

RESOLUTION NO. 12-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AND SERVING AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, APPROVING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE, AN AMENDED FIRST RECOGNIZED OBLIGATION SCHEDULE, AND A SECOND RECOGNIZED OBLIGATION PAYMENT SCHEDULE; AND, AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT SECTION 34177 OF PART 1.85 OF THE DISSOLUTION ACT.

WHEREAS, the Costa Mesa Redevelopment Agency ("Agency") was established as a community redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Costa Mesa ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision"); and

WHEREAS, the Agency is now a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves as the Successor Agency is performing its functions as the successor agency under the

Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board formed thereunder; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency prior to its dissolution adopted an original and an amended enforceable obligation payment schedule ("EOPS") and authorized the Finance Director or his authorized designees to augment or modify the EOPS and transmitted the EOPS to the City (then to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance and the State Controller's Office; and

WHEREAS, under Part 1.8 of the Dissolution Act, the Agency prior to its dissolution adopted an initial Recognized Payment Schedule ("ROPS") and authorized the Finance Director or his authorized designee to augment or modify the initial ROPS and to transmit such ROPS to the City (then to be serving as Successor Agency) and to the County Auditor-Controller, the Department of Finance and the State Controller's Office; and

WHEREAS, pursuant Part 1.85 of the Dissolution Act, Section 34171(g), a Recognized Obligation Payment Schedule means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivision (m) of Section 34177; and

WHEREAS, pursuant to the dates in the Dissolution Act, Section 34177(k), as reformed by the Supreme Court Decision, every successor agency was required to consider and adopt a Recognized Obligation Payment Schedule by March 1, 2012, which the Successor Agency so approved by Resolution on February 21, 2012;

WHEREAS, the City acting and serving as Successor Agency has prepared: (a) an amended EOPS, (b) an amended first ROPS for the period February 1, 2012 to June 30, 2012, and (c) a second ROPS for the period July 1, 2012 to December 31, 2012, which are appended as Attachment Nos. 1, 2, and 3, respectively, to this Resolution and incorporated herein by this reference (together, "Schedules"); and

WHEREAS, by this Resolution, the City Council, serving as and on behalf of the Successor Agency, approves the Schedules and authorizes the transmittal of the Schedules to the Oversight Board; and

WHEREAS, pursuant to Section 34177 copies of the first and second ROPS are to be submitted to the County Auditor-Controller for review and certification, as to accuracy, by an external auditor designated pursuant to Section 34182; and

WHEREAS, pursuant to Section 34177 copies of the Schedules are also to be submitted to the State Controller's Office and the Department of Finance and shall be posted on the City/Successor Agency's internet website.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL ACTING AND SERVING AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY:

**Section 1.** The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part hereof.

**Section 2.** The (a) amended EOPS, (b) amended first ROPS for the period February 1, 2012 to June 30, 2012, and (c) second ROPS for the period July 1, 2012 to December 31, 2012 are hereby approved, with such augmentation, modification, addition or revision as the Finance Director or Assistant Finance Director or their authorized designees may make thereto.

**Section 3.** The Assistant Finance Director or her authorized designees on behalf of the Successor Agency shall cause the Schedules to be transmitted to the Oversight Board and transmitted to the County Auditor-Controller, the State Controller's Office, and the Department of Finance; further, the Assistant Finance Director or her authorized designees on behalf of the Successor Agency shall cause both the first and second ROPS to be posted on the City/Successor Agency internet website.

**Section 4.** This Resolution shall be effective after the Oversight Board's approval and thereafter the transmittal of this Resolution with the Schedules attached and both the first ROPS and the second ROPS shall be transmitted to the DOF and shall be effective after expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof it will have 10 days from the date of its request to

approve the Oversight Board's action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

**Section 5.** The Acting Deputy City Clerk acting on behalf of the Successor Agency shall certify to the adoption of this Resolution.

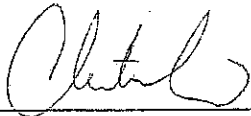
APPROVED AND ADOPTED this 10<sup>th</sup> day of April 2012.




