

CITY OF SOLANA BEACH
ACTION AGENDA

The Action Agenda of the Oversight Board Meeting is a document provided immediately following the Meeting in order to communicate the business transacted that resulting in actions taken by Board. This is a preliminary draft and not a public record. The meeting's legal record is the Minutes approved by the Board.

Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency
SPECIAL MEETING
Thursday, September 26, 2013
4:00 P. M.

City Hall, 635 S. Highway 101, Solana Beach, California

AGENDA MATERIALS

A full agenda packet including relative supporting documentation is available at City Hall and on the City's website www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Board for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be available for public viewing. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

SPEAKERS

Please submit a speaker slip to the City Clerk/Secretary prior to the meeting, or the announcement of the Section/Item, to provide public comment.

AMERICAN DISABILITIES ACT TITLE 2

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chambers.

BOARD MEMBERS

Timothy P. Coughlin
San Diego County Board of Supervisors

Jeanne Deaver
Santa Fe Irrigation District

Doug Sheres, Vice Chair
San Diego County Board of Supervisors

Thomas Golich, Chair
City of Solana Beach

Myeshia Armstrong
California Community Colleges / MiraCosta

Carlos Estrella
San Diego County Board of Education

David Ott
City of Solana Beach

Kendall Berkey, General Counsel

Angela Ivey, Secretary

SPEAKERS:

Please submit a request to speak to the Secretary prior to the meeting or the announcement of the Item.

READING OF RESOLUTIONS:

Pursuant to Solana Beach Municipal Code Section 2.04.460, at the time of introduction or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Board. If any Boardmember so requests, the resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

APPROVAL OF AGENDA:

CHAIR AND BOARDMEMBERS' COMMENTS

PUBLIC COMMENT – Agenda Items of Related Business to the Board

This portion of the agenda provides an opportunity for members of the public to address the Oversight Board of the Successor Agency on items relating to the Board's subject matter and not appearing on today's agenda. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items. The Board may refer items for placement on a future agenda.

BOARD BUSINESS

1. Election of Acting Chair.

- a. Elect one member to serve as Acting Chair of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency for the purpose of conducting a special meeting on September 26, 2013.

ACTION: Approved to elect Jeanne Deaver as Acting Chair - 4/3 (Absent: Golich, Sheres, Armstrong)

2. Minutes of the Oversight Board.

- a. Approve the Minutes of the Oversight Board Meeting held February 21, 2013.

ACTION: Approved 4/3 (Absent: Golich, Sheres, Armstrong)

3. Public Improvement Agreement between the City of Solana Beach and the Successor Agency of the Solana Beach Redevelopment Agency for the Expenditure of Unencumbered Bond Proceeds. (File 0115-35)

- a. Adopt **Resolution OBSA-016** approving and authorizing the successor agency's execution and implementation of the Public Improvement

Agreement for the Highway 101 West Side Improvement Project and La Colonia Park and Recreation Center Improvement Project.

ACTION: Approved 4/3 (Absent: Golich, Sheres, Armstrong)

4. **Successor Agency Administrative Budget and Recognized Obligation Payment Schedule for the Period Ending June 30, 2014 and Making Related Determinations and Taking Related Actions.** (File 0115-35)
 - a. Adopt **Resolution OBSA-017** approving the Successor Agency Administrative Budget for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith.
 - b. Adopt **Resolution OBSA-018** approving Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith

ACTION: Approved Resolution OBSA-017 - 4/3 (Absent: Golich, Sheres, Armstrong)

ACTION: Approved Resolution OBSA-018 - 4/3 (Absent: Golich, Sheres, Armstrong)

ADJOURN:

AFFIDAVIT OF POSTING:

*STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH*

I, Angela Ivey, Secretary, of the Oversight Board to the Successor Agency and City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the September 26, 2013 Special Meeting was called by Oversight Board of the Successor Agency for the Redevelopment Agency of Solana Beach and was provided and posted on September 24, 2013 at 6:00 p.m. on the City Bulletin Board at the entrance to City Hall. Said meeting is held at 4:00 p.m., September 26, 2013, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, Secretary
City of Solana Beach, CA



STAFF REPORT OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE SOLANA BEACH REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **Approval of Public Improvement Agreement between the City of Solana Beach and the Successor Agency of the Solana Beach Redevelopment Agency for the Expenditure of Unencumbered Bond Proceeds**

BACKGROUND:

In 2006, the former Solana Beach Redevelopment Agency issued bonds in the principal amount of \$3.555 million for the purpose of funding various public improvements. \$638,308 remains unspent and unencumbered.

The former Redevelopment Agency had intended to spend these remaining bond proceeds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project, but after the passage of AB1x26 on June 28, 2011, the former Agency was unable to enter into any contracts. Legislation adopted in 2012 (AB 1484) provided that these bond proceeds could be used once the Solana Beach Successor Agency received a "Finding of Completion."

The Successor Agency received a Finding of Completion on July 18, 2013 and may now enter into contracts to spend the remaining bond proceeds. Because the Successor Agency has no staff, the proposed agreement provides that the Successor Agency will transfer the remaining bond funds to the City to assist in funding the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

DISCUSSION:

Due to the dissolution of redevelopment agencies and the policies of the California Department of Finance (DOF), the Successor Agency has been unable to complete the projects contemplated when the former Redevelopment Agency issued \$3.555 million in bonds in 2006. Currently, \$638,308 remains and is held by the Successor Agency. The former Redevelopment Agency long planned to spend these funds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

OVERSIGHT BOARD ACTION:

Health & Safety Code Section 34191.4(c) provides that once the Successor Agency receives a Finding of Completion, it may expend unobligated bond proceeds from bonds issued before 2011 “in a manner consistent with the original bond covenants.” The original bond covenants provided that the bonds would fund public improvements for the benefit of the Redevelopment Project Area. Both the Highway 101 Corridor Improvement Project and La Colonia Park and Recreation Center Improvement Project are public improvements located in the Project Area and so are consistent with the original bond covenants.

The bond proceeds would be used for these specific projects:

- Highway 101 Corridor Improvements: These improvements consist of improvements on Plaza Street to facilitate the movement of bicycles, pedestrians and vehicles along Plaza Street from Highway 101 to the City’s main beach access at Fletcher Cove Park (a distance of two blocks) and construction of a sidewalk along the southbound lanes of Highway 101 from just north of Ocean Street, where the existing sidewalk ends, to the north City limits. These improvements would allow pedestrians to walk to the South Cardiff State Beach along the proposed sidewalk. Repairs and rehabilitation to the Coastal Rail Trail (CRT), which is located on the east side of Highway 101, will also be done. Since the CRT was constructed about 10 years ago, certain portions of the trail need to be refurbished. These areas include landscaping and the decomposed granite (DG) path.
- The La Colonia Park and Recreation Center Improvement Project: This project will assist in the construction of a Veteran’s Memorial at the park within the existing footprint of the park and make interior improvements to the existing community center building. La Colonia Park is the City’s largest park and includes the City’s largest community center.

Because the Successor Agency has no staff, it would be most efficient for the Agency to transfer the remaining bond proceeds to the City to expend on the two projects, with the City entering into the necessary contracts and City Staff managing the contracts. The attached Public Improvement Agreement provides that the bond proceeds will be transferred to the City for the two projects. The City is required to provide the Successor Agency with annual reports on the status of the two projects until the bond proceeds are entirely expended, to provide the Successor Agency with a close-out report, and to utilize all of the bond proceeds within three years.

The City and the Successor Agency met on September 25, 2013 and have approved the Public improvement Agreement. All City-Successor Agency agreements must be approved by the Oversight Board and submitted to DOF (Health & Safety Code Section 34180(h)). The expenditure of the bond proceeds is also shown on the Recognized Obligation Payment Schedule (ROPS) as an “excess bond proceeds obligation.” If

approved by DOF, the Successor Agency will transfer the funds to the City to complete the two projects.

CEQA COMPLIANCE STATEMENT:

All work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

FISCAL IMPACT:

Should the Oversight Board approve the request, there is no fiscal impact on any taxing agencies. Approval of this agreement will enable the City to spend \$638,308 in remaining 2006 bond proceeds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project. Bond payments will not increase due to the expenditure of these funds. The bond indentures do not allow the bond proceeds to be distributed to taxing entities.

WORKPLAN: N/A

OPTIONS:

- Approve Staff recommendation.
- Provide direction.

SUCCESSOR AGENCY RECOMMENDATION:

The Successor Agency recommends that the Oversight Board adopt Resolution No. OBSA-016, approving and authorizing the Successor Agency's execution and implementation of the Public Improvement Agreement for the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Successor Agency Recommendation

David Ott, Executive Director

Attachments:

1. Resolution No OBSA-016
2. Public Improvement Agreement.
3. City Resolution No. 2013-110 Approving Public Improvement Agreement.
4. Successor Agency Resolution SA-008 Approving Public Improvement Agreement.

RESOLUTION OBSA-016

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE SUCCESSOR AGENCY'S EXECUTION AND IMPLEMENTATION OF THE PUBLIC IMPROVEMENT AGREEMENT FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA PARK AND RECREATION CENTER IMPROVEMENT PROJECT

WHEREAS, pursuant to AB 1x26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Law"), the Solana Beach Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Solana Beach, acting in a separate limited capacity and known as the Successor Agency for the Solana Beach Redevelopment Agency, has elected to serve as the successor agency (the "Successor Agency") for the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Solana Beach (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds as defined and described below), and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by letter of July 18, 2013, the California Department of Finance (the "DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 (the "Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the Dissolution Law and entitling the Successor Agency to specified benefits, including the authority to expend the Remaining 2006 Bond Proceeds (as defined and described below); and

WHEREAS, prior to the dissolution of the Dissolved RDA:

1. Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33000 et seq; the "Redevelopment Law"), the Dissolved RDA was responsible for implementing the Redevelopment Plan for the Solana Beach Redevelopment Project (the "Redevelopment Plan"), which sets forth a redevelopment program for the redevelopment project area (the "Project Area"), including the provision

and enhancement of public facilities and infrastructure in the Project Area, such as the Project (as defined below); and

2. On April 10, 2013, the City Council approved the Highway 101 Corridor Plan, outlining streetscape improvements that would aid in the revitalization of Highway 101 within the Project Area; and

3. On March 11, 2009, the City Council approved the La Colonia Park and Recreation Center Conceptual Master Plan, outlining improvements to the park and recreation center that would revitalize La Colonia Park within the Project Area; and

4. Pursuant to an Indenture of Trust between the Dissolved RDA and Wells Fargo Bank, National Association, dated as of May 1, 2006 (the "2006 Bond Indenture"), and related bond documents (the "2006 Bond Documents"), the Dissolved RDA issued its Solana Beach Redevelopment Agency, Solana Beach Redevelopment Project Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 (the "2006 Bonds") for the purpose of funding public improvements for the benefit of the Project Area and in furtherance of the Redevelopment Plan, such as the Project (as defined below); and

5. In December 2009, the Dissolved RDA adopted a five-year implementation plan (the "Implementation Plan") pursuant to Health and Safety Code Section 33490, which expressly included funding for modifications to La Colonia Park and Recreation Center and Highway 101 Street Scape/Traffic Calming (the "Project") as improvements projected to be completed by 2013-14; and

WHEREAS, the Project offers an opportunity to serve as a valuable catalyst for economic revitalization of the Project Area; and

WHEREAS, the Redevelopment Plan and the Implementation Plan expressly contemplated funding assistance from the Dissolved RDA for public infrastructure improvements, including the Project; and

WHEREAS, as of the dissolution of the Dissolved RDA, there remained \$638,308 of unencumbered net proceeds of the 2006 Bonds (the "Remaining 2006 Bond Proceeds"), which have been transferred to and remain in the possession of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34191.4(c), which applies to successor agencies that have received a finding of completion from the DOF, provides, in relevant part:

"Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold. Notwithstanding...any... conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligation shall thereafter be expended in a manner consistent with the original bond covenants...An

expenditure pursuant to this paragraph shall constitute the creation of an excess bond proceeds obligation to be paid from the excess proceeds. Excess bond proceeds shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency"; and

WHEREAS, for the reasons summarized below, the proposed Public Improvement Agreement (the "Agreement") constitutes the creation of an excess proceeds obligation authorized by Health and Safety Code Section 34191.4(c) that shall be paid from the Remaining 2006 Bond Proceeds:

1. Health and Safety Code Section 34191.4(c) applies to the Successor Agency because the Successor Agency has received its Finding of Completion from the DOF. Indeed, the DOF Letter expressly states in relevant part:

"The [Successor] Agency may now do the following:...Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4(c)" ; and

2. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to the Agreement constitute "bond proceeds derived from bonds issued on or before December 31, 2010" in that the 2006 Bonds were issued on May 25, 2006; and

3. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to the Agreement also constitute "bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations" in that the Remaining 2006 Bond Proceeds constitute unencumbered proceeds of the 2006 Bonds received by the Successor Agency from the Dissolved RDA that are not needed to satisfy any "enforceable obligation", as that term is defined in Health and Safety Code Section 34171(d) (as added by the Dissolution Law); and

4. Expenditure of Remaining 2006 Bond Proceeds by the Successor Agency pursuant to the Agreement is "for the purposes for which the bonds were issued" and "in a manner consistent with the original bond covenants", which purpose and covenants are found primarily in the 2006 Bond Indenture and the 2006 Bond Documents. Specifically, the 2006 Bond Documents provide that the Remaining 2006 Bond Proceeds will "fund the costs of public improvements within the Project Area consistent with the [Dissolved RDA's] approved five-year implementation plan"; and

5. As further detailed in prior recitals, expenditure of the Remaining 2006 Bond Proceeds by the Successor Agency pursuant to the Agreement is consistent with the purpose set forth in the 2006 Bond Documents, in that the Project constitutes the provision of public improvements consistent with the Implementation Plan; and

WHEREAS, Pursuant to Health and Safety Code Section 34189(a) (as added by the Dissolution Law), the provisions of Health and Safety Code Section 33445 are now

inoperative, so that no findings of the Successor Agency or the City Council are required under that statutory provision in connection with the approval and execution of the Agreement; it being understood that this Agreement is entered into under the authority of Health and Safety Code Section 34191.4(c), as fully described above; and

WHEREAS, the Project to be constructed under the Agreement is subject to the California Environmental Quality Act and accompanying state and local guidelines ("CEQA"); and

WHEREAS, the City, as the "lead agency" under CEQA, has determined that all of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures); and

WHEREAS, in accordance with Health and Safety Code Section 34180(h), upon request by the Successor Agency, the Oversight Board may approve an agreement between the Successor Agency and the City, such as the Agreement; and

WHEREAS, by resolution of September 25, 2013, the Successor Agency's governing board approved the Agreement, conditioned on subsequent approval by the Oversight Board, and formally requested that the Oversight Board approve the Agreement in accordance with Health and Safety Code Section 34180(h); and

WHEREAS, consequently, the Agreement will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Dissolution Law, as fully provided in Section 4 of this Resolution and Section 2.12 of the Agreement; and

WHEREAS, the Staff Report accompanying this Resolution, the CEQA Determination, the Agreement, and referenced documents (collectively, the "Supporting Documents") have been presented to and considered by the Oversight Board in support of the findings and approvals set forth in this Resolution; are hereby incorporated by reference in this Resolution; and, together with the above recitals (the "Recitals") and any public testimony received, form the evidentiary basis and establish the analytical route for reaching the ultimate findings and conclusions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby finds, resolves, and determines as follows:

Section 1. Recitals Correct. The Oversight Board finds that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the findings and approvals set forth below.

