

## **RESOLUTION NO. R187-2012**

### **RESOLUTION OF THE FORT BRAGG REDEVELOPMENT AGENCY RESCINDING RESOLUTION NO. R185-2012 AND ADOPTING AMENDMENTS TO THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE (EOPS) ADOPTED PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169(g)**

**WHEREAS**, the Redevelopment Agency of the City of Fort Bragg ("Agency") is a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (the "CRL"); and

**WHEREAS**, pursuant to Health and Safety Code Section 34169(g), the Agency is required to adopt an Enforceable Obligation Payment Schedule ("EOPS") that lists all of the obligations that are "enforceable obligations" within the meaning of Health and Safety Code Section 34167(d), and which includes the following information about each such obligation:

- (a) The project name associated with the obligation.
- (b) The payee.
- (c) A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- (d) The amount of payments obligated to be made each month; and

**WHEREAS**, the Agency is required to post the EOPS on the Agency's website and to transmit a copy to the County Auditor-Controller, the State Controller and the State Department of Finance; and

**WHEREAS**, an EOPS was approved by Agency Resolution No. R182-2011 adopted August 22, 2011, and the EOPS was transmitted to all required parties and posted on the Agency's website; and

**WHEREAS**, amendments to the EOPS were approved by Agency Resolution no. R185-2012 adopted on January 23, 2012, and the EOPS, as amended, was transmitted to all required parties and posted on the Agency's website; and

**WHEREAS**, Health and Safety Code Section 34169(g)(2) provides that the EOPS may be amended at a public meeting of the Agency, and that such amendments must be posted on the Agency's website and transmitted to the County Auditor-Controller, the State Controller and the State Department of Finance; and

**WHEREAS**, the Agency desires to adopt further amendments to the EOPS as described in the attached Exhibit A so that the EOPS may accurately reflect all enforceable obligations of the Agency and include affordable housing obligations as contained in California Redevelopment Law; and

**WHEREAS**, the Agency desires that the EOPS, as amended, shall remain effective until a Recognized Payment Obligation Schedule (ROPS) is reviewed, certified and approved pursuant to Health and Safety Code Section 34177(l)(2);

**WHEREAS**, the Agency reserves the right to further amend the EOPS; and

**WHEREAS**, in adopting the amended EOPS, the Agency does not intend to waive, nor shall the Agency be deemed to have waived any rights the Agency or its successor may have pursuant to or in connection with any obligation listed on the EOPS, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Schedule; and

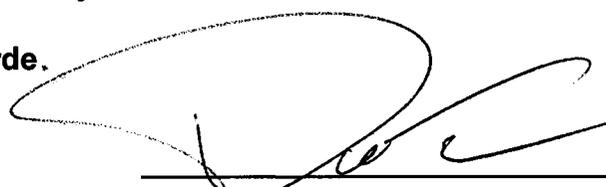
**WHEREAS**, the Agency, by adoption of this Resolution and the undertaking of the actions described herein, does not waive, nor shall the Agency be deemed to have waived, any rights the Agency or its successor may have to challenge the legality or enforceability of any actions taken by any party pursuant to Assembly Bill x1 26 or any provision thereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Agency Board of the Fort Bragg Redevelopment Agency does hereby:

1. Declare that the Recitals set forth above are true and correct, and are incorporated herein by reference.
2. Rescind Resolution No. R185-2012, as adopted by the Agency Board on January 23, 2012.
3. Adopt the amended Enforceable Obligation Payment Schedule attached hereto as Exhibit A, subject to all reservations of rights and contingencies set forth above.
4. Authorize the Agency Executive Director or designee to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution, and the amended EOPS on the Agency's website, and the provision of notice of adoption of this Resolution and EOPS to the County Auditor-Controller, the State Controller and the State Department of Finance.
5. Authorize the Agency Executive Director and the Agency Finance Director, and their designees, to take such actions as necessary and appropriate to carry out and implement the intent of this Resolution.

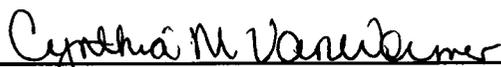
**The above and foregoing Resolution was introduced by Agency Member Courtney, seconded by Agency Member Hammerstrom, and passed and adopted at a special meeting of the Agency Board of the Fort Bragg Redevelopment Agency held on the 31<sup>st</sup> day of January, 2012, by the following vote:**

**AYES:** Agency Members Courtney, Hammerstrom, and Chair Turner.  
**NOES:** None.  
**ABSENT:** Agency Member Gjerde.  
**ABSTAIN:** None.



