

**RDA RESOLUTION NO. 2011-04**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF APPLE VALLEY APPROVING AND ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO ABx1 26**

**WHEREAS**, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), the Town Council of the Town of Apple Valley ("Town") created the Redevelopment Agency of the Town of Apple Valley ("Agency"); and

**WHEREAS**, the Agency has been responsible for implementing the Redevelopment Plan(s) for the Victor Valley Economic Development Authority (PA#1:VVEDA) and Apple Valley Redevelopment (AVRDA PA#2) Project Areas covering certain properties within the Town ("Project Areas"); and

**WHEREAS**, as part of the 2011-2012 State budget bill, the California State Legislature recently enacted, and the Governor signed, companion bills ABx1 26 and ABx1 27, which eliminate every redevelopment agency unless the community that created it adopts an ordinance ("Continuation Ordinance") agreeing to participate in an Voluntary Alternative Redevelopment Program ("Alternate Redevelopment Program") which requires the payment of an annual "community remittance" payment; and

**WHEREAS**, Health and Safety Code Section 34169, enacted by ABx1 26, requires redevelopment agencies to adopt, by August 28, 2011, an Enforceable Obligation Payment Schedule ("EOPS") which will serve as the basis for the payment of the Agency's outstanding financial obligations if the Agency is dissolved; and

**WHEREAS**, on July 18, 2011, the League of California Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of and requesting a stay of enforcement of ABx1 26 and ABx1 27; and

**WHEREAS**, the Town adopted the Continuation Ordinance on August 2, 2011; and

**WHEREAS**, on August 11, 2011, the Supreme Court agreed to take the case and issued and order for the immediate stay of the enforcement of ABx1 26 in part and ABx1 27 in its entirety; and

**WHEREAS**, since the adoption of the Continuation Ordinance, the Agency has been operating under the provisions of ABx1 27; and

**WHEREAS**, as a result of the stay on ABx1 27, the Town's adopted Continuation Ordinance is not effective for the duration of the stay; and

**WHEREAS**, although the Court order stayed enforcement of Health and Safety Code Section 34169, the Court did not stay the enforcement of Health and Safety Code Section 34167, also enacted by ABx1 26, which relies upon and makes reference to an adopted EOPS; and

**WHEREAS**, adoption of the EOPS would allow the Agency to make payments on debts and obligations listed on the EOPS while the stay is in effect.

**NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE TOWN OF APPLE VALLEY DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.

**Section 2. Approval of EOPS.** The Agency hereby approves and adopts the Enforceable Obligation Payment Schedule, in substantially the form attached hereto as Exhibit A, as required by Health and Safety Code Section 34167 and in accordance with the requirements of Health and Safety Code Section 34169, added by the recently enacted legislation ABx1 26.

**Section 3. Posting; Transmittal to Appropriate Agencies.** The Executive Director is hereby authorized and directed to post a copy of the EOPS on the Town's website. The Executive Director is further authorized and directed to transmit, by mail or electronic means, to the San Bernardino County Auditor-Controller, the State Controller and the Department of Finance, notification providing the website location of the posted EOPS and other information as required by ABx1 26.

**Section 4. Effective Date.** Pursuant to Health and Safety Code Section 34169(i), the Agency's action to adopt the EOPS as set forth herein shall not be effective for three (3) business days following adoption of this Resolution, pending a request for review of the EOPS by the Department of Finance.

**PASSED AND ADOPTED** at a regular meeting of the Redevelopment Agency of the Town of Apple Valley on the 25 day of August, 2011.

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Agency Secretary

Town of Apple Valley  
RDA Resolution No. 2011-04

**STATE OF CALIFORNIA**

**COUNTY OF SAN BERNARDINO**

**TOWN OF APPLE VALLEY**

I, LA VONDA M-PEARSON, Town Clerk for the Town of Apple Valley, Apple Valley, California, do hereby certify that RDA Resolution No. 2011-04, duly and regularly adopted by the Town Council at a meeting thereof held on the 25<sup>th</sup> day of August, 2011 by the following vote:

AYES: Council Members Coleman, Emick, Roelle, Mayor Pro Tem Stanton, Mayor Nassif

NOES: None.

ABSTAIN: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 26th day of August, 2011.

LA VONDA M-PEARSON, CMC  
TOWN CLERK

By:

  
\_\_\_\_\_  
Yvonne Rivera, Deputy

(SEAL)

