resolution to adopt Conflict of Interest Code:
MOTION by Terena Mares to adopt the Conflict of Interest Code
Second by Susannah Clark
AYES: ALL

e. Resolution to approve Legal Services Agreement
MOTION by Susannah Clark to approve Legal Services Agreement with Renee Brewer, County Counsel, County of Marin
Second by Nadine Hade
AYES: ALL

DRAFT

4. Open Time for Public & Committee Comment:
None

5. Oversight Board Charter:
   a) Countywide Oversight Board HSC 34179-34181
   b) Successor Agencies HSC 34177-34178.7

6. Discussion Items:
   a) Oversight Board Administration
   b) Recognized Obligation Payment Schedules (ROPS)
   Important dates were discussed and provided to the Board

7. Successor Agency Reports:
   a) Marin County Successor Agency
   Nothing to present at this time

   b) Novato Successor Agency
   Novato will have amendments to their ROPS; the State Department of Finance is interested in moving Novato's Pension Obligation Bonds off their schedule. A meeting will be scheduled for September 28, 2018, to address amendments to the ROPS.

   c) San Rafael Successor Agency
   Discussed San Rafael's ongoing cashflow issue and the administrative expense allowed under HSC 34171

8. Adjournment
Meeting adjourned at 3:02 p.m.

COUNTY OF MARIN

DEPARTMENT OF FINANCE

ROY GIVEN, CPA
DIRECTOR OF FINANCE
MINA MARTINOVICH, CPA, ASSISTANT

January 31, 2019

Marin Countywide Oversight Board:

**Oversight Board Charter:**

The Marin Countywide Oversight Board was established in accordance with Health and Safety Code § 34179(j). The purpose of the board is to oversee and direct the Successor Agencies of the three former redevelopment agencies in Marin County through the process of dissolution.

The board has fiduciary responsibility to the holders of enforceable obligations and the taxing entities that benefit from the distributions of property tax and other revenues (Health and Safety Code § 34179(i)).

Administrative budgets and Recognized Obligation Payment Schedules (ROPS) are prepared annually by each Successor Agency (SA) and compiled by the Marin County Department of Finance acting in their capacity as the Administrative staff for the MCSA Oversight Board. This information is being presented to the oversight board for review and approval prior to submission to the California Department of Finance for final determination. The Marin DOF has additional duties in their capacity as the County Auditor-Controller to review the administrative budget and ROPS prior to transmittal to the State DOF.

Sincerely,

Roy Given
Director of Finance

# HEALTH AND SAFETY CODE - HSC

## DIVISION 24. COMMUNITY DEVELOPMENT AND HOUSING [33000 - 37964]

*( Heading of Division 24 amended by Stats. 1975, Ch. 1137. )*

## PART 1.85. DISSOLUTION OF REDEVELOPMENT AGENCIES AND DESIGNATION OF SUCCESSOR AGENCIES [34170 - 34191.6]

*( Part 1.85 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7. )*

## CHAPTER 4. Oversight Boards [34179 - 34181]

*( Chapter 4 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7. )*

### 34179.

(a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before May 1, 2012. Members shall be selected as follows:

(1) One member appointed by the county board of supervisors.

(2) One member appointed by the mayor for the city that formed the redevelopment agency.

(3) (A) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.

(B) On or after the effective date of this subparagraph, the county auditor-controller may determine which is the largest special district for purposes of this section.

(4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public appointed by the county board of supervisors.

(7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees. If a recognized employee organization does not exist for either the employees of the former redevelopment agency or the city or county employees performing administrative duties of the former redevelopment agency, the appointment shall be made from among the employees of the successor agency. In voting to approve a contract as an enforceable obligation, a member appointed pursuant to this paragraph shall not be deemed to be interested in the contract by virtue of being an employee of the successor agency or community for purposes of Section 1090 of the Government Code.

(8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.

(9) If there are no special districts of the type that are eligible to receive property tax pursuant to Section 34188, within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.

(10) If a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, if that appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to Section 34188, one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city if that appointment is subject to confirmation by the county board of supervisors, to

# HEALTH AND SAFETY CODE - HSC

## DIVISION 24. COMMUNITY DEVELOPMENT AND HOUSING [33000 - 37964]

*( Heading of Division 24 amended by Stats. 1975, Ch. 1137. )*

## PART 1.85. DISSOLUTION OF REDEVELOPMENT AGENCIES AND DESIGNATION OF SUCCESSOR AGENCIES [34170 - 34191.6]

*( Part 1.85 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7. )*

## CHAPTER 3. Successor Agencies [34177 - 34178.7]

*( Chapter 3 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7. )*

### 34177.

Successor agencies are required to do all of the following:

(a) Continue to make payments due for enforceable obligations.

(1) On and after February 1, 2012, and until a Recognized Obligation Payment Schedule becomes operative, only payments required pursuant to an enforceable obligations payment schedule shall be made. The initial enforceable obligation payment schedule shall be the last schedule adopted by the redevelopment agency under Section 34169. However, payments associated with obligations excluded from the definition of enforceable obligations by paragraph (2) of subdivision (d) of Section 34171 shall be excluded from the enforceable obligations payment schedule and be removed from the last schedule adopted by the redevelopment agency under Section 34169 prior to the successor agency adopting it as its enforceable obligations payment schedule pursuant to this subdivision. The enforceable obligation payment schedule may be amended by the successor agency at any public meeting and shall be subject to the approval of the oversight board as soon as the board has sufficient members to form a quorum. In recognition of the fact that the timing of the California Supreme Court's ruling in the case California Redevelopment Association v. Matosantos (2011) 53 Cal.4th 231 delayed the preparation by successor agencies and the approval by oversight boards of the January 1, 2012, through June 30, 2012, Recognized Obligation Payment Schedule, a successor agency may amend the Enforceable Obligation Payment Schedule to authorize the continued payment of enforceable obligations until the time that the January 1, 2012, through June 30, 2012, Recognized Obligation Payment Schedule has been approved by the oversight board and by the department. The successor agency may utilize reasonable estimates and projections to support payment amounts for enforceable obligations if the successor agency submits appropriate supporting documentation of the basis for the estimate or projection to the Department of Finance and the auditor-controller.

(2) The department, the county auditor-controller, and the Controller shall each have the authority to require any documents associated with the enforceable obligations to be provided to them in a manner of their choosing. Any taxing entity, the department, and the Controller shall each have standing to file a judicial action to prevent a violation under this part and to obtain injunctive or other appropriate relief.

(3) Commencing on the date the Recognized Obligation Payment Schedule is valid pursuant to subdivision (l), only those payments listed in the Recognized Obligation Payment Schedule may be made by the successor agency from the funds specified in the Recognized Obligation Payment Schedule. In addition, after it becomes valid, the Recognized Obligation Payment Schedule shall supersede the Statement of Indebtedness, which shall no longer be prepared nor have any effect under the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(4) Nothing in the act adding this part is to be construed as preventing a successor agency, with the prior approval of the oversight board, as described in Section 34179, from making payments for enforceable obligations from sources other than those listed in the Recognized Obligation Payment Schedule.

(5) From February 1, 2012, to July 1, 2012, a successor agency shall have no authority and is hereby prohibited from accelerating payment or making any lump-sum payments that are intended to prepay loans unless such accelerated repayments were required prior to the effective date of this part.

(b) Maintain reserves in the amount required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.

(c) Perform obligations required pursuant to any enforceable obligation.

(d) Remit unencumbered balances of redevelopment agency funds to the county auditor-controller for distribution to the taxing entities, including, but not limited to, the unencumbered balance of the

Low and Moderate Income Housing Fund of a former redevelopment agency. In making the distribution, the county auditor-controller shall utilize the same methodology for allocation and distribution of property tax revenues provided in Section 34188.
(e) Dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to subdivision (a) of Section 34181. The disposal is to be done expeditiously and in a manner aimed at maximizing value. Proceeds from asset sales and related funds that are no longer needed for approved development projects or to otherwise wind down the affairs of the agency, each as determined by the oversight board, shall be transferred to the county auditor-controller for distribution as property tax proceeds under Section 34188. The requirements of this subdivision shall not apply to a successor agency that has been issued a finding of completion by the department pursuant to Section 34179.7.
(f) Enforce all former redevelopment agency rights for the benefit of the taxing entities, including, but not limited to, continuing to collect loans, rents, and other revenues that were due to the redevelopment agency.
(g) Effectuate transfer of housing functions and assets to the appropriate entity designated pursuant to Section 34176.
(h) Expeditiously wind down the affairs of the redevelopment agency pursuant to the provisions of this part and in accordance with the direction of the oversight board.
(i) Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties. Bond proceeds shall be used for the purposes for which bonds were sold unless the purposes can no longer be achieved, in which case, the proceeds may be used to defease the bonds.
(j) Prepare a proposed administrative budget and submit it to the oversight board for its approval. The proposed administrative budget shall include all of the following:
(1) Estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period.
(2) Proposed sources of payment for the costs identified in paragraph (1).
(3) Proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity.
(k) Provide administrative cost estimates, from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the county auditor-controller for each six-month fiscal period.
(l) (1) Before each fiscal period set forth in subdivision (m) or (o), as applicable, prepare a Recognized Obligation Payment Schedule in accordance with the requirements of this paragraph. For each recognized obligation, the Recognized Obligation Payment Schedule shall identify one or more of the following sources of payment:
(A) Low and Moderate Income Housing Fund.
(B) Bond proceeds.
(C) Reserve balances.
(D) Administrative cost allowance.
(E) The Redevelopment Property Tax Trust Fund, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of this part.
(F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the oversight board in accordance with this part.
(2) A Recognized Obligation Payment Schedule shall not be deemed valid unless all of the following conditions have been met:
(A) A Recognized Obligation Payment Schedule is prepared by the successor agency for the enforceable obligations of the former redevelopment agency. The initial schedule shall project the dates and amounts of scheduled payments for each enforceable obligation for the remainder of the time period during which the redevelopment agency would have been authorized to obligate property tax increment had the redevelopment agency not been dissolved.

(B) The Recognized Obligation Payment Schedule is submitted to and duly approved by the oversight board. The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the county administrative officer, the county auditor-controller, and the department at the same time that the successor agency submits the Recognized Obligation Payment Schedule to the oversight board for approval.
(C) A copy of the approved Recognized Obligation Payment Schedule is submitted to the county auditor-controller, the Controller's office, and the Department of Finance, and is posted on the successor agency's Internet Web site.
(3) The Recognized Obligation Payment Schedule shall be forward looking to the next six months or one year pursuant to subdivision (m) or (o), as applicable. The first Recognized Obligation Payment Schedule shall be submitted to the Controller's office and the department by April 15, 2012, for the period of January 1, 2012, to June 30, 2012, inclusive. This Recognized Obligation Payment Schedule shall include all payments made by the former redevelopment agency between January 1, 2012, through January 31, 2012, and shall include all payments proposed to be made by the successor agency from February 1, 2012, through June 30, 2012. Former redevelopment agency enforceable obligation payments due, and reasonable or necessary administrative costs due or incurred, prior to January 1, 2012, shall be made from property tax revenues received in the spring of 2011 property tax distribution, and from other revenues and balances transferred to the successor agency.
(m) (1) The Recognized Obligation Payment Schedule for the period of January 1, 2013, to June 30, 2013, shall be submitted by the successor agency, after approval by the oversight board, no later than September 1, 2012. Commencing with the Recognized Obligation Payment Schedule covering the period July 1, 2013, through December 31, 2013, successor agencies shall submit an oversight board-approved Recognized Obligation Payment Schedule to the department and to the county auditor-controller no fewer than 90 days before the date of property tax distribution. The department shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations no later than 45 days after the Recognized Obligation Payment Schedule is submitted. Within five business days of the department's determination, a successor agency may request additional review by the department and an opportunity to meet and confer on disputed items, except for those items which are the subject of litigation disputing the department's previous or related determination. The meet and confer period may vary; an untimely submittal of a Recognized Obligation Payment Schedule may result in a meet and confer period of less than 30 days. The department shall notify the successor agency and the county auditor-controllers as to the outcome of its review at least 15 days before the date of property tax distribution.
(A) The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the department electronically, and the successor agency shall complete the Recognized Obligation Payment Schedule in the manner provided for by the department. A successor agency shall be in noncompliance with this paragraph if it only submits to the department an electronic message or a letter stating that the oversight board has approved a Recognized Obligation Payment Schedule.
(B) If a successor agency does not submit a Recognized Obligation Payment Schedule by the deadlines provided in this subdivision, the city, county, or city and county that created the redevelopment agency, if it is acting as the successor agency, shall be subject to a civil penalty equal to ten thousand dollars ($10,000) per day for every day the schedule is not submitted to the department. The civil penalty shall be paid to the county auditor-controller for allocation to the taxing entities under Section 34183. If a successor agency fails to submit a Recognized Obligation Payment Schedule by the deadline, any creditor of the successor agency or the Department of Finance or any affected taxing entity shall have standing to and may request a writ of mandate to require the successor agency to immediately perform this duty. Those actions may be filed only in the County of Sacramento and shall have priority over other civil matters. Additionally, if an agency does not submit a Recognized Obligation Payment Schedule within 10 days of the deadline, the maximum administrative cost allowance for that period shall be reduced by 25 percent.
(C) If a successor agency fails to submit to the department an oversight board-approved Recognized Obligation Payment Schedule that complies with all requirements of this subdivision within five business days of the date upon which the Recognized Obligation Payment Schedule is to be used to determine the amount of property tax allocations, the department may determine if any amount should be withheld by the county auditor-controller for payments for enforceable obligations from

distribution to taxing entities, pending approval of a Recognized Obligation Payment Schedule. The county auditor-controller shall distribute the portion of any of the sums withheld pursuant to this paragraph to the affected taxing entities in accordance with paragraph (4) of subdivision (a) of Section 34183 upon notice by the department that a portion of the withheld balances are in excess of the amount of enforceable obligations. The county auditor-controller shall distribute withheld funds to the successor agency only in accordance with a Recognized Obligation Payment Schedule approved by the department. County auditor-controllers shall lack the authority to withhold any other amounts from the allocations provided for under Section 34183 or 34188 unless required by a court order.
(D) (i) The Recognized Obligation Payment Schedule payments required pursuant to this subdivision may be scheduled beyond the existing Recognized Obligation Payment Schedule cycle upon a showing that a lender requires cash on hand beyond the Recognized Obligation Payment Schedule cycle.
(ii) When a payment is shown to be due during the Recognized Obligation Payment Schedule period, but an invoice or other billing document has not yet been received, the successor agency may utilize reasonable estimates and projections to support payment amounts for enforceable obligations if the successor agency submits appropriate supporting documentation of the basis for the estimate or projection to the department and the auditor-controller.
(iii) A Recognized Obligation Payment Schedule may also include appropriation of moneys from bonds subject to passage during the Recognized Obligation Payment Schedule cycle when an enforceable obligation requires the agency to issue the bonds and use the proceeds to pay for project expenditures.
(2) The requirements of this subdivision shall apply until December 31, 2015.
(n) Cause a postaudit of the financial transactions and records of the successor agency to be made at least annually by a certified public accountant.
(o) (1) Commencing with the Recognized Obligation Payment Schedule covering the period from July 1, 2016, to June 30, 2017, inclusive, and for each period from July 1 to June 30, inclusive, thereafter, a successor agency shall submit an oversight board-approved Recognized Obligation Payment Schedule to the department and to the county auditor-controller no later than February 1, 2016, and each February 1 thereafter. The department shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations no later than April 15, 2016, and each April 15 thereafter. Within five business days of the department's determination, a successor agency may request additional review by the department and an opportunity to meet and confer on disputed items, except for those items which are the subject of litigation disputing the department's previous or related determination. An untimely submittal of a Recognized Obligation Payment Schedule may result in a meet and confer period of less than 30 days. The department shall notify the successor agency and the county auditor-controller as to the outcome of its review at least 15 days before the date of the first property tax distribution for that period.
(A) The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the department in the manner provided for by the department.
(B) If a successor agency does not submit a Recognized Obligation Payment Schedule by the deadlines provided in this subdivision, the city, county, or city and county that created the redevelopment agency, if acting as the successor agency, shall be subject to a civil penalty equal to ten thousand dollars ($10,000) per day for every day the schedule is not submitted to the department. The civil penalty shall be paid to the county auditor-controller for allocation to the taxing entities under Section 34183. If a successor agency fails to submit a Recognized Obligation Payment Schedule by the deadline, any creditor of the successor agency or the department or any affected taxing entity shall have standing to, and may request a writ of mandate to, require the successor agency to immediately perform this duty. Those actions may be filed only in the County of Sacramento and shall have priority over other civil matters. Additionally, if an agency does not submit a Recognized Obligation Payment Schedule within 10 days of the deadline, the maximum administrative cost for that period shall be reduced by 25 percent.
(C) If a successor agency fails to submit to the department an oversight board-approved Recognized Obligation Payment Schedule that complies with all requirements of this subdivision within five business days of the date upon which the Recognized Obligation Payment Schedule is to be used to determine the amount of property tax allocations, the department may determine if any amount

should be withheld by the county auditor-controller for payments for enforceable obligations from distribution to taxing entities, pending approval of a Recognized Obligation Payment Schedule. The county auditor-controller shall distribute the portion of any of the sums withheld pursuant to this paragraph to the affected taxing entities in accordance with paragraph (4) of subdivision (a) of Section 34183 upon notice by the department that a portion of the withheld balances are in excess of the amount of enforceable obligations. The county auditor-controller shall distribute withheld funds to the successor agency only in accordance with a Recognized Obligation Payment Schedule approved by the department. County auditor-controllers do not have the authority to withhold any other amounts from the allocations provided for under Section 34183 or 34188 except as required by a court order.

