TOWN OF YUCCA VALLEY
REDEVELOPMENT AGENCY MEETING

The Mission of the Town of Yucca Valley is to provide a government that is responsive to its citizens to ensure a safe and secure environment while maintaining the highest quality of life.

TUESDAY, SEPTEMBER 20, 2011
REDEVELOPMENT AGENCY: 6:00 p.m.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

CLOSED SESSION
YUCCA VALLEY COMMUNITY CENTER
57090 – 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

REDEVELOPMENT AGENCY
George Huntington, Agency Chair
Dawn Rowe, Agency Vice Chair
Merl Abel, Agency Member
Isaac Hagerman, Agency Member
Robert Lombardo, Agency Member

* * * *

TOWN ADMINISTRATIVE OFFICE:
760-369-7207

www.yucca-valley.org

AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY REDEVELOPMENT AGENCY
TUESDAY, SEPTEMBER 20, 2011

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)

OPENING CEREMONIES

CALL TO ORDER

ROLL CALL: Agency Members Abel, Hagerman, Lombardo, Rowe, and Chair Huntington.

CONSENT AGENDA

1-6 1. Minutes of the Regular Redevelopment Agency Meeting of June 21, 2011 and Special Redevelopment Agency Meeting of August 23, 2011.

Recommendation: Approve minutes as presented.

7-41 2. Warrant Register, August 2, 2011

Recommendation: Ratify RDA Warrant Registers total of $839,762.83 for expenses dated June 20, 2011 through September 8, 2011. Ratify RDA Payroll Registers total of $63,269.71 dated June 10, 2011 through September 2, 2011.

All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Agency instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Agency or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed

with the Agency Secretary before the consent calendar is called.

Recommendation: Adopt Consent Agenda (item 1-2) (roll call vote)

Action: Move_____2nd_____Roll Call Vote_____

DEPARTMENT REPORTS

42-47 3. Preliminary Draft Recognized Obligation Payment Schedule and Resolution

A RESOLUTION OF THE YUCCA VALLEY REDEVELOPMENT AGENCY APPROVING THE PRELIMINARY DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (PDROPS)

Staff Report

Recommendation: Approve the Resolution approving the preliminary draft Recognized Obligation Payment Schedule.

Action: Move_____2nd_____Roll Call Vote_____.

48-61 4. Yucca Valley RDA Remittance Agreement with the Town of Yucca Valley and Low/Mod Income housing Deposit for FY 2011-12

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY, APPROVING A REMITTANCE AGREEMENT WITH THE TOWN OF YUCCA VALLEY IN ACCORDANCE WITH ASSEMBLY BILL AB X1 27

RESOLUTION OF THE YUCCA VALLEY REDEVELOPMENT AGENCY REDUCING ITS ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-12 FISCAL YEAR AND MAKING CERTAIN FINDINGS.

Recommendation: Approve the Resolution authorizing the execution of a Remittance Agreement with the Town of Yucca Valley; and approve the Resolution reducing its allocation to the Low/Mod Income Housing Fund for the 2011-12 Fiscal Year.

Action: Move_____2nd_____Roll Call Vote_____.

PUBLIC COMMENTS

ADJOURNMENT

TOWN OF YUCCA VALLEY
REDEVELOPMENT AGENCY MEETING MINUTES
June 21, 2011

Chair Huntington called the meeting of the Town of Yucca Valley Redevelopment Agency to order at 5:30 p.m.

Agency Members Present: Abel, Hagerman, Rowe, and Chair Huntington.

Staff Present: Executive Director Nuaimi, Agency Counsel Laymon, Deputy Executive Director Stueckle, Treasurer Yakimow, Community Services Director Schooler and Secretary Anderson.

CONSENT AGENDA

1. **Approve,** Minutes of the Regular Redevelopment Agency Meeting of May 17, 2011, as presented.

2. **Ratify,** RDA Warrant Registers total of $9,876.27 for expenses dated May 19, 2011 through June 2, 2011. Ratify RDA Payroll Register total of $17,781.42 dated May 13, 2011 through May 27, 2011.

Agency Member Abel moved to adopt the Consent Agenda, Items 1-2. Agency Member Rowe seconded. Motion carried 4-0 on a roll call vote.

