



City of Colusa City Council
STAFF REPORT

DATE: January 17, 2012
 TO: Chair and Board Members of the Redevelopment Agency
 FROM: Jan McClintock, Executive Director of Redevelopment Agency

AGENDA ITEM:

Adoption of Resolution Adopting An Amended Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169

CITY COUNCIL PRIORITIES ADDRESS:

- Operate and manage the City in a fiscally responsible manner with open, accurate and comprehensible reporting.

REQUESTED ACTION:

Adopt Agency Resolution No. 12-_____ - Adopting An Amended Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169.

BACKGROUND:

ABx1 26 (the “Dissolution Act”) immediately suspends all new redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective February 1, 2012. All assets, properties, contracts, leases, records, buildings and equipment of the Agency will be transferred to the control of the City of Colusa as the Successor Agency. The Successor Agency is obligated to make payments according to the Enforceable Obligation Payment Schedule until the Oversight Board approves a Recognized Obligation Payment Schedule (“ROPS”).

Prior to the recent California Supreme Court decision, the Dissolution Act required that the Agency establish an Enforceable Obligations Payment Schedule (“EOPS”) that outlined all current Agency financial obligations through December 1, 2011 and would serve as the basis for future tax increment collection and eligible payments if the Agency were dissolved. In August of 2011, the Agency adopted a resolution approving an EOPS through December 2011.

The EOPS needs to be amended to include payments due from January 1, 2012 through June 30, 2012. All contracts, debt service and other enforceable obligations are included in the Schedule (Attachment to the Resolution).

BUDGET IMPACT:

If the Enforceable Obligation Payment Schedule is not amended, the Agency cannot pay obligations due through January 2012, and the City, acting as the Successor Agency, cannot pay

any obligations due until it adopts a ROPS (due March 1, 2012) that is approved by the Oversight Board, which is not expected to meet before May 1, 2012.

ATTACHMENTS:

Resolution

*Enforceable Obligation Payment Schedule will be provided at the meeting

RDA RESOLUTION NO. 12-___

A RESOLUTION OF THE COLUSA REDEVELOPMENT AGENCY ADOPTING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169

WHEREAS, the Colusa Redevelopment Agency (“**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.* (“**CRL**”);

WHEREAS, pursuant to subdivision (g) of Section 34169(g) of the CRL (enacted pursuant to Assembly Bill x1 26), in August of 2011, the Agency adopted an Enforceable Obligation Payment Schedule (“**EOPS**”) listing enforceable obligations within the meaning of subdivision (d) of Section 34167 of the CRL, through December 31, 2011; and

WHEREAS, the Resolution adopting the EOPS reserved the right to amend the EOPS; and

WHEREAS, following adoption of the EOPS, the Agency posted the EOPS on the City’s website and provided notification of its adoption to the Department of Finance, the State Controller’s Office, and the Colusa County Auditor-Controller, in compliance with the CRL; and

WHEREAS, Section 34169 provides that an EOPS can be amended at any public meeting of the Agency; and

WHEREAS, good cause appearing therefor, as set forth in the Staff Report accompanying this Resolution, the Agency desires to amend the EOPS to include obligations through June 2012, which amended EOPS can serve as a guide to the Successor Agency until a Recognized Payment Obligation Schedule (“**ROPS**”) is adopted by the Successor Agency and approved by the Oversight Board in accordance with the CRL; and

WHEREAS, an amended EOPS, a copy of which is attached, has been presented to the Agency, the Agency is familiar with the contents thereof, and the Executive Director has recommended approval of the Amended EOPS, subject to the contingencies and reservation of rights set forth in this Resolution; and

WHEREAS, the Agency reserves the right to challenge the legality of Assembly Bill x1 26; and

WHEREAS, the Agency reserves the right to further amend the Enforceable Obligation Payment Schedule; and

WHEREAS, in adopting the Amended Enforceable Obligation Payment Schedule, 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 such

Amended Schedule, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Amended Schedule.

NOW THEREFORE, THE DIRECTORS OF THE COLUSA REDEVELOPMENT AGENCY HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

The foregoing recitals are true and correct and made a part of this Resolution.

Section 2. Adoption of EOPS.

The Colusa Redevelopment Agency hereby adopts the Amended Enforceable Obligation Payment Schedule, attached hereto and incorporated herein by reference as Exhibit A, subject to all reservations of rights and contingencies set forth above.

Section 3. Direction to Executive Director.

The Directors of the Colusa Redevelopment Agency hereby authorize the Executive Director to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Amended Enforceable Obligation Payment Schedule on the City's website, and transmit a copy of this Resolution and the Amended Schedule to the County Auditor-Controller, the State California State Controller and the State Department of Finance

Section 4. Severability.