(D) (i) The Recognized Obligation Payment Schedule payments required pursuant to this subdivision may be scheduled beyond the existing Recognized Obligation Payment Schedule cycle upon a showing that a lender requires cash on hand beyond the Recognized Obligation Payment Schedule cycle.

(ii) When a payment is shown to be due during the Recognized Obligation Payment Schedule period, but an invoice or other billing document has not yet been received, the successor agency may utilize reasonable estimates and projections to support payment amounts for enforceable obligations if the successor agency submits appropriate supporting documentation of the basis for the estimate or projection to the department and the county auditor-controller.

(iii) A Recognized Obligation Payment Schedule may also include a request to use proceeds from bonds expected to be issued during the Recognized Obligation Payment Schedule cycle when an enforceable obligation requires the agency to issue the bonds and use the proceeds to pay for project expenditures.

(E) Once per Recognized Obligation Payment Schedule period, and no later than October 1, a successor agency may submit one amendment to the Recognized Obligation Payment Schedule approved by the department pursuant to this subdivision, if the oversight board makes a finding that a revision is necessary for the payment of approved enforceable obligations during the second one-half of the Recognized Obligation Payment Schedule period, which shall be defined as January 1 to June 30, inclusive. A successor agency may only amend the amount requested for payment of approved enforceable obligations. The revised Recognized Obligation Payment Schedule shall be approved by the oversight board and submitted to the department by electronic means in a manner of the department's choosing. The department shall notify the successor agency and the county auditor-controller as to the outcome of the department's review at least 15 days before the date of the property tax distribution.

(2) The requirements of this subdivision shall apply on and after January 1, 2016.

*(Amended by Stats. 2015, Ch. 325, Sec. 6. (SB 107) Effective September 22, 2015.)*

## 34177.3.

(a) Successor agencies shall lack the authority to, and shall not, create new enforceable obligations or begin redevelopment work, except in compliance with an enforceable obligation, as defined by subdivision (d) of Section 34171, that existed prior to June 28, 2011.

(b) Notwithstanding subdivision (a), successor agencies may create enforceable obligations to conduct the work of winding down the redevelopment agency, including hiring staff, acquiring necessary professional administrative services and legal counsel, and procuring insurance. Except as required by an enforceable obligation, the work of winding down the redevelopment agency does not include planning, design, redesign, development, demolition, alteration, construction, construction financing, site remediation, site development or improvement, land clearance, seismic retrofits, and other similar work. Successor agencies may not create enforceable obligations to repay loans entered into between the redevelopment agency that it is succeeding and the city, county, or city and county that formed the redevelopment agency that it is succeeding, except as provided in Chapter 9 (commencing with Section 34191.1).

(c) Successor agencies shall lack the authority to, and shall not, transfer any powers or revenues of the successor agency to any other party, public or private, except pursuant to an enforceable

obligation on a Recognized Obligation Payment Schedule approved by the department. Any such transfers of authority or revenues that are not made pursuant to an enforceable obligation on a Recognized Obligation Payment Schedule approved by the department are hereby declared to be void, and the successor agency shall take action to reverse any of those transfers. The Controller may audit any transfer of authority or revenues prohibited by this section and may order the prompt return of any money or other things of value from the receiving party.
(d) Redevelopment agencies that resolved to participate in the Voluntary Alternative Redevelopment Program under Chapter 6 of the First Extraordinary Session of the Statutes of 2011 were and are subject to the provisions of Part 1.8 (commencing with Section 34161). Any actions taken by redevelopment agencies to create obligations after June 27, 2011, are ultra vires and do not create enforceable obligations.
(e) The provisions of this section shall apply retroactively to any successor agency or redevelopment agency actions occurring on or after June 27, 2012.
*(Amended by Stats. 2015, Ch. 325, Sec. 7. (SB 107) Effective September 22, 2015.)*

## 34177.5.

(a) In addition to the powers granted to each successor agency, and notwithstanding anything in the act adding this part, including, but not limited to, Sections 34162 and 34189, a successor agency shall have the authority, rights, and powers of the redevelopment agency to which it succeeded solely for the following purposes:
(1) For the purpose of issuing bonds or incurring other indebtedness to refund the bonds or other indebtedness of its former redevelopment agency or of the successor agency to provide savings to the successor agency, provided that (A) the total interest cost to maturity on the refunding bonds or other indebtedness plus the principal amount of the refunding bonds or other indebtedness shall not exceed the total remaining interest cost to maturity on the bonds or other indebtedness to be refunded plus the remaining principal of the bonds or other indebtedness to be refunded, and (B) the principal amount of the refunding bonds or other indebtedness shall not exceed the amount required to defease the refunded bonds or other indebtedness, to establish customary debt service reserves, and to pay related costs of issuance. If the foregoing conditions are satisfied, the initial principal amount of the refunding bonds or other indebtedness may be greater than the outstanding principal amount of the bonds or other indebtedness to be refunded. The successor agency may pledge to the refunding bonds or other indebtedness the revenues pledged to the bonds or other indebtedness being refunded, and that pledge, when made in connection with the issuance of such refunding bonds or other indebtedness, shall have the same lien priority as the pledge of the bonds or other obligations to be refunded, and shall be valid, binding, and enforceable in accordance with its terms.
(2) For the purpose of issuing bonds or other indebtedness to finance debt service spikes, including balloon maturities, provided that (A) the existing indebtedness is not accelerated, except to the extent necessary to achieve substantially level debt service, and (B) the principal amount of the bonds or other indebtedness shall not exceed the amount required to finance the debt service spikes, including establishing customary debt service reserves and paying related costs of issuance.
(3) For the purpose of amending an existing enforceable obligation under which the successor agency is obligated to reimburse a political subdivision of the state for the payment of debt service on a bond or other obligation of the political subdivision, or to pay all or a portion of the debt service on the bond or other obligation of the political subdivision to provide savings to the successor agency, provided that (A) the enforceable obligation is amended in connection with a refunding of the bonds or other obligations of the political subdivision so that the enforceable obligation will apply to the refunding bonds or other refunding indebtedness of the political subdivision, (B) the total interest cost to maturity on the refunding bonds or other indebtedness plus the principal amount of the refunding bonds or other indebtedness shall not exceed the total remaining interest cost to maturity on the bonds or other indebtedness to be refunded plus the remaining principal of the bonds or other indebtedness to be refunded, and (C) the principal amount of the refunding bonds or other indebtedness shall not exceed the amount required to defease the refunded bonds or other

indebtedness, to establish customary debt service reserves and to pay related costs of issuance. The pledge set forth in that amended enforceable obligation, when made in connection with the execution of the amendment of the enforceable obligation, shall have the same lien priority as the pledge in the enforceable obligation prior to its amendment and shall be valid, binding, and enforceable in accordance with its terms.

(4) For the purpose of issuing bonds or incurring other indebtedness to make payments under enforceable obligations when the enforceable obligations include the irrevocable pledge of property tax increment, formerly tax increment revenues prior to the effective date of this part, or other funds and the obligation to issue bonds secured by that pledge. The successor agency may pledge to the bonds or other indebtedness the property tax revenues and other funds described in the enforceable obligation, and that pledge, when made in connection with the issuance of the bonds or the incurring of other indebtedness, shall be valid, binding, and enforceable in accordance with its terms. This paragraph shall not be deemed to authorize a successor agency to increase the amount of property tax revenues pledged under an enforceable obligation or to pledge any property tax revenue not already pledged pursuant to an enforceable obligation. This paragraph does not constitute a change in, but is declaratory of, the existing law.

(b) The refunding bonds authorized under this section may be issued under the authority of Article 11 (commencing with Section 53580) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, and the refunding bonds may be sold at public or private sale, or to a joint powers authority pursuant to the Marks-Roos Local Bond Pooling Act (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code).

(c) (1) Prior to incurring any bonds or other indebtedness pursuant to this section, the successor agency may subordinate to the bonds or other indebtedness the amount required to be paid to an affected taxing entity pursuant to paragraph (1) of subdivision (a) of Section 34183, provided that the affected taxing entity has approved the subordinations pursuant to this subdivision.

(2) At the time the successor agency requests an affected taxing entity to subordinate the amount to be paid to it, the successor agency shall provide the affected taxing entity with substantial evidence that sufficient funds will be available to pay both the debt service on the bonds or other indebtedness and the payments required by paragraph (1) of subdivision (a) of Section 34183, when due.

(3) Within 45 days after receipt of the agency's request, the affected taxing entity shall approve or disapprove the request for subordination. An affected taxing entity may disapprove a request for subordination only if it finds, based upon substantial evidence, that the successor agency will not be able to pay the debt service payments and the amount required to be paid to the affected taxing entity. If the affected taxing entity does not act within 45 days after receipt of the agency's request, the request to subordinate shall be deemed approved and shall be final and conclusive.

(d) An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds or other obligations authorized by this section, the pledge of revenues to those bonds or other obligations authorized by this section, the legality and validity of all proceedings theretofore taken and, as provided in the resolution of the legislative body of the successor agency authorizing the bonds or other obligations authorized by this section, proposed to be taken for the authorization, execution, issuance, sale, and delivery of the bonds or other obligations authorized by this section, and for the payment of debt service on the bonds or the payment of amounts under other obligations authorized by this section. Subdivision (c) of Section 33501 shall not apply to any such action. The department shall be notified of the filing of any action as an affected party.

(e) Notwithstanding any other law, including, but not limited to, Section 33501, an action to challenge the issuance of bonds, the incurrence of indebtedness, the amendment of an enforceable obligation, or the execution of a financing agreement by a successor agency shall be brought within 30 days after the date on which the oversight board approves the resolution of the successor agency approving the issuance of bonds, the incurrence of indebtedness, the amendment of an enforceable obligation, or the execution of a financing agreement authorized under this section.

(f) The actions authorized in this section shall be subject to the approval of the oversight board, as provided in Section 34180. Additionally, an oversight board may direct the successor agency to commence any of the transactions described in subdivision (a) so long as the successor agency is able to recover its related costs in connection with the transaction. After a successor agency, with

approval of the oversight board, issues any bonds, incurs any indebtedness, or executes an amended enforceable obligation pursuant to subdivision (a), the oversight board shall not unilaterally approve any amendments to or early termination of the bonds, indebtedness, or enforceable obligation. If, under the authority granted to it by subdivision (h) of Section 34179, the department either reviews and approves or fails to request review within five business days of an oversight board approval of an action authorized by this section, the scheduled payments on the bonds or other indebtedness shall be listed in the Recognized Obligation Payment Schedule and shall not be subject to further review and approval by the department or the Controller. The department may extend its review time to 60 days for actions authorized in this section and may seek the assistance of the Treasurer in evaluating proposed actions under this section.

(g) Any bonds, indebtedness, or amended enforceable obligation authorized by this section shall be considered indebtedness incurred by the dissolved redevelopment agency, with the same legal effect as if the bonds, indebtedness, financing agreement, or amended enforceable obligation had been issued, incurred, or entered into prior to June 28, 2011, in full conformity with the applicable provisions of the Community Redevelopment Law that existed prior to that date, shall be included in the successor agency's Recognized Obligation Payment Schedule, and shall be secured by a pledge of, and lien on, and shall be repaid from moneys deposited from time to time in the Redevelopment Property Tax Trust Fund established pursuant to subdivision (c) of Section 34172, as provided in paragraph (2) of subdivision (a) of Section 34183. Property tax revenues pledged to any bonds, indebtedness, or amended enforceable obligations authorized by this section are taxes allocated to the successor agency pursuant to subdivision (b) of Section 33670 and Section 16 of Article XVI of the California Constitution.

(h) The successor agency shall make diligent efforts to ensure that the lowest long-term cost financing is obtained. The financing shall not provide for any bullets or spikes and shall not use variable rates. The successor agency shall make use of an independent financial advisor in developing financing proposals and shall make the work products of the financial advisor available to the department at its request.

(i) If an enforceable obligation provides for an irrevocable commitment of revenue and where allocation of such revenues is expected to occur over time, the successor agency may petition the department by electronic means and in a manner of the department's choosing to provide written confirmation that its determination of such enforceable obligation as approved in a Recognized Obligation Payment Schedule is final and conclusive, and reflects the department's approval of subsequent payments made pursuant to the enforceable obligation. The successor agency shall provide a copy of the petition to the county auditor-controller at the same time it is submitted to the department. The department shall have 100 days from the date of the request for a final and conclusive determination to provide written confirmation of approval or denial of the request. For any pending final and conclusive determination requests submitted prior to June 30, 2015, the department shall have until December 31, 2015, to provide written confirmation of approval or denial of the request. If the confirmation of approval is granted, then the department's review of such payments in future Recognized Obligation Payment Schedules shall be limited to confirming that they are required by the prior enforceable obligation.

(j) The successor agency may request that the department provide a written determination to waive the two-year statute of limitations on an action to review the validity of the adoption or amendment of a redevelopment plan pursuant to subdivision (c) of Section 33500 or on any findings or determinations made by the agency pursuant to subdivision (d) of Section 33500. The department at its discretion may provide a waiver if it determines it is necessary for the agency to fulfill an enforceable obligation.