AYES: Agency Members Abel, Hagerman, Rowe and Chair Huntington
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARING

3. **FY 2011-12 Proposed Budget**

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE 2011-12 REDEVELOPMENT AGENCY BUDGET AND APPROVING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2011 AND ENDING JUNE 30, 2012

Treasurer Yakimow reported the proposed budget assumes the continued existence of redevelopment at the state level. With the various alternatives and proposals under consideration in the state capital as part of the current year budget, there is a distinct possibility that the redevelopment landscape in 2011-12 will look and function much differently than today. Funding for two new programs area included in the proposed 2011-12

Agency budget. The first is funding in the amount of $21,500 to support the economic development activities of the Chamber of Commerce within the project area, and an allocation of $23,500 in funding is identified for the Desert Regional Tourism Agency for their travel and tourism programing and economic development related activities.

Chair Huntington opened the public hearing,

Margo Sturges, Yucca Valley, questioned when the maintenance responsibility changed to the Town for the units Unity Home is using.

There being no one else wishing to speak, Chair Huntington closed the public hearing.

Treasurer Yakimow commented, with respect to Unity Home, they do lease agency property and there is some basic maintenance we are responsible for.

Agency Member Rowe questioned if funding to nonprofits will be revisited based on the changes to RDA. Treasurer Yakimow advised that if RDA law changes and that funding can't occur, staff will bring the issue back for consideration.

Chair Huntington asked if these two funds will meet the criteria since RDA is going to go under increased scrutiny. Treasurer Yakimow commented that it is common in other agencies and does meet the criteria. Chair Huntington questioned if the Chamber agreement is essentially the same as last year. Treasurer Yakimow advised there is no significant change in scope.

Council Member Abel questioned the decreased funding over the last few years. Treasurer Yakimow advised, in terms of funding that comes in, the Agency is primarily funded from tax increment, since the assessed values have gone down the amount of money coming to the Agency has gone down about 10%. Council Member Abel questioned what would happen if we if do not get the affordable senior housing project going. Treasurer Yakimow advised that those moneys would remain in the Low Mod fund if the grant funding does not come in.

Agency Member Abel moved to adopt Resolution No. RDA-11-06, approving the Fiscal Year 2011-12 Budget, and designating those officials authorized to make requisitions for encumbrances against appropriations; Approve the draft agreement between the Town of Yucca Valley and the Yucca Valley Chamber of Commerce, and authorize the Executive Director and Agency Attorney to make any non-substantive changes. Agency Member Rowe seconded. Motion carried 4-0 on a roll call vote.

AYES: Agency Members Abel, Hagerman, Rowe and Chair Huntington
NOES: None
ABSTAIN: None
ABSENT: None

DEPARTMENT REPORTS

4. FY 2010-11 Budget Amendments

A RESOLUTION OF THE REDEVELOPMENT AGENCY, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE 2010-11 REDEVELOPMENT AGENCY BUDGET

Treasurer Yakimow advised this item consists of clean up amendments related to current year activity, and includes transferring $400,000 from the senior housing project general account to the senior housing project CORE Account, appropriating $450,000 of undesignated reserves of the debt service fund to assist in funding the General Plan update and appropriating $100,000 of undesignated reserve of the housing fund to assist in funding of the General Plan update.

Town Manager Nuaimi advised the amendment of the $400,000 to the Senior housing project CORE account is included in the total project costs and is a part of the gap financing.

Margo Sturges, Yucca Valley, commented regarding the additional amount for the CORE account and questioned the additional $50,000 from RDA for the general plan update.

Treasurer Yakimow advised the 50/50 split is between the debt service account and the Town's general fund, the additional $100,000 to address some of the housing considerations as required by the state.

Agency Member Hagerman moved to adopt Resolution No. RDA-11-07, amending the fiscal year 2010-11 Adopted Budget by transferring $400,000 from the Sr. Housing Project general account to the Sr. Housing Project – CORE Account; appropriating $450,000 of Undesignated Reserves of the Debt Service fund to assist in the funding of the General Plan Update; and appropriating $100,000 of Undesignated Reserves for the Housing Fund to assist in the funding of the General Plan Update. Agency Member Rowe seconded. Motion carried 4-0 on a roll call vote.

AYES: Agency Members Abel, Hagerman, Rowe and Chair Huntington
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMENTS

None

ADJOURNMENT

There being no further business, Chair Huntington adjourned the meeting at 5:50 p.m.

Respectfully submitted,

Jamie Anderson
Agency Secretary

TOWN OF YUCCA VALLEY
SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES
AUGUST 23, 2011

Chair Huntington called the meeting of the Town of Yucca Valley Redevelopment Agency to order at 5:30 p.m.

Agency Members Present: Abel, Hagerman, Lombardo, Rowe, and Chair Huntington.

Staff Present: Executive Director Nuaimi, Deputy Executive Director Stueckle, Treasurer Yakimow, and Secretary Anderson.