Section 2. CEQA Actions. The Oversight Board, as a "responsible agency" under CEQA, determines that all of the work associated with the Highway 101 Corridor Improvements are exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

Section 3. Approval of Agreement. Pursuant to Health and Safety Code Section 34180(h), the Oversight Board hereby approves the entry by the Successor Agency into the Agreement with the City, and the execution of the Agreement by the Successor Agency's Executive Director or designee, on behalf of the Successor Agency, substantially in the form on file with the Successor Agency's Secretary.

Section 4. Notice to DOF. The Oversight Board hereby directs the Successor Agency's Secretary to provide written notice and information about this Resolution to the DOF in accordance with Health and Safety Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).

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PASSED AND ADOPTED this 26th day of September, 2013, at a special meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES: Boardmember:
NOES: Boardmember:
ABSENT: Boardmember:
ABSTAIN: Boardmember:

Boardmember for Thomas Golich,
Board Chair

APPROVED AS TO FORM:

ATTEST:

KENDALL BERKEY,
General Counsel

ANGELA IVEY,
Successor Agency Secretary

**PUBLIC IMPROVEMENT AGREEMENT
FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA
PARK AND RECREATION CENTER IMPROVEMENT PROJECT**

This Public Improvement Agreement for the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvements (the "Agreement") is entered into as of _____, 2013 by and between the City of Solana Beach (the "City"), and the Successor Agency for the Solana Beach Redevelopment Agency (the "Successor Agency"), on the basis of the following facts, understandings, and intentions of the City and the Successor Agency (sometimes collectively referred to as the "Parties" and individually as a "Party"):

RECITALS

A. This Agreement is entered into to implement terms and requirements of ABx1 26 enacted June 28, 2011, as modified by AB 1484 enacted June 27, 2012 (collectively, the "Dissolution Law").

B. In accordance with the Dissolution Law:

1. The former Solana Beach Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012 pursuant to Health and Safety Code Section 34172(a);

2. On January 11, 2012, pursuant to Health and Safety Code Section 34173, the Solana Beach City Council (the "City Council") adopted Resolution No. 2012-011 declaring that the City would act as the Successor Agency for the Dissolved RDA. Health and Safety Code Section 34173(g) (added to the Dissolution Law by AB 1484) clarifies that the Successor Agency is a separate and distinct legal entity from the City;

3. The Successor Agency is charged with paying the enforceable obligations, unwinding the affairs, and disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds, as defined below) of the Dissolved RDA;

4. An oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

5. By letter of July 18, 2013, the California Department of Finance (the "DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 (the "Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the Dissolution Law and entitling the Successor agency for specified benefits, including the authority to expend the Remaining 2006 Bond Proceeds in accordance with this Agreement.

C. Prior to the dissolution of the Dissolved RDA:

1. Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33000 et seq; the "Redevelopment Law"), the Dissolved RDA was responsible for implementing the Redevelopment Plan for the Solana Beach Redevelopment Project (the "Redevelopment Plan"), which sets forth a redevelopment program for the redevelopment project area (the "Project Area"), including the provision and enhancement of public facilities and infrastructure in the Project Area, such as the Project (as defined below);

2. On April 10, 2013, the City Council approved the Highway 101 Corridor Plan, outlining streetscape improvements that would aid in the revitalization of Highway 101 within the Project Area;

3. On March 11, 2009 the City Council approved the La Colonia Park and Recreation Center Conceptual Master Plan, outlining improvements to the park and recreation center that would revitalize La Colonia Park within the Project Area;

4. Pursuant to an Indenture of Trust between the Dissolved RDA and Wells Fargo Bank, National Association, dated as of May 1, 2006 (the "2006 Bond Indenture"), and related bond documents (the "2006 Bond Documents"), the Dissolved RDA issued its Solana Beach Redevelopment Agency, Solana Beach Redevelopment Project Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 (the "2006 Bonds") for the purpose of funding public improvements for the benefit of the Project Area and in furtherance of the Redevelopment Plan, such as the Project (as defined below); and

5. In December 2009 the Dissolved RDA adopted a five-year implementation plan (the "Implementation Plan") pursuant to Health and Safety Code Section 33490, which expressly included funding for modifications to La Colonia Park and Recreation Center and Highway 101 Street Scape/Traffic Calming (the "Project") as improvements projected to be completed by 2013-14.

D. The Project offers an opportunity to enhance the Project Area. Accordingly, the Redevelopment Plan and the Implementation Plan expressly contemplated funding assistance from the Dissolved RDA for public infrastructure improvements, including the Project. The Project will provide improvements to Highway 101 that enhance the pedestrian and bicycle experience through new sidewalks and bike lanes, landscaping, and ADA improvements. The improvements to Highway 101 will also enhance the appearance of the commercial corridor to stimulate economic investment in private properties. The La Colonia Park improvements will make interior improvements and replace air conditioning units to the Community Center building, assist in the construction of a veteran's memorial and provide improvements to the tot lot in the park. The City lacks the capital resources to implement all the necessary maintenance and upgrading.

E. As of the dissolution of the Dissolved RDA, there remained \$638,308 of unencumbered net proceeds of the 2006 Bonds (the "Remaining 2006 Bond Proceeds"), which have been transferred to and remain in the possession of the Successor Agency.

F. Health and Safety Code Section 34191.4(c), which applies to successor agencies that have received a finding of completion from the DOF, provides, in relevant part:

"Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold. Notwithstanding...any... conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligation shall thereafter be expended in a manner consistent with the original bond covenants...An expenditure pursuant to this paragraph shall constitute the creation of an excess bond proceeds obligation to be paid from the excess proceeds. Excess bond proceeds shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency."

G. For the reasons summarized below, this Agreement constitutes the creation of an excess proceeds obligation authorized by Health and Safety Code Section 34191.4(c) that shall be paid from the Remaining 2006 Bond Proceeds:

1. Health and Safety Code Section 34191.4(c) applies to the Successor Agency because the Successor Agency has received its Finding of Completion from the DOF. The Finding of Completion expressly states in relevant part:

"The [Successor] Agency may now do the following:...Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4(c)."

2. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to this Agreement constitute "bond proceeds derived from bonds issued on or before December 31, 2010" in that the 2006 Bonds were issued on May 25, 2006.

3. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to this Agreement also constitute "bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations" in that the Remaining 2006 Bond Proceeds constitute unencumbered proceeds of the 2006 Bonds received by the Successor Agency from the Dissolved RDA that are not needed to satisfy any "enforceable obligation", as that term is defined in Health and Safety Code Section 34171(d) (as added by the Dissolution Law).

4. Expenditure of Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is "for the purposes for which the bonds were issued" and "in a manner consistent with the original bond covenants", which purpose and covenants are found primarily in the 2006 Bond Indenture and the 2006 Bond Documents. Specifically, the 2006 Bond Documents provide that the Remaining 2006 Bond Proceeds will "fund the costs of public improvements within the Project Area consistent with the [Dissolved RDA's] approved five-year implementation plan."

5. As further detailed in prior recitals, expenditure of the Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is consistent with the purpose set forth in the 2006 Bond Documents, in that the Project constitutes the provision of public improvements consistent with the Implementation Plan.

H. For the foregoing reasons and in accordance with the foregoing statutory authority of Health and Safety Code Section 34191.4(c), the Successor Agency and the City desire to enter into this Agreement, whereby the Successor Agency will grant and provide to the City the Remaining 2006 Bond Proceeds in the amount of \$638,308, and the City will perform the scope of work as fully set forth in the attached Exhibit A (the "Scope of Work") to implement the Project using the Remaining 2006 Bond Proceeds, including providing design, construction administration, inspection, and permit services, and entering into one or more construction contracts to perform the actual construction of the Project.

I. Pursuant to Health and Safety Code Section 34189(a) (as added by the Dissolution Law), the provisions of Health and Safety Code Section 33445 are now inoperative, so that no findings of the Successor Agency or the City Council are required under that statutory provision in connection with the approval and execution of this Agreement; it being

understand that this Agreement is entered into under the authority of Health and Safety Code Section 34191.4(c), as fully described above.

J. The Project to be constructed under this Agreement is subject to the California Environmental Quality Act ("CEQA"). The City, as the "lead agency" under CEQA, has determined that all of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

K. Health and Safety Code Section 34180(h) requires that any agreement between a successor agency and the city that formed a dissolved redevelopment agency, such as this Agreement, must be approved by the successor agency's oversight board. Consequently, this Agreement will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Dissolution Law, as fully provided in Section 2.12.

NOW, THEREFORE, the City and the Successor Agency agree as follows:

ARTICLE 1. FUNDING AND IMPLEMENTATION OF THE PROJECT

Section 1.1 Funding. Subject to the terms and conditions of this Agreement, the Successor Agency hereby grants and agrees to make available to the City the Remaining 2006 Bond Proceeds in an amount equal to \$638,308 to pay for City's services and third party costs to construct the Project in accordance with this Agreement, and pursuant to the Scope of Work (attached to this Agreement as Exhibit A) and the accompanying Project Budget (attached to this Agreement as Exhibit B). The Scope of Work and Project Budget may be modified from time to time by written approval of the Successor Agency Executive Director and the City Public Works Director (or their designees), without formal amendment of this Agreement, as provided in Section 2.4.

Section 1.2 Use of Remaining 2006 Bond Proceeds.

(a) In General. The Remaining 2006 Bond Proceeds shall be used by the City exclusively to pay the City's costs for the implementation of the Project in accordance with the terms and conditions of this Agreement, including payment for the City's services provided pursuant to the Scope of Work (Exhibit A).

(b) Bonds. The City acknowledges that the Remaining 2006 Bond Proceeds are derived from proceeds of the 2006 Bonds. The City shall cooperate to assure that the Remaining 2006 Bond Proceeds are used as authorized by the terms of the 2006 Bond Indenture and the 2006 Bond Documents and the applicable laws, rules and regulations pursuant to which the 2006 Bonds were issued.

Section 1.3 Disbursement of Remaining 2006 Bond Proceeds; Progress Reports.

(a) Disbursement. The Successor Agency shall disburse the Remaining 2006 Bond Proceeds in their entirety to the Public Works Agency of the City within ten (10) days after the Effective Date (as defined and described in Section 2.12), for use by the City for the completion of the Project.

(b) Annual Progress Reports. The City shall provide the Successor Agency with annual progress reports on the status of the Project.

(c) Close-Out Report. Within ninety (90) days after it has expended all Remaining 2006 Bond Proceeds required for the Project, the City shall provide to the Successor Agency a report (the "Close-Out Report") describing the expenditures by the City of the Remaining 2006 Bond Proceeds.

Section 1.4 Additional Funds to Complete: Modification of Project. If the cost of the Project (the "Project Cost") exceeds the Remaining 2006 Bond Proceeds, the City may elect to either (a) furnish any and all funds in excess of the estimated Project Cost required to complete the design and implementation of the Project, or (b) reduce the scope of the Project so that its cost does not exceed the estimated Project Cost.

Section 1.5 City Project Responsibilities. The responsibilities of the City under this Agreement shall include the following:

(a) to perform the Scope of Work set forth in Exhibit A in accordance with the Project Budget (Exhibit B) and the other terms and conditions of this Agreement; and

(b) to approve of and properly maintain the public improvements installed as part of the Project.

Section 1.6 Completion. The City shall diligently and continuously prosecute to complete the construction of the Project by no later than three (3) years after the Effective Date (as defined and described in Section 2.12 of this Agreement) in accordance with this Agreement and any mutually agreed amendments thereto.

Section 1.7 Project Area Business Preference. All contracts for public improvements undertaken or paid for with Remaining 2006 Bond Proceeds shall be procured and entered into with reference to the provisions of Health and Safety Code Section 33422.1, which provides that, to the greatest extent feasible, contracts for work to be performed in connection with any redevelopment project shall be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the Project Area.