*(Amended by Stats. 2015, Ch. 325, Sec. 8. (SB 107) Effective September 22, 2015.)*

## 34177.7.

(a) (1) In addition to the powers granted to each successor agency, and notwithstanding anything in the act adding this part, including, but not limited to, Sections 34162 and 34189, the successor agency to the Redevelopment Agency of the City and County of San Francisco shall have the

authority, rights, and powers of the Redevelopment Agency to which it succeeded solely for the purpose of issuing bonds or incurring other indebtedness to finance:
(A) The affordable housing required by the Mission Bay North Owner Participation Agreement, the Mission Bay South Owner Participation Agreement, the Disposition and Development Agreement for Hunters Point Shipyard Phase 1, the Candlestick Point-Hunters Point Shipyard Phase 2 Disposition and Development Agreement, and the Transbay Implementation Agreement.
(B) The infrastructure required by the Transbay Implementation Agreement.
(2) The successor agency to the Redevelopment Agency of the City and County of San Francisco may pledge to the bonds or other indebtedness the property tax revenues available in the successor agency's Redevelopment Property Tax Trust Fund that are not otherwise obligated.
(b) Bonds issued pursuant to this section may be sold pursuant to either a negotiated or a competitive sale. The bonds issued or other indebtedness obligations incurred pursuant to this section may be issued or incurred on a parity basis with outstanding bonds or other indebtedness obligations of the successor agency to the Redevelopment Agency of the City and County of San Francisco and may pledge the revenues pledged to those outstanding bonds or other indebtedness obligations to the issuance of bonds or other obligations pursuant to this section. The pledge, when made in connection with the issuance of bonds or other indebtedness obligations under this section, shall have the same lien priority as the pledge of outstanding bonds or other indebtedness obligations, and shall be valid, binding, and enforceable in accordance with its terms.
(c) (1) Prior to issuing any bonds or incurring other indebtedness pursuant to this section, the successor agency to the Redevelopment Agency of the City and County of San Francisco may subordinate to the bonds or other indebtedness the amount required to be paid to an affected taxing entity pursuant to paragraph (1) of subdivision (a) of Section 34183, provided that the affected taxing entity has approved the subordinations pursuant to this subdivision.
(2) At the time the agency requests an affected taxing entity to subordinate the amount to be paid to it, the agency shall provide the affected taxing entity with substantial evidence that sufficient funds will be available to pay both the debt service on the bonds or other indebtedness and the payments required by paragraph (1) of subdivision (a) of Section 34183, when due.
(3) Within 45 days after receipt of the agency's request, the affected taxing entity shall approve or disapprove the request for subordination. An affected taxing entity may disapprove a request for subordination only if it finds, based upon substantial evidence, that the successor agency will not be able to pay the debt service payments and the amount required to be paid to the affected taxing entity. If the affected taxing entity does not act within 45 days after receipt of the agency's request, the request to subordinate shall be deemed approved and shall be final and conclusive.
(d) An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds or other obligations authorized by this section, the pledge of revenues to those bonds or other obligations authorized by this section, the legality and validity of all proceedings theretofore taken and, as provided in the resolution of the legislative body of the successor agency to the Redevelopment Agency of the City and County of San Francisco authorizing the bonds or other indebtedness obligations authorized by this section, proposed to be taken for the authorization, execution, issuance, sale, and delivery of the bonds or other obligations authorized by this section, and for the payment of debt service on the bonds or the payment of amounts under other obligations authorized by this section. Subdivision (c) of Section 33501 shall not apply to any such action. The department shall be notified of the filing of any action as an affected party.
(e) Notwithstanding any other law, including, but not limited to, Section 33501, an action to challenge the issuance of bonds or the incurrence of indebtedness by the successor agency to the Redevelopment Agency of the City and County of San Francisco shall be brought within 30 days after the date on which the oversight board approves the resolution of the agency approving the issuance of bonds or the incurrence of indebtedness under this section.
(f) The actions authorized in this section shall be subject to the approval of the oversight board, as provided in Section 34180. Additionally, the oversight board may direct the successor agency to the Redevelopment Agency of the City and County of San Francisco to commence any of the transactions described in subdivision (a) so long as the agency is able to recover its related costs in connection with the transaction. After the agency, with approval of the oversight board, issues any bonds or

incurs any indebtedness pursuant to subdivision (a), the oversight board shall not unilaterally approve any amendments to or early termination of the bonds or indebtedness. If, under the authority granted to it by subdivision (h) of Section 34179, the department either reviews and approves or fails to request review within five business days of an oversight board approval of an action authorized by this section, the scheduled payments on the bonds or other indebtedness shall be listed in the Recognized Obligation Payment Schedule and shall not be subject to further review and approval by the department or the Controller. The department may extend its review time to 60 days for actions authorized in this section and may seek the assistance of the Treasurer in evaluating proposed actions under this section.

(g) Any bonds or other indebtedness authorized by this section shall be considered indebtedness incurred by the dissolved redevelopment agency, with the same legal effect as if the bonds or other indebtedness had been issued, incurred, or entered into prior to June 28, 2011, in full conformity with the applicable provisions of the Community Redevelopment Law that existed prior to that date, shall be included in the successor agency to the Redevelopment Agency of the City and County of San Francisco's Recognized Obligation Payment Schedule, and shall be secured by a pledge of, and lien on, and shall be repaid from moneys deposited from time to time in the Redevelopment Property Tax Trust Fund established pursuant to subdivision (c) of Section 34172, as provided in paragraph (2) of subdivision (a) of Section 34183. Property tax revenues pledged to any bonds or other indebtedness obligations authorized by this section are taxes allocated to the successor agency pursuant to subdivision (b) of Section 33670 and Section 16 of Article XVI of the California Constitution.

(h) The successor agency to the Redevelopment Agency of the City and County of San Francisco shall make diligent efforts to ensure that the lowest long-term cost financing is obtained. The financing shall not provide for any bullets or spikes and shall not use variable rates. The agency shall make use of an independent financial advisor in developing financing proposals and shall make the work products of the financial advisor available to the department at its request.

*(Added by Stats. 2015, Ch. 325, Sec. 9. (SB 107) Effective September 22, 2015.)*

## 34178.

(a) Commencing on the operative date of this part, agreements, contracts, or arrangements between the city or county, or city and county that created the redevelopment agency and the redevelopment agency are invalid and shall not be binding on the successor agency; provided, however, that a successor entity wishing to enter or reenter into agreements with the city, county, or city and county that formed the redevelopment agency that it is succeeding may do so subject to the restrictions identified in subdivision (c), and upon obtaining the approval of its oversight board.

(b) Notwithstanding subdivision (a), any of the following agreements are not invalid and may bind the successor agency:

(1) A duly authorized written agreement entered into at the time of issuance, but in no event later than December 31, 2010, of indebtedness obligations, and solely for the purpose of securing or repaying those indebtedness obligations.

(2) A written agreement between a redevelopment agency and the city, county, or city and county that created it that provided loans or other startup funds for the redevelopment agency that were entered into within two years of the formation of the redevelopment agency.

(3) A joint exercise of powers agreement in which the redevelopment agency is a member of the joint powers authority. However, upon assignment to the successor agency by operation of the act adding this part, the successor agency's rights, duties, and performance obligations under that joint exercise of powers agreement shall be limited by the constraints imposed on successor agencies by the act adding this part.

(4) A duly authorized written agreement entered into at the time of issuance, but in no event later than June 27, 2011, of indebtedness obligations solely for the refunding or refinancing of other indebtedness obligations that existed prior to January 1, 2011, and solely for the purpose of securing or repaying the refunded and refinanced indebtedness obligations.

(c) An oversight board shall not approve any agreements between the successor agency and the city, county, or city and county that formed the redevelopment agency that it is succeeding, except for agreements for the limited purposes set forth in subdivision (b) of Section 34177.3. A successor agency shall not enter or reenter into any agreements with the city, county, or city and county that formed the redevelopment agency that it is succeeding, except for agreements for the limited purposes set forth in subdivision (b) of Section 34177.3. A successor agency or an oversight board shall not exercise the powers granted by subdivision (a) to restore funding for any item that was denied or reduced by the department. This subdivision shall apply retroactively to all agreements entered or reentered pursuant to this section on and after June 27, 2012. Any agreement entered or reentered pursuant to this section on and after June 27, 2012, that does not comply with this subdivision is ultra vires and void, and does not create an enforceable obligation. The Legislature finds and declares that this subdivision is necessary to promote the expeditious wind down of redevelopment agency affairs.
*(Amended by Stats. 2015, Ch. 325, Sec. 10. (SB 107) Effective September 22, 2015.)*

## 34178.7.

For purposes of this chapter with regard to a redevelopment agency that becomes subject to this part pursuant to Section 34195, only references to “October 1, 2011,” and to the “operative date of this part” shall be modified in the manner described in Section 34191. All other dates shall be modified only as necessary to reflect the appropriate fiscal year or portion of a fiscal year.
*(Added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7. (AB 26 1x) Effective June 29, 2011. Operative February 1, 2012.)*

represent the largest number of former redevelopment agency employees employed by the successor agency at that time.
(11) Each appointing authority identified in this subdivision may, but is not required to, appoint alternate representatives to serve on the oversight board as may be necessary to attend any meeting of the oversight board in the event that the appointing authority's primary representative is unable to attend any meeting for any reason. If an alternate representative attends any meeting in place of the primary representative, the alternate representative shall have the same participatory and voting rights as all other attending members of the oversight board.
(b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by May 15, 2012, or any member position that remains vacant for more than 60 days.
(c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's and the successor agency's duties and responsibilities under this part. The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.
(d) Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.
(e) A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. All actions taken by the oversight board shall be adopted by resolution.
(f) All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.
(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.
(h) (1) The department may review an oversight board action taken pursuant to this part. Written notice and information about all actions taken by an oversight board shall be provided to the department as an approved resolution by electronic means and in a manner of the department's choosing. Without abrogating the department's authority to review all matters related to the Recognized Obligation Payment Schedule pursuant to Section 34177, oversight boards are not required to submit the following oversight board actions for department approval:
(A) Meeting minutes and agendas.
(B) Administrative budgets.
(C) Changes in oversight board members, or the selection of an oversight board chair or vice chair.
(D) Transfers of governmental property pursuant to an approved long-range property management plan.
(E) Transfers of property to be retained by the sponsoring entity for future development pursuant to an approved long-range property management plan.
(2) An oversight board action submitted in a manner specified by the department shall become effective five business days after submission, unless the department requests a review of the action. Each oversight board shall designate an official to whom the department may make those requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. Except as otherwise provided in this part, in the event that the department requests a review of a given oversight board action, it shall have 40 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and the oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department. If the department reviews a Recognized Obligation Payment Schedule, the department may eliminate or modify any item on that schedule prior to its approval. The county auditor-controller shall reflect the actions of the department in determining the

amount of property tax revenues to allocate to the successor agency. The department shall provide notice to the successor agency and the county auditor-controller as to the reasons for its actions. To the extent that an oversight board continues to dispute a determination with the department, one or more future Recognized Obligation Payment Schedules may reflect any resolution of that dispute. The department may also agree to an amendment to a Recognized Obligation Payment Schedule to reflect a resolution of a disputed item; however, this shall not affect a past allocation of property tax or create a liability for any affected taxing entity.

(i) Oversight boards shall have 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. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards. Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.

(j) Except as specified in subdivision (q), commencing on and after July 1, 2018, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board, which shall be staffed by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department. Pursuant to Section 34183, the county auditor-controller may recover directly from the Redevelopment Property Tax Trust Fund, and distribute to the appropriate city or county entity, reimbursement for all costs incurred by it or by the city or county pursuant to this subdivision, which shall include any associated startup costs. However, if only one successor agency exists within the county, the county auditor-controller may designate the successor agency to staff the oversight board. The oversight board is appointed as follows:

(1) One member may be appointed by the county board of supervisors.

(2) One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.

(3) One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.

(4) One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public may be appointed by the county board of supervisors.

(7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

(k) The Governor may appoint individuals to fill any oversight board member position described in subdivision (j) that has not been filled by July 15, 2018, or any member position that remains vacant for more than 60 days.

(l) Commencing on and after July 1, 2018, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (j).

(m) Any oversight board for a given successor agency, with the exception of countywide oversight boards, shall cease to exist when the successor agency has been formally dissolved pursuant to Section 34187. A county oversight board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to Section 34187.

(n) An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.

(o) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.

(p) On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.

(q) (1) Commencing on and after July 1, 2018, in each county where more than 40 oversight boards were created by operation of the act adding this part, there shall be five oversight boards, which shall each be staffed in the same manner as specified in subdivision (j). The membership of each oversight board shall be as specified in paragraphs (1) through (7), inclusive, of subdivision (j).
(2) The oversight boards shall be numbered one through five, and their respective jurisdictions shall encompass the territory located within the respective borders of the first through fifth county board of supervisors districts, as those borders existed on July 1, 2018. Except as specified in paragraph (3), each oversight board shall have jurisdiction over each successor agency located within its borders.
(3) If a successor agency has territory located within more than one county board of supervisors' district, the county board of supervisors shall, no later than July 15, 2018, determine which oversight board shall have jurisdiction over that successor agency. The county board of supervisors or their designee shall report this information to the successor agency and the department by the aforementioned date.
(4) The successor agency to the former redevelopment agency created by a county where more than 40 oversight boards were created by operation of the act adding this part, shall be under the jurisdiction of the oversight board with the fewest successor agencies under its jurisdiction.
*(Amended by Stats. 2015, Ch. 325, Sec. 11. (SB 107) Effective September 22, 2015.)*

## 34179.5.

(a) In furtherance of subdivision (d) of Section 34177, each successor agency shall employ a licensed accountant, approved by the county auditor-controller and with experience and expertise in local government accounting, to conduct a due diligence review to determine the unobligated balances available for transfer to taxing entities. As an alternative, an audit provided by the county auditor-controller that provides the information required by this section may be used to comply with this section with the concurrence of the oversight board.
(b) For purposes of this section the following terms shall have the following meanings:
(1) "Cash" and "cash equivalents" includes, but is not limited to, cash in hand, bank deposits, Local Agency Investment Fund deposits, deposits in the city or county treasury or any other pool, marketable securities, commercial paper, United States Treasury bills, banker's acceptances, payables on demand and amounts due from other parties as defined in subdivision (c), and any other money owned by the successor agency.
(2) "Enforceable obligation" includes any of the items listed in subdivision (d) of Section 34171, contracts detailing specific work to be performed that were entered into by the former redevelopment agency prior to June 28, 2011, with a third party that is other than the city, county, or city and county that created the former redevelopment agency, and indebtedness obligations as defined in subdivision (e) of Section 34171.
(3) "Transferred" means the transmission of money to another party that is not in payment for goods or services or an investment or where the payment is de minimus. Transfer also means where the payments are ultimately merely a restriction on the use of the money.
(c) At a minimum, the review required by this section shall include the following:
(1) The dollar value of assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.
(2) The dollar value of assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. The review shall provide documentation of any enforceable obligation that required the transfer.
(3) The dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. The review shall provide documentation of any enforceable obligation that required the transfer.
(4) The review shall provide expenditure and revenue accounting information and identify transfers and funding sources for the 2010–11 and 2011–12 fiscal years that reconciles balances, assets, and

liabilities of the successor agency on June 30, 2012 to those reported to the Controller for the 2009–10 fiscal year.
(5) A separate accounting for the balance for the Low and Moderate Income Housing Fund for all other funds and accounts combined shall be made as follows:
(A) A statement of the total value of each fund as of June 30, 2012.
(B) An itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.
(C) An itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value. The statement shall list separately housing-related assets.
(D) An itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, the successor agency shall provide a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements. If a review finds that future revenues together with dedicated or restricted balances are insufficient to fund future obligations and thus retention of current balances is required, it shall identify the amount of current balances necessary for retention. The review shall also detail the projected property tax revenues and other general purpose revenues to be received by the successor agency, together with both the amount and timing of the bond debt service payments of the successor agency, for the period in which the oversight board anticipates the successor agency will have insufficient property tax revenue to pay the specified obligations.
(E) An itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.
(6) The review shall total the net balances available after deducting the total amounts described in subparagraphs (B) to (E), inclusive, of paragraph (5). The review shall add any amounts that were transferred as identified in paragraphs (2) and (3) of subdivision (c) if an enforceable obligation to make that transfer did not exist. The resulting sum shall be available for allocation to affected taxing entities pursuant to Section 34179.6. It shall be a rebuttable presumption that cash and cash equivalent balances available to the successor agency are available and sufficient to disburse the amount determined in this paragraph to taxing entities. If the review finds that there are insufficient cash balances to transfer or that cash or cash equivalents are specifically obligated to the purposes described in subparagraphs (B), (D), and (E) of paragraph (5) in such amounts that there is insufficient cash to provide the full amount determined pursuant to this paragraph, that amount shall be demonstrated in an additional itemized schedule.
*(Added by Stats. 2012, Ch. 26, Sec. 17. (AB 1484) Effective June 27, 2012.)*