DISCUSSION ITEMS

1. Initial Enforceable Obligations Payment (EOP) Resolution

RESOLUTION OF THE AGENCY BOARD OF THE YUCCA VALLEY REDEVELOPMENT AGENCY ESTABLISHING AN INITIAL ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO ASSEMBLY BILL NUMBER 1X26

Administrative Services Director Yakimow advised that, as part of the language of AB 1X26, on or before August 27, 2011, and in response to the court action to date in review of the legislation, the Agency Board must adopt an Enforceable Obligation Schedule listing all obligations of the Agency that are enforceable. The schedule must be adopted at a public meeting of the Agency, posted on the Town's website and transmitted to the San Bernardino County Auditor Controller, the State Controller and the Department of Finance. Due to the uncertainty resulting from the latest Court Action regarding AB 26 & 27, the resolution is written in such a way that provides the most flexibility for the Town in terms of addressing the possibility of certain portions of the legislation being upheld or struck down.

Agency Member Hagerman moved, pursuant to Assembly Bill 1X26, to adopt Resolution No. RDA-11-08, establishing the Agency's Enforceable Obligation Schedule. Agency Member Rowe seconded. Motion carried 5-0 on a roll call vote.

AYES: Agency Members Abel, Hagerman, Lombardo, Rowe and Chair Huntington
NOES: None
ABSTAIN: None
ABSENT: None

2. Update on AB 1X26 and AB 1X27

Administrative Services Director Yakimow advised that the Court has issued some clarification regarding what the Stay represented as requested by the California

Redevelopment Association. It is hoped that the Court will make a determination by the end of the year.

PUBLIC COMMENTS

None

ADJOURNMENT

There being no further business, Chair Huntington adjourned the meeting at 5:36 p.m.

Respectfully submitted,

Jamie Anderson
Agency Secretary

YUCCA VALLEY REDEVELOPMENT AGENCY STAFF REPORT

To: Honorable Chair and Agency Members
From: Curtis Yakimow, Treasurer
Date: September 12, 2011
For Agency Meeting: September 20, 2011

Subject: RDA Warrant Register – September 20, 2011
Recommendation:

Ratify RDA Payroll Registers total of $ 63,269.71 dated June 10, 2011 through September 2, 2011. Ratify RDA Warrant Registers total of $ 839,762.83 for expenses dated June 20, 2011 through September 8, 2011.

Order of Procedure:

Department Report
Request Staff Report
Request Public Comment
Agency Discussion
Motion/Second
Discussion on Motion
Call the Question (Roll Call)

Attachments:

Payroll Register No. 50 dated June 10, 2011 total of $ 9,872.10
Payroll Register No. 52/1 dated June 24, 2011 total of $ 8,916.89
Payroll Register No. 52/2 dated June 24, 2011 total of $ -237.49
Warrant Register No. 53 dated June 20, 2011 total of $ 6,262.22
Warrant Register No. 55 dated June 30, 2011 total of $ 540.62
Warrant Register No. 1 dated July 14, 2011 total of $ 1.961.55
Payroll Register No. 2 dated July 8, 2011 total of $ 8,402.59
Warrant Register No. 3 dated July 14, 2011 total of $ 2,000.00
Payroll Register No. 4 dated July 22, 2011 total of $ 8,676.16
Payroll Register No. 6 dated August 5, 2011 total of $ 11,101.01
Warrant Register No. 7 dated July 29, 2011 total of $ 682,650.93
Warrant Register No. 8 dated August 19, 2011 total of $ 8,254.62
Warrant Register No. 9 dated July 28 & August 3, 2011 total of $ 24,290.39
Payroll Register No. 10 dated September 2, 2011 total of $ 8,283.83
Warrant Register No. 11 dated August 11, 2011 total of $ 308.44
Warrant Register No. 13 dated August 25, 2011 total of $ 119,199.21
Warrant Register No. 15 dated September 8, 2011 total of $ 2,549.47

Reviewed By: _____ Executive Director _____ Treasurer _____ Agency Attorney

___ Department Report	___ Ordinance Action	___ Resolution Action	___ Public Hearing
X Consent	X Minute Action	___ Receive and File	___ Study Session

YUCCA VALLEY RDA
WARRANT REGISTER # 50
CHECK DATE - June 10, 2011

Payroll Summary

Summary

Salaries	$8,028.71
Benefits	$1,843.39
Professional Services	$0.00
Total Payroll	**$9,872.10**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 50 - Paid 6/10/11

Salaries	**$8,028.71**
Benefits	
Medicare	119.32
Medical Benefit	0.00
Workers Compensation Insurance	240.88
Life & Disability Insurance	0.00
Unemployment Insurance	80.29
Retirement	1,202.90
Car Allowance	200.00
Total Benefits:	**1,843.39**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$9,872.10**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