Section 1.8 Prevailing Wage. All contracts for public improvements undertaken or paid for with Remaining 2006 Bond Proceeds are subject to, and shall be procured and entered into, in a manner that requires and assures that the applicable contractor shall:

(a) pay prevailing wages in construction of the Project, as those wages are determined pursuant to Labor Code Sections 1720 et seq. and the implementing regulations of the California Department of Industrial Relations (the "DIR");

(b) employ apprentices as required by Labor Code Sections 1777.5 et seq.;

(c) comply with the other applicable provisions of Labor Code Sections 1720 et seq. and 1777.5 et seq., and the applicable implementing regulations of the DIR;

(d) consistent with the specific requirements of Health and Safety Code Section 33426, keep and retain such records as are necessary to determine if such prevailing wages have been paid as required pursuant to Labor Code Sections 1720 et seq., and apprentices have been employed are required by Labor Code Sections 1777.5 et seq.;

(e) make such records available to the Successor Agency and the City at any time during and after construction for auditing purposes; and

(f) post at the job site for the Project the applicable prevailing rates of per diem wages.

ARTICLE 2. GENERAL PROVISIONS

Section 2.1 Notices. Any notice or communication required to be given under this Agreement by a Party shall be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If delivered by registered or certified mail, a notice shall be deemed to have been given and received on the first to occur of: (a) actual receipt by an addressee designated below as a Party to whom notices are sent; or (b) five (5) days after the registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If delivered personally, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. A Party may at any time, by giving ten (10) days written notice to the other Party pursuant to this Section 2.1, designate any other address substitution of the address to which such notice or communication be given.

Notices shall be given to the Parties at their address set forth below:

Successor Agency: Successor Agency for the Solana Beach Redevelopment Agency
635 South Highway 101
Solana Beach, CA 92075
Attention: Executive Director

City: City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075
Attention: City Manager

Section 2.2 Permitting. The City is responsible for issuing permits for the Project.

Section 2.3 Actions of the Parties. Except as otherwise provided in this Agreement, whenever this Agreement calls for or permits a Party's approval, consent, or waiver, the written approval, consent, or waiver of the Successor Agency's Executive Director or the City Manager (or their respective designees) shall constitute the approval, consent, or waiver of the Successor Agency or the City, respectively, without further authorization required from the governing board of the Party.

Section 2.4 Nondiscrimination. The Successor Agency and City shall not, because of race, religion, creed, color, national origin, ancestry, sexual orientation, physical disability, mental disability, medical condition, marital status, or sex of any person, refuse to hire or employ the person, or refuse to select the person for a training program leading to employment, or bar or discharge the person from employment or from training program leading to employment, or discriminate against the person in compensation or in terms, conditions or privileges of employment with respect to performance of this Agreement. The City shall require the inclusion of substantially similar non-discrimination provisions in contracts City awards in the implementation of the Project.

Section 2.5 No Third Party Beneficiaries. No person or entity other than the Successor Agency and City and their permitted successors and assigns, shall have any right of action under this Agreement.

Section 2.6 State Law. This Agreement, and the rights and obligations of the Parties hereto, shall be construed and enforced in accordance with the laws of the State of California.

Section 2.7 Compliance with Legal Requirements. The Successor Agency and the City shall both comply with all applicable laws, regulations and other legal requirements in performing their respective obligations under this Agreement, including, without limitation, those described in Sections 1.6, 1.7, and 1.8.

Section 2.8 Additional Acts. The Parties each agree to take such other and additional action and execute and deliver such other and additional documents as may be reasonably requested by the other Party for purposes of consummating the transactions contemplated in this Agreement.

Section 2.9 Litigation Regarding Agreement Validity. In the event litigation is initiated attacking the validity of this Agreement, each Party shall in good faith defend and seek to uphold the Agreement.

Section 2.10 Entire Agreement: Modification. This Agreement contains all of the agreements and understandings of the Parties pertaining to the subject matter contained herein and supersedes all prior or contemporaneous agreements, representations and understandings of the Parties. This Agreement cannot be amended or modified except by written agreement of the Parties.

Section 2.11 Exhibits. The following attached exhibits are incorporated in this Agreement by this reference:

Exhibit A	Scope of Work
Exhibit B	Project Budget

Section 2.12 Effectiveness of Agreement. This Agreement shall become effective only upon satisfaction of the following conditions:

(a) Approval of this Agreement by the Oversight Board (the "Oversight Board Action");

(b) Notification to the DOF of the Oversight Board Action in accordance with the provisions of Health and Safety Code Section 34179(h); and

(c) Placement by the Successor Agency of the excess bond proceeds obligation for the Remaining 2006 Bond Funds represented by this Agreement on a future Recognized Obligation Payment Schedule (the "ROPS") in accordance with the last sentence of Health and Safety Code Section 34191.4(c), and approval of such ROPS item by the Oversight Board and the DOF.

The date upon which the above conditions are first satisfied is referred to as the "Effective Date".

IN WITNESS WHEREOF, this Agreement has been executed as of the date set forth in the opening paragraph of this Agreement:

SUCCESSOR AGENCY FOR THE
SOLANA BEACH REDEVELOPMENT AGENCY

By: _____
Executive Director

CITY OF SOLANA BEACH

By: _____
City Manager

EXHIBIT A

Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvement

SCOPE OF WORK

PROJECT DESCRIPTION:

Highway 101 Corridor Improvements: These improvements consist of improvements on Plaza Street to facilitate the movement of bicycles, pedestrians and vehicles along Plaza Street from Highway 101 to the city's main beach access at Fletcher Cove Park (a distance of two blocks); construction of a sidewalk along the southbound lanes of Highway 101 from just north of Ocean Street where the existing sidewalk ends to the north City limits. These improvements would allow pedestrians to walk to the South Cardiff State Beach along the proposed sidewalk; repairs and rehabilitation to the Coastal Rail Trail (CRT) which is located on the east side of Highway 101. Since the CRT was constructed about 10 years ago, certain portions of the trail need to be refurbished. These areas include the landscaping and the decomposed granite (DG) path.

La Colonia Park and Recreation Center Improvement Project: This project will assist in the construction of a veteran's memorial at the park within the existing footprint of the park and make interior improvements to the existing community center building. La Colonia Park is the city's largest park and includes the city's largest community center.

CITY SCOPE OF WORK:

To facilitate construction of the Project, the City shall perform the following Scope of Work in accordance with the Project Budget (Exhibit B) and the other terms and conditions of this Agreement.

- A. DESIGN (both projects):** BY CONSULTANT (supplemented by city forces)
- B. ENVIRONMENTAL (both projects):** by CITY
- C. CONSTRUCTION (both projects):** The CONSTRUCTION Phase shall include, but not be limited to, the following tasks:
 - C1. Administration & Other Services for Construction Contract**

Preparation of bid package, award and contracting documents for the Construction Contract, City Council project acceptance; provide Successor Agency with executed copy of Construction Contract; prepare payment procedure documents; conduct prevailing wage process; provide reporting, inspection, testing; provide day-to-day construction oversight of work performed by the Contractor pursuant to the Construction Contract; process and pay Contractor invoices; punch list; review and approve submittals and change orders; and file the notice of completion.

EXHIBIT B

Highway 101 Corridor Improvements

PROJECT BUDGET

The estimate for the Highway 101 Corridor Improvements is approximately \$400,000. Since certain details for this work will need to be worked out in the field during construction, a more detailed budget will be available once construction bids have been received.

Funding

Granted 2006 Bond Proceeds:	\$400,000
Any Other Sources	\$0

La Colonia Park and Recreation Center Improvement

PROJECT BUDGET

The estimate for the Highway 101 Corridor Improvements is approximately \$238,308. Since certain details for this work will need to be worked out in the field during construction, a more detailed budget will be available once construction bids have been received.

Funding

Granted 2006 Bond Proceeds:	\$238,308
Any Other Sources	\$0

RESOLUTION 2013 - 110

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH APPROVING AND AUTHORIZING EXECUTION AND IMPLEMENTATION OF THE PUBLIC IMPROVEMENT AGREEMENT FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA PARK AND RECREATION CENTER IMPROVEMENT PROJECT WITH THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY

WHEREAS, pursuant to AB 1x26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Redevelopment Dissolution Law"), the Solana Beach Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Solana Beach, acting in a separate limited capacity and known as the Successor Agency to the Solana Beach Redevelopment Agency, has elected to serve as the successor agency (the "Successor Agency") for the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Solana Beach (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds as defined and described below), and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by letter of July 18, 2013, the California Department of Finance (the "DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 (the "Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the Redevelopment Dissolution Law and entitling the Successor Agency to specified benefits, including the authority to expend the Remaining 2006 Bond Proceeds (as defined and described below); and

WHEREAS, prior to the dissolution of the Dissolved RDA:

1. Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq*; the "Redevelopment Law"), the Dissolved RDA was responsible for implementing the Redevelopment Plan for the Solana Beach Redevelopment Project (the "Redevelopment Plan"), which sets forth a redevelopment program for the redevelopment project area (the "Project Area"), including the provision and enhancement of public facilities and infrastructure in the Project Area, such as the Project (as defined below); and

2. On April 10, 2013, the City Council approved the Highway 101 Corridor Plan, outlining streetscape improvements that would aid in the revitalization of Highway 101 within the Project Area; and

3. On March 11, 2009 the City Council approved the La Colonia Park and Recreation Center Conceptual Master Plan, outlining improvements to the park and recreation center that would revitalize La Colonia Park within the Project Area; and

4. Pursuant to an Indenture of Trust between the Dissolved RDA and Wells Fargo Bank, National Association, dated as of May 1, 2006 (the "2006 Bond Indenture"), and related bond documents (the "2006 Bond Documents"), the Dissolved RDA issued its Solana Beach Redevelopment Agency, Solana Beach Redevelopment Project Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 (the "2006 Bonds") for the purpose of funding public improvements for the benefit of the Project Area and in furtherance of the Redevelopment Plan, such as the Project (as defined below); and

5. In December 2009, the Dissolved RDA adopted a five-year implementation plan (the "Implementation Plan") pursuant to Health and Safety Code Section 33490, which expressly included funding for modifications to La Colonia Park and Recreation Center and Highway 101 Street Scape/Traffic Calming (the "Project") as improvements projected to be completed by 2013-14; and

WHEREAS, the Project offers an opportunity to serve as a valuable catalyst for economic revitalization of the Project Area; and

WHEREAS, the Redevelopment Plan and the Implementation Plan expressly contemplated funding assistance from the Dissolved RDA for public infrastructure improvements, including the Project; and

WHEREAS, as of the dissolution of the Dissolved RDA, there remained \$638,308 of unencumbered net proceeds of the 2006 Bonds (the "Remaining 2006 Bond Proceeds"), which have been transferred to and remain in the possession of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34191.4(c), which applies to successor agencies that have received a finding of completion from the DOF, provides, in relevant part:

"Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold. Notwithstanding...any... conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligation shall thereafter be expended in a manner consistent with the original bond covenants...An expenditure pursuant to this paragraph shall constitute the creation of an excess bond proceeds obligation to be paid from the excess proceeds. Excess bond proceeds shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency"; and

WHEREAS, for the reasons summarized below, the Agreement constitutes the creation of an excess proceeds obligation authorized by Health and Safety Code Section 34191.4(c) that shall be paid from the Remaining 2006 Bond Proceeds:

1. Health and Safety Code Section 34191.4(c) applies to the Successor Agency because the Successor Agency has received its Finding of Completion from the DOF. Indeed, the DOF Letter expressly states in relevant part:

"The [Successor] Agency may now do the following:...Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4(c)" ; and

2. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to the Agreement constitute "bond proceeds derived from bonds issued on or before December 31, 2010" in that the 2006 Bonds were issued on May 25, 2006; and

3. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to this Agreement also constitute "bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations" in that the Remaining 2006 Bond Proceeds constitute unencumbered proceeds of the 2006 Bonds received by the Successor Agency from the Dissolved RDA that are not needed to satisfy any "enforceable obligation", as that term is defined in Health and Safety Code Section 34171(d) (as added by the Dissolution Law); and

4. Expenditure of Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is "for the purposes for which the bonds were issued" and "in a manner consistent with the original bond covenants", which purpose and covenants are found primarily in the 2006 Bond Indenture and the 2006 Bond Documents. Specifically, the 2006 Bond Documents provide that the Remaining 2006 Bond Proceeds will "fund the costs of public improvements within the Project Area consistent with the [Dissolved RDA's] approved five-year implementation plan"; and

5. As further detailed in prior recitals, expenditure of the Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is consistent with the purpose set forth in the 2006 Bond Documents, in that the Project constitutes the provision of public improvements consistent with the Implementation Plan; and

WHEREAS, Pursuant to Health and Safety Code Section 34189(a) (as added by the Dissolution Law), the provisions of Health and Safety Code Section 33445 are now inoperative, so that no findings of the Successor Agency or the City Council are required under that statutory provision in connection with the approval and execution of this Agreement; it being understood that this Agreement is entered into under the authority of Health and Safety Code Section 34191.4(c), as fully described above; and

WHEREAS, the Project to be constructed under the Agreement is subject to the California Environmental Quality Act and accompanying state and local guidelines ("CEQA"); and

WHEREAS, the City, as the "lead agency" under CEQA, has determined that the all of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures); and

WHEREAS, Health and Safety Code Section 34180(h) requires that any agreement between a successor agency and the City that formed a dissolved redevelopment agency, such as the Agreement, must be approved by the successor agency's oversight board; and

WHEREAS, consequently, the Agreement will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Redevelopment Dissolution Law, as fully provided in Section 2.12 of the Agreement; and

WHEREAS, the Staff Report accompanying this Resolution, the CEQA determination, the Agreement, and referenced documents (collectively, the "Supporting Documents") have been presented to and considered by the City Council in support of the findings and approvals set forth in this Resolution; are hereby incorporated by reference in this Resolution; and, together with the above recitals (the "Recitals") and any public testimony received, form the evidentiary basis and establish the analytical route for reaching the ultimate findings and conclusions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Solana Beach, as follows:

Section 1. Recitals Correct. The City Council finds that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the findings and approvals set forth below.