## 34179.6.

The review required pursuant to Section 34179.5 shall be submitted to the oversight board for review. The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the county administrative officer, the county auditor-controller, and the Department of Finance at the same time that the successor agency submits the review to the oversight board for review.
(a) By October 1, 2012, each successor agency shall provide to the oversight board, the county auditor-controller, the Controller, and the Department of Finance the results of the review conducted pursuant to Section 34179.5 for the Low and Moderate Income Housing Fund and specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities. By December 15, 2012, each successor agency shall provide to the oversight board, the county auditor-controller, the Controller, and the department the results of the review conducted pursuant to Section 34179.5 for all of the other fund and account balances and specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities. The department may request

any supporting documentation and review results to assist in its review under subdivision (d). The department may specify the form and manner information about the review shall be provided to it.
(b) Upon receipt of the review, the oversight board shall convene a public comment session to take place at least five business days before the oversight board holds the approval vote specified in subdivision (c). The oversight board also shall consider any opinions offered by the county auditor-controller on the review results submitted by the successor agencies.
(c) By October 15, 2012, for the Low and Moderate Income Housing Fund and by January 15, 2013, for all other funds and accounts, the oversight board shall review, approve, and transmit to the department and the county auditor-controller the determination of the amount of cash and cash equivalents that are available for disbursement to taxing entities as determined according to the method provided in Section 34179.5. The oversight board may adjust any amount provided in the review to reflect additional information and analysis. The review and approval shall occur in public sessions. The oversight board may request from the successor agency any materials it deems necessary to assist in its review and approval of the determination. The oversight board shall be empowered to authorize a successor agency to retain assets or funds identified in subparagraphs (B) to (E), inclusive, of paragraph (5) of subdivision (c) of Section 34179.5. An oversight board that makes that authorization also shall identify to the department the amount of funds authorized for retention, the source of those funds, and the purposes for which those funds are being retained. The determination and authorization to retain funds and assets shall be subject to the review and approval of the department pursuant to subdivision (d).
(d) The department may adjust any amount associated with the determination of the resulting amount described in paragraph (6) of subdivision (c) of Section 34179.5 based on its analysis and information provided by the successor agency and others. The department shall consider any findings or opinions of the county auditor-controllers and the Controller. The department shall complete its review of the determinations provided pursuant to subdivision (c) no later than November 9, 2012, for the Low and Moderate Income Housing Fund and also shall notify the oversight board and the successor agency of its decision to overturn any decision of the oversight board to authorize a successor agency to retain assets or funds made pursuant to subdivision (c). The department shall complete its review of the determinations provided pursuant to subdivision (c) no later than April 1, 2013, for the other funds and accounts and also shall notify the oversight board and the successor agency of its decision to overturn any oversight board authorizations made pursuant to subdivision (c). The department shall provide the oversight board and the successor agency an explanation of its basis for overturning or modifying any findings, determinations, or authorizations of the oversight board made pursuant to subdivision (c).
(e) The successor agency and the entity or entities that created the former redevelopment agency may request to meet and confer with the department to resolve any disputes regarding the amounts or sources of funds identified as determined by the department. The request shall be made within five business days of the transmission, and no later than November 16, 2012, for the determination regarding the Low and Moderate Income Housing Fund, to the successor agency or the designated local authority of the department's determination, decisions, and explanations and shall be accompanied by an explanation and documentation of the basis of the dispute. The department shall meet and confer with the requesting party and modify its determinations and decisions accordingly. The department shall either confirm or modify its determinations and decisions within 30 days of the request to meet and confer.
(f) Each successor agency shall transmit to the county auditor-controller the amount of funds required pursuant to the determination of the department within five working days of receipt of the notification under subdivision (c) or (e) if a meet and confer request is made. Successor agencies shall make diligent efforts to recover any money determined to have been transferred without an enforceable obligation as described in paragraphs (2) and (3) of subdivision (c) of Section 34179.5. The department shall notify the county auditor-controllers of its actions and the county auditor-controllers shall disburse the funds received from successor agencies to taxing entities pursuant to Section 34188 within five working days of receipt. Amounts received after November 28, 2012, and April 10, 2013, may be held and disbursed with the regular payments to taxing entities pursuant to Section 34183.

(g) By December 1, 2012, the county auditor-controller shall provide the department a report specifying the amount submitted by each successor agency pursuant to subdivision (d) for low- and moderate-income housing funds, and specifically noting those successor agencies that failed to remit the full required amount. By April 20, 2013, the county auditor-controller shall provide the department a report detailing the amount submitted by each successor agency pursuant to subdivision (d) for all other funds and accounts, and specifically noting those successor agencies that failed to remit the full required amount.

(h) If a successor agency fails to remit to the county auditor-controller the sums identified in subdivisions (d) and (f), by the deadlines specified in those subdivisions, the following remedies are available:

(1) (A) If the successor agency cannot promptly recover the funds that have been transferred to another public agency without an enforceable obligation as described in paragraphs (2) and (3) of subdivision (c) of Section 34179.5, the funds may be recovered through an offset of sales and use tax or property tax allocations to the local agency to which the funds were transferred. To recover such funds, the Department of Finance may order the State Board of Equalization to make an offset pursuant to subdivision (a) of Section 34179.8. If the Department of Finance does not order a sales tax offset, the county auditor-controller may reduce the property tax allocations to any local agency in the county that fails to repay funds pursuant to subdivision (c) of Section 34179.8.

(B) The county auditor-controller and the department shall each have the authority to demand the return of funds improperly spent or transferred to a private person or other private entity. If funds are not repaid within 60 days, they may be recovered through any lawful means of collection and are subject to a ten percent penalty plus interest at the rate charged for late personal income tax payments from the date the improper payment was made to the date the money is repaid.

(C) If the city, county, or city and county that created the former redevelopment agency is also performing the duties of the successor agency, the Department of Finance may order an offset to the distribution provided to the sales and use tax revenue to that agency pursuant to subdivision (a) of Section 34179.8. This offset shall be equal to the amount the successor fails to remit pursuant to subdivision (f). If the Department of Finance does not order a sales tax offset, the county auditor-controller may reduce the property tax allocations of the city, county, or city and county that created the former redevelopment agency pursuant to subdivision (c) of Section 34179.8.

(D) The department and the county auditor-controller shall coordinate their actions undertaken pursuant to this paragraph.

(2) Alternatively or in addition to the remedies provided in paragraph (1), the department may direct the county auditor-controller to deduct the unpaid amount from future allocations of property tax to the successor agency under Section 34183 until the amount of payment required pursuant to subdivision (d) is accomplished.

(3) If the Department of Finance determines that payment of the full amount required under subdivision (d) is not currently feasible or would jeopardize the ability of the successor agency to pay enforceable obligations in a timely manner, it may agree to an installment payment plan.

(i) (1) If a legal action contesting a withholding effectuated by the State Board of Equalization pursuant to subparagraphs (B), (C), or (B) and (C) of paragraph (2) of subdivision (b) of Section 34183.5 is successful and results in a final judicial determination, the court shall order the state to pay to the prevailing party a penalty equal to a percentage of the amount of funds found by the court to be improperly withheld, as provided in Section 34179.8. This percentage shall be equivalent to the number of months the funds have been found by the court to be improperly withheld, not to exceed 10 percent.

(2) If a legal action contesting an offset effectuated by the State Board of Equalization or the county auditor-controller pursuant to subdivision (h) is successful and results in a final judicial determination, the court shall order the state or the county auditor-controller to pay to the prevailing party a penalty equal to 10 percent of the amount of funds found by the court to be improperly offset, as provided in Section 34179.8.

(j) If a legal challenge to invalidate any provision in subdivision (h) or subparagraph (B) or (C), or subparagraphs (B) and (C) of paragraph (2) of subdivision (b) of Section 34183.5 is successful and results in a final judicial determination, the invalidated provision shall become inoperative and subdivision (i) shall become inoperative with respect to the invalidated provision.

*(Added by Stats. 2012, Ch. 26, Sec. 18. (AB 1484) Effective June 27, 2012.)*

## 34179.7.

Upon full payment of the amounts determined in subdivision (d) or (e) of Section 34179.6 as reported by the county auditor-controller pursuant to subdivision (g) of Section 34179.6 and of any amounts due as determined by Section 34183.5, or upon a final judicial determination of the amounts due and confirmation that those amounts have been paid by the county auditor-controller, or upon entering into a written installment payment plan with the department for payment of the amounts due, the department shall issue, within five business days, a finding of completion of the requirements of Section 34179.6 to the successor agency.

(a) Notwithstanding any other of law, if a successor agency fails by December 31, 2015, to pay, or to enter into a written installment payment plan with the department for the payment of, the amounts determined in subdivision (d) or (e) of Section 34179.6, or the amounts determined by Section 34183.5, the successor agency shall never receive a finding of completion.

(b) If a successor agency, city, county, or city and county pays, or enters into a written installment payment plan with the department for the payment of the amounts determined in subdivision (d) or (e) of Section 34179.6 or the amounts determined by Section 34183.5, and the successor agency, city, county, or city and county subsequently receives a final judicial determination that reduces or eliminates the amounts determined, an enforceable obligation for the reimbursement of the excess amounts paid shall be created and the obligation to make any payments in excess of the amount determined by a final judicial determination shall be canceled and be of no further force or effect.

(c) If, upon consultation with the county auditor-controller, the department finds that a successor agency, city, county, or city and county has failed to fully make one or more payments agreed to in the written installment payment plan, the following shall occur unless the county auditor-controller reports within 10 business days that the successor agency, city, county, or city and county has made the entirety of the incomplete payment or payments:

(1) Section 34191.3, subdivision (b) of Section 34191.4, and Section 34191.5 shall not apply to the successor agency.

(2) Oversight board actions taken under subdivision (b) of Section 34191.4 shall no longer be effective. Any loan agreements entered into between the redevelopment agency and the city, county, or city and county that created the redevelopment agency that were deemed enforceable obligations pursuant to such oversight board actions shall no longer be enforceable obligations.

(3) If the department has approved a long-range property management plan for the successor agency, that plan shall no longer be effective. Any property that has not been disposed of through the plan prior to the nonpayment discussed in this subdivision shall be disposed of pursuant to Section 34181.

(4) If applicable, the successor agency's Last and Final Recognized Obligation Payment Schedule shall cease to be effective. However, to ensure the flow of lawful payments to third parties is not impeded, the Last and Final Recognized Obligation Payment Schedule shall remain operative until the successor agency's next Recognized Obligation Payment Schedule is approved and becomes operative pursuant to Section 34177.

(d) Subdivision (c) shall not be construed to prevent the department from working with a successor agency, city, county, or city and county to amend the terms of a written installment payment plan if the department determines the amendments are necessitated by the successor agency's, city's, county's, or city and county's fiscal situation.

*(Amended by Stats. 2015, Ch. 325, Sec. 12. (SB 107) Effective September 22, 2015.)*

## 34179.8.

(a) If an offset or withholding of sales and use tax is ordered by the Department of Finance pursuant to this part, the State Board of Equalization shall reduce the distribution of sales and use taxes collected under Chapter 1 (commencing with Section 7200) of Part 1.5 of Division 2 of the Revenue

and Taxation Code to the entity that is the subject of the offset or withholding and shall direct the Controller to issue a warrant in the amount of any offset pursuant to subdivision (h) of Section 34179.6 to the county auditor-controller. The county auditor-controller shall distribute this amount to the taxing entities for the former redevelopment area according to Section 34188.
(b) (1) If a court has issued a final judicial determination or the department determines that some or all of the amount collected through the offset of sales and use tax has been paid by another means and no additional amount is owed, the court or the department shall notify the State Board of Equalization of that determination. Upon notification, the State Board of Equalization shall reverse the relevant amount of sales and use tax offset, add any penalty payable under subdivision (i) of Section 34179.6, and adjust the next distribution of sales and use tax to the affected local entity by reducing the allocation of tax to the General Fund and increasing the distribution to the local entity by that sum.
(2) The board shall inform the Controller of the reversal of the offset of sales and use tax undertaken pursuant to paragraph (1). The Controller shall send a demand for payment to the county auditor-controller for the amount of the offset reversal, excluding any penalty amount determined by the court pursuant to subdivision (i) of Section 34179.6 to be applicable to the offset. The auditor-controller shall reduce allocations to taxing entities in the next distributions under Section 34188 until the amount of the reversed offset is recovered and shall pay such recovered amounts to the State Controller for deposit in the General Fund.
(c) (1) If an offset of property tax is ordered by the county auditor-controller pursuant to this part, the auditor-controller shall reduce the distribution of property taxes to the entity that is the subject of the offset and shall distribute the amount to the taxing entities for the former redevelopment area according to Section 34188.
(2) If a court has issued a final judicial determination or the department determines that some or all of the amount collected through the offset made pursuant to paragraph (1) has been paid by another means and no additional amount is owed, the court or the department shall notify the county auditor-controller of that determination. Upon notification, the county auditor-controller shall reverse the relevant amount of property tax revenues offset in the next distribution of property tax to the affected local entity by reducing the allocation of tax to the taxing entities of the former redevelopment area under Section 34188 and increasing the distribution of property taxes to the local entity that was subject to the offset.
*(Added by Stats. 2012, Ch. 26, Sec. 20. (AB 1484) Effective June 27, 2012.)*

## 34179.9.

(a) The city, county, or city and county that created the former redevelopment agency shall return to the successor agency all assets transferred to the city, county, or city and county ordered returned pursuant to Section 34167.5.
(b) (1) The city, county, or city and county that created the former redevelopment agency shall return to the successor agency all cash and cash equivalents transferred to the city, county, or city and county that were not required by an enforceable obligation as determined pursuant to Sections 34179.5 and 34179.6.
(2) Any amounts required to be returned to the successor agency under Sections 34179.5 and 34179.6, and paragraph (1) of this subdivision, that were transferred to the city, county, or city and county that created the former redevelopment agency as repayment for an advance of funds made by the city, county, or city and county to the former redevelopment agency or successor agency that was needed to pay the former redevelopment agency's debt service or passthrough payments may be placed on a Recognized Obligation Payment Schedule by the successor agency for payment as an enforceable obligation subject to the following conditions:
(A) The transfer to the city, county, or city and county by the former redevelopment agency or successor agency as repayment for the advance of funds occurred within 30 days of receipt of a duly scheduled property tax distribution to the former redevelopment agency by the county auditor-controller.