YUCCA VALLEY RDA
WARRANT REGISTER # 52/1
CHECK DATE - June 24, 2011

Payroll Summary

Summary

Salaries	$6,881.67
Benefits	$1,915.22
Professional Services	$120.00
Total Payroll	**$8,916.89**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 52/1 - Paid 6/24/11

Salaries	**$6,881.67**
Benefits	
Medicare	102.68
Medical Benefit	0.00
Workers Compensation Insurance	206.47
Life & Disability Insurance	0.00
Unemployment Insurance	68.83
Retirement	1,337.24
Car Allowance	200.00
Total Benefits:	**1,915.22**
Professional Services (Agency Members)	**120.00**
Total RDA Payroll:	**$8,916.89**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

YUCCA VALLEY RDA
WARRANT REGISTER # 52/2
CHECK DATE - June 24, 2011

Payroll Summary

Summary

Salaries	($217.05)
Benefits	($20.44)
Professional Services	$0.00
Total Payroll	**-$237.49**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 52/2 - Paid 6/24/11

Salaries	**($217.05)**
Benefits	
Medicare	(5.44)
Medical Benefit	0.00
Workers Compensation Insurance	(11.25)
Life & Disability Insurance	0.00
Unemployment Insurance	(3.75)
Retirement	0.00
Car Allowance	0.00
Total Benefits:	**(20.44)**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**($237.49)**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.:

RDA WARRANT REGISTER # 53
CHECKS DATED JUNE 20, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34568, # 34591, # 34602, # 34620, # 34622, # 34636
and EFT's are included in RDA Warrant # 53

RDA - CAPITAL PROJECTS FUND # 930	$47.50
RDA - DEBT SERVICE FUND # 931	$5,320.12
RDA - DEBT SERVICE - FUND # 932	$894.60
GRAND TOTAL	**$6,262.22**

Prepared by: Shirlene Doten, Finance
Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
June 20, 2011

Fund	Check #	Vendor	Description	Amount
930	RDA - CAPITAL PROJECTS FUND			
	34591	Duane Gasaway	Engineering Services	$47.50
Total 930	RDA - CAPITAL PROJECTS FUND			$47.50
931	RDA - DEBT SERVICE FUND			
	34568	Bank of New York Mellon	RDA Allocation Bond Svs.	$1,738.40
	34602	Hi-Desert Water	Water Service	112.60
	34622	Oasis Office Supply	Color Cartridges	1,489.12
	34636	SCE	Electric Service	591.71
	EFT	The Home Depot	Meetings & Travel Reimbursement	353.29
	EFT	First Bankcard	Meetings & Travel Reimbursement	1,035.00
Total 931	RDA - DEBT SERVICE FUND			$5,320.12
932	RDA - LOW/MODERATE HOUSING FUND			
	34568	Bank of New York Mellon	RDA Allocation Bond Svs.	$434.60
	34620	NRO Engineering	Engineering Services	460.00
Total 932	RDA - LOW/MODERATE HOUSING FUND			$894.60
***	Report Total			$6,262.22

RDA WARRANT REGISTER # 55
CHECKS DATED JUNE 30, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34681, # 34687, # 34691, # 34695, # 34705, # 34707, # 34720
are valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$497.07
RDA - DEBT SERVICE - FUND # 932	$43.55
GRAND TOTAL	**$540.62**

Prepared by: Shirlene Doten, Finance
Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
June 30, 2011

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	34681	Desert Images	Color Cartridges	$371.57
	34695	Hi Desert Water Co.	Water Service	20.10
	34705	Oasis Office Supply	Office Supplies	18.00
	34707	Petty Cash-Jamie Anderson	Miscellaneous Supplies	60.96
	34720	So. Cal. Gas Co.	Natural Gas Service	26.44
Total 931	**RDA - DEBT SERVICE FUND**			**$497.07**
932	RDA LOW/MODERATE HOUSING FUND			
	34687	Fed Ex	Delivery Service	$19.80
	34691	Duane Gasaway	Professional Services	23.75
Total 932	**RDA LOW/MODERATE HOUSING FUND**			**$43.55**
***	**Report Total**			**$540.62**

RDA WARRANT REGISTER #1
CHECK DATE - JULY 14, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34767, # 34804, # 34837 are valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$422.55
RDA - DEBT SERVICE - FUND # 932	$1,539.00
GRAND TOTAL	**$1,961.55**