Section 2. CEQA Actions. The City Council, on behalf of the City as the "lead agency" under CEQA, determines that:

a. All of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

b. The City Manager is authorized and directed to file a Notice of Exemption pursuant to CEQA in connection with the actions and approvals set forth in this Resolution.

Section 3. Approval of Agreement; Execution of Documents. The City Council hereby approves the Agreement, and authorizes the City Manager to execute the Agreement on behalf of the City, substantially in the form on file with the City Clerk.

Section 4. Appropriation of Funds. Upon the Effective Date of the Agreement, the City hereby appropriates (to the extent not already appropriated) the Available 2006 Bond Proceeds for use for the Project.

Section 5. Further Actions and Documents. The City Manager or designee, following consultation with the City Attorney, is authorized to take all actions and execute all documents on behalf of the City necessary to effectuate the purpose of this Resolution and the Agreement.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED this 25th day of September 2013, at a regular meeting of the City Council of the City of Solana Beach, by the following vote:

AYES: Councilmembers --

NOES: Councilmembers --

ABSENT: Councilmembers --

ABSTAIN: Councilmembers --

(SEAL)

MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

RESOLUTION SA-008

RESOLUTION OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING EXECUTION AND IMPLEMENTATION OF THE PUBLIC IMPROVEMENT AGREEMENT FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA PARK AND RECREATION CENTER IMPROVEMENT PROJECT WITH THE CITY OF SOLANA BEACH

WHEREAS, pursuant to AB 1x26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Redevelopment Dissolution Law"), the Solana Beach Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Solana Beach, acting in a separate limited capacity and known as the Successor Agency to the Solana Beach Redevelopment Agency, has elected to serve as the successor agency (the "Successor Agency") for the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Solana Beach (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds as defined and described below), and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by letter of July 18, 2013, the California Department of Finance (the "DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 (the "Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the Redevelopment Dissolution Law and entitling the Successor Agency to specified benefits, including the authority to expend the Remaining 2006 Bond Proceeds (as defined and described below); and

WHEREAS, prior to the dissolution of the Dissolved RDA:

1. Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq*; the "Redevelopment Law"), the Dissolved RDA was responsible for implementing the Redevelopment Plan for the Solana Beach Redevelopment Project (the "Redevelopment Plan"), which sets forth a redevelopment program for the redevelopment project area (the "Project Area"), including the provision and enhancement of public facilities and infrastructure in the Project Area, such as the Project (as defined below); and

2. On April 10, 2013, the City Council approved the Highway 101 Corridor Plan, outlining streetscape improvements that would aid in the revitalization of Highway 101 within the Project Area; and

3. On March 11, 2009 the City Council approved the La Colonia Park and Recreation Center Conceptual Master Plan, outlining improvements to the park and recreation center that would revitalize La Colonia Park within the Project Area; and

4. Pursuant to an Indenture of Trust between the Dissolved RDA and Wells Fargo Bank, National Association, dated as of May 1, 2006 (the "2006 Bond Indenture"), and related bond documents (the "2006 Bond Documents"), the Dissolved RDA issued its Solana Beach Redevelopment Agency, Solana Beach Redevelopment Project Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 (the "2006 Bonds") for the purpose of funding public improvements for the benefit of the Project Area and in furtherance of the Redevelopment Plan, such as the Project (as defined below); and

5. In December 2009, the Dissolved RDA adopted a five-year implementation plan (the "Implementation Plan") pursuant to Health and Safety Code Section 33490, which expressly included funding for modifications to La Colonia Park and Recreation Center and Highway 101 Street Scape/Traffic Calming (the "Project") as improvements projected to be completed by 2013-14; and

WHEREAS, the Project offers an opportunity to serve as a valuable catalyst for economic revitalization of the Project Area; and

WHEREAS, the Redevelopment Plan and the Implementation Plan expressly contemplated funding assistance from the Dissolved RDA for public infrastructure improvements, including the Project; and

WHEREAS, as of the dissolution of the Dissolved RDA, there remained \$638,308 of unencumbered net proceeds of the 2006 Bonds (the "Remaining 2006 Bond Proceeds"), which have been transferred to and remain in the possession of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34191.4(c), which applies to successor agencies that have received a finding of completion from the DOF, provides, in relevant part:

"Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold. Notwithstanding...any... conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligation shall thereafter be expended in a manner consistent with the original bond covenants...An expenditure pursuant to this paragraph shall constitute the creation of an excess bond proceeds obligation to be paid from the excess proceeds. Excess bond

proceeds shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency"; and

WHEREAS, for the reasons summarized below, the Agreement constitutes the creation of an excess proceeds obligation authorized by Health and Safety Code Section 34191.4(c) that shall be paid from the Remaining 2006 Bond Proceeds:

1. Health and Safety Code Section 34191.4(c) applies to the Successor Agency because the Successor Agency has received its Finding of Completion from the DOF. Indeed, the DOF Letter expressly states in relevant part:

"The [Successor] Agency may now do the following:...Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4(c)" ; and

2. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to the Agreement constitute "bond proceeds derived from bonds issued on or before December 31, 2010" in that the 2006 Bonds were issued on May 25, 2006; and

3. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to this Agreement also constitute "bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations" in that the Remaining 2006 Bond Proceeds constitute unencumbered proceeds of the 2006 Bonds received by the Successor Agency from the Dissolved RDA that are not needed to satisfy any "enforceable obligation", as that term is defined in Health and Safety Code Section 34171(d) (as added by the Dissolution Law); and

4. Expenditure of Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is "for the purposes for which the bonds were issued" and "in a manner consistent with the original bond covenants", which purpose and covenants are found primarily in the 2006 Bond Indenture and the 2006 Bond Documents. Specifically, the 2006 Bond Documents provide that the Remaining 2006 Bond Proceeds will "fund the costs of public improvements within the Project Area consistent with the [Dissolved RDA's] approved five-year implementation plan"; and

5. As further detailed in prior recitals, expenditure of the Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this Agreement is consistent with the purpose set forth in the 2006 Bond Documents, in that the Project constitutes the provision of public improvements consistent with the Implementation Plan; and

WHEREAS, Pursuant to Health and Safety Code Section 34189(a) (as added by the Dissolution Law), the provisions of Health and Safety Code Section 33445 are now inoperative, so that no findings of the Successor Agency or the City Council are required under that statutory provision in connection with the approval and execution of

this Agreement; it being understood that this Agreement is entered into under the authority of Health and Safety Code Section 34191.4(c), as fully described above; and

WHEREAS, the Project to be constructed under the Agreement is subject to the California Environmental Quality Act and accompanying state and local guidelines ("CEQA"); and

WHEREAS, the City, as the "lead agency" under CEQA, has determined that all of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures); and

WHEREAS, Health and Safety Code Section 34180(h) requires that any agreement between a successor agency and the City that formed a dissolved redevelopment agency, such as the Agreement, must be approved by the successor agency's oversight board; and

WHEREAS, consequently, the Agreement will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Redevelopment Dissolution Law, as fully provided in Section 2.12 of the Agreement; and

WHEREAS, the Staff Report accompanying this Resolution, the CEQA determination, the Agreement, and referenced documents (collectively, the "Supporting Documents") have been presented to and considered by the City Council in support of the findings and approvals set forth in this Resolution; are hereby incorporated by reference in this Resolution; and, together with the above recitals (the "Recitals") and any public testimony received, form the evidentiary basis and establish the analytical route for reaching the ultimate findings and conclusions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Successor Agency for the Solana Beach Redevelopment Agency, as follows:

Section 1. Recitals Correct. The Successor Agency finds that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the findings and approvals set forth below.

Section 2. CEQA Actions. The Successor Agency, as a "responsible agency" under CEQA, finds, determines and certifies as follows:

a. All of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and

pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

b. The Executive Director is authorized and directed to file a Notice of Exemption pursuant to CEQA in connection with the actions and approvals set forth in this Resolution.

Section 3. Approval of Agreement; Execution of Documents. The Successor Agency hereby approves the Agreement, and authorizes the Executive Director to execute the Agreement on behalf of the Successor Agency, substantially in the form on file with the Secretary.

Section 4. Further Actions and Documents. The Executive Director or designee, following consultation with the Agency Counsel, is authorized to take all actions and execute all documents on behalf of the Successor Agency necessary to effectuate the purpose of this Resolution and the Agreement.

Section 5. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED this 25th day of September 2013, at a regular meeting of the
Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES: Board of Directors --
NOES: Board of Directors --
ABSENT: Board of Directors --
ABSTAIN: Board of Directors --

MIKE NICHOLS, Chairperson

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, Agency Counsel

ANGELA IVEY, Secretary



STAFF REPORT OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET AND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD ENDING JUNE 30, 2014 AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH**

BACKGROUND:

As of February 1, 2012, pursuant to Health & Safety Code Section 34172, the Solana Beach Redevelopment Agency (Agency) was dissolved under Assembly Bill No. 1x26 (AB 26), or the Dissolution Act, that was found to be constitutional by the California Supreme Court in its decision in the *California Redevelopment Association v. Matosantos* case. On January 11, 2012, the City Council of the City of Solana Beach (City) adopted Resolution 2012-011, electing to become the successor agency (SA) to the Agency.

On June 27, 2012, as part of the FY 2012-13 state budget package, the Legislature passed, and the Governor signed, Assembly Bill No. 1484 (AB 1484), the primary purpose of which was to make technical and substantive amendments to the Dissolution Act based on experience to-date at the state and local level in implementing that Act. As a budget "trailer bill," AB 1484 took immediate effect upon signature by the Governor. AB 1484 made several changes to the process and timing for preparation and approval of a SA's Recognized Obligation Payment Schedule (ROPS). Reference hereinafter to the Dissolution Act means AB 26 as amended by AB 1484.

Under the Dissolution Act, the duties and responsibilities of the Oversight Board (Board) include the following:

OVERSIGHT BOARD ACTION:

AGENDA ITEM #

- Approve the administrative budget of the SA.
- Approve the Recognized Obligation Payment Schedule (ROPS).

It is recommended for the Board to adopt Resolution OBSA-017 approving the SA Administrative Budget (the "Fifth Administrative Budget") for the period January 1, 2014 to June 30, 2014 and Resolution OBSA-018 approving the Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014 (the "ROPS 13-14B") and making related determinations and taking related actions in connection therewith.

DISCUSSION:

Recognized Obligation Payment Schedule (ROPS)

The ROPS sets forth the minimum payment amounts due to meet the former Agency's and the SA's enforceable obligations for each six-month fiscal period until all debt is paid.

ROPS 13-14B (Attachment 1) will cover the fifth six-month enforceable obligation payment cycle under the Dissolution Act, and, upon its approval by the Oversight Board and the California Department of Finance (DOF), will govern the amount of distributions from the Redevelopment Property Tax Trust Fund ("RPTTF"), established by the County for the SA, to the SA to pay enforceable obligations during the period from January through June 2014.

ROPS 13-14B must be prepared on a revised template form just released by the Department of Finance (DOF), and must be approved by the successor agency's oversight board and transmitted to the DOF and other specified recipients by October 1, 2013. The DOF must approve or disapprove the various enforceable obligations (including payment amounts and funding sources) set forth on an oversight board-approved ROPS 13-14B within 45 days of its submittal. A successor agency then has 5 business days to request a "meet and confer" session with the DOF to seek reconsideration by the DOF of any disputed enforceable obligation items.

The DOF meet and confers will generally occur within the following 30-day period, with the DOF required to provide its final determination on ROPS 13-14B enforceable obligations by December 18, 2013 (15 days prior to the next RPTTF distribution). The ROPS 13-14B preparation and approval process culminates with a January 2, 2014 distribution of RPTTF funds by each county auditor-controller to cover specified administrative costs, to the successor agency for payment of upcoming enforceable obligations during January through June 2014, and to taxing entities for pass-through payment obligations and as a distribution of any remaining residual RPTTF funds.

ROPS 13-14B consists almost entirely of items included on ROPS 13-14A and previously approved by DOF. Three new items have been added:

- 1) Public Improvement Agreement between the City of Solana Beach and the Successor Agency for the Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects to be funded by remaining bond proceeds.

- 2) Legal services to defend third party litigation against the Successor Agency regarding the "The Affordable Housing Coalition of San Diego v Sandoval, et al" case.
- 3) Successor Agency administrative costs that have been summarized into one line in order to provide the "total outstanding debt or obligation" amount for administrative costs. The administrative cost allowance detail can be found in the administrative budget approved by the Oversight Board.

ROPS 13-14B was submitted to the SA for acceptance at its regularly scheduled meeting on September 25, 2013.

Successor Agency Administrative Budget

The SA must prepare an administrative budget for each six-month period for approval by its Oversight Board. This administrative budget must include:

- Estimated amounts for SA administrative costs for the upcoming six-month period.
- Proposed sources of payment for such administrative costs, which may include the administrative cost allowance described below, as well as other eligible sources available to the SA.
- Proposals for arrangements for administrative/operations services to be provided to the SA by the City or other entity.

In addition, the SA must provide to the County Auditor-Controller for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from the RPTTF established for the SA.

For its general administrative costs, the SA is entitled to an administrative cost allowance for FY 2013-2014 equal to the greater of \$250,000 or 3% of the property tax received by the SA from the County Auditor-Controller to make enforceable obligation payments on an approved ROPS during the fiscal year. In the case of Solana Beach's SA, it would receive \$250,000 from RPTTF to pay its administrative costs.

The administrative budget for the period January 1, 2014 to June 30, 2014 (Attachment 2) is prepared in conjunction with the ROPS for the same time period. It is expected that each successive six-month administrative budget will be prepared and approved in conjunction with each corresponding succeeding six-month ROPS.