(B) The loan from the city, county, or city and county was necessary because the former redevelopment agency or successor agency had insufficient funds to pay for the former redevelopment agency's debt service or passthrough payments.
(3) Paragraph (2) shall not apply if:
(A) The former redevelopment agency had insufficient funds as a result of an unauthorized transfer of cash or cash equivalents to the city, county, or city and county that created the former redevelopment agency.
(B) The successor agency has received a finding of completion as of the effective date of the act that added this section.
(C) The successor agency, the city, county, or city and county that created the former redevelopment agency, or the successor agency's oversight board, is currently or was previously a party to outstanding litigation contesting the department's determination under subdivision (d) or (e) of Section 34179.6.
(c) The city, county, or city and county that created the former redevelopment agency shall return to the successor agency any money or assets transferred to the city, county, or city and county by the successor agency that were not authorized pursuant to an effective oversight board action or Recognized Obligation Payment Schedule determination.
*(Added by Stats. 2015, Ch. 325, Sec. 13. (SB 107) Effective September 22, 2015.)*

## 34180.

All of the following successor agency actions shall first be approved by the oversight board:
(a) The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to the date of this part. An oversight board shall not have the authority to reestablish loan agreements between the successor agency and the city, county, or city and county that formed the redevelopment agency except as provided in Chapter 9 (commencing with Section 34191.1).
(b) The issuance of bonds or other indebtedness or the pledge or agreement for the pledge of property tax revenues (formerly tax increment prior to the effective date of this part) pursuant to subdivision (a) of Section 34177.5.
(c) Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.
(d) Merging of project areas.
(e) Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources, if that assistance is conditioned upon the provision of matching funds, by the successor entity as successor to the former redevelopment agency, in an amount greater than 5 percent.
(f) (1) If a city, county, or city and county wishes to retain any properties or other assets for future redevelopment activities, funded from its own funds and under its own auspices, it must reach a compensation agreement with the other taxing entities to provide payments to them in proportion to their shares of the base property tax, as determined pursuant to Section 34188, for the value of the property retained.
(2) If no other agreement is reached on valuation of the retained assets, the value will be the fair market value as of the 2011 property tax lien date as determined by an independent appraiser approved by the oversight board.
(g) Establishment of the Recognized Obligation Payment Schedule.
(h) A request by the successor agency to enter or reenter into an agreement with the city, county, or city and county that formed the redevelopment agency that it is succeeding pursuant to Section 34178. An oversight board shall not have the authority to reestablish loan agreements between the successor agency and the city, county, or city and county that formed the redevelopment agency except as provided in Chapter 9 (commencing with Section 34191.1). Any actions to establish or reestablish any other agreements that are authorized under this part, with the city, county, or city and county that formed the redevelopment agency are invalid until they are included in an approved and valid Recognized Obligation Payment Schedule.

(i) A request by a successor agency or taxing entity to pledge, or to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178.
(j) Any document submitted by a successor agency to an oversight board for approval by any provision of this part shall also be submitted to the county administrative officer, the county auditor-controller, and the Department of Finance at the same time that the successor agency submits the document to the oversight board.
*(Amended by Stats. 2015, Ch. 325, Sec. 14. (SB 107) Effective September 22, 2015.)*

## 34181.

The oversight board shall direct the successor agency to do all of the following:
(a) (1) Dispose of all assets and properties of the former redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, parking facilities and lots dedicated solely to public parking, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value. Asset disposition may be accomplished by a distribution of income to taxing entities proportionate to their property tax share from one or more properties that may be transferred to a public or private agency for management pursuant to the direction of the oversight board.
(2) “Parking facilities and lots dedicated solely to public parking” do not include properties that generate revenues in excess of reasonable maintenance costs of the properties.
(b) Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.
(c) Transfer housing assets pursuant to Section 34176.
(d) Terminate any agreement, between the dissolved redevelopment agency and any public entity located in the same county, obligating the redevelopment agency to provide funding for any debt service obligations of the public entity or for the construction, or operation of facilities owned or operated by such public entity, in any instance where the oversight board has found that early termination would be in the best interests of the taxing entities.
(e) Determine whether any contracts, agreements, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the oversight board for its approval. The board may approve any amendments to or early termination of those agreements if it finds that amendments or early termination would be in the best interests of the taxing entities.
(f) All actions taken pursuant to subdivisions (a) and (c) shall be approved by resolution of the oversight board at a public meeting after at least 10 days’ notice to the public of the specific proposed actions. The actions shall be subject to review by the department pursuant to Section 34179 except that the department may extend its review period by up to 60 days. If the department does not object to an action subject to this section, and if no action challenging an action is commenced within 60 days of the approval of the action by the oversight board, the action of the oversight board shall be considered final and can be relied upon as conclusive by any person. If an action is brought to challenge an action involving title to or an interest in real property, a notice of pendency of action shall be recorded by the claimant as provided in Title 4.5 (commencing with Section 405) of Part 2 of the Code of Civil Procedure within a 60-day period.
*(Amended by Stats. 2015, Ch. 325, Sec. 15. (SB 107) Effective September 22, 2015.)*

# REPORT TO MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD

| SUBJECT | | BOARD MEETING DATE | AGENDA NUMBER |
|---|---|---|---|
| **APPROVE ADMINISTRATIVE BUDGET AND ROPS 2019/20 FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF MARIN ("SUCCESSOR AGENCY")** | | **01/31/2019** | **2019-04 (a) 2019-05 (i-ii)** |
| AGENCY | MARIN COUNTY DEPARTMENT OF FINANCE | | |
| AGENCY CONTACT | Name | Title | Phone Number |
| | Leelee Thomas | Planning Manager | 415-473-6697 |

## RECOMMENDATION

1. Review and approve Administrative Budget and ROPS 2019/20 for the Successor Agency.

## DISCUSSION

Pursuant to Health and Safety Code section 34173(d), the County of Marin ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the County of Marin.
Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for the Oversight Board's approval.
Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS.
Successor Agency staff prepared the Administrative Budget and ROPS for Board's review.

_____

**SIGNATURE**

Attachment

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY

**MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD**

January 31, 2019

**SUBJECT:** Resolution of the Marin Countywide Successor Agency Oversight Board to the County of Marin Successor Agency to the Dissolved Marin County Redevelopment Agency approving the administrative budget pursuant to Health and Safety Code Section 34177(j)

Dear Board Members,

**RECOMMENDATION:**

1. Adopt Resolution approving the administrative budget for the Successor Agency of the Dissolved Marin County Redevelopment Agency for the period of July 1, 2019 through June 30, 2020.

**SUMMARY:**

Pursuant to Health and Safety Code Section 34177(j), the Successor Agency is required to prepare a proposed administrative budget ("Budget") and submit it for approval to the Oversight Board.

**BACKGROUND:**

As part of the FY 2015-16 state budget package, the Legislature passed the budget trailer bill SB 107 ("SB 107"). As a budget "trailer bill," SB 107 took immediate effect upon signature by the Governor on September 22, 2015. The primary purpose of SB 107 is to make technical and substantive amendments to the Existing Dissolution Law. Among other changes, SB 107 introduced a calculation commencing FY 2016-17 for determining each Successor Agency's administrative cost allowance. Beginning with FY 2016-17 and each subsequent year, a Successor Agency's annual administrative cost allocation is equal to: (i) up to 3% of the actual property tax received by the Successor Agency from the County Auditor-Controller (the "CAC") to make enforceable obligation payments during the preceding fiscal year reduced by the Successor Agency's administrative cost allowance and Sponsoring Community loan repayments in the preceding fiscal year; or (ii) not less than $250,000, unless that amount is reduced by the Oversight Board or by agreement with the Successor Agency (Section 34171(b)(3)). This change does not result in any changes for the Dissolved Marin County RDA administrative budget.

**SIGNATURE:**

Genevieve Hahn Kerr
Budget and Grants Analyst

Leelee Thomas
Planning Manager

**Attachment:** Oversight Board Resolution No. _____ approving the Administrative budget for the period of July 1, 2019 through June 30, 2020.

**OB RESOLUTION NO. 2019-1**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF MARIN APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2019 THROUGH JUNE 30, 2020 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the County of Marin ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the County of Marin; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of the County of Marin ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget ("Administrative Budget") and submit it to the Oversight Board for the Oversight Board's approval; and

**WHEREAS,** the Successor Agency staff has presented the Administrative Budget to the Oversight Board; and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the Administrative Budget presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE 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 ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

Section 3. Approval of the Administrative Budget. The Oversight Board hereby approves and adopts the Administrative Budget, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. 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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. Certification. The Secretary on behalf of the Oversight Board, shall certify to the adoption of this Resolution

Section 6. Effective Date. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

**PASSED, APPROVED AND ADOPTED** this 31st day of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET**

**[Attached behind this page]**

## Marin County Successor Agency Administrative Budget - Fiscal Year 2019/20

| **Personnel Costs** | | | | | |
|---|---|---|---|---|---|
| Position | FTE | Salary | Benefits | Total $$ | Duties / Comments |
| Planning Manager | 0.14 | 21,742 | 26,573 | 48,315 | - Oversight of all bond covenants and requirements<br>- Review and approval of all related to annual procedural and reporting requirements and deadlines |
| Planner | 0.12 | 12,031 | 14,704 | 26,735 | - Monitor and review work related to the renovation, expansion and upgrade of the Marin City Community Center; and the Housing Assistance Pledge Agreement for Ridgeway Marin Apartments |
| Budget Analyst | 0.25 | 22,514 | 27,516 | 50,030 | - Perform all professional accounting work associated with successor agency activities (assets, liabilities, debts) |
| **TOTAL** | 0.51 | 56,287 | 68,793 | **125,080** | |

| **Contracts / Supplies / Materials** | | |
|---|---|---|
| Outside Legal Counsel and Consultants | 85,000 | |
| General admin overhead | 39,920 | |
| **TOTAL** | **124,920** | |

| **Grand Total Successor Agency Admin Budget - FY 2019/20** | **250,000** |
|---|---|

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY

## MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD

January 31, 2019

**SUBJECT:** Resolution of the Marin Countywide Successor Agency Oversight Board to the County of Marin Successor Agency to the Dissolved Marin County Redevelopment Agency, approving the Recognized Obligation Payment Schedule (ROPS) pursuant to Health and Safety Code Section 34177(l).

Dear Board Members,

**RECOMMENDATION**:

(1) Adopt Resolution approving the ROPS for of July 1, 2019 through June 30, 2020.

**SUMMARY:**

Pursuant to Health and Safety Code Section 34177(m), the Successor Agency must submit the ROPS to the State Department of Finance (DOF), after approval by the Oversight Board,

**DISCUSSION:**

The format of the attached ROPS is required by the DOF pursuant to AB 1484. Below is a brief description of each item on the ROPS.

1) **Bonds.** 1995 Tax Allocation Bonds.
2) **Audit:** The Clifton, Larson, Allen LLP contract is for an annual audit which is required under the bond indentures.
3) **Continuing Disclosure.** The contract with Taussig and Associates is for continuing disclosure reports as required under the bond indentures which provide information about the financial and operating condition of the bond issuer as it changes over time.
4) **Fiscal Agent Fees:** The fiscal agent fees are paid to US Bank, the fiscal agent for the bonds.
5) **Bond Administration Expenses.** Administration expenses are established in the bond indentures and allowed $100,000 a year, with a 2% annual increase, for administration expenses. No funds are scheduled to be transferred under this line item during the period of July 1, 2010 through June 30, 2020.
6) **Ridgeway Marin Apartments:** The Housing Assistance Pledge Agreement pledges funds to the Ridgeway Marin Apartments through 2041. The Agreement was originally recorded in 1995 and amended in 2009, when the project was converted to 100% affordable housing. The payment is made to the Marin City Land Corporation, as the property owner, on behalf of the owner of the Apartments, Ridgeway Marin Apartments, LLC.
7) This line has been deleted, the BMR Housing Monitoring was disallowed as a separate obligation because the Housing Authority is considered a component unit of the County.
8) This line has been deleted as this debt has been retired; all outstanding debts have been repaid.

9) **Services to Marin City Community.** Under the 1995 CLC-Agency Agreement between the Marin City Community Land Trust and the Marin County RDA, any funds in excess of 1 million dollars resulting from a combination of interest payments for the Drake Marin loan and proceeds of the sale of the Gateway Shopping Center are to be paid to the County of Marin to be used for services for the Marin City community. This line item represents anticipated funds from interest payments from the Drake Marin loan.
10) **Marin City Community Center.** The funding Agreement with the Marin City Community Services District provides funds for the renovation and expansion of the Community Center complex, which includes the Manzanita Center (which provides space to the Health and Wellness Center), Administrative Offices, Senior Center and Phillips Drive, which is jointly owned with the School District, and connects the Center to the Fire station and access to the public library. The facilities are outdated and in need of significant repairs.
11) **Successor Agency Administrative Costs.** AB1x 26 provides the Successor Agency with an Administrative Cost Allowance to reimburse its costs associated with the dissolution of the former Redevelopment Agency. Reimbursements will be made from property tax revenues, not to exceed 3% of the property tax allocated to the Successor Agency, provided however, that the annual amount shall not be less than $250,000 for any fiscal year.
12) This line has been deleted, this payment has been retired. This was a one-time payment required by the State of California.
13) This line has been deleted, this payment has been retired. This was a onetime request on ROPS 14-15A for a reserve to fund the spring 2015 bond interest payment.
14-18) **Unfunded approved tax increment (RPTTF) from previous ROPS.** These items represent tax increment which was approved by the DOF for previous ROPS but which was not funded because of a shortfall in available tax increment.

**FISCAL IMPACT:**
No funds are involved with the approval of the ROPS.

**REVIEWED BY:**

| | |
|---|---|
| [ ] Department of Finance | [x ] N/A |
| [x ] Successor Agency Counsel | [ ] N/A |
| [ ] Human Resources | [x] N/A |

**SIGNATURE:**

Genevieve Hahn Kerr
Budget and Grants Analyst

Leelee Thomas
Planning Manager

**ATTACHMENT:**
Oversight Board Resolution No. _____ adopting ROPS for July 1, 2019 through June 30, 2020 pursuant to Health and Safety Code Section 34177.

**OB RESOLUTION NO. 2019-2**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF MARIN APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR FISCAL YEAR 2019-20**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the County of Marin ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of Marin County; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of THE County of Marin ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS; and

**WHEREAS**, SB 107 adopted on September 22, 2015 replaced the six-month ROPS with an annual ROPS; and

**WHEREAS**, the Successor Agency staff has presented the ROPS 2019-20 for fiscal year 2019-20 (ROPS 2019-20); and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the ROPS 2019-20 presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Recitals. Oversight Board hereby finds, resolves, and determines that 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. CEQA Compliance. The approval of the ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

SECTION 3. Approval of the ROPS. The Oversight Board hereby approves the proposed ROPS 2019-20 in the form presented to the Oversight Board and attached hereto as Exhibit A (the "Approved ROPS 2019-20"), and including the agreements and obligations described in the Approved ROPS 2019-20, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act.

SECTION 4. Implementation. The Oversight Board hereby directs the Successor Agency staff to take all actions necessary under the Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the Approved ROPS 2019-20, and to take any other administrative actions necessary to ensure the validity of the Approved ROPS 2019-20 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 Approved ROPS 2019-20 as may be necessary to submit the Approved ROPS 2019-20 in any modified form required by the Department of Finance, and the Approved ROPS 2019-20 as modified shall thereupon constitute the Approved ROPS 2019-20 as approved by the Oversight Board pursuant to this Resolution.