Prepared by: Shirlene Doten, Finance

Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
July 14, 2011 FY 10/11

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	34804	Hi-Desert Water	Water Service	$112.60
	34837	SCE	Electric Service	309.95
Total 931	**RDA - DEBT SERVICE FUND**			**$422.55**
932	RDA - LOW/MODERATE HOUSING FUND			
	34767	Aleshire & Wynder, LLC	May 2011 Professional Svs.	$1,539.00
Total 932	**RDA - LOW/MODERATE HOUSING FUND**			**$1,539.00**
***	**Report Total**			**$1,961.55**

YUCCA VALLEY RDA
WARRANT REGISTER # 02
CHECK DATE - July 08, 2011

Payroll Summary

Summary

Salaries	$6,507.57
Benefits	$1,895.02
Professional Services	$0.00
Total Payroll	**$8,402.59**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.:

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 02 - Paid 7/08/11

Salaries	**$6,507.57**
Benefits	
Medicare	97.26
Medical Benefit	0.00
Workers Compensation Insurance	195.25
Life & Disability Insurance	0.00
Unemployment Insurance	65.09
Retirement	1,337.42
Car Allowance	200.00
Total Benefits:	**1,895.02**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$8,402.59**

Prepared by P/R & Financial Specialist:_____ Reviewed by H/R & Risk Mgr.:_____

RDA WARRANT REGISTER # 3
CHECK DATE - JULY 14, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34758 is valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$1,500.00
RDA - DEBT SERVICE - FUND # 932	$500.00
GRAND TOTAL	**$2,000.00**

Prepared by: Shirlene Doten, Finance
Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
July 14, 2011

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	34758	Rogers,Anderson, Malody & Scott	Professional Audit Services	$1,500.00
Total 931	**RDA - DEBT SERVICE FUND**			**$1,500.00**
932	RDA - LOW/MODERATE HOUSING FUND			
	34758	Rogers,Anderson, Malody & Scott	Professional Audit Services	$500.00
Total 932	**RDA - LOW/MODERATE HOUSING FUND**			**$500.00**
***	**Report Total**			**$2,000.00**

YUCCA VALLEY RDA
WARRANT REGISTER # 04
CHECK DATE - July 22, 2011

Payroll Summary

Summary

Salaries	$6,939.23
Benefits	$1,736.93
Professional Services	$0.00
Total Payroll	**$8,676.16**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.:

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 04 - Paid 7/22/11

Salaries	**$6,939.23**
Benefits	
Medicare	103.52
Medical Benefit	0.00
Workers Compensation Insurance	208.19
Life & Disability Insurance	0.00
Unemployment Insurance	69.40
Retirement	1,155.82
Car Allowance	200.00
Total Benefits:	**1,736.93**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$8,676.16**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.

YUCCA VALLEY RDA
WARRANT REGISTER # 06
CHECK DATE - August 05, 2011

Payroll Summary

Summary

Salaries	$9,238.73
Benefits	$1,862.28
Professional Services	$0.00
Total Payroll	**$11,101.01**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.: dll

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 06 - Paid 8/05/11

Salaries	**$9,238.73**
Benefits	
Medicare	136.86
Medical Benefit	0.00
Workers Compensation Insurance	277.18
Life & Disability Insurance	0.00
Unemployment Insurance	92.39
Retirement	1,155.85
Car Allowance	200.00
Total Benefits:	**1,862.28**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$11,101.01**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.: dll

RDA WARRANT REGISTER # 7
CHECKS DATED - JULY 29, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34913, # 34914 # 34916, # 34917, # 34919 and # 34920 are valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$682,650.93
RDA - DEBT SERVICE - FUND # 932	$0.00
GRAND TOTAL	**$682,650.93**

Prepared by: Shirlene Doten, Finance _____
Reviewed by: Curtis Yakimow, Treasurer _____

Approved by: Mark Nuaimi, Executive Director _____

Yucca Valley Redevelopment Agency
Warrant Register
July 29, 2011

Fund	Check #	Vendor	Description	Amount
931 RDA - DEBT SERVICE FUND				
	34913	Copper Mountain College	Final RDA Pass Through FY 10/11	$85,825.73
	34914	Hi-Desert Water District	Final RDA Pass Through FY 10/11	148,803.68
	34916	Mojave Water Agency	Final RDA Pass Through FY 10/11	8,203.95
	34917	Morongo Unified School District	Final RDA Pass Through FY 10/11	271,112.82
	34919	SBCO-Redevelopment Agency	Final RDA Pass Through FY 10/11	156,171.08
	34920	Superintendent of Schools-SBCO	Final RDA Pass Through FY 10/11	12,533.67
Total 931	**RDA - DEBT SERVICE FUND**			**$682,650.93**
	Report Total			**$682,650.93**