The administrative budget for the period January 1, 2014 to June 30, 2014 was submitted to the SA for acceptance at its regularly scheduled meeting on September 25, 2013.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

Approval of the Fifth Administrative Budget of the SA and the ROPS 13-14B for period January 1, 2014 to June 30, 2014 are necessary for the SA to meet fiduciary duties to holders of enforceable obligations.

WORKPLAN:

N/A

OPTIONS:

- Approve Successor Agency's recommendation.
- Provide direction and feedback.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Oversight Board:

1. Adopt Resolution OBSA-017 approving the Successor Agency Administrative Budget for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith.
2. Adopt Resolution OBSA-018 approving Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department Recommendation

David Ott, Executive Director

Attachments:

1. Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014.
2. Successor Agency administrative budget for the period January 1, 2014 to June 30, 2014.
3. Resolution OBSA-017
4. Resolution OBSA-018

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Solana Beach
 Name of County: San Diego

Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding	
A Sources (B+C+D):	\$ 638,308
B Bond Proceeds Funding (ROPS Detail)	638,308
C Reserve Balance Funding (ROPS Detail)	-
D Other Funding (ROPS Detail)	-
E Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 708,225
F Non-Administrative Costs (ROPS Detail)	583,225
G Administrative Costs (ROPS Detail)	125,000
H Current Period Enforceable Obligations (A+E):	\$ 1,346,533

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I Enforceable Obligations funded with RPTTF (E):	708,225
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
K Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 708,225

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L Enforceable Obligations funded with RPTTF (E):	708,225
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N Adjusted Current Period RPTTF Requested Funding (L-M)	708,225

Certification of Oversight Board Chairman:
 Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify, based on my information and belief, that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or an enforceable obligation.

A	B	C	D	E	F	G	H	I	J
Fund Balance Information by ROPS Period		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		Total
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin	
ROPS III Actuals (01/01/13 - 6/30/13)									
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)			1,202		167,407	3,150		\$
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller	638,308				34	171,183	84,133	\$
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs			1,202		36,335	174,333	84,133	\$
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III								\$
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.			No entry required					\$
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ 638,308	\$ -	\$ -	\$ -	\$ 131,106	\$ -	\$ -	\$
ROPS 13-14A Estimate (07/01/13 - 12/31/13)									
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ 638,308	\$ -	\$ -	\$ -	\$ 131,106	\$ -	\$ -	\$
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller						185,615	125,000	\$
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)						185,615	125,000	\$
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A								\$
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ 638,308	\$ -	\$ -	\$ -	\$ 131,106	\$ -	\$ -	\$

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Non-Redevelopment Property Tax (Non-RPTTF)	
										Bond Proceeds	Reserve Balance
								\$ 12,670,432		\$ 638,308	\$ -
1	2006 Tax Allocation Bond	Bonds Issued On or Before 12/31/10	06/01/06	06/01/36	Wells Fargo Bank	Bonds to fund Public Improvements	Solana Beach Redevelopment Project	5,366,720	N		
2	Trustee Services	Fees	06/01/06	06/01/36	Wells Fargo Bank	Contract for Professional Services-Trustee Services	Solana Beach Redevelopment Project	47,000	N		
3	Continuing Disclosure	Fees	06/01/06	06/01/36	Urban Futures	Contract for Professional Services-Continuing Disclosure	Solana Beach Redevelopment Project	61,000	N		
4	Arbitrage	Fees	06/01/06	06/01/36	Koppel & Gruber	Contract for Professional Services - Arbitrage	Solana Beach Redevelopment Project	66,300	N		
5	Legal Services (Admin)	Legal	07/01/06	12/31/13	McDougal, Love, et al	Contract for Professional Services-Legal	Solana Beach Redevelopment Project	33,600	N		
6	Legal Services (Admin)	Legal	04/22/08	06/01/36	Goldfarb & Lipman	Contract for Professional Services-Legal	Solana Beach Redevelopment Project	33,600	N		
7	Audit (Admin)	Admin Costs	07/01/12	12/31/13	Lance, Sol, et all	Contract for Professional Services-Audit	Solana Beach Redevelopment Project	7,000	N		
8	Audit - Due Diligence Review	Dissolution Audits	07/01/12	06/30/13	Lance, Sol, et all	Contract for Professional Services-Audit	Solana Beach Redevelopment Project	-	Y		
9	Salary/Benefits (Admin)	Admin Costs	06/01/06	12/31/13	Various	Employee Salaries and Benefits	Solana Beach Redevelopment Project	137,800	N		
10	Material, Supplies, & Services (Admin)	Admin Costs	06/01/06	12/31/13	Various	Costs - material, supplies and services expenditure categories*	Solana Beach Redevelopment Project	5,000	N		
11	Administrative Charges (Admin)	Admin Costs	06/01/06	12/31/13	City of Solana Beach	Successor Agency share of City's overhead costs*	Solana Beach Redevelopment Project	15,000	N		
12	Claims Liability Charges (Admin)	Admin Costs	06/01/06	12/31/13	City of Solana Beach	Successor Agency share of City's self-insured liability*	Solana Beach Redevelopment Project	2,800	N		
13	Workers Comp Charges (Admin)	Admin Costs	06/01/06	12/31/13	City of Solana Beach	Successor Agency share of City's workers comp liability*	Solana Beach Redevelopment Project	4,000	N		
14	1st Loan from City to Successor Agency (approved by Oversight Board 04/12/12)	City/County Loans After 6/27/11	04/12/12	06/01/36	City of Solana Beach	Pursuant to H&S 34173(h), 34178(a) and 34180(h)	Solana Beach Redevelopment Project	278,215	N		
15	Oversight Board Legal Counsel	Legal	04/12/12	12/31/13	Kane, Balmer & Berkman	Pursuant to H&S 34171(d)(1)(F)	Solana Beach Redevelopment Project	40,000	N		
16	2nd Loan from City to Successor Agency (approved by Oversight Board 08/23/12)	City/County Loans After 6/27/11	08/23/12	06/01/36	City of Solana Beach	Pursuant to H&S 34173(h), 34178(a), 34180(h), and 34180(b)	Solana Beach Redevelopment Project	115,665	N		

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Non-Redevelopment Property Tax T (Non-RPTTF)		
										Bond Proceeds	Reserve Balance	
17	PERS Side Fund Charges (Admin)	Admin Costs	06/01/06	12/31/13	City of Solana Beach	Successor Agency share of City's PERS Side Fund liability*	Solana Beach Redevelopment Project	15,800	N			
18	Interest on 1st Loan from City to Successor Agency	City/County Loans After 6/27/11	04/12/12	06/01/36	City of Solana Beach	Pursuant to H&S 34173(h), 34178(a), 34180(h), and 34180(b) and 1st loan agreement	Solana Beach Redevelopment Project	2,016	N			
19	Interest on 2nd Loan from City to Successor Agency	City/County Loans After 6/27/11	08/23/12	06/01/36	City of Solana Beach	Pursuant to H&S 34173(h), 34178(a), 34180(h), and 34180(b) and 2nd loan agreement	Solana Beach Redevelopment Project	608	N			
20	Public Improvement Agreement between the City and the Successor Agency (approved by Oversight Board 09/26/13)	Bonds Issued On or Before 12/31/10	09/26/13	09/26/16	City of Solana Beach	Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects	Solana Beach Redevelopment Project	638,308	N	638,308		
21	Legal Services	Litigation	01/01/14	06/01/36	McDougal, Love, et al	Defend Third Party litigation against Successor Agency regarding case: "The Affordable Housing Coalition of San Diego v Sandoval, et al." Case No. 34-2012-80001158-CU-WM-GDS	Solana Beach Redevelopment Project	50,000	N			
22	Successor Agency Administrative Expenses	Admin Costs	01/01/14	06/01/36	City of Solana Beach	Successor Agency administrative obligations relating to maintaining payments on enforceable obligations and other activities as required by AB1X26	Solana Beach Redevelopment Project	5,750,000	N			

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Prior Period Adj
 Reported for the ROPS III (January 1, 2013 through June 30, 2013) Period Pursuant to Health and Safety Cod
 (Report Amounts in Whole Dollars)

ROPS III Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS III (July through December 2013) approved for the ROPS 13-14B (January through June 2014) period will be offset by the SA's self-reported ROPS III prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures										Non-Admin				
		LMIHF (Includes LMIHF Due Diligence Review (DDR) retained balances)		Bond Proceeds		Reserve Balance (Includes Other Funds and Assets DDR retained balances)		Other Funds		Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized/ Available	Actual	Difference (If M is less than N, the difference is zero)	Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual							
		\$ -	\$ -	\$ -	\$ -	\$ 2,200	\$ 1,202	\$ -	\$ 36,335	\$ 650,066	\$ 174,333	\$ 174,333	\$ 174,333	\$ -	\$ 145,000	\$ 84,1
1	2006 Tax Allocation Bond								34	231,686	154,131	\$ 154,131	154,131	\$ -		
2	Trustee Services									2,000	1,900	\$ 1,900	1,900	\$ -		
3	Continuing Disclosure									2,500	2,150	\$ 2,150	2,150	\$ -		
4	Arbitrage					2,200	1,202				1,202	\$ 1,202	1,202	\$ -		
5	Legal Services (Admin)										-	\$ -	-	\$ -	25,000	2,0
6	Legal Services (Admin)										-	\$ -	-	\$ -	20,000	16,0
7	Audit (Admin)										-	\$ -	-	\$ -	5,900	2,0
8	Audit - Due Diligence Review									20,000	14,950	\$ 14,950	14,950	\$ -		
9	Salary/Benefits (Admin)								36,301		-	\$ -	-	\$ -	54,500	48,0
10	Material, Supplies, & Services (Admin)										-	\$ -	-	\$ -	8,400	0
11	Administrative Charges (Admin)										-	\$ -	-	\$ -	7,500	7,0
12	Claims Liability Charges (Admin)										-	\$ -	-	\$ -	2,100	1,0
13	Workers Comp Charges (Admin)										-	\$ -	-	\$ -	1,600	2,0
14	1st Loan from City to Successor Agency (approved by Oversight Board 04/12/12)									278,215	-	\$ -	-	\$ -		
15	Oversight Board Legal Counsel										-	\$ -	-	\$ -	20,000	2,0
16	2nd Loan from City to Successor Agency (approved by Oversight Board 08/23/12)									115,665	-	\$ -	-	\$ -		
17	PERS Side Fund Charges (Admin)											\$ -	-	\$ -		
18	Interest on 1st Loan from City to Successor Agency											\$ -	-	\$ -		
19	Interest on 2nd Loan from City to Successor Agency											\$ -	-	\$ -		
20	Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects											\$ -	-	\$ -		
												\$ -	-	\$ -		

Recognized Obligation Payment Schedule 13-14B - Notes

January 1, 2014 through June 30, 2014

Item #	Notes/Comments
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ROPS Detail

- 20 Public Improvement Agreement between the City and the Successor Agency (approved by Oversight Board 09/26/13) for Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects paid for by bond funds issued 06/01/06
- 21 This legal services agreement constitutes an enforceable obligation pursuant to Section 34171(b) and 34171(d)(1)(E) and the services including defending third party litigation against the Successor Agency regarding case: "The Affordable Housing Coalition of San Diego v Sandoval, et al." Case No. 34-2012-80001158-CU-WM-GDS
- 22 In order to provide the "total outstanding debt or obligation" amount for administrative costs through the wind down of the former RDA, beginning January 1, 2014, the administrative cost allowance has been summarized for the ROPS and the detail can be found in the administrative budget approved by the Oversight Board.

Prior Period Adjustments

- Two payments of \$1,202 for arbitrage services were made between January and June 2013. One payment applied to ROPS II where it was authorized, and the other payment applied to the ROPS for between January and June, and at the time the ROPS III was prepared, was unanticipated.
- 4 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
 - 3 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
 - 5 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
 - 6 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
 - 9 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013

RESOLUTION OBSA-017

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY FIFTH ADMINISTRATIVE BUDGET FOR THE PERIOD JANUARY 1, 2014 TO JUNE 30, 2014, AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Solana Beach Redevelopment Agency (“Redevelopment Agency”) was a redevelopment agency in the City of Solana Beach (“City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (“Redevelopment Law”); and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. 1x26 (2011-2012 1st Ex. Sess.) (“AB 26”) was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code (“Health and Safety Code”), including adding Part 1.8 (commencing with Section 34161) (“Part 1.8”) and Part 1.85 (commencing with Section 34170) (“Part 1.85”) to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 11, 2012, the City Council (the “City Council”) of the City adopted Resolution 2012-011, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 (“Successor Agency”); and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 (“AB 1484”, Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on issues that had arisen in the implementation of AB 26, AB 1484 imposes

additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies (AB 26 as amended by AB 1484 is hereinafter referred to as the "Dissolution Act"); and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, Health and Safety Code Section 34177(j) of the Dissolution Act requires the Successor Agency to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity; and

WHEREAS, Health and Safety Code Section 34177(k) of the Dissolution Act requires the Successor Agency to provide to the San Diego County Auditor-Controller ("County Auditor-Controller") for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund established by San Diego County for the Successor Agency; and

WHEREAS, Health and Safety Code Section 34171(b) of the Dissolution Act provides that the Administrative Cost Allowance prepared by the Successor Agency and payable from property tax revenues is subject to the approval of the Oversight Board; and

WHEREAS, on September 25, 2013, the Successor Agency received the administrative budget for its general administrative costs and expenses covering the period of January 1, 2014 through June 30, 2014 ("Fifth Administrative Budget"), in the form attached to this Resolution as Exhibit "A", and the Successor Agency authorized the submission of the Fifth Administrative Budget to the Oversight Board for its approval; and

WHEREAS, the proposed source of payment of the costs set forth in the Fifth Administrative Budget is property taxes from the County's Redevelopment

Property Tax Trust Fund established by San Diego County for the Successor Agency. In this regard, the Fifth Administrative Budget documents a six (6) month Administrative Cost Allowance for Fiscal Year 2013/2014 in an amount authorized under the Dissolution Act of \$125,000 (which equals one half of the \$250,000 minimum amount authorized under the Dissolution Act for each fiscal year); and

WHEREAS, the Fifth Administrative Budget and the Administrative Cost Allowance are now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(j) and 34171(b) of the Dissolution Act respectively; and

WHEREAS, the Fifth Administrative Budget has been prepared in accordance with Health and Safety Code Section 34177(j) of the Dissolution Act and is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, in furtherance of Part 1.85 of the Dissolution Act, a copy of the Fifth Administrative Budget as approved by the Oversight Board shall be submitted to the County Auditor-Controller and both the State Controller's Office and the California Department of Finance ("Department of Finance") and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to Health and Safety Section 34177(k) of the Dissolution Act, the Successor Agency shall submit to the County Auditor-Controller the administrative cost estimates from the Fifth Administrative Budget that are to be paid from property tax revenues deposited in the County's Redevelopment Property Tax Trust Fund established for the Successor Agency; and

WHEREAS, pursuant to the Dissolution Act, the Oversight Board met at a duly noticed public meeting on September 26, 2013 to consider approval of the Fifth Administrative Budget and the Administrative Cost Allowance among other approvals; and

WHEREAS, after reviewing the Fifth Administrative Budget and the Administrative Cost Allowance presented to and recommended for approval to the Oversight Board by the Successor Agency, and after reviewing any written and oral comments from the public relating thereto, the Oversight Board desires to approve the Fifth Administrative Budget and the Administrative Cost Allowance; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because such activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by the Successor Agency and the public, form the basis for the approvals, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board hereby approves the Fifth Administrative Budget in the amount of \$125,000 and in the form presented to the Oversight Board and attached hereto as Exhibit A and consents to the Successor Agency’s costs and expenses for the general administrative activities and functions described in the Fifth Administrative Budget.