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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The Secretary on behalf of the Oversight Board shall certify to the adoption of this Resolution.

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

**PASSED, APPROVED AND ADOPTED** THIS 31st day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

**[Attached behind this page]**

**Recognized Obligation Payment Schedule (ROPS 19-20) - Summary**
**Filed for the July 1, 2019 through June 30, 2020 Period**

**Successor Agency:** **Marin County**
**County:** Marin

| | Current Period Requested Funding for Enforceable Obligations (ROPS Detail) | 19-20A Total (July - December) | 19-20B Total (January - June) | ROPS 19-20 Total |
|---|---|---|---|---|
| **A** | **Enforceable Obligations Funded as Follows (B+C+D):** | **$ 200,000** | **$ 242,065** | **$ 442,065** |
| B | Bond Proceeds | - | - | - |
| C | Reserve Balance | 200,000 | 242,065 | 442,065 |
| D | Other Funds | - | - | - |
| **E** | **Redevelopment Property Tax Trust Fund (RPTTF) (F+G):** | **$ 970,263** | **$ 820,893** | **$ 1,791,156** |
| F | RPTTF | 845,263 | 695,893 | 1,541,156 |
| G | Administrative RPTTF | 125,000 | 125,000 | 250,000 |
| **H** | **Current Period Enforceable Obligations (A+E):** | **$ 1,170,263** | **$ 1,062,958** | **$ 2,233,221** |

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) 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 successor agency.

Name Title

/s/

Signature Date

**Marin County Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail**

**July 1, 2019 through June 30, 2020**

**(Report Amounts in Whole Dollars)**

| A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 19-20A (July - December) | | | | | | 19-20B (January - June) | | | | | |
| | | | | | | | | | | | Fund Sources | | | | | | Fund Sources | | | | | |
| Item # | Project Name/Debt Obligation | Obligation Type | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee | Description/Project Scope | Project Area | Total Outstanding Debt or Obligation | Retired | ROPS 19-20 Total | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | 19-20A Total | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | 19-20B Total |
| | | | | | | | | $ 23,119,772 | | $ 2,233,221 | $ 0 | $ 200,000 | $ 0 | $ 845,263 | $ 125,000 | $ 1,170,263 | $ 0 | $ 242,065 | $ 0 | $ 695,893 | $ 125,000 | $ 1,062,958 |
| 1 | 1998 GRA Revenue Bonds Series A | Bonds Issued On or Before | 9/1/1995 | 9/1/2025 | US Bank | GRA Bond Payments / TABS Bond | Marin City | 6,541,102 | N | $ 927,956 | | | | 458,869 | | $ 458,869 | | | | 469,087 | | $ 469,087 |
| 2 | Contract for Audit | Fees | 6/5/1998 | 9/1/2025 | Clifton Larson Allen | Bond Independent auditor | Marin City | 177,357 | N | $ 25,000 | | | | 15,000 | | $ 15,000 | | | | 10,000 | | $ 10,000 |
| 3 | Contract for Continuing Disclosure | Fees | 6/5/1998 | 9/1/2025 | David Taussig and Associates, Inc. | Bond continuing disclosures | Marin City | 59,474 | N | $ 8,000 | | | | 4,000 | | $ 4,000 | | | | 4,000 | | $ 4,000 |
| 4 | Fiscal Agent Fees - bonds GIA / GRA | Fees | 6/5/1998 | 9/1/2025 | US Bank | Bond fiscal agent fees | Marin City | 61,705 | N | $ 8,300 | | | | 4,150 | | $ 4,150 | | | | 4,150 | | $ 4,150 |
| 5 | Bond administrative expenses | Fees | 6/5/1998 | 9/1/2025 | County of Marin | Bond administrative costs | Marin City | 1,194,682 | N | $ - | | | | | | $ - | | | | | | $ - |
| 6 | Ridgeway Marin Apartments | OPA/DDA/Construction | 9/1/1995 | 9/1/2041 | Marin City Community Land Corp | Housing Assistance Pledge Agreement | Marin City | 11,392,199 | N | $ 417,312 | | | | 208,656 | | $ 208,656 | | | | 208,656 | | $ 208,656 |
| 9 | Services to Marin City Community | Miscellaneous | 9/29/1995 | 9/29/2035 | County of Marin | NR - Excess Proceeds CLC-RDA Agreement (NR) | Marin City | 201,443 | N | $ - | | | | | | $ - | | | | | | $ - |
| 10 | Marin City Community Center | OPA/DDA/Construction | 3/1/2011 | 9/1/2025 | Marin City Community Services District | Renovation, Expansion, Upgrade | Marin City | 1,067,065 | N | $ 442,065 | | 200,000 | | | | $ 200,000 | | 242,065 | | | | $ 242,065 |
| 11 | Successor Agency Admin. Costs | Admin Costs | 1/1/2014 | 9/1/2025 | County of Marin | Management, oversight and monitoring | Marin City | 1,750,000 | N | $ 250,000 | | | | | 125,000 | $ 125,000 | | | | | 125,000 | $ 125,000 |
| 14 | Unfunded Approved RPTTF ROPS 14-15B | RPTTF Shortfall | 12/17/2014 | | Redevelopment Obligation Retirement Fund (24570) | Unfunded ROPS 14-15B | Marin City | 11,415 | N | $ - | | | | | | $ - | | | | | | $ - |
| 15 | Unfunded Approved RPTTF ROPS 15-16A | RPTTF Shortfall | 3/27/2015 | | Redevelopment Obligation Retirement Fund (24570) | Unfunded ROPS 15-16A | Marin City | 242,180 | N | $ - | | | | | | $ - | | | | | | $ - |
| 16 | Unfunded Approved RPTTF ROPS 15-16B | RPTTF Shortfall | 11/10/2015 | | Redevelopment Obligation Retirement Fund (24570) | Unfunded ROPS 15-16B | Marin City | 266,832 | N | $ - | | | | | | $ - | | | | | | $ - |
| 17 | Unfunded Approved RPTTF ROPS 16-17A | RPTTF Shortfall | 4/13/2016 | | Redevelopment Obligation Retirement Fund (7800) | Unfunded ROPS 16-17A | Marin City | 58,624 | N | $ 58,624 | | | | 58,624 | | $ 58,624 | | | | | | $ - |
| 18 | Unfunded Approved RPTTF ROPS 16-17B | RPTTF Shortfall | 4/13/2016 | | Redevelopment Obligation Retirement Fund (7800) | Unfunded ROPS 16-17B | Marin City | 95,694 | N | $ 95,964 | | | | 95,964 | | $ 95,964 | | | | | | $ - |
| 19 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 20 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 21 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 22 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 23 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 24 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 25 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 26 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 27 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 28 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 29 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 30 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 31 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 32 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 33 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 34 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 35 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 36 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 37 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 38 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 39 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 40 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 41 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 42 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 43 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 44 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 45 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 46 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 47 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 48 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 49 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 50 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 51 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 52 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 53 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 54 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 55 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 56 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 57 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 58 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 59 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 60 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 61 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |

**Marin County Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail**

**July 1, 2019 through June 30, 2020**

**(Report Amounts in Whole Dollars)**

| A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 19-20A (July - December) | | | | | | 19-20B (January - June) | | | | | |
| | | | | | | | | | | | Fund Sources | | | | | | Fund Sources | | | | | |
| Item # | Project Name/Debt Obligation | Obligation Type | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee | Description/Project Scope | Project Area | Total Outstanding Debt or Obligation | Retired | **ROPS 19-20 Total** | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | **19-20A Total** | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | **19-20B Total** |
| 62 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 63 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 64 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 65 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 66 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 67 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 68 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 69 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 70 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 71 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 72 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 73 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 74 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 75 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 76 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 77 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 78 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 79 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 80 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 81 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 82 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 83 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 84 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 85 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |

**Marin County Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances**
**July 1, 2016 through June 30, 2017**
**(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), 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. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

| A | B | C | D | E | F | G | H |
|---|---|---|---|---|---|---|---|
| | | Fund Sources | | | | | |
| | | Bond Proceeds | | Reserve Balance | Other Funds | RPTTF | |
| | ROPS 16-17 Cash Balances (07/01/16 - 06/30/17) | Bonds issued on or before 12/31/10 | Bonds issued on or after 01/01/11 | Prior ROPS RPTTF and Reserve Balances retained for future period(s) | Rent, Grants, Interest, etc. | Non-Admin and Admin | Comments |
| 1 | **Beginning Available Cash Balance (Actual 07/01/16)**<br>RPTTF amount should exclude "A" period distribution amount | | | 442,065 | | (83,643) | SAP Cash Balance as of 7/01/2016 = $999,200.25 - DDR Reserve $442,065 - TI $640,778.30 posted 6/2016 for spending July-Dec 2016 = ($83,643.05) |
| 2 | **Revenue/Income (Actual 06/30/17)**<br>RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller | | | | | 1,556,326 | |
| 3 | **Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)** | | | | | 1,197,824 | |
| 4 | **Retention of Available Cash Balance (Actual 06/30/17)**<br>RPTTF amount retained should only include the amounts distributed as reserve for future period(s) | | | | | 252,500 | 1/2 of principal bond payment due 9/1/2017 paid 3/1/2017 |
| 5 | **ROPS 16-17 RPTTF Prior Period Adjustment**<br>RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC | No entry required | | | | 0 | |
| 6 | **Ending Actual Available Cash Balance (06/30/17)**<br>**C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)** | **$ 0** | **$ 0** | **$ 442,065** | **$ 0** | **$ 22,359** | |

# REPORT TO MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD

| SUBJECT | | BOARD MEETING DATE | AGENDA NUMBER |
|---|---|---|---|
| **APPROVE ADMINISTRATIVE BUDGET AND ROPS 2019/20 FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF NOVATO ("SUCCESSOR AGENCY")** | | **01/31/2019** | **2019-04 (b) 2019-05 (iii-iv)** |
| AGENCY | MARIN COUNTY DEPARTMENT OF FINANCE | | |
| AGENCY CONTACT | Name | Title | Phone Number |
| | Michael Antwine | Assistant City Manager | 415-899-8988 |

## RECOMMENDATION

1. Review and approve Administrative Budget and ROPS 2019/20 for the Successor Agency.

## DISCUSSION

Pursuant to Health and Safety Code section 34173(d), the City of Novato ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of Novato.
Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for the Oversight Board's approval.
Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS.
Successor Agency staff prepared the Administrative Budget and ROPS for Board's review.

**SIGNATURE**

Attachment

# Marin Countywide Oversight Board

Date: 1/31/2019

From: Successor Agency to the Dissolved Redevelopment Agency of the City of Novato

Subject: Resolution of the Countywide Oversight Board Approving Proposed Administrative Budgets for the Six-Month Fiscal Periods from July 1, 2019 through December 31, 2019, and from January 1, 2020 through June 30, 2020 and taking Related Actions

**Recommended Action:**

Adopt resolution to approve proposed administrative budgets for the fiscal period from July 1, 2019 through December 31, 2019 ("Administrative Budget 19-20A") and the fiscal period from January 1, 2020 through June 30, 2020 ("Administrative Budget 19-20B") of the Successor Agency and taking related actions.

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Pursuant to 34177(j) of the California Health and Safety Code ("HSC"), the Successor Agency is required to prepare a proposed administrative budget for each six-month fiscal period, which must be submitted to the Oversight Board for approval. Each proposed administrative budget must include all of the following: (1) estimated amounts for Successor Agency administrative costs for the applicable six-month fiscal period; (2) proposed sources of payment for the administrative costs; and (3) proposals for arrangements for administrative and operations services provided by the City of Novato (the "City") or another entity.

HSC Section 34177(o) provides that the Successor Agency must also submit an Oversight Board-approved ROPS for fiscal year 2019-20 ("ROPS 19-20") to the State Department of Finance ("DOF") and the County Auditor-Controller no later February 1, 2019. The proposed ROPS 19/20 will be presented as a separate agenda item for the Oversight Board's consideration and approval.

Pursuant to HSC Section 34179(h)(1), Oversight Board resolutions approving the Successor Agency's administrative budgets are not required to be submitted to the DOF for approval.

Therefore, this Resolution will become effective immediately upon adoption.

Impact on Taxing Entities:

The sum of $92,294 requested pursuant to Administrative Budget 19-20A and the Administrative Budget 19-20B is within the amount of administrative cost allowance allowed pursuant to the Dissolution Law and is consistent with the prior approved ROPS and Administrative Budgets. The County Department of Finance will distribute to the taxing entities residual amounts from the RPTTF after: (i) deduction for County administrative expenses, (ii) pass-through payments, and (iii) enforceable obligations and administrative cost allowance of the Successor Agency, as approved on the ROPS.

**OB RESOLUTION NO. 2019-3**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF NOVATO APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2019 THROUGH JUNE 30, 2020 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the City of Novato ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of Novato; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of the City of Novato ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget ("Administrative Budget") and submit it to the Oversight Board for the Oversight Board's approval; and

**WHEREAS,** the Successor Agency staff has presented the Administrative Budget to the Oversight Board; and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the Administrative Budget presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE 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 ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

Section 3. Approval of the Administrative Budget. The Oversight Board hereby approves and adopts the Administrative Budget, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. 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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. Certification. The Secretary on behalf of the Oversight Board, shall certify to the adoption of this Resolution

Section 6. Effective Date. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

**PASSED, APPROVED AND ADOPTED** this 31 day of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET**

**[Attached behind this page]**

## Novato RDA Successor Agency Budget - Fiscal Year 2019/20

| **Personnel Costs** | | |
|---|---|---|
| Position | Total $ | Duties / Comments |
| Finance Manager | 13,610 | - Preparation of annual ROPS<br>- Oversight of all bond covenants and requirements<br>- Preparation and submittal of annual continuing disclosure documents for all bond issues<br>- Interaction with rating agencies and bond insurers as needed<br>- Analysis of re-funding opportunities |
| Accounting Supervisor | 11,881 | - All professional accounting work associated with successor agency activities, assets, liabilities, and debts<br>- Preparation for and oversight of the annual audit process<br>- Annual budget process for successor agency-related expenditures |
| City Manager / Asst City Manager | 3,500 | - Review of staff reports, ROPS, City Council communications |
| Other staff | 5,000 | - Maintenance of the successor agency website; maintenance of Successor Agency records |
| **TOTAL** | **33,991** | |

| **Contracts / Supplies / Materials** | | |
|---|---|---|
| Legal Counsel | 15,000 | - Specialized RDA law services - Legal counsel on RDA law, analysis of new legislation, etc<br>- Analysis and support for outstanding obligations to be placed on future ROPs |
| Other Consulting | 7,750 | - Contracted accounting analysis and support to support PPA, ROPs & SA Fund Review |
| Audit Contract | 8,440 | - Provision of annual audit services to issue required financial statements |
| Outside Costs - System Implementatio | 12,500 | - Complete transfer of data and documentation to new financial system |
| Office Supplies | 1,000 | - General office supplies and equipment |
| | - | |
| General admin overhead | 13,613 | - City of Novato HR, IT, office space, insurance services, etc. |
| **TOTAL** | **58,303** | |

| | |
|---|---|
| **Grand Total - FY 2019/20** | **92,294** |
| **ROPS Period A** | **46,147** |
| **ROPS Period B** | **46,147** |

# Marin Countywide Oversight Board

Date: 1/31/2019

From: Successor Agency to the Dissolved Redevelopment Agency of the City of Novato

Subject: Resolution of the Countywide Oversight Board Approving a Recognized Obligation Payment Schedule for the Fiscal Period from July 1, 2019 through June 30, 2020, pursuant to Health and Safety Code Section 34177 and taking Related Actions

**Recommended Action:**

Adopt resolution to approve a Recognized Obligation Payment Schedule for the Fiscal Period from July 1, 2019 through June 30, 2020, of the Successor Agency and taking related actions.