**DAVE TURNER,**  
Chair

**ATTEST:**

  
**Cynthia M. VanWormer, CMC**  
Agency Secretary



**EXHIBIT "A"**

**City of Fort Bragg Redevelopment Agency**  
**Amended Enforceable Obligation Payment Schedule**  
 Per AB 26 - Section 34167 and 34169

Payee	Description	Balance as of 07/01/11	Total Due During FY 11-12	Payments Thru Dec	Payments by Month through June 30, 2012						
					Jan	Feb	Mar	Apr	May	June	Total
<b>Bonds</b>											
Trustee-US Bank	2004 Tax Allocation Bonds	\$ 4,255,000	\$ 311,895	\$ 114,221				\$ 197,674			\$ 197,674
<b>Agency Expenses</b>											
City of Fort Bragg	Administrative Overhead		119,281	59,641			29,820			29,820	59,640
Moss, Levy & Hartzheim	FY 2010-11 Audit		7,016	6,774		242					242
Agency Counsel	Legal Expenses		47,000	7,704	5,000	5,000	5,000	5,000	5,000	5,000	30,000
EDFC; CRA	Memberships & Dues		12,000	4,700		2,000					2,000
City of Fort Bragg	Employee Costs - Agency		347,737	173,869			86,934			86,934	173,868
Lohr Associates	Project Tech Support for Noyo Center		2,757	-		2,757					2,757
Low/Moderate Income Housing Fund	H&S Section 33334 Payments	2,876,101	200,000	106,773				93,227			93,227
Parents & Friends, Inc.	Cypress Street P&F Feasibility Study		25,000	-		3,800	3163	3,163	1,000	3,800	14,926
Fugro West	Mill Site Environmental Consulting		152,000	52,000	10,000	10,000	10,000	10,000	10,000	10,000	60,000
Environmental Science Associates	Mill Site Specific Plan EIR	606,709	606,709	2,310	24,606	39,203	142,900	130,000	250,000	20,000	606,709
Mendocino County	Administrative Fees		20,000	-		20,000					20,000
Calif. State Coastal Conservancy	Loan for Noyo Center Acquisition	288,000									-
Department of Toxic Substance Control	Environmental Oversight		20,000				5,000			5,000	10,000
City of Fort Bragg	Mill Site Specific Plan	19,455	100,000	44,455	25,000			25,000			50,000
Low/Moderate Income Housing Fund	FY 2010 SERAF Loan	425,572	110,320	55,160			27,580			27,580	55,160
Low/Moderate Income Housing Fund	FY 2011 SERAF Loan	106,416	21,283	10,642			5,321			5,321	10,642
<b>Pass Through Payments</b>											
County of Mendocino	Section 33676 Payments*		203,878	112,133				91,745			91,745
City of Fort Bragg	Section 33676 Payments*		42,044	23,124				18,920			18,920
Fort Bragg Unified School District	Section 33676 Payments*		218,125	119,969				98,156			98,156
College of the Redwoods	Section 33676 Payments*		39,705	21,838				17,867			17,867
Mendocino County Office of Education	Section 33676 Payments*		26,750	14,713				12,037			12,037
Noyo Lighting District	Section 33676 Payments*		2,112	1,162				950			950
MCFC & WCID Water Agency	Section 33676 Payments*		855	470				385			385
Noyo Harbor District	Section 33676 Payments*		3,010	1,656				1,354			1,354
County of Mendocino	Section 33401 Payments*		369,975	203,486				166,489			166,489
Mendocino Coast Park & Recreation District	Section 33401 Payments*		18,181					18,181			18,181
Fort Bragg Rural Fire District	Section 33401 Payments*		6,811					6,811			6,811
<b>Totals</b>		<b>\$ 8,577,253</b>	<b>\$ 3,034,445</b>	<b>\$ 1,136,800</b>	<b>\$ 64,606</b>	<b>\$ 83,002</b>	<b>\$ 315,718</b>	<b>\$ 896,960</b>	<b>\$ 266,000</b>	<b>\$ 193,455</b>	<b>\$ 1,819,740</b>