SECTION 3. The Oversight Board hereby approves the Administrative Cost Allowance proposed by the Successor Agency in the amount of \$125,000.

SECTION 4. The Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to submit to the County Auditor-Controller the administrative cost estimates from the Fifth Administrative Budget that are to be paid from property tax revenues deposited in the County’s Redevelopment Property Tax Trust Fund established for the Successor Agency, in the amount provided by the approved Administrative Cost Allowance.

SECTION 5. The Oversight Board hereby authorizes and directs the Successor Agency staff to submit copies of the Fifth Administrative Budget approved by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, the Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the Fifth Administrative Budget, as approved by the Oversight Board, and written notice of the Oversight Board’s approval of the Fifth Administrative Budget and Administrative Cost Allowance to the Department of Finance (electronically) pursuant to Health and Safety Code Section 34179(h) of the Dissolution Act; (ii) submit a copy of the Fifth Administrative Budget, as approved by the Oversight Board, to the County Auditor-Controller and the State Controller’s Office; and (iii) post the Fifth Administrative Budget, as approved by the Oversight Board, on the Successor Agency’s internet website.

SECTION 6. The Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution.

SECTION 7. The Oversight Board determines that the activity approved by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

SECTION 8. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

PASSED AND ADOPTED this 26th day of September, 2013, at a special scheduled meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Boardmember for Thomas Golich,
Board Chair

APPROVED AS TO FORM:

ATTEST:

KENDALL D. BERKEY,
General Counsel

ANGELA IVEY,
Successor Agency Secretary

RESOLUTION OBSA-018

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE FIFTH RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14B) FOR THE PERIOD JANUARY 1, 2014 TO JUNE 30, 2014 AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Solana Beach Redevelopment Agency (“Redevelopment Agency”) was a redevelopment agency in the City of Solana Beach (“City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (“Redevelopment Law”); and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. 1x26 (2011-2012 1st Ex. Sess.) (“AB 26”) was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code (“Health and Safety Code”), including adding Part 1.8 (commencing with Section 34161) (“Part 1.8”) and Part 1.85 (commencing with Section 34170) (“Part 1.85”) to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 11, 2012, the City Council (the “City Council”) of the City adopted Resolution 2012-011, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 (“Successor Agency”); and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 (“AB 1484”, Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on issues that had arisen in the implementation of AB 26, AB 1484 imposes

additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies (AB 26 as amended by AB 1484 is hereinafter referred to as the "Dissolution Act"); and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") 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 Section 34177(m) of the Health and Safety Code; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of the Dissolution Act, the ROPS shall be forward looking to the next six (6) months; and

WHEREAS, according to Health and Safety Code Section 34177(l)(1) of the Dissolution Act, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34177(a)(1) of the Dissolution Act, the Successor Agency may only make payments required pursuant to an approved ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177 of the Dissolution Act, the Successor Agency, on September 25, 2013, received the ROPS covering the period from January 1, 2014 through June 30, 2014 ("ROPS 13-14B"), in substantial form attached to this Resolution as Exhibit "A", and the

Successor Agency authorized the submission of the ROPS 13-14B to the Oversight Board for its approval; and

WHEREAS, the ROPS 13-14B is now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(l)(2)(B) and 34180(g) of the Dissolution Act; and

WHEREAS, the proposed ROPS 13-14B attached to this Resolution as Exhibit "A" is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, ROPS 13-14B contains the schedules for payments on enforceable obligations required of the Successor Agency for the applicable six-month period and sources of funds for payment as required pursuant to Health and Safety Code Section 34177(l) of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m) of the Dissolution Act, the Successor Agency is required to submit the ROPS 13-14B, after its approval by the Oversight Board, to the California Department of Finance ("Department of Finance") and the San Diego County Auditor-Controller ("County Auditor-Controller") no fewer than 90 days before the date of property tax distribution on January 2, 2014, which is no later than October 1, 2013; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(C) of the Dissolution Act, a copy of the Oversight Board-approved ROPS 13-14B shall be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m)(1) of the Dissolution Act, the Successor Agency shall submit a copy of the Oversight Board-approved ROPS 13-14B to the Department of Finance electronically and the Successor Agency shall have completed the ROPS 13-14B in the manner provided by the Department of Finance; and

WHEREAS, pursuant to the Dissolution Act, the Oversight Board met at a duly noticed public meeting on September 26, 2013 to consider approval of the ROPS 13-14B among other approvals; and

WHEREAS, after reviewing the ROPS 13-14B presented to and recommended for approval to the Oversight Board by the Successor Agency, and after reviewing any written and oral comments from the public relating thereto, the Oversight Board desires to approve the ROPS 13-14B; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act

("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because such activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by the Successor Agency and the public, form the basis for the approvals, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board hereby approves the ROPS 13-14B in the form presented to the Oversight Board and attached hereto as Exhibit A which includes the approval of the agreements and obligations described in the ROPS 13-14B, and hereby determines that such agreements and obligations constitute "enforceable obligations" and "recognized obligations" for all purposes of the Dissolution Act in connection with the ROPS 13-14B.

SECTION 3. The Oversight Board has examined the items contained on the ROPS 13-14B and determines that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency until disposition and liquidation, the continued administration of the enforceable obligations herein approved by the Oversight Board, or the expeditious wind-down of the affairs of the former Redevelopment Agency by the Successor Agency.

SECTION 4. The Oversight Board hereby authorizes the Successor Agency to enter into any agreements and amendments to agreements necessary to implement the agreements and obligations in the ROPS 13-14B and herein approved by the Oversight Board unless Oversight Board approval of such Successor Agency action is otherwise required pursuant to the Dissolution Act.

SECTION 5. The Oversight Board hereby authorizes and directs the Successor Agency to submit copies of the ROPS 13-14B adopted by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, the Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the ROPS 13-14B, as approved by the Oversight Board, to the Department of Finance (electronically) and the County Auditor-

Controller no later than October 1, 2013; (ii) submit a copy of the ROPS 13-14B, as approved by the Oversight Board, to the State Controller's Office and post the ROPS 13-14B on the Successor Agency's internet website; and (iii) revise the ROPS 13-14B, and make such changes and amendments as necessary, before official submittal of the ROPS 13-14B to the Department of Finance, in order to complete the ROPS 13-14B in the manner provided by the Department of Finance and to conform the ROPS 13-14B to the form or format as prescribed by the Department of Finance.

SECTION 6. The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution.

SECTION 7. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

SECTION 8. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Sections 34177(m) and 34179(h) of the Dissolution Act.

PASSED AND ADOPTED this 26th day of September, 2013, at a special meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Boardmember for Thomas Golich,
Board Chair

APPROVED AS TO FORM:

ATTEST:

KENDALL D. BERKEY,
General Counsel

ANGELA IVEY,
Successor Agency Secretary



STAFF REPORT OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE SOLANA BEACH REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **Approval of Public Improvement Agreement between the City of Solana Beach and the Successor Agency of the Solana Beach Redevelopment Agency for the Expenditure of Unencumbered Bond Proceeds**

STAFF REPORT UPDATE

Item # 3

After the agenda materials were distributed, it was noted that some minor changes needed to be made the staff report and resolution.

Attached is the revised staff report and resolution with the changes identified.



STAFF REPORT OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE SOLANA BEACH REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **Approval of Public Improvement Agreement between the City of Solana Beach and the Successor Agency of the Solana Beach Redevelopment Agency for the Expenditure of Unencumbered Bond Proceeds**

BACKGROUND:

In 2006, the former Solana Beach Redevelopment Agency issued bonds in the principal amount of \$3.555 million for the purpose of funding various public improvements. \$638,308 remains unspent and unencumbered.

The former Redevelopment Agency had intended to spend these remaining bond proceeds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project, but after the passage of AB1x26 on June 28, 2011, the former Agency was unable to enter into any contracts. Legislation adopted in 2012 (AB 1484) provided that these bond proceeds could be used once the Solana Beach Successor Agency received a "Finding of Completion."

The Successor Agency received a Finding of Completion on July 18, 2013 and may now enter into contracts to spend the remaining bond proceeds. Because the Successor Agency has no staff, the proposed agreement provides that the Successor Agency will transfer the remaining bond funds to the City to assist in funding the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

DISCUSSION:

Due to the dissolution of redevelopment agencies and the policies of the California Department of Finance (DOF), the Successor Agency has been unable to complete the projects contemplated when the former Redevelopment Agency issued \$3.555 million in bonds in 2006. Currently, \$638,308 remains and is held by the Successor Agency. The former Redevelopment Agency long planned to spend these funds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

OVERSIGHT BOARD ACTION:

Health & Safety Code Section 34191.4(c) provides that once the Successor Agency receives a Finding of Completion, it may expend unobligated bond proceeds from bonds issued before 2011 “in a manner consistent with the original bond covenants.” The original bond covenants provided that the bonds would fund public improvements for the benefit of the former Redevelopment Project Area. Both the Highway 101 Corridor Improvement Project and La Colonia Park and Recreation Center Improvement Project are public improvements located in the former Project Area and so are consistent with the original bond covenants.

The bond proceeds would be used for these specific projects:

- Highway 101 Corridor Improvements: These improvements consist of improvements on Plaza Street to facilitate the movement of bicycles, pedestrians and vehicles along Plaza Street from Highway 101 to the City’s main beach access at Fletcher Cove Park (a distance of two blocks) and construction of a sidewalk along the southbound lanes of Highway 101 from just north of Ocean Street, where the existing sidewalk ends, to the north City limits. These improvements would allow pedestrians to walk to the South Cardiff State Beach along the proposed sidewalk. Repairs and rehabilitation to the Coastal Rail Trail (CRT), which is located on the east side of Highway 101, will also be done. Since the CRT was constructed about 10 years ago, certain portions of the trail need to be refurbished. These areas include landscaping and the decomposed granite (DG) path.
- The La Colonia Park and Recreation Center Improvement Project: This project will assist in the construction of a Veteran’s Memorial at the park within the existing footprint of the park and make interior improvements to the existing community center building. La Colonia Park is the City’s largest park and includes the City’s largest community center.

Because the Successor Agency has no staff, it would be most efficient for the Agency to transfer the remaining bond proceeds to the City to expend on the two projects, with the City entering into the necessary contracts and City Staff managing the contracts. The attached Public Improvement Agreement provides that the bond proceeds will be transferred to the City for the two projects. The City is required to provide the Successor Agency with annual reports on the status of the two projects until the bond proceeds are entirely expended, to provide the Successor Agency with a close-out report, and to utilize all of the bond proceeds within three years.

The City and the Successor Agency met on September 25, 2013 and have approved the Public improvement Agreement. All City-Successor Agency agreements must be approved by the Oversight Board and submitted to DOF (Health & Safety Code Section 34180(h)). The expenditure of the bond proceeds is also shown on the Recognized Obligation Payment Schedule (ROPS) as an “excess bond proceeds obligation.” If

approved by DOF, the Successor Agency will transfer the funds to the City to complete the two projects.

CEQA COMPLIANCE STATEMENT:

All work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures).

FISCAL IMPACT:

Should the Oversight Board approve the request, there is no fiscal impact on any taxing agencies. Approval of this agreement will enable the City to spend \$638,308 in remaining 2006 bond proceeds on the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project. Bond payments will not increase due to the expenditure of these funds. The bond indentures do not allow the bond proceeds to be distributed to taxing entities.

WORKPLAN: N/A

OPTIONS:

- Approve Staff recommendation.
- Provide direction.

SUCCESSOR AGENCY RECOMMENDATION:

The Successor Agency recommends that the Oversight Board adopt Resolution No. OBSA-016, approving and authorizing the Successor Agency's execution and implementation of the Public Improvement Agreement for the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Successor Agency Recommendation

David Ott, Executive Director

Attachments:

1. Resolution No OBSA-016
2. Public Improvement Agreement.
3. City Resolution No. 2013-110 Approving Public Improvement Agreement.
4. Successor Agency Resolution SA-008 Approving Public Improvement Agreement.

