

RESOLUTION NO. 3516-2012-SA

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE FORT BRAGG REDEVELOPMENT AGENCY ADOPTING AMENDMENTS TO THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE (EOPS) PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169(g)

WHEREAS, the Fort Bragg Redevelopment Agency (“Redevelopment Agency”) was 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, on August 22, 2011, the Redevelopment Agency adopted Resolution No. R182-2011, establishing 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 34169(g), 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 Redevelopment Agency posted the EOPS on the Redevelopment Agency’s website and transmitted a copy to the County Auditor-Controller, the State Controller and the State Department of Finance, as required; and

WHEREAS, amendments to the EOPS were approved by Redevelopment Agency Resolution No. R185-2012 adopted on January 23, 2012, and Redevelopment Agency Resolution No. R185-2012 adopted on January 31, 2012, and the EOPS, as amended, were 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 Redevelopment Agency, and as of February 1, 2012, that authority has been transferred to the Fort Bragg City Council which serves as the Successor Agency to the Redevelopment Agency under AB x1 26; and

WHEREAS, the Successor 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 former Redevelopment Agency; and

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

WHEREAS, in adopting the amended EOPS, the Successor Agency does not intend to waive, nor shall the Successor Agency be deemed to have waived any rights it 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

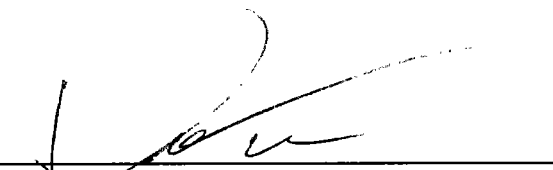
WHEREAS, the Successor Agency, by adoption of this Resolution and the undertaking of the actions described herein, does not waive, nor shall the Successor Agency be deemed to have waived, any rights it may have to challenge the legality or enforceability of any actions taken by any party pursuant to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

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council acting in its capacity as the Successor Agency to 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. Adopt the amended Enforceable Obligation Payment Schedule attached hereto as Exhibit A, subject to all reservations of rights and contingencies set forth above.
3. Authorize the City Manager 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 City'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.
4. Authorize the City Manager and the Finance Director, and their designees, to take such actions as necessary and appropriate to carry out and implement the intent of this Resolution.

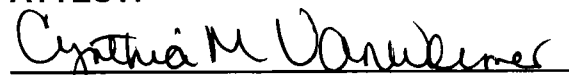
The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of February 2012, by the following vote:

AYES: Councilmembers Courtney, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

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

EXHIBIT "A"

Payee	Description	Balance as of 07/01/11	Total Due During FY 11-12	Payments Thru Dec	Payments by Month through June 30, 2012						Total	
					Jan	Feb	Mar	Apr	May	June		
Bonds												
Trustee-US Bank	2004 Tax Allocation Bonds	\$ 4,255,000	\$ 311,895	\$ 114,221								\$ 197,674
Agency Expenses												
Housing Successor	Administrative Services											
City of Fort Bragg/Successor Agency	Administrative Services		467,018	233,510				116,754				233,508
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			30,000
EDFC, CRA	Memberships & Dues		12,000	4,700		2,000						2,000
Mendocino County	Administrative Fees		20,000	-		20,000						20,000
Low/Moderate Income Housing Fund	H&S Section 333334 Payments		2,876,101	200,000	106,773							93,227
Low/Moderate Income Housing Fund	FY 2010 SERAF Loan		425,572	110,320	55,160			27,580				55,160
Low/Moderate Income Housing Fund	FY 2011 SERAF Loan		106,416	21,283	10,642			5,321				10,642
City of Fort Bragg - Cooperative Agreement	Hwy 1 Safety Improvement Project		1,100,000									
City of Fort Bragg - Cooperative Agreement	Wastewater Treatment Plant Improvements		1,598,000									
City of Fort Bragg - Cooperative Agreement	45-Acre Foot Newman Reservoir		1,625,000									
City of Fort Bragg - Cooperative Agreement	East Ft Bragg Pressure Zone Improvements		1,051,000									
City of Fort Bragg - Cooperative Agreement	Raw Water Line Replacement Project		777,000									
City of Fort Bragg - Cooperative Agreement	Fort Bragg Coastal Trail Phase II		600,000									
City of Fort Bragg - Cooperative Agreement	Man St Fire Station Seismic Rehabilitation		1,500,000									
City of Fort Bragg/Successor Agency	Mill Site Specific Plan		100,000	44,455	25,000							50,000
City of Fort Bragg/Successor Agency	Polanco Administration Costs		152,000	52,000	10,000							60,000
Fugro West	Mill Site Remediation/Polanco Consulting		606,709	606,709	2,310	24,606						606,709
Environmental Science Associates	Mill Site Specific Plan EIR		20,000	20,000								20,000
Department of Toxic Substance Control	Environmental Oversight - Polanco							5,000				5,000
Lohr Associates	Project Tech Support for Noyo Center		2,757									2,757
State Coastal Conservancy	Loan for Noyo Center Acquisition		288,000									
Parents & Friends, Inc	Cypress Street Housing Feasibility Study		25,000				3,800	3163	3,163			14,926
Other Obligations - Pass Through Payments												
County of Mendocino	Section 33676 Payments*		203,878	112,133								91,745
City of Fort Bragg	Section 33676 Payments*		42,044	23,124								18,920
Fort Bragg Unified School District	Section 33676 Payments*		218,125	119,969								98,156
College of the Redwoods	Section 33676 Payments*		39,705	21,838								17,867
Mendocino County Office of Education	Section 33676 Payments*		26,750	14,713								12,037
Noyo Lighting District	Section 33676 Payments*		2,112	1,162								950
MCFC & WCID Water Agency	Section 33676 Payments*		855	470								385
Noyo Harbor District	Section 33676 Payments*		3,010	1,656								1,354
County of Mendocino	Section 33401 Payments*		369,975	203,486								166,489
Mendocino Coast Park & Recreation District	Section 33401 Payments*		18,181									18,181
Fort Bragg Rural Fire District	Section 33401 Payments*		6,811									6,811
Totals		\$ 16,708,798	\$ 3,034,445	\$ 1,136,800	\$ 64,606	\$ 83,002	\$ 315,718	\$ 896,960	\$ 266,000	\$ 193,455	\$ 1,819,740	