Eric R. Bever, Mayor on behalf of  
Successor Agency

ATTEST:

APPROVED AS TO FORM:



Christine Cordon, Acting Deputy  
City Clerk on behalf of  
Successor Agency



Thomas Duarte, City Attorney on behalf of  
Successor Agency

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF  
THE CITY CLERK OF THE CITY OF COSTA MESA.

DATED: April 12, 2012



CHRISTINE CORDON, ACTING DEPUTY CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

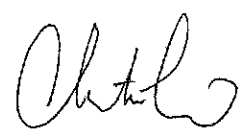
I, CHRISTINE CORDON, Acting Deputy City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12-23 and was duly passed and adopted by the City Council of the City of Costa Mesa serving as Successor Agency at a special meeting held on the 10<sup>th</sup> day of April, 2012, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BEVER, RIGHEIMER, LEECE, MENSINGER, MONAHAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 11<sup>th</sup> day of April, 2012.



CHRISTINE CORDON, ACTING DEPUTY  
CITY CLERK ON BEHALF  
OF SUCCESSOR AGENCY

(SEAL)





**RECOGNIZED OBLIGATION PAYMENT SCHEDULE - AMENDED**  
 FOR PERIOD JANUARY 1, 2012 TO JUNE 30, 2012

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						Total
					Jan	Feb	Mar	Apr	May	June	
<b>1) Successor Agency - Personnel Expenditures</b>											
Dev Services Director	City of Costa Mesa	SA Payroll Costs - Development Service Dept	18,309.60	18,309.60	1,525.80	1,525.80	1,525.80	1,525.80	1,525.80	1,525.80	9,154.80
Executive Secretary	City of Costa Mesa	SA Payroll Costs - Development Service Dept	88,739.10	88,739.10	7,394.93	7,394.93	7,394.93	7,394.93	7,394.93	7,394.93	44,369.55
Neigh. Improvement Manager	City of Costa Mesa	SA Payroll Costs - Development Service Dept	45,000.00	45,000.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	22,500.00
Management Analyst	City of Costa Mesa	SA Payroll Costs - Development Service Dept	74,461.20	74,461.20	6,205.10	6,205.10	6,205.10	6,205.10	6,205.10	6,205.10	37,230.60
Management Analyst	City of Costa Mesa	SA Payroll Costs - Development Service Dept	74,461.20	74,461.20	6,205.10	6,205.10	6,205.10	6,205.10	6,205.10	6,205.10	37,230.60
Management Analyst	City of Costa Mesa	SA Payroll Costs - Development Service Dept	77,140.70	77,140.70	6,428.39	6,428.39	6,428.39	6,428.39	6,428.39	6,428.40	38,570.35
<b>2) Other Administrative Expenditures</b>											
Accounting Services	City of Costa Mesa	Other Admin Costs Not Related To Projects	20,000.00	20,000.00	1,666.67	1,666.67	1,666.67	1,666.67	1,666.66	1,666.66	10,000.00
IT Services	City of Costa Mesa	Accounting Services Provided by Finance & IT Dept.	8,000.00	8,000.00	666.67	666.67	666.67	666.67	666.66	666.66	4,000.00
Legal Services	City of Costa Mesa	Legal Services Provided by Development Svcs Dept.	50,000.00	50,000.00	4,166.67	4,166.67	4,166.67	4,166.67	4,166.66	4,166.66	25,000.00
Consulting Services	City of Costa Mesa	Consulting Services Provided by Development Svcs Dept.	40,000.00	40,000.00	3,333.33	3,333.33	3,333.33	3,333.33	3,333.34	3,333.34	20,000.00
Central Services	City of Costa Mesa	Central Services Provided by Admin Services Dept	2,000.00	2,000.00	166.67	166.67	166.67	166.67	166.66	166.66	1,000.00
Postage Charges	City of Costa Mesa	Postage Charges Paid by City	1,888.20	1,888.20	157.35	157.35	157.35	157.35	157.35	157.35	944.10
Totals - This Page			\$ 500,000.00	\$ 500,000.00	\$41,666.68	\$41,666.68	\$41,666.68	\$41,666.68	\$41,666.64	\$41,666.64	\$250,000.00
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 500,000.00	\$ 500,000.00	\$41,666.68	\$41,666.68	\$41,666.68	\$41,666.68	\$41,666.64	\$41,666.64	\$250,000.00