RESOLUTION OBSA-016

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE SUCCESSOR AGENCY'S EXECUTION AND IMPLEMENTATION OF THE PUBLIC IMPROVEMENT AGREEMENT FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA PARK AND RECREATION CENTER IMPROVEMENT PROJECT

WHEREAS, pursuant to AB 1x26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "**Redevelopment** Dissolution Law"), the Solana Beach Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Solana Beach, acting in a separate limited capacity and known as the Successor Agency **forte** the Solana Beach Redevelopment Agency, has elected to serve as the successor agency (the "Successor Agency") for the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Solana Beach (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds as defined and described below), and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by letter of July 18, 2013, the California Department of Finance (the "DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 (the "Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the **Redevelopment** Dissolution Law and entitling the Successor Agency to specified benefits, including the authority to expend the Remaining 2006 Bond Proceeds (as defined and described below); and

WHEREAS, prior to the dissolution of the Dissolved RDA:

1. Pursuant to California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq*; the "Redevelopment Law"), the Dissolved RDA was responsible for implementing the Redevelopment Plan for the Solana Beach Redevelopment Project (the "Redevelopment Plan"), which sets forth a redevelopment program for the redevelopment project area (the "Project Area"), including the provision

and enhancement of public facilities and infrastructure in the Project Area, such as the Project (as defined below); and

2. On April 10, 2013, the City Council approved the Highway 101 Corridor Plan, outlining streetscape improvements that would aid in the revitalization of Highway 101 within the Project Area; and

3. On March 11, 2009, the City Council approved the La Colonia Park and Recreation Center Conceptual Master Plan, outlining improvements to the park and recreation center that would revitalize La Colonia Park within the Project Area; and

4. Pursuant to an Indenture of Trust between the Dissolved RDA and Wells Fargo Bank, National Association, dated as of May 1, 2006 (the "2006 Bond Indenture"), and related bond documents (the "2006 Bond Documents"), the Dissolved RDA issued its Solana Beach Redevelopment Agency, Solana Beach Redevelopment Project Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 (the "2006 Bonds") for the purpose of funding public improvements for the benefit of the Project Area and in furtherance of the Redevelopment Plan, such as the Project (as defined below); and

5. In December 2009, the Dissolved RDA adopted a five-year implementation plan (the "Implementation Plan") pursuant to Health and Safety Code Section 33490, which expressly included funding for modifications to La Colonia Park and Recreation Center and Highway 101 Street Scape/Traffic Calming (the "Project") as improvements projected to be completed by 2013-14; and

WHEREAS, the Project offers an opportunity to serve as a valuable catalyst for economic revitalization of the Project Area; and

WHEREAS, the Redevelopment Plan and the Implementation Plan expressly contemplated funding assistance from the Dissolved RDA for public infrastructure improvements, including the Project; and

WHEREAS, as of the dissolution of the Dissolved RDA, there remained \$638,308 of unencumbered net proceeds of the 2006 Bonds (the "Remaining 2006 Bond Proceeds"), which have been transferred to and remain in the possession of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34191.4(c), which applies to successor agencies that have received a finding of completion from the DOF, provides, in relevant part:

"Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold. Notwithstanding...any... conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligation shall thereafter be expended in a manner consistent with the original bond covenants...An

expenditure pursuant to this paragraph shall constitute the creation of an excess bond proceeds obligation to be paid from the excess proceeds. Excess bond proceeds shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency"; and

WHEREAS, for the reasons summarized below, the proposed Public Improvement Agreement (the "Agreement") constitutes the creation of an excess proceeds obligation authorized by Health and Safety Code Section 34191.4(c) that shall be paid from the Remaining 2006 Bond Proceeds:

1. Health and Safety Code Section 34191.4(c) applies to the Successor Agency because the Successor Agency has received its Finding of Completion from the DOF. Indeed, the DOF Letter expressly states in relevant part:

"The [Successor] Agency may now do the following:...Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4(c)" ; and

2. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to the Agreement constitute "bond proceeds derived from bonds issued on or before December 31, 2010" in that the 2006 Bonds were issued on May 25, 2006; and

3. The Remaining 2006 Bond Proceeds to be expended by the Successor Agency pursuant to this the Agreement also constitute "bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations" in that the Remaining 2006 Bond Proceeds constitute unencumbered proceeds of the 2006 Bonds received by the Successor Agency from the Dissolved RDA that are not needed to satisfy any "enforceable obligation", as that term is defined in Health and Safety Code Section 34171(d) (as added by the Dissolution Law); and

4. Expenditure of Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this the Agreement is "for the purposes for which the bonds were issued" and "in a manner consistent with the original bond covenants", which purpose and covenants are found primarily in the 2006 Bond Indenture and the 2006 Bond Documents. Specifically, the 2006 Bond Documents provide that the Remaining 2006 Bond Proceeds will "fund the costs of public improvements within the Project Area consistent with the [Dissolved RDA's] approved five-year implementation plan"; and

5. As further detailed in prior recitals, expenditure of the Remaining 2006 Bond Proceeds by the Successor Agency pursuant to this the Agreement is consistent with the purpose set forth in the 2006 Bond Documents, in that the Project constitutes the provision of public improvements consistent with the Implementation Plan; and

WHEREAS, Pursuant to Health and Safety Code Section 34189(a) (as added by the Dissolution Law), the provisions of Health and Safety Code Section 33445 are now

inoperative, so that no findings of the Successor Agency or the City Council are required under that statutory provision in connection with the approval and execution of this the Agreement; it being understood that this Agreement is entered into under the authority of Health and Safety Code Section 34191.4(c), as fully described above; and

WHEREAS, the Project to be constructed under the Agreement is subject to the California Environmental Quality Act and accompanying state and local guidelines ("CEQA"); and

WHEREAS, the City, as the "lead agency" under CEQA, has determined that all of the work associated with the Highway 101 Corridor Improvements is exempt pursuant to Section 15301(c) of the State CEQA Guidelines (maintenance and minor alteration of existing highways and streets, bicycle and pedestrian trails, and similar facilities), and that the La Colonia Park and Recreation Center Improvements are also exempt pursuant to Section 15301(a) and (d) (interior and exterior alterations, rehabilitation and small alterations to existing structures) and Section 15303 (new construction of small structures); and

WHEREAS, in accordance with Health and Safety Code Section 34180(h), upon request by the Successor Agency, the Oversight Board may approve an agreement between the Successor Agency and the City, such as the Agreement; and

WHEREAS, by resolution of September 25, 2013, the Successor Agency's governing board approved the Agreement, conditioned on subsequent approval by the Oversight Board, and formally requested that the Oversight Board approve the Agreement in accordance with Health and Safety Code Section 34180(h); and

WHEREAS, consequently, the Agreement will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Dissolution Law, as fully provided in Section 4 of this Resolution and Section 2.12 of the Agreement; and

WHEREAS, the Staff Report accompanying this Resolution, the CEQA Determination, the Agreement, and referenced documents (collectively, the "Supporting Documents") have been presented to and considered by the Oversight Board in support of the findings and approvals set forth in this Resolution; are hereby incorporated by reference in this Resolution; and, together with the above recitals (the "Recitals") and any public testimony received, form the evidentiary basis and establish the analytical route for reaching the ultimate findings and conclusions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby finds, resolves, and determines as follows:

Section 1. Recitals Correct. The Oversight Board finds that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the findings and approvals set forth below.

PASSED AND ADOPTED this 26th day of September, 2013, at a special meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES: Boardmember:
NOES: Boardmember:
ABSENT: Boardmember:
ABSTAIN: Boardmember:

~~THOMAS GOLICH, Chair~~
~~Boardmember for Thomas Golich,~~
~~Board Chair~~

APPROVED AS TO FORM:

ATTEST:

KENDALL BERKEY, General Counsel

ANGELA IVEY, Successor Agency
-Secretary



STAFF REPORT OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET AND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD ENDING JUNE 30, 2014 AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH**

STAFF REPORT UPDATE

Item # 4

After the agenda materials were distributed, it was noted that some minor changes needed to be made to the staff report, resolutions, and ROPS 13-14B.

Attached is the revised staff report, resolutions, and pages from the ROPS 13-14B with the changes identified.



STAFF REPORT
OVERSIGHT BOARD FOR OF THE SUCCESSOR
AGENCY FORTO THE SOLANA BEACH
REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Oversight Board
FROM: David Ott, Executive Director
MEETING DATE: September 26, 2013
ORIGINATING DEPT: Successor Agency of the Solana Beach Redevelopment Agency
SUBJECT: **APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET AND RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD ENDING JUNE 30, 2014 AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH**

BACKGROUND:

As of February 1, 2012, pursuant to Health & Safety Code Section 34172, the Solana Beach Redevelopment Agency (Agency) was dissolved under Assembly Bill No. 1x26 (AB 26), or the Dissolution Act, that was found to be constitutional by the California Supreme Court in its decision in the *California Redevelopment Association v. Matosantos* case. On January 11, 2012, the City Council of the City of Solana Beach (City) adopted Resolution 2012-011, electing to become the successor agency (SA) to the Agency.

On June 27, 2012, as part of the FY 2012-13 state budget package, the Legislature passed, and the Governor signed, Assembly Bill No. 1484 (AB 1484), the primary purpose of which was to make technical and substantive amendments to the Dissolution Act based on experience to-date at the state and local level in implementing that Act. As a budget "trailer bill," AB 1484 took immediate effect upon signature by the Governor. AB 1484 made several changes to the process and timing for preparation and approval of a SA's Recognized Obligation Payment Schedule (ROPS). Reference hereinafter to the Dissolution Act means AB 26 as amended by AB 1484.

Under the Dissolution Act, the duties and responsibilities of the Oversight Board (Board) include the following:

COUNCIL OVERSIGHT BOARD ACTION:

- Approve the administrative budget of the SA.
- Approve the Recognized Obligation Payment Schedule (ROPS).

It is recommended for the Board to adopt Resolution OBSA-017 approving the SA Administrative Budget (the "Fifth Administrative Budget") for the period January 1, 2014 to June 30, 2014 and Resolution OBSA-018 approving the Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014 (the "ROPS 13-14B") and making related determinations and taking related actions in connection therewith.

DISCUSSION:

Recognized Obligation Payment Schedule (ROPS)

The ROPS sets forth the minimum payment amounts due to meet the former Agency's and the SA's enforceable obligations for each six-month fiscal period until all debt is paid.

ROPS 13-14B (Attachment 1) will cover the fifth six-month enforceable obligation payment cycle under the Dissolution Act, and, upon its approval by the Oversight Board and the California Department of Finance (DOF), will govern the amount of distributions from the Redevelopment Property Tax Trust Fund ("RPTTF"), established by the County for the SA, to the SA to pay enforceable obligations during the period from January through June 2014.

ROPS 13-14B must be prepared on a revised template form just released by the Department of Finance (DOF), and must be approved by the successor agency's oversight board and transmitted to the DOF and other specified recipients by October 1, 2013. The DOF must approve or disapprove the various enforceable obligations (including payment amounts and funding sources) set forth on an oversight board-approved ROPS 13-14B within 45 days of its submittal. A successor agency then has 5 business days to request a "meet and confer" session with the DOF to seek reconsideration by the DOF of any disputed enforceable obligation items.

The DOF meet and confers will generally occur within the following 30-day period, with the DOF required to provide its final determination on ROPS 13-14B enforceable obligations by December 18, 2013 (15 days prior to the next RPTTF distribution). The ROPS 13-14B preparation and approval process culminates with a January 2, 2014 distribution of RPTTF funds by each county auditor-controller to cover specified administrative costs, to the successor agency for payment of upcoming enforceable obligations during January through June 2014, and to taxing entities for pass-through payment obligations and as a distribution of any remaining residual RPTTF funds.

ROPS 13-14B consists almost entirely of items included on ROPS 13-14A and previously approved by DOF. Three new items have been added:

- 1) Public Improvement Agreement between the City of Solana Beach and the Successor Agency for the Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects to be funded by remaining bond proceeds.

- 2) Legal services to defend third party litigation against the Successor Agency regarding the "The Affordable Housing Coalition of San Diego v Sandoval, et al" case.
- 3) Successor Agency administrative costs that have been summarized into one line in order to provide the "total outstanding debt or obligation" amount for administrative costs. The administrative cost allowance detail can be found in the administrative budget approved by the Oversight Board.

ROPS 13-14B was submitted to the SA for acceptance at its regularly scheduled meeting on September 25, 2013.

Successor Agency Administrative Budget

The SA must prepare an administrative budget for each six-month period for approval by its Oversight Board. This administrative budget must include:

- Estimated amounts for SA administrative costs for the upcoming six-month period.
- Proposed sources of payment for such administrative costs, which may include the administrative cost allowance described below, as well as other eligible sources available to the SA.
- Proposals for arrangements for administrative/operations services to be provided to the SA by the City or other entity.

In addition, the SA must provide to the County Auditor-Controller for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from the RPTTF established for the SA.

For its general administrative costs, the SA is entitled to an administrative cost allowance for FY 2013-2014 equal to the greater of \$250,000 or 53% of the property tax received by the SA from the County Auditor-Controller to make enforceable obligation payments on an approved ROPS during the fiscal year. In the case of Solana Beach's SA, it would receive \$250,000 from RPTTF to pay its administrative costs.

The administrative budget for the period January 1, 2014 to June 30, 2014 (Attachment 2) is prepared in conjunction with the ROPS for the same time period. It is expected that each successive six-month administrative budget will be prepared and approved in conjunction with each corresponding succeeding six-month ROPS.