Declares that if any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

Passed and adopted this 17th day of January, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patrick W. Landreth, Chair

Attest:

Shelly Kittle, Agency Clerk

Exhibit A: Amended Enforceable Obligation Payment Schedule

Item	Type of Action	Priority	Who is responsible for staff report or documentation	Target Date
Award a contract for Downtown Development Plan for CDBG Grant	Consent Calendar	1	Jan	2/7/2012
Adoption of City Council's directed changes to Committee and Commissions	Consent Calendar	2	Krysten and Jan	2/7/2012
CDBG Public Hearing for new NOFA	Council Consideration	1	David Nelson	2/7/2012
Council Considerations of Revenue Sharing	Council Consideration	1	Krysten	2/7/2012
PUBLIC HEARING and Introduce Ordinance for Public Safety PERS as required by MOU	Council Consideration	1	Jan and Patrick	2/7/2012
Consideration of rezoning request and tentative map for the Parcel known as Riverbend.	Council Consideration	2	Bryan	2/7/2012
Approval of Local Transportation Dollar funding projects	Consent Calendar	1	Dale	2/21/2012
Street Closure for Western Days	Consent Calendar	1	Jan	2/21/2012
Home Town Christmas Recap and directions for next year	Council Consideration	1	Jan and Kary	2/21/2012
Council, as successor agency to the RDA, must adopt the Recognized Obligation Payment Schedule (ROPS) by Resolution. This replaces the EOPS and will be what the County uses to allocate tax funds.	Council Consideration	1	Jan and Krysten	2/21/2012
Process negotiated PERS changes for Public Safety Employees, highest Year	Council Consideration	1	Patrick, Toni, Jan	2/21/2012
Adopt Ordinance for Public Safety PERS as required by MOU	Council Consideration	1	Jan and Patrick	2/21/2012
Approval of final program for funding kids and parents "change for kids" program	Council Consideration	1	Krysten and Jan	2/21/2012
Selection of Credit Card Processing Company	Council Consideration	1	Jan and Tony	2/21/2012
User Free Resolution for 2012/2012 User Fees	Council Consideration	1	Jan and all staff	2/21/2012
1st Reading of City Council's directed changes to Purchasing Ordinance	Council Consideration	2	Krysten and Jan	2/21/2012
Consideration of updated Employee Handbook	Council Consideration	2	Patrick, Jan	2/21/2012

Item	Type of Action	Priority	Who is responsible for staff report or documentation	Target Date
Resolution for Special Events Fees	Council Consideration	2.1	Krysten and Jan	2/21/2012
Introduce Special Events Ordinance	Council Consideration	2.1	Ad Hoc to bring back to the City Council for review / discussion	2/21/2012
Consideration of policy and fees for the sign in Memorial Park	Council Consideration	2.1	Jan, Dale, Krysten	2/21/2012
Annual Review of Parks Rules	Council Consideration	2.1	Forward requests for limitations on dog behavior, smoking, and alcohol	2/21/2012
Consideration of Business License Ordinance	Council Workshop	2	Jan & Krysten	2/21/2012
Consideration of continued participation in the Uniform Construction Code	Council Consideration	2	Dale	2/23/2012
Adoption of City Council's directed changes to Purchasing Ordinance	Consent Calendar	2	Krysten and Jan	3/6/2012
Discussion of proposals for funding kids and parents "change for kids" program	Council Consideration	1	Krysten and Jan	3/6/2012
CDBG Public Hearing on use of PI for special project on City Hall	Council Consideration	1	David Nelson	3/6/2012
Alley management and cleanup	Council Consideration	3	Krysten researching with staff, may be moved to budget discussions	3/6/2012
Introduction of Ordinance to ban Medical Marijuana dispensaries (must go through PC first)	Council Consideration	1.b	Krysten	3/6/2012
Discussion of goals and priorities for FY 2012/2013 Budget	Council Consideration	1	Jan and Staff	3/14/2012
Introduction of Capital Budget objectives and Processes	Council Consideration	1	Jan and Andy	3/14/2012
Mid Year Budget Update	Council Consideration	1	Jan and Andy	3/14/2012
State of the City Report	Council Consideration	1	Jan and Staff	3/14/2012
Special Meeting for Mid-Year report, State of the City and FY 2012/2013 budget				3/14/2012
Consideration of awarding contract to purchase police vehicle.	Consent Calendar	1	Ross	3/20/2012

Item	Type of Action	Priority	Who is responsible for staff report or documentation	Target Date
Prioritize Street Work for Spring/Summer	Council Consideration	1	Date	3/20/2012
Review and Consideration of Revised Employee Handbook	Council Consideration	1	Jan and Patrick	3/20/2012
Street Closure for County Fair Parade	Consent Calendar	1	Jan	4/3/2012
Consideration of Ballot Issue for November 2012	Council Consideration	1	Jan and Krysten	4/3/2012
Considerations of Annexation of State Park	Council Consideration	2	Jan & Bryan	5/1/2012
FY 2012/2013 Budget	Council Consideration	1	Jan and Andy	6/5/2012
Resolution to consolidate the election	Council Consideration	1	Shelly	6/5/2012
Consideration of Annexation Request by CIP	Council Consideration	2	Bryan	6/5/2012
Consideration of Social Media Policy	Council Consideration	2	Krysten and Jan	6/5/2012
Introduce Ordinance for Consideration of Convenience or need process	Council Consideration	2	Bryan and Krysten	6/5/2012
Colusa Crossing Annexation	Council Consideration	3	Bryan Stice / Pending Planning Commission Review	7/1/2012
Annual Public Hearing on CDBG funds and reports	Council Consideration	1	David Nelson	8/1/2012
Consideration of Annexation Request by Walnut Ranch	Council Consideration	2	Bryan	9/1/2012