YUCCA VALLEY RDA
WARRANT REGISTER # 08
CHECK DATE - August 19, 2011

Payroll Summary

Summary

Salaries	$6,539.45
Benefits	$1,715.17
Professional Services	$0.00
Total Payroll	**$8,254.62**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.:

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 08 - Paid 8/19/11

Salaries	**$6,539.45**
Benefits	
Medicare	97.72
Medical Benefit	0.00
Workers Compensation Insurance	196.20
Life & Disability Insurance	0.00
Unemployment Insurance	65.40
Retirement	1,155.85
Car Allowance	200.00
Total Benefits:	**1,715.17**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$8,254.62**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: dll

RDA WARRANT REGISTER # 9
CHECKS DATED - JULY 28 & AUGUST 3, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34897 # 34922, # 34944, # 34948, # 34958 # 34969 are vaild

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$23,963.39
RDA - DEBT SERVICE - FUND # 932	$327.00
GRAND TOTAL	**$24,290.39**

Prepared by: Shirlene Doten, Finance _____
Reviewed by: Curtis Yakimow, Treasurer _____

Approved by: Mark Nuaimi, Executive Director _____

Yucca Valley Redevelopment Agency
Warrant Register
August 3, 2011

Fund	Check #	Vendor	Description	Amount
931		RDA - DEBT SERVICE FUND		
	34897	Desert Regional Tourism Agency	Economic Development Agreement	$23,750.00
	34922	Aleshire & Wynder, LLC	June 2011 Professional Service	76.00
	34948	Hi-Desert Water	Water Service	20.10
	34958	Oasis Office Supply	Office Supplies	98.30
	34969	So. Cal. Gas Co.	Natural Gas Service	18.99
Total 931		**RDA - DEBT SERVICE FUND**		**$23,963.39**
932		RDA - LOW/MODERATE HOUSING FUND		
	34922	Aleshire & Wynder, LLC	June 2011 Professional Service	$152.00
	34944	Duane Gasaway	Engineering Service	175.00
Total 932		**RDA - LOW/MODERATE HOUSING FUND**		**$327.00**
***		**Report Total**		**$24,290.39**

YUCCA VALLEY RDA
WARRANT REGISTER # 10
CHECK DATE - September 02, 2011

Payroll Summary

Summary

Salaries	$6,563.16
Benefits	$1,720.67
Professional Services	$0.00
Total Payroll	**$8,283.83**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Yucca Valley Redevelopment Agency

Payroll Allocation

Pay Period 10 - Paid 09/02/11

Salaries	**$6,563.16**
Benefits	
Medicare	98.07
Medical Benefit	0.00
Workers Compensation Insurance	196.91
Life & Disability Insurance	0.00
Unemployment Insurance	65.64
Retirement	1,160.05
Car Allowance	200.00
Total Benefits:	**1,720.67**
Professional Services (Agency Members)	**0.00**
Total RDA Payroll:	**$8,283.83**

Prepared by P/R & Financial Specialist: Reviewed by H/R & Risk Mgr.: dll

RDA WARRANT REGISTER #11
CHECKS DATED - AUGUST 11, 2011

FUND DISTRIBUTION BREAKDOWN

Check # 35045 is valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$308.44
RDA - DEBT SERVICE - FUND # 932	$0.00
GRAND TOTAL	**$308.44**

Prepared by: Shirlene Doten, Finance
Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
August 11, 2011

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	35045	SCE	Electric Service	$308.44
Total 931	**RDA - DEBT SERVICE FUND**			**$308.44**
***	**Report Total**			**$308.44**

RDA WARRANT REGISTER # 13
CHECKS DATED - AUGUST 25, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 35089, # 35098, # 35111, and # 35113 are valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$277.38
RDA - DEBT SERVICE - FUND # 932	$118,921.83
GRAND TOTAL	**$119,199.21**

Prepared by: Shirlene Doten, Finance
Reviewed by: Curtis Yakimow, Treasurer

Approved by: Mark Nuaimi, Executive Director

Yucca Valley Redevelopment Agency
Warrant Register
August 25, 2011

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	35098	Hi-Desert Water	Water Service	$112.60
	35113	Oasis Office Supply	Toners	164.78
Total 931	**RDA - DEBT SERVICE FUND**			**$277.38**
932	RDA - LOW/MODERATE HOUSING FUND			
	35089	Duane Gasaway	Engineering Services	$175.00
	35111	National Community Renaissance CA	Project Predevelopment Svs.	118,746.83
Total 932	**RDA - LOW/MODERATE HOUSING FUND**			**$118,921.83**
***	**Report Total**			**$119,199.21**