The administrative budget for the period January 1, 2014 to June 30, 2014 was submitted to the SA for acceptance at its regularly scheduled meeting on September 25, 2013.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

Approval of the Fifth Administrative Budget of the SA and the ROPS 13-14B for period January 1, 2014 to June 30, 2014 are necessary for the SA to meet fiduciary duties to holders of enforceable obligations.

WORKPLAN:

N/A

OPTIONS:

- [Approve Successor Agency's recommendation](#)~~Receive information.~~
- Provide direction and feedback.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Oversight Board:

1. Adopt Resolution OBSA-017 approving the Successor Agency Administrative Budget for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith.
2. Adopt Resolution OBSA-018 approving Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014 and making related determinations and taking related actions in connection therewith.

CITY MANAGER'S EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department Recommendation

David Ott, Executive Director

Attachments:

1. Recognized Obligation Payment Schedule for the period January 1, 2014 to June 30, 2014.
2. Successor Agency administrative budget for the period January 1, 2014 to June 30, 2014.
3. Resolution OBSA-017
4. Resolution OBSA-018

RESOLUTION OBSA-017

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY FIFTH ADMINISTRATIVE BUDGET FOR THE PERIOD JANUARY 1, 2014 TO JUNE 30, 2014, AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Solana Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Solana Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. 1x26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code ("Health and Safety Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 11, 2012, the City Council (the "City Council") of the City adopted Resolution 2012-011, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on

issues that had arisen in the implementation of AB 26, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies (AB 26 as amended by AB 1484 is hereinafter referred to as the "Dissolution Act"); and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, Health and Safety Code Section 34177(j) of the Dissolution Act requires the Successor Agency to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity; and

WHEREAS, Health and Safety Code Section 34177(k) of the Dissolution Act requires the Successor Agency to provide to the San Diego County Auditor-Controller ("County Auditor-Controller") for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund established by San Diego County for the Successor Agency; and

WHEREAS, Health and Safety Code Section 34171(b) of the Dissolution Act provides that the Administrative Cost Allowance prepared by the Successor Agency and payable from property tax revenues is subject to the approval of the Oversight Board; and

WHEREAS, on February September 25, 2013, the Successor Agency received the administrative budget for its general administrative costs and expenses covering the period of January 1, 2014 through June 30, 2014 ("Fifth Administrative Budget"), in the form attached to this Resolution as Exhibit "A", and the Successor Agency authorized the submission of the Fifth Administrative Budget to the Oversight Board for its approval; and

WHEREAS, the proposed source of payment of the costs set forth in the Fifth Administrative Budget is property taxes from the County's Redevelopment Property Tax Trust Fund established by San Diego County for the Successor Agency. In this regard, the Fifth Administrative Budget documents a six (6) month Administrative Cost Allowance for Fiscal Year 2013/2014 in an amount authorized under the Dissolution Act of \$125,000 (which equals one half of the \$250,000 minimum amount authorized under the Dissolution Act for each fiscal year); and

WHEREAS, the Fifth Administrative Budget and the Administrative Cost Allowance are now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(j) and 34171(b) of the Dissolution Act respectively; and

WHEREAS, the Fifth Administrative Budget has been prepared in accordance with Health and Safety Code Section 34177(j) of the Dissolution Act and is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, in furtherance of Part 1.85 of the Dissolution Act, a copy of the Fifth Administrative Budget as approved by the Oversight Board shall be submitted to the County Auditor-Controller and both the State Controller's Office and the California Department of Finance ("Department of Finance") and shall be posted on the Successor Agency's internet website; and

WHEREAS, pursuant to Health and Safety Section 34177(k) of the Dissolution Act, the Successor Agency shall submit to the County Auditor-Controller the administrative cost estimates from the Fifth Administrative Budget that are to be paid from property tax revenues deposited in the County's Redevelopment Property Tax Trust Fund established for the Successor Agency; and

WHEREAS, pursuant to the Dissolution Act, the Oversight Board met at a duly noticed public meeting on September 26, 2013 to consider approval of the Fifth Administrative Budget and the Administrative Cost Allowance among other approvals; and

WHEREAS, after reviewing the Fifth Administrative Budget and the Administrative Cost Allowance presented to and recommended for approval to the Oversight Board by the Successor Agency, and after reviewing any written and oral comments from the public relating thereto, the Oversight Board desires to approve the Fifth Administrative Budget and the Administrative Cost Allowance; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act

("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because such activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by the Successor Agency and the public, form the basis for the approvals, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board hereby approves the Fifth Administrative Budget in the amount of \$125,000 and in the form presented to the Oversight Board and attached hereto as Exhibit A and consents to the Successor Agency's costs and expenses for the general administrative activities and functions described in the Fifth Administrative Budget.

SECTION 3. The Oversight Board hereby approves the Administrative Cost Allowance proposed by the Successor Agency in the amount of \$125,000.

SECTION 4. The Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to submit to the County Auditor-Controller the administrative cost estimates from the Fifth Administrative Budget that are to be paid from property tax revenues deposited in the County's Redevelopment Property Tax Trust Fund established for the Successor Agency, in the amount provided by the approved Administrative Cost Allowance.

SECTION 5. The Oversight Board hereby authorizes and directs the Successor Agency staff to submit copies of the Fifth Administrative Budget approved by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, the Executive Director, or designee, of the Successor Agency is hereby authorized and directed to: (i) submit the Fifth Administrative Budget, as approved by the Oversight Board, and written notice of the Oversight Board's approval of the Fifth Administrative Budget and Administrative Cost Allowance to the Department of Finance (electronically) pursuant to Health and Safety Code Section 34179(h) of the Dissolution Act; (ii) submit a copy of the Fifth Administrative Budget, as approved by the Oversight Board, to the County

Auditor-Controller and the State Controller's Office; and (iii) post the Fifth Administrative Budget, as approved by the Oversight Board, on the Successor Agency's internet website.

SECTION 6. The Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution.

SECTION 7. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

SECTION 8. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

PASSED AND ADOPTED this 26th day of September, 2013, at a special scheduled meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

THOMAS GOLICH, Chair
Boardmember for Thomas
Golich, Board Chair

APPROVED AS TO FORM:

ATTEST:

KENDALL D. BERKEY, General Counsel

ANGELA IVEY, City Clerk
Successor Agency Secretary

RESOLUTION OBSA-018

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING THE FIFTH RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14B) FOR THE PERIOD JANUARY 1, 2014 TO JUNE 30, 2014 AND MAKING RELATED DETERMINATIONS AND TAKING RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Solana Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Solana Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. 1x26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code ("Health and Safety Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 11, 2012, the City Council (the "City Council") of the City adopted Resolution 2012-011, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on

issues that had arisen in the implementation of AB 26, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies (AB 26 as amended by AB 1484 is hereinafter referred to as the "Dissolution Act"); and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34171(m) of the Dissolution Act, a "Recognized Obligation Payment Schedule" ("ROPS") 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 Section 34177(m) of the Health and Safety Code; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(3) of the Dissolution Act, the ROPS shall be forward looking to the next six (6) months; and

WHEREAS, according to Health and Safety Code Section 34177(l)(1) of the Dissolution Act, the Successor Agency shall prepare a ROPS before each six-month fiscal period. For each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of Part 1.85 of the Dissolution Act, and (vi) other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former Redevelopment Agency as approved by the Oversight Board in accordance with Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34177(a)(1) of the Dissolution Act, the Successor Agency may only make payments required pursuant to an approved ROPS; and

WHEREAS, pursuant to Health and Safety Code Section 34177 of the Dissolution Act, the Successor Agency, on September 25, 2013, received the ROPS covering the period from January 1, 2014 through June 30, 2013~~4~~ ("ROPS

13-14B”), in substantial form attached to this Resolution as Exhibit “A”, and the Successor Agency authorized the submission of the ROPS 13-14B to the Oversight Board for its approval; and

WHEREAS, the ROPS 13-14B is now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Sections 34177(l)(2)(B) and 34180(g) of the Dissolution Act; and

WHEREAS, the proposed ROPS 13-14B attached to this Resolution as Exhibit “A” is consistent with the requirements of the Health and Safety Code and other applicable law; and

WHEREAS, ROPS 13-14B contains the schedules for payments on enforceable obligations required of the Successor Agency for the applicable six-month period and sources of funds for payment as required pursuant to Health and Safety Code Section 34177(l) of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m) of the Dissolution Act, the Successor Agency is required to submit the ROPS 13-14B, after its approval by the Oversight Board, to the California Department of Finance (“Department of Finance”) and the San Diego County Auditor-Controller (“County Auditor-Controller”) no fewer than 90 days before the date of property tax distribution on January 2, 2014, which is no later than October 1, 2013; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(C) of the Dissolution Act, a copy of the Oversight Board-approved ROPS 13-14B shall be submitted to the County Auditor-Controller and both the State Controller’s Office and the Department of Finance and shall be posted on the Successor Agency’s internet website; and

WHEREAS, pursuant to Health and Safety Code Section 34177(m)(1) of the Dissolution Act, the Successor Agency shall submit a copy of the Oversight Board-approved ROPS 13-14B to the Department of Finance electronically and the Successor Agency shall have completed the ROPS 13-14B in the manner provided by the Department of Finance; and

WHEREAS, pursuant to the Dissolution Act, the Oversight Board met at a duly noticed public meeting on September 26, 2013 to consider approval of the ROPS 13-14B among other approvals; and

WHEREAS, after reviewing the ROPS 13-14B presented to and recommended for approval to the Oversight Board by the Successor Agency, and after reviewing any written and oral comments from the public relating thereto, the Oversight Board desires to approve the ROPS 13-14B; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because such activity is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with information provided by the Successor Agency and the public, form the basis for the approvals, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board hereby approves the ROPS 13-14B in the form presented to the Oversight Board and attached hereto as Exhibit A which includes the approval of the agreements and obligations described in the ROPS 13-14B, and hereby determines that such agreements and obligations constitute “enforceable obligations” and “recognized obligations” for all purposes of the Dissolution Act in connection with the ROPS 13-14B.

SECTION 3. The Oversight Board has examined the items contained on the ROPS 13-14B and determines that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency until disposition and liquidation, the continued administration of the enforceable obligations herein approved by the Oversight Board, or the expeditious wind-down of the affairs of the former Redevelopment Agency by the Successor Agency.

SECTION 4. The Oversight Board hereby authorizes the Successor Agency to enter into any agreements and amendments to agreements necessary to implement the agreements and obligations in the ROPS 13-14B and herein approved by the Oversight Board unless Oversight Board approval of such Successor Agency action is otherwise required pursuant to the Dissolution Act.

SECTION 5. The Oversight Board hereby authorizes and directs the Successor Agency to submit copies of the ROPS 13-14B adopted by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission or accrual of any penalties. In this regard, the Executive Director, or designee, of the Successor Agency is hereby

authorized and directed to: (i) submit the ROPS 13-14B, as approved by the Oversight Board, to the Department of Finance (electronically) and the County Auditor-Controller no later than October 1, 2013; (ii) submit a copy of the ROPS 13-14B, as approved by the Oversight Board, to the State Controller's Office and post the ROPS 13-14B on the Successor Agency's internet website; and (iii) revise the ROPS 13-14B, and make such changes and amendments as necessary, before official submittal of the ROPS 13-14B to the Department of Finance, in order to complete the ROPS 13-14B in the manner provided by the Department of Finance and to conform the ROPS 13-14B to the form or format as prescribed by the Department of Finance.

SECTION 6. The Executive Director, or designee, of the Successor Agency is hereby authorized and directed to take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution.

SECTION 7. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

SECTION 8. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Sections 34177(m) and 34179(h) of the Dissolution Act.

PASSED AND ADOPTED this 26th day of September, 2013, at a special meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

THOMAS GOLICH, Chair
Boardmember for Thomas
Golich, Board Chair

APPROVED AS TO FORM:

ATTEST:

KENDALL D. BERKEY, General Counsel

ANGELA IVEY, Successor
Agency Secretary City Clerk

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary
 Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Solana Beach
 Name of County: San Diego

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	
B	Bond Proceeds Funding (ROPS Detail)	\$ 638,308
C	Reserve Balance Funding (ROPS Detail)	638,308
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 708,225
F	Non-Administrative Costs (ROPS Detail)	583,225
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 1,346,533

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	708,225
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 708,225

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E)	708,225
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	708,225

Certification of Oversight Board Chairman:
 Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Based on information provided
my informed belief

 Name Title
 /s/ _____
 Signature Date

Recognized Obligation Payment Schedule 13-14B - Notes

January 1, 2014 through June 30, 2014

section 34171(b) and

Item # | **Notes/Comments**

ROPS Detail

- 20 Public Improvement Agreement between the City and the Successor Agency (approved by Oversight Board 09/26/13) for Highway 101 Corridor Improvements and La Colonia Park and Recreation Center Improvements Projects paid for by bond funds issued 06/01/06
- 21 This legal services agreement constitutes an enforceable obligation pursuant to Section 34171(d)(1)(E) and the services including defending third party litigation against the Successor Agency regarding case: "The Affordable Housing Coalition of San Diego v Sandoval, et al." Case No. 34-2012-80001158-CU-WM-GDS
- 22 In order to provide the "total outstanding debt or obligation" amount for administrative costs through the wind down of the former RDA, beginning January 1, 2014, the administrative cost allowance has been summarized for the ROPS and the detail can be found in the administrative budget approved by the Oversight Board.

Prior Period Adjustments

- 4 Two payments of \$1,202 for arbitrage services were made between January and June 2013. One payment applied to ROPS II where it was authorized, and the other payment applied to the ROPS for between January and June, and at the time the ROPS III was prepared, was unanticipated.
- 2 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
- 3 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
- 5 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
- 6 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013
- 9 June 2013 exp paid in July/Aug 2013 was accrued in June and reported in Prior Period Payments report for January 2013 to June 2013