Project Area(s) \_\_\_\_\_

### ENFORCEABLE OBLIGATION PAYMENT SCHEDULE Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
					Aug**	Sept	Oct	Nov	Dec	Total
1) 2005 Tax Allocation Bonds	US Bank	Fund capital improvements	7,205,000.00	508,095.00					166,547.50	\$ 166,547.50
2) 2007 Tax Allocation Bonds	US Bank	Fund RDA activities	8,420,000.00	550,582.50					195,291.25	\$ 195,291.25
3) Employee Costs	Employees of Agency	Payroll for employees	518,392.00	518,392.00	6,967.65	43,199.33	43,199.33	43,199.33	43,199.33	\$ 179,764.97
4) Administration	Town of Apple Valley	Operating Transfer	471,435.00	471,435.00	471,435.00					\$ 471,435.00
5) Contract for consulting services	McGregor Shott	Marketing professional services	10,120.50	10,120.50		2,530.13	2,530.12	2,530.12	2,530.13	\$ 10,120.50
6) Contract for consulting services	BB&K	Legal counsel	24,000.00	24,000.00	387.12	2,000.00	2,000.00	2,000.00	2,000.00	\$ 8,387.12
7) Administration	Various	Operations & maintenance	285,129.50	285,129.50	4,598.88	23,760.79	23,760.79	23,760.79	23,760.79	\$ 99,642.04
8) Contract for consulting services	Keyser Marston	50-Unit Senior Project	19,000.00	19,000.00	3,570.00	2,107.50	2,107.50	2,107.50	2,107.50	\$ 12,000.00
9) Loan Agreement	AMCAL	50-Unit Senior Project	2,000,000.00	2,000,000.00		200,000.00	200,000.00	200,000.00	200,000.00	\$ 800,000.00
10) Loan to 80% for ERAF	20% Low Income Fund	Loan to pay ERAF	401,767.00							\$ -
11) HELP Loan	Cal HFA	Loan for Down Payment Assistance	145,000.00							\$ -
12)										\$ -
13)										\$ -
14)										\$ -
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Totals - This Page			\$ 19,499,844.00	\$ 4,386,754.50	\$ 486,958.65	\$ 273,597.75	\$ 273,597.74	\$ 273,597.74	\$ 635,436.50	\$ 1,943,188.38
Totals - Page 2, PA 2			\$ 38,935,631.00	\$ 6,270,825.07	\$ 481,713.42	\$ 265,850.01	\$ 265,850.00	\$ 265,850.00	\$ 1,111,200.01	\$ 1,916,129.19
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - VVEDA Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - PA2 Other Obligations			\$ -	\$ 282,591.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 282,591.80
Grand total - All Pages			\$ 58,435,475.00	\$ 10,940,171.37	\$ 968,672.07	\$ 539,447.76	\$ 539,447.74	\$ 539,447.74	\$ 1,746,636.51	\$ 4,141,909.37

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

\*\* Include only payments to be made after the adoption of the EOPS.

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
					Aug**	Sept	Oct	Nov	Dec	Total
1) 2007 Tax Allocation Bonds	US Bank	Fund (80%) RDA activities	30,280,669.14	2,092,111.30					676,280.00	\$ 676,280.00
2) 2007 Tax Allocation Bonds	US Bank	Fund (20%) Housing projects	4,249,330.86	293,588.77					169,070.00	\$ 169,070.00
3) Employee Costs	Employees of Agency	Payroll for employees	520,209.00	520,209.00	6,992.05	43,350.75	43,350.75	43,350.75	43,350.75	\$ 180,395.05
4) Loan Agreement/DDA	AMCAL	Senior Project Loan Agreement	2,643,730.00	2,643,730.00		200,000.00	200,000.00	200,000.00	200,000.00	\$ 800,000.00
5) Contract for consulting services	McGregor Shott	Marketing professional services	10,120.50	10,120.50		2,530.13	2,530.12	2,530.12	2,530.13	\$ 10,120.50
6) Contract for consulting services	BB&K	Legal counsel	24,000.00	24,000.00	387.12	2,000.00	2,000.00	2,000.00	2,000.00	\$ 8,387.12
7) Administration	Various	Operations & maintenance	215,629.50	215,629.50	2,898.25	17,969.13	17,969.13	17,969.13	17,969.13	\$ 71,876.52
8) Administration	Town of Apple Valley	Operating Transfer	471,436.00	471,436.00	471,436.00					\$ -
9) Loan to 80% for ERAF	PA2 - 20 Percent Low Income Fund	Loan to Pay ERAF	375,506.00							\$ -
10) Help Loan	Cal HFA	Loan for Down Payment Assistance	145,000.00							\$ -
11)										\$ -
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<b>Totals - This Page</b>			<b>\$ 38,935,631.00</b>	<b>\$ 6,270,825.07</b>	<b>\$ 481,713.42</b>	<b>\$ 265,850.01</b>	<b>\$ 265,850.00</b>	<b>\$ 265,850.00</b>	<b>\$ 1,111,200.01</b>	<b>\$ 1,916,129.19</b>

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If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

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Project Area(s) \_\_\_\_\_

**OTHER OBLIGATION PAYMENT SCHEDULE**  
**Per AB 26 - Section 34167 and 34169 (\*)**  
**TO BE SUBMITTED DIRECTLY FROM THE VICTOR VALLEY ECONOMIC DEVELOPMENT AGENCY**

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
						Aug**	Sept	Oct	Nov	Dec	
1)											\$ -
2)											\$ -
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36)											\$ -
<b>Totals - This Page</b>				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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**OTHER OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total	
						Aug**	Sept	Oct	Nov	Dec		
1)		AV Parks and Rec			15,012.41		15,012.41				\$ 15,012.41	
2)		AV Fire Protection Dist			33,935.32		33,935.32				\$ 33,935.32	
3)		AV Unified School Dist			113,865.84		113,865.84				\$ 113,865.84	
4)		County Sup of Schools			3,713.82		3,713.82				\$ 3,713.82	
5)		Victor Valley College			24,400.95		24,400.95				\$ 24,400.95	
6)		County of San Bern			68,745.26		68,745.26				\$ 68,745.26	
7)		CSA 60-Victorville			3,768.64		3,768.64				\$ 3,768.64	
8)		MD Resource Conserv Dist			18.09		18.09				\$ 18.09	
9)		Mojave Water Agency			1,938.86		1,938.86				\$ 1,938.86	
10)		Town of AV			17,192.61		17,192.61				\$ 17,192.61	
11)											\$ -	
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28)											\$ -	
<b>Totals - Other Obligations</b>					\$ -	\$ 282,591.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 282,591.80

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 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
 \*\* Include only payments to be made after the adoption of the EOPS.  
 \*\*\* All payment amounts are estimates