RDA WARRANT REGISTER #15
CHECKS DATED - SEPTEMBER 8, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 35158, # 35167, # 35192, # 35224, # 35228 are valid

RDA - CAPITAL PROJECTS FUND # 930	$0.00
RDA - DEBT SERVICE FUND # 931	$2,149.47
RDA - DEBT SERVICE - FUND # 932	$400.00
GRAND TOTAL	**$2,549.47**

Prepared by: Shirlene Doten, Finance _____

Reviewed by: Curtis Yakimow, Treasurer _____

Approved by: Mark Nuaimi, Executive Director _____

Yucca Valley Redevelopment Agency
Warrant Register
September 8, 2011

Fund	Check #	Vendor	Description	Amount
931	RDA - DEBT SERVICE FUND			
	35158	Aleshire & Wynder, LLC	July 2011 Professional Svs.	$133.00
	35167	CA RDA Assocation	Agency Dues 9/11-8/12	1,600.00
	35192	Hi-Desert Water	Water Service	378.78
	35224	SCE	Electric Service	21.26
	35228	So. Cal. Gas Co.	Natural Gas Service	16.43
Total 931	**RDA - DEBT SERVICE FUND**			**$2,149.47**
932	RDA - LOW/MODERATE HOUSING FUND			
	35167	CA RDA Assocation	Agency Dues 9/11-8/12	$400.00
Total 932	**RDA - LOW/MODERATE HOUSING FUND**			**$400.00**
	Report Total			**$2,549.47**

YUCCA VALLEY REDEVELOPMENT AGENCY REPORT

To: Honorable Chair & Agency Members
From: Curtis Yakimow; Treasurer
Date: September 14, 2011
For Agency Meeting: September 20, 2011

Subject: **Preliminary Draft Recognized Obligation Payment Schedule and Resolution**

Recommendation: **That the Yucca Valley Redevelopment Agency approve the Resolution approving the Preliminary Draft Recognized Obligation Payment Schedule.**

Order of Procedure:

Staff Report
Public Comment
Questions of Staff
Agency Discussion
Motion/Second
Discussion on Motion
Roll Call Vote

Discussion:

The State of California adopted its fiscal year 2011-2012 budget with several provisions that required funds from local governments. In a maneuver to balance the State budget, the State Legislature abolished redevelopment agencies with the passage of Assembly Bill X1 26 (AB 26) so as to keep the tax increment money currently allocated to redevelopment agencies. However, the Legislature concurrently passed companion legislation, Assembly Bill X1 27 (AB 27), which provided that redevelopment agencies could continue if they chose to pay the State of California a "voluntary remittance". On

Reviewed: Town Manager Town Attorney Admin Svcs

X Department Report ____ Request of other Agency ____ Ordinance ____ Receive and File
____ Consent ____ Presentation X Resolution ____ Public Hearing

July 28th, the Town and the Agency took actions to opt-in under AB 27, under protest. The opt-in presumably eliminated the need for the Agency to adopt the Preliminary Draft Recognized Obligation Payment Schedule (PDROPS) as this was required under AB 26 for those agencies that chose not to opt-in but instead, dissolve. However, the following subsequent actions have necessitated the adoption of this schedule.

In July 2011, the California Redevelopment Association and the California League of Cities filed a lawsuit contesting the validity of AB 26 and AB 27 with the California Supreme Court. On August 11, 2011, the Court issued a stay on the enactment of the majority of AB 26 and 27. The stay was subsequently modified by another order from the Court on August 17, 2011. In leaving a small portion of AB 26 in place, the Court created a situation forcing the Agency to take certain actions, irrespective of the Agency's decision to opt-in or opt-out.

To address the first of those actions, the Agency adopted the Enforceable Obligation Payment Schedule (EOPS) reflecting projected obligations through the end of December 2011. This action was completed by the Agency at the meeting of August 16' 2011. A second action is now required approving a Preliminary Draft Recognized Obligation Payment Schedule (PDROPS) for the first six months of 2012. The PDROPS allows the Agency to make payments, other than for bonded indebtedness, that would otherwise be prohibited even though the Agency opted-in.

In light of the forgoing, the PDROPS is included as part of this staff report, along with the requisite resolution adopting the schedule. Due to the legal uncertainty resulting from the latest Court action regarding AB 26 & 27, the resolution is written in such a way that provides the most flexibility for the Town in terms of addressing the possibility of certain portions of the legislation being upheld or struck down, as the case may be.

Staff recommends approval of the resolution in order to be able to make the necessary payments for various obligations and to authorize the Executive Director or Treasurer of the Agency to sign all paperwork and to take all necessary actions to forward the documents to the State and County.

