

CITY OF OJAI REDEVELOPMENT SUCCESSOR AGENCY

RESOLUTION NO. RDSA 14-03

RESOLUTION OF THE OJAI REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 14-15B) OF THE SUCCESSOR AGENCY AND TAKING OTHER NECESSARY ACTIONS

The Ojai Redevelopment Successor Agency hereby finds, determines, resolves and orders as follows:

WHEREAS, Assembly Bill xl 26 ("AB 26") and AB xl 27 ("AB 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, among other things, AB 26 amends Sections 33500, 33501, 33607.5 and 33607.7 of the California Health and Safety Code and adds Part 1.8 and Part 1.85 to the California Health and Safety Code; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations therein stated, the Ojai Redevelopment Agency was dissolved as of February 1, 2012 such that the Ojai Redevelopment Agency Successor Agency shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

WHEREAS, Health and Safety Code section 34173(a) designates successor agencies as successor entities to former redevelopment agencies; and

WHEREAS, on January 10, 2012, by Resolution No. 12-03, the City Council of the City of Ojai declared itself as the successor agency upon the dissolution of the Ojai Redevelopment Agency, subject to all reservations stated in such resolution; and

WHEREAS, California Health and Safety Code Section 34169(h) provides that a successor agency must prepare a Draft Recognized Obligation Payment Schedule (the "ROPS") on or before November 1, 2011; and

WHEREAS, the California Supreme Court in California Redevelopment Association v. Matosantos, Case No. S194861, upheld the constitutionality of ABx1 26 and established March 1, 2012 as the date by which the draft ROPS must be prepared; and

WHEREAS, the Draft ROPS identifies each enforceable obligation on which payments will be required during the period of January 1, 2012 through June 30, 2012 and identifies the minimum payment amounts and due dates of payments required by each such enforceable obligation, which schedule was approved by Resolution No. RDSA 12-3 on March 27, 2012 and Resolution No. OOB 12-02 on April 4, 2012; and

WHEREAS, the Draft ROPS identifies each enforceable obligation on which payments will be required during the period of July 1, 2012 through December 31, 2012 and identifies the minimum payment amounts and due dates of payments required by each such enforceable obligation, which schedule was approved by Resolution No. RDSA 12-08 on May 8, 2012 and Resolution No. OOB 12-06 on May 2, 2012; and

WHEREAS, the ROPS for both periods were submitted to the State Controller and State Department of Finance for their review; and

WHEREAS, on May 22, 2012 the State Department of Finance requested that we revise both ROPS by taking out the line item for LM Housing 20% Set-a-Side. Furthermore, due to time constraints, the State requested that we submit the schedules before the Board's approval and seek its approval later; and

WHEREAS, on May 25, 2012 the Ojai Redevelopment Successor Agency received an approval letter for the ROPS for both periods as submitted to the State Department of Finance; and

WHEREAS, pursuant to Health and Safety Code Section 34177 (m), the Department of Finance has provided the ROPS III form that all successor agencies must use to report enforceable obligations for the period January 1, 2013 through June 30, 2013. The completed form was due to the Department of Finance on or before September 4, 2012; and

WHEREAS, on November 2, 2012 the Ojai Redevelopment Successor Agency received an approval letter for the ROPS III for the period January 1, 2013 through June 30, 2013 as submitted, except for item no. 1 for pass-through payments which will be paid to the taxing authority by the County Auditor-Controller's Office beginning July 1, 2012, item no. 3 for note payable to Low and Moderate Income Housing pursuant to HSC section 34176 (e) (6) (B), which states that repayment of this loan shall not be made prior to the 2013-14 fiscal year, item no. 6 for loan from the City General Fund (First the agreement needs to be reviewed and determined by the Oversight Board and it determines if the loan has met the requirements of enforcement obligation under HSC section 34171 (d) (2)), and item nos. 9 through 17 for Bryan St. Senior Housing Project and Workforce Housing Demonstration, which were determined not to be enforceable obligations, since there were no executed contracts for them; and

WHEREAS, all Successor Agencies were required to file the Recognized Obligation Payment Schedule (ROPS 13-14A) for the period July 1, 2013 through December 31, 2013 with State Controller, State Department of Finance, RDA State Department of Support, Ventura County Administration Office, and Ventura County Auditor-Controller on or before March 3, 2013. The ROPS 13-14A was reviewed and approved by Resolution of both the Ojai RDA Successor Agency Board on January 22, 2013 and by the Oversight Board Resolution No OOB 13-2 on February 6, 2013; and

WHEREAS, all Successor Agencies are required to file the Recognized Obligation Payment Schedule (ROPS 13-14B) for the period January 1, 2014 through June 30, 2014 with the State Controller, State Department of Finance, RDA State Department of Support, Ventura County Administration Office, and Ventura County Auditor-Controller on or before October 1, 2013. The ROPS 13-14B was reviewed and approved by Resolution of both the Ojai RDA Successor Agency Board on August 27, 2013 and by the Oversight Board Resolution No. OOB 13-5 on September 4, 2013; and

WHEREAS, all Successor Agencies are required to file the Recognized Obligation Payment Schedule (ROPS 14-15A) for the period July 1, 2014 through December 31, 2014 with the State Controller, State Department of Finance, RDA State Department of Support, Ventura County Administration Office, and Ventura County Auditor-Controller on or before March 3, 2014. The ROPS 14-15A schedule was reviewed and approved by Resolution No. 14-2 of the Ojai RDA Successor Agency Board on January 28, 2014 and by the Oversight Board Resolution No. 00B 14-02 on February 5, 2014; and

WHEREAS, all Successor Agencies are required to file the Recognized Obligation Payment Schedule (ROPS 14-15B) for the period January 1, 2015 through June 30, 2015 with the State Controller, State Department of Finance, RDA State Department of Support, Ventura County Administration Office, and Ventura County Auditor-Controller on or before October 3, 2014. The attached ROPS 14-15B schedule has passed the online validation process as required by the State Department of Finance. Once the Successor Agency Board approves it, the staff will present it to the Oversight Board for its review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Ojai Redevelopment Agency Successor Agency Board:

Section 1. The Board hereby approves the Recognized Obligation Payment Schedule 14-15B as presented. The schedule is attached hereto as Exhibit "A" and made a part hereof.

Section 2. Successor Agency staff is hereby authorized to administratively amend the ROPS 14-15B in order to remove items which are subsequently disapproved by the Oversight Board, the County Auditor-Controller and/or the California Department of Finance; provided, however, that neither such authorization nor such removal shall be deemed to be, nor are they intended as, an acknowledgment of the validity of ABx1 26 and AB1484 or such action by the Oversight Board Auditor-Controller and/or the California Department of Finance. The Successor Agency reserves all rights of the Successor Agency to challenge the validity and/or application of any or all provisions of ABx1 26 and AB 1484 in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS. Successor Agency staff is hereby granted authority to administratively carry out all necessary actions for preparation and submission of the ROPS.

PASSED, APPROVED AND ADOPTED this 26th day of August 2014 by the following vote:

AYES: Blatz, Clapp, Lara, Smith, Strobel

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF OJAI, CALIFORNIA



Carlon Strobel, Chair

ATTEST:



Rhonda Basore, Successor Agency Secretary