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Pursuant to Section 34177 of the Health and Safety Code ("HSC"), the Successor Agency must prepare a Recognized Obligation Payment Schedule ("ROPS") annually, listing the anticipated payments for enforceable obligations to be made from July 1 through the following June 30. The Oversight Board must approve all ROPS and each Oversight Board-approved ROPS must be submitted to the DOF for review.

The preparation and submittal of ROPS 19-20 are for allowing the Successor Agency to pay its enforceable obligations for the period from July 1, 2019 to June 30, 2020. HSC Section 34177 requires the Successor Agency to submit an Oversight Board-approved ROPS 19-20 to the DOF and to the County Department of Finance no later than February 1, 2019.

The DOF may eliminate or modify any item on the ROPS before approving the ROPS. The DOF must make its determination regarding the enforceable obligations and the amount and funding source for each enforceable obligation listed on ROPS 19-20 no later than April 15, 2019. Within five business days of the DOF's determination, the Successor Agency may request to "meet and confer" with the DOF on disputed items. The DOF will issue its final determination after the meet and confer.

The County Department of Finance is required to make RPTTF disbursements to the Successor Agency pursuant to the DOF-approved ROPS 19-20 on June 1, 2019 (to cover enforceable obligation payments from July 1, 2019 through December 31, 2019) and January 2, 2020 (to cover enforceable obligation payments from January 1, 2020 through June 30, 2020).

Impact on Taxing Entities:

The submittal of ROPS 19-20 is for allowing the Successor Agency to pay its enforceable obligations for the period from July 1, 2019 to June 30, 2020. The County Department of Finance will distribute to the taxing entities residual amounts from the RPTTF after: (i) deduction for County administrative expenses, (ii) pass-through payments, and (iii) enforceable obligations and administrative cost allowance of the Successor Agency, as approved on the ROPS.

**OB RESOLUTION NO. 2019-4**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF NOVATO APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR FICAL YEAR 2019-20**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the City of Novato ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the (insert entity); and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of the city of Novato ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS; and

**WHEREAS**, SB 107 adopted on September 22, 2015 replaced the six-month ROPS with an annual ROPS; and

**WHEREAS**, the Successor Agency staff has presented the ROPS 2019-20 for fiscal year 2019-20 (ROPS 2019-20); and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the ROPS 2019-20 presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Recitals. Oversight Board hereby finds, resolves, and determines that 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. CEQA Compliance. The approval of the ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

SECTION 3. Approval of the ROPS. The Oversight Board hereby approves the proposed ROPS 2019-20 in the form presented to the Oversight Board and attached hereto as Exhibit A (the "Approved ROPS 2019-20"), and including the agreements and obligations described in the Approved ROPS 2019-20, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act.

SECTION 4. Implementation. The Oversight Board hereby directs the Successor Agency staff to take all actions necessary under the Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the Approved ROPS 2019-20, and to take any other administrative actions necessary to ensure the validity of the Approved ROPS 2019-20 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 Approved ROPS 2019-20 as may be necessary to submit the Approved ROPS 2019-20 in any modified form required by the Department of Finance, and the Approved ROPS 2019-20 as modified shall thereupon constitute the Approved ROPS 2019-20 as approved by the Oversight Board pursuant to this Resolution.

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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The Secretary on behalf of the Oversight Board shall certify to the adoption of this Resolution.

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

**PASSED, APPROVED AND ADOPTED** THIS 31 day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

**[Attached behind this page]**

**Recognized Obligation Payment Schedule (ROPS 19-20) - Summary**
**Filed for the July 1, 2019 through June 30, 2020 Period**

**Successor Agency:** **Novato**
**County:** Marin

| | Current Period Requested Funding for Enforceable Obligations (ROPS Detail) | 19-20A Total (July - December) | 19-20B Total (January - June) | ROPS 19-20 Total |
|---|---|---|---|---|
| **A** | **Enforceable Obligations Funded as Follows (B+C+D):** | **$ 664,041** | **$ -** | **$ 664,041** |
| B | Bond Proceeds | - | - | - |
| C | Reserve Balance | 664,041 | - | 664,041 |
| D | Other Funds | - | - | - |
| **E** | **Redevelopment Property Tax Trust Fund (RPTTF) (F+G):** | **$ 2,512,139** | **$ 1,978,921** | **$ 4,491,060** |
| F | RPTTF | 2,465,992 | 1,932,774 | 4,398,766 |
| G | Administrative RPTTF | 46,147 | 46,147 | 92,294 |
| **H** | **Current Period Enforceable Obligations (A+E):** | **$ 3,176,180** | **$ 1,978,921** | **$ 5,155,101** |

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) 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 successor agency.

Name Title

/s/

Signature Date

**Novato Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail**

**July 1, 2019 through June 30, 2020**

**(Report Amounts in Whole Dollars)**

| A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 19-20A (July - December) | | | | | | 19-20B (January - June) | | | | | |
| | | | | | | | | | | | Fund Sources | | | | | | Fund Sources | | | | | |
| Item # | Project Name/Debt Obligation | Obligation Type | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee | Description/Project Scope | Project Area | Total Outstanding Debt or Obligation | Retired | ROPS 19-20 Total | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | 19-20A Total | Bond Proceeds | Reserve Balance | Other Funds | RPTTF | Admin RPTTF | 19-20B Total |
| | | | | | | | | $ 70,410,540 | | $ 5,155,101 | $ 0 | $ 664,041 | $ 0 | $ 2,465,992 | $ 46,147 | $ 3,176,180 | $ 0 | $ 0 | $ 0 | $ 1,932,774 | $ 46,147 | $ 1,978,921 |
| 1 | 2005 Tax Allocation Bonds **** | Bonds Issued On or Before | 3/24/2005 | 9/1/2034 | US Bank | Bonds issued to fund housing proj. | Merged | 23,524,997 | N | $ 2,112,784 | | 650,000 | | 1,106,742 | | $ 1,756,742 | | | | 356,042 | | $ 356,042 |
| 2 | 2005A Tax Allocation Housing Bonds | Bonds Issued On or Before 12/31/10 | 3/24/2005 | 9/1/2034 | US Bank | Bonds issued to fund housing proj. | Merged | 9,453,028 | N | $ 592,935 | | | | 440,281 | | $ 440,281 | | | | 152,654 | | $ 152,654 |
| 3 | 2011 Tax Allocation Bonds **** | Bonds Issued After 12/31/10 | 3/23/2011 | 9/1/2040 | US Bank | Bonds issued to repay City loans | Merged | 32,936,690 | N | $ 1,291,909 | | | | 785,000 | | $ 785,000 | | | | 506,909 | | $ 506,909 |
| 5 | CIEDB Loan | Third-Party Loans | 12/17/2002 | 2/1/2032 | Wells Fargo MN, N.A. | Downtown streetscape work | Merged | 2,687,145 | N | $ 206,703 | | | | 36,348 | | $ 36,348 | | | | 170,355 | | $ 170,355 |
| 6 | Contract - North Marin Community Services (Novato Human Needs name change) | Miscellaneous | 8/2/2001 | 6/30/2022 | North Marin Community Services | Homeless services | Merged | 369,121 | N | $ 133,628 | | | | 66,814 | | $ 66,814 | | | | 66,814 | | $ 66,814 |
| 7 | Successor Agency Administration | Admin Costs | 2/1/2012 | 6/30/2041 | City of Novato as Succ. Ag. | Admin costs: staff, audit, legal, office space, etc. | Merged | 67,384 | N | $ 92,294 | | | | | 46,147 | $ 46,147 | | | | | 46,147 | $ 46,147 |
| 8 | Debt Service Reserve | Reserves | 1/1/2013 | 6/30/2034 | Various | Reserve to Fund August Debt Service | Merged | 650,000 | N | $ 680,000 | | | | | | $ - | | | | 680,000 | | $ 680,000 |
| 10 | Pension Obligation Bonds | Bonds Issued On or Before 12/31/10 | 6/29/2006 | 6/1/2035 | Wells Fargo Bank, N.A. | POB Debt Obligation for former RDA employees | Merged | 708,134 | N | $ 30,807 | | | | 30,807 | | $ 30,807 | | | | | | $ - |
| 15 | Flood District MOU | Improvement/Infrastructure | 6/22/1999 | 6/30/2019 | Marin Co. Flood Cont. Dist. | Payment of Existing MOU Fund Balance | Merged | 14,041 | N | $ 14,041 | | 14,041 | | | | $ 14,041 | | | | | | $ - |
| 16 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 17 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 18 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 19 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 20 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 21 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 22 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 23 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 24 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 25 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 26 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 27 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 28 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 29 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 30 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 31 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 32 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 33 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 34 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 35 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 36 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 37 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 38 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 39 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 40 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 41 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 42 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 43 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 44 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 45 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 46 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 47 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 48 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 49 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 50 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 51 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 52 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 53 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 54 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 55 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 56 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 57 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 58 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 59 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 60 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 61 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 62 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 63 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 64 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 65 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 66 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 67 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 68 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 69 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 70 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 71 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 72 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 73 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 74 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 75 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 76 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 77 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 78 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 79 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 80 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 81 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 82 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 83 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 84 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 85 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 86 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 87 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |

**Novato Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances**
**July 1, 2016 through June 30, 2017**
**(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), 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. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

| A | B | C | D | E | F | G | H |
|---|---|---|---|---|---|---|---|
| | | Fund Sources | | | | | |
| | | Bond Proceeds | | Reserve Balance | Other Funds | RPTTF | |
| | ROPS 16-17 Cash Balances (07/01/16 - 06/30/17) | Bonds issued on or before 12/31/10 | Bonds issued on or after 01/01/11 | Prior ROPS RPTTF and Reserve Balances retained for future period(s) | Rent, Grants, Interest, etc. | Non-Admin and Admin | Comments |
| 1 | **Beginning Available Cash Balance (Actual 07/01/16)**<br>RPTTF amount should exclude "A" period distribution amount | 2,200,185 | 1,700,000 | 591,541 | | - | |
| 2 | **Revenue/Income (Actual 06/30/17)**<br>RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller | | | | | 3,717,282 | |
| 3 | **Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)** | | | 577,500 | | 3,189,157 | |
| 4 | **Retention of Available Cash Balance (Actual 06/30/17)**<br>RPTTF amount retained should only include the amounts distributed as reserve for future period(s) | 2,200,185 | 1,700,000 | 14,041 | | 528,125 | |
| 5 | **ROPS 16-17 RPTTF Prior Period Adjustment**<br>RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC | No entry required | | | | | |
| 6 | **Ending Actual Available Cash Balance (06/30/17)**<br>**C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)** | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | |

## Novato Recognized Obligation Payment Schedule (ROPS 19-20) - Notes July 1, 2019 through June 30, 2020

| Item # | Notes/Comments |
|---|---|
| 1 | Item reflects Bond's debt service payments; trustee fees; continuing disclosure fees. |
| 2 | Item reflects Bond's debt service payments; trustee fees; continuing disclosure fees. |
| 3 | Item reflects Bond's debt service payments; trustee fees; continuing disclosure fees. |
| | |
| | |
| |

# REPORT TO MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD

| SUBJECT | | BOARD MEETING DATE | AGENDA NUMBER |
|---|---|---|---|
| **APPROVE ADMINISTRATIVE BUDGET, ROPS 2019/20 AND REQUEST FOR TEMPRORARY TRANSFER OF FUNDS FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SAN RAFAEL ("SUCCESSOR AGENCY")** | | **01/31/2019** | **2019-04 (c) 2019-05 (v-vii)** |
| AGENCY | MARIN COUNTY DEPARTMENT OF FINANCE | | |
| AGENCY CONTACT | Name | Title | Phone Number |
| | Van Bach | Accounting Manager | 415-485-5001 |

## RECOMMENDATION

1. Review and approve Administrative Budget and ROPS 2019/20 for the Successor Agency.

## DISCUSSION

**Administrative Budget and ROPS**

Pursuant to Health and Safety Code section 34173(d), the City of San Rafael ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of San Rafael.

Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for the Oversight Board's approval.

Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS.

Successor Agency staff prepared the Administrative Budget and ROPS for Board's review.

**Temporary Transfer of Funds**

County of Marin Department of Finance has stated there will be insufficient funds in the Trust Fund allocated to the Successor Agency for the first half of fiscal year 2019-2020 to meet its obligations to make the first debt service payment on the Bonds for fiscal year 2019-2020.

It is necessary that the sum of up to and not to exceed $3,437,163 be transferred from the general fund in the custody of the County Treasurer to the Successor Agency on about November 15, 2019 for the purpose of meeting the obligations incurred for debt service purposes by the Successor Agency for the 2019-20 fiscal year.

The outstanding balance of the County funds transferred is due and payable immediately on the earlier of (i) the receipt of Trust Fund revenues collected from the San Rafael Successor Agency by the County or (ii) January 16, 2020

**SIGNATURE**

Attachment

# City of San Rafael RDA Successor Agency to Marin Countywide Successor Agency Oversight Board

| | |
|---|---|
| DATE: | January 31, 2019 |
| SUBJECT: | Approval of Review of Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2019-20 (ROPS 19-20) |

## REQUEST

Review and discuss the Recognized Obligation Payment Schedule ("ROPS") for Fiscal Year 2019-20 (ROPS 19-20) pursuant to Health and Safety Code Section 34177.

## RECOMMENDATION

Staff recommends that the Marin Countywide Successor Agency Oversight Board to the City of San Rafael RDA Successor Agency review the ROPS 19-20 for the period July 1, 2019 – June 30, 2020 pursuant to Health and Safety Code Section 34177. The annual ROPS 19-20 is required to be adopted by the Oversight Board by February 1st of each year and is due to the State on February 1, 2019.

## BACKGROUND

Effective February 1, 2012, all redevelopment agencies throughout the State, including the San Rafael Redevelopment Agency (the "Dissolved SRRDA") were dissolved as a result of the State Supreme Court decision upholding ABx1 26 (the "Dissolution Act"). Under the provisions of the Dissolution Act, the City as successor agency to the Dissolved SRRDA must prepare, and the Oversight Board to the Successor Agency of the Dissolved SRRDA must adopt, a ROPS and Administrative Budget for an annual basis starting in January 2016 pursuant to SB 107. The Oversight Board and the State Department of Finance (DOF) approved the previous eight ROPS for the San Rafael Redevelopment Agency.

## PUBLIC CONTACT

Once the Oversight Board has approved the ROPS and the Administrative Budget, staff will post the approved documents on the Successor Agency webpage. Successor Agency staff will also forward the approved documents to the County Administrator, the County Auditor, the State Controller, and the DOF as required by the Law.

## SCHEDULE

The ROPS must be approved by the Oversight Board no later than February 1, and sent the DOF by February 1, each year. Upon receipt, the DOF has five business days to review the documents and request additional information. If DOF requests additional information, DOF then has 45 days to review requested information and make a determination regarding the ROPS.

**LINE ITEM INFORMATION ON THE ROPS**

| | |
|---|---|
| Items 1-30 | Ongoing obligations and amounts. Same as approved in the previous ROPS. |
| Item 12 | Pension obligation reflecting a ten-year payout. Same as approved in previous ROPS. |
| Item 33 | RPTTF Shortfall from 15-16 ROPS |

**OB RESOLUTION NO. 2019-5**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SAN RAFAEL APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2019 THROUGH JUNE 30, 2020,PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the City of San Rafael ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the San Rafael Successor Agency; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of the San Rafael Successor Agency ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34177(j) requires the Successor Agency to prepare a proposed administrative budget ("Administrative Budget") and submit it to the Oversight Board for the Oversight Board's approval; and

**WHEREAS,** the Successor Agency staff has presented the Administrative Budget to the Oversight Board; and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the Administrative Budget presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE 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 ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

Section 3. Approval of the Administrative Budget. The Oversight Board hereby approves and adopts the Administrative Budget, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. 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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. Certification. The Secretary on behalf of the Oversight Board, shall certify to the adoption of this Resolution

Section 6. Effective Date. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

**PASSED, APPROVED AND ADOPTED** this 31 day of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET**

**[Attached behind this page]**

## City of San Rafael RDA Successor Agency Budget - Fiscal Year 2019/20

| **Personnel Costs** | | |
|---|---|---|
| Position | Total $$ | Duties / Comments |
| Finance Director | 60,000 | - Review of ROPS<br>- Oversight of all bond covenants and requirements<br>- Preparation and submittal of annual continuing disclosure documents for all bond issues<br>- Interaction with rating agencies and bond insurers as needed |
| Accounting Manager | 40,000 | - All professional accounting work associated with successor agency activities, assets, liabilities, and debts<br>- Preparation for and oversight of the annual audit process<br>- Annual budget process for successor agency-related expenditures |
| Director of Economic Development | 20,000 | - Assistance with parcel maintenance<br>- Maintenance of the successor agency website |
| **TOTAL** | **120,000** | |

| **Contracts / Supplies / Materials** | | |
|---|---|---|
| Contractual Services | 20,000 | VTD services to assist with preparation of ROPS and other required reporting |
| Utilities | 1,000 | |
| Administrative costs - legal | 2,500 | External legal consultation |
| **TOTAL** | **23,500** | |

| | |
|---|---|
| **Grand Total Successor Agency Admin Budget - FY 2019/20** | **143,500** |

**OB RESOLUTION NO. 2019-6**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCCESSOR AGENCY OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SAN RAFAEL APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR FICAL YEAR 2019-20**

**WHEREAS,** the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

**WHEREAS,** pursuant to Health and Safety Code section 34173(d), the City of San Rafael ("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of San Rafael; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of the San Rafael Successor Agency ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS,** Health and Safety Code section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of the ROPS prior to the Successor Agency acting upon the ROPS; and

**WHEREAS**, SB 107 adopted on September 22, 2015 replaced the six-month ROPS with an annual ROPS; and

**WHEREAS**, the Successor Agency staff has presented the ROPS 2019-20 for fiscal year 2019-20 (ROPS 2019-20); and

**WHEREAS**, at its meeting of January 31, 2019, the Oversight Board reviewed and considered the ROPS 2019-20 presented by the Successor Agency

**NOW, THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Recitals. Oversight Board hereby finds, resolves, and determines that 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. CEQA Compliance. The approval of the ROPS through this Resolution does not commit the Oversight Board 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 ("CEQA") pursuant to CEQA Guidelines Section 15061 (b)(3).

SECTION 3. Approval of the ROPS. The Oversight Board hereby approves the proposed ROPS 2019-20 in the form presented to the Oversight Board and attached hereto as Exhibit A (the "Approved ROPS 2019-20"), and including the agreements and obligations described in the Approved ROPS 2019-20, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act.

SECTION 4. Implementation. The Oversight Board hereby directs the Successor Agency staff to take all actions necessary under the Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the Approved ROPS 2019-20, and to take any other administrative actions necessary to ensure the validity of the Approved ROPS 2019-20 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 Approved ROPS 2019-20 as may be necessary to submit the Approved ROPS 2019-20 in any modified form required by the Department of Finance, and the Approved ROPS 2019-20 as modified shall thereupon constitute the Approved ROPS 2019-20 as approved by the Oversight Board pursuant to this Resolution.

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 Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The Secretary on behalf of the Oversight Board shall certify to the adoption of this Resolution.

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

**PASSED, APPROVED AND ADOPTED** this 31 day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary

**EXHIBIT A**

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

**[Attached behind this page]**

**Recognized Obligation Payment Schedule (ROPS 19-20) - Summary**
**Filed for the July 1, 2019 through June 30, 2020 Period**

**Successor Agency:** **San Rafael**
**County:** Marin

| | Current Period Requested Funding for Enforceable Obligations (ROPS Detail) | 19-20A Total (July - December) | 19-20B Total (January - June) | ROPS 19-20 Total |
|---|---|---|---|---|
| **A** | **Enforceable Obligations Funded as Follows (B+C+D):** | **$ -** | **$ -** | **$ -** |
| B | Bond Proceeds | - | - | - |
| C | Reserve Balance | - | - | - |
| D | Other Funds | - | - | - |
| **E** | **Redevelopment Property Tax Trust Fund (RPTTF) (F+G):** | **$ 3,508,913** | **$ 445,362** | **$ 3,954,275** |
| F | RPTTF | 3,437,163 | 373,612 | 3,810,775 |
| G | Administrative RPTTF | 71,750 | 71,750 | 143,500 |
| **H** | **Current Period Enforceable Obligations (A+E):** | **$ 3,508,913** | **$ 445,362** | **$ 3,954,275** |

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) 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 successor agency.

Name Title

/s/

Signature Date

**San Rafael Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail**

**July 1, 2019 through June 30, 2020**

**(Report Amounts in Whole Dollars)**

| A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | 19-20A (July - December) | | | | | | 19-20B (January - June) | | | | | |
| | | | | | | | | | | | Fund Sources | | | | | | Fund Sources | | | | | |
| Item # | Project Name/Debt Obligation | Obligation Type | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee | Description/Project Scope | Project Area | Total Outstanding Debt or Obligation | Retired | ROPS 19-20 Total | Proceeds | Reserve | Other Funds | RPTTF | Admin RPTTF | 19-20A Total | Bond Proceeds | Reserve | Other Funds | RPTTF | Admin RPTTF | 19-20B Total |
| | | | | | | | | $ 17,276,245 | | $ 3,954,275 | $ 0 | $ 0 | $ 0 | $ 3,437,163 | $ 71,750 | $ 3,508,913 | $ 0 | $ 0 | $ 0 | $ 373,612 | $ 71,750 | $ 445,362 |
| 1 | Series 1999 TA Bonds | Bonds Issued On or Before | 12/1/1999 | 12/30/2022 | US Bank | Bond Issue CABS paid 2018-2022 | Central | 6,390,000 | N | $ 1,440,000 | | | | 1,440,000 | | $ 1,440,000 | | | | | | $ - |
| 2 | Series 2002 TA bonds | Bonds Issued On or Before 12/31/10 | 12/1/2002 | 6/30/2022 | US Bank | Bond issue Dec 2014 | Central | 2,606,552 | N | $ 628,219 | | | | 602,613 | | $ 602,613 | | | | 25,606 | | $ 25,606 |
| 3 | Series 2009 TA Bonds | Bonds Issued On or Before 12/31/10 | 12/1/2009 | 6/30/2023 | US Bank | Bond issue Dec 2014 | Central | 5,988,550 | N | $ 1,498,800 | | | | 1,394,550 | | $ 1,394,550 | | | | 104,250 | | $ 104,250 |
| 4 | Bond indenture obligations 1999 TAB | Fees | 12/1/1999 | 12/30/2022 | US Bank | Bond issue | Central | | N | $ - | | | | | | $ - | | | | | | $ - |
| 5 | Bond indenture obligations 2002 TAB | Fees | 12/1/2002 | 6/30/2022 | US Bank | Bond issue | Central | | N | $ - | | | | | | $ - | | | | | | $ - |
| 6 | Bond indenture obligations 2009 TAB | Fees | 12/1/2009 | 6/30/2023 | US Bank | Bond issue | Central | | N | $ - | | | | | | $ - | | | | | | $ - |
| 7 | Continuing Disclosure Services / Bond Admin (FY15-16) | Fees | 12/1/2009 | 6/30/2023 | Wildan / U.S. Bank | Disclosure and Trustee Services | Central | 51,000 | N | $ 9,500 | | | | | | $ - | | | | 9,500 | | $ 9,500 |
| 9 | Agency Admin cost allowance (FY15-16) | Admin Costs - Litigation | 6/30/2011 | 12/30/2023 | Agency Admin cost allowance | Agency Admin cost allowance | Central | 1,625,000 | N | $ 143,500 | | | | | 71,750 | $ 71,750 | | | | | 71,750 | $ 71,750 |
| 12 | RDA Pension Obligation (FY17-18) | Unfunded Liabilities | 11/20/1972 | 6/30/2023 | City of San Rafael | unfunded actuarial accrued liability 10 yr amortization schedule | Central | 571,330 | N | $ 190,443 | | | | | | $ - | | | | 190,443 | | $ 190,443 |
| 13 | RDA OPEB obligation (FY17-18) | Unfunded Liabilities | 11/20/1972 | 6/30/2023 | City of San Rafael | unfunded actuarial accrued liability 9 yr amortization schedule | Central | | N | $ - | | | | | | $ - | | | | | | $ - |
| 33 | ROPS 15-16 RPTTF Shortfall | RPTTF Shortfall | 7/1/2015 | 6/30/2016 | County of Merced | Amount Remitted to The City during 15-16 ROPS was less than the approved ROPS by DOF | Central | 43,813 | N | $ 43,813 | | | | | | $ - | | | | 43,813 | | $ 43,813 |
| 34 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 35 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 36 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 37 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 38 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 39 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 40 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 41 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 42 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 43 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 44 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 45 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 46 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 47 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 48 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 49 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 50 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 51 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 52 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 53 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 54 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 55 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 56 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 57 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 58 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 59 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 60 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 61 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 62 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 63 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 64 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 65 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 66 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 67 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 68 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 69 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 70 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 71 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 72 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 73 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |
| 74 | | | | | | | | | N | $ - | | | | | | $ - | | | | | | $ - |

**San Rafael Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances**
**July 1, 2016 through June 30, 2017**
**(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), 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. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

| A | B | C | D | E | F | G | H |
|---|---|---|---|---|---|---|---|
| | | Fund Sources | | | | | |
| | | Bond Proceeds | | Reserve Balance | Other Funds | RPTTF | |
| | ROPS 16-17 Cash Balances (07/01/16 - 06/30/17) | Bonds issued on or before 12/31/10 | Bonds issued on or after 01/01/11 | Prior ROPS RPTTF and Reserve Balances retained for future period(s) | Rent, Grants, Interest, etc. | Non-Admin and Admin | Comments |
| 1 | **Beginning Available Cash Balance (Actual 07/01/16)**<br>RPTTF amount should exclude "A" period distribution amount | | | | | | |
| 2 | **Revenue/Income (Actual 06/30/17)**<br>RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller | | | | | 4,070,497 | |
| 3 | **Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)** | | | | | 4,070,497 | |
| 4 | **Retention of Available Cash Balance (Actual 06/30/17)**<br>RPTTF amount retained should only include the amounts distributed as reserve for future period(s) | | | | | | |
| 5 | **ROPS 16-17 RPTTF Prior Period Adjustment**<br>RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC | No entry required | | | | | |
| 6 | **Ending Actual Available Cash Balance (06/30/17)**<br>**C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)** | $ 0 | $ 0 | $ 0 | $ 0 | $ 0 | |

**OB RESOLUTION NO. 2019-7**

**A RESOLUTION OF THE MARIN COUNTYWIDE SUCESSOR AGENCY OVERSIGHT BOARD APPROVING A REQUEST FROM THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SAN RAFAEL TO THE MARIN COUNTY BOARD OF SUPERVISORS TO AUTHORIZE A TEMPORARY TRANSFER OF FUNDS**

**WHEREAS**, the San Rafael Redevelopment Agency (the "Agency") was established under the provisions of the Community Redevelopment Law (California Health and Safety Code § 33000 et seq.) (the "CRL"); and

**WHEREAS**, pursuant to the CRL the Agency issued its Tax Allocation Bonds Series 2002 and Series 2009 (the "Bonds"); and

**WHEREAS**, on January 10, 2012 and pursuant to Health and Safety Code Section 34173, the City Council of the City of San Rafael (the "City Council") declared that the City of San Rafael (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Redevelopment Agency of the City of San Rafael (the "Dissolved RDA") effective February 1, 2012; and

**WHEREAS**, on February 1, 2012, the RDA was dissolved pursuant to Health and Safety Code Section 34172; and

**WHEREAS,** the Marin Countywide Successor Agency Oversight Board for the Successor Agency to the former Redevelopment Agency of San Rafael ("Oversight Board") has been appointed pursuant to Health and Safety Code section 34179(j)-(m); and

**WHEREAS**, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the City; and

**WHEREAS**, Health and Safety Code Section 34183 provides for payments on the Bonds from the Redevelopment Property Tax Trust Fund (the "Trust Fund"), which is held by the County; and

**WHEREAS**, the County of Marin Department of Finance has stated there will be insufficient funds in the Trust Fund allocated to the Successor Agency for the first half of fiscal year 2019-2020 to meet its obligations to make the first debt service payment on the Bonds for fiscal year 2019-2020; and

**WHEREAS**, Article XVI, Section 6 of the Constitution of the State of California provides that it shall be the duty of the Treasurer of any County to make such temporary transfer

from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any political subdivision whose funds are in his custody and are paid out solely through his office; and

**WHEREAS**, pursuant to Health and Safety code Section 34183(c), the Marin County Treasurer may loan any funds from the county treasury that are necessary to ensure prompt payments of redevelopment agency debts; and

**WHEREAS**, it is necessary that the sum of up to and not to exceed $3,437,163 be transferred from the general fund in the custody of the County Treasurer to the Successor Agency on about November 15, 2019 for the purpose of meeting the obligations incurred for debt service purposes by the Successor Agency for the 2019-20 fiscal year; and

**WHEREAS**, the amount to be transferred does not exceed eighty-five percent (85%) of the anticipated revenues accruing to the Successor Agency in the Trust Fund; and

**WHEREAS**, it has been the past practice of the County Treasurer to make a temporary transfer from County funds to the San Rafael Redevelopment Agency to make its first semi-annual debt service payment.

**NOW, THEREFORE, BE IT RESOLVED** that the Oversight Board hereby finds, resolves, and determines that 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.

**BE IT FURTHER RESOLVED** that the Oversight Board hereby requests the Marin County Board of Supervisors to authorize a temporary transfer of funds.

**BE IT FURTHER RESOLVED** that the outstanding balance of the County funds transferred is due and payable immediately on the earlier of (i) the receipt of Trust Fund revenues collected from the San Rafael Successor Agency by the County or (ii) January 16, 2020.

**BE IT FURTHER RESOLVED** that the Successor Agency is authorized and directed to enter into any agreements and amendments to agreements necessary to memorialize and implement the agreements and obligations herein approved by the Oversight Board.

**BE IT FURTHER RESOLVED** that the Oversight Board hereby authorizes and directs the Successor Agency staff to take all actions necessary under the Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with this action.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

**ADOPTED** January 31, 2019 by the Marin Countywide Successor Agency Oversight Board by the following vote:

AYES BOARD MEMBERS:
NOES BOARD MEMBERS:
ABSTAIN BOARD MEMBERS:
ABSENT BOARD MEMBERS:

_____
Chair, Oversight Board

ATTEST:

_____
Oversight Board Secretary