Financial Impact: Approval of the resolution allows the Agency to make payments for its various obligations using Agency funding for the fiscal year. Failure to approve means the Agency will be unable to make any payments other than for bonded indebtedness.

Attachments:
Proposed Resolution adopting the Preliminary Draft Recognized Obligation Schedule

RESOLUTION NO. RDA-11-

A RESOLUTION OF THE YUCCA VALLEY REDEVELOPMENT AGENCY APPROVING THE PRELIMINARY DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (PDROPS)

WHEREAS, Assembly Bill x1 26 ("AB 26") and AB x1 27 ("AB 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011.

WHEREAS, Among other things, AB 26 amends Sections 33500, 33501, 33607.5 and 33607.7 of the Health and Safety Code and adds Part 1.8 and Part 1.85 to the California Health and Safety Code.

WHEREAS, On August 11, 2011, the California Supreme Court granted a stay to prevent the operation of AB 26 and AB 27 ("Stay"), except for Part 1.8 of the Health and Safety Code (Health & Safety Code §§ 34161-34167).

WHEREAS, On August 17, 2011, the California Supreme Court modified the Stay to exclude Part 1.8 of the Health and Safety Code (Health & Safety Code §§ 34161-34169.5) and Health & Safety Code Section 34194(b)(2) ("Modified Stay").

WHEREAS, Health and Safety Code Section 34169(h) ("Section 34169(h)") provides that the Agency shall prepare a preliminary draft of its initial recognized obligation payment schedule (PDROPS) by September 30, 2011.

WHEREAS, Without waiving its rights under the Modified Stay, or any of its objections that certain or all of the provisions of AB 26 and AB 27 violate the State Constitution and other laws and are invalid and unenforceable, the Agency desires to approve the PDROPS attached hereto and incorporated by reference.

WHEREAS, All other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS by the Yucca Valley Redevelopment Agency that:

Section 1. The Agency hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The PDROPS attached hereto and incorporated by reference and attached as Exhibit A herein is hereby approved.

Section 3. Agency Executive Director or Treasurer, is hereby authorized to take such actions as are necessary and appropriate to comply with Section 34167(i) and the Modified Stay.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. Agency Executive Director or Treasurer shall transmit the PDROPS to the Town of Yucca Valley, as the Town shall be the Agency's successor.

Section 6. The Agency Secretary shall certify as to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 20th day of September, 2011

_____.
MAYOR

ATTEST:

_____
AGENCY SECRETARY

Name of Redevelopment Agency: Yucca Valley Redevelopment Agency

Project Area(s) All

EXHIBIT A

PRELIMINARY DRAFT RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Source of Payment**	EOPS Total	Payments by Month: Jan	Feb	Mar	Apr	May	June	Total Jan-June	Total FY 11-12
1)	2008 Tax Allocation Bonds	Bank of New York	Bonds issue to fund non-housing projects	20,635,178	735,703	TIF	$ 277,851					$ 457,852		$ 457,852	$ 735,703
2)	Employee Costs	Town of Yucca Valley	Payroll for employees	250,000	250,000	TIF/LMF	$ 105,000	$ 20,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 145,000	$ 250,000
3)	Contract for consulting services	RSG	Project administration	50,000	50,000	TIF/LMF	$ 20,000	$ -	$ 10,000	$ 10,000	$ 5,000	$ 3,000	$ 2,000	$ 30,000	$ 50,000
4)	Agency insurance costs	PARSAC	Insurance	10,000	10,000	TIF	$ 10,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 10,000
5)	Operational Agreement	Town of Yucca Valley	Reimbursement per Agreement for Admin	25,000	25,000	TIF	$ 10,000	$ 2,000	$ 2,000	$ 2,000	$ 2,000	$ 2,000	$ 5,000	$ 15,000	$ 25,000
6)	Contract for legal services	Alshire and Wynder	Legal Expenditure	35,000	35,000	TIF/LMF	$ 12,500	$ 2,500	$ 5,000	$ 2,500	$ 5,000	$ 5,000	$ 2,500	$ 22,500	$ 35,000
7)	General Plan Update	Town of Yucca Valley	Project expenditure	500,000	500,000	TIF/LMF	$ 300,000	$ -	$ 50,000	$ 50,000	$ 50,000	$ -	$ 50,000	$ 200,000	$ 500,000
8)	Property Tax Admin costs	San Bernardino County	Prop Tax Administration	32,000	32,000	TIF	$ 18,000	$ 2,000	$ 4,000	$ 2,000	$ 1,000	$ 1,000	$ 4,000	$ 14,000	$ 32,000
9)	Low/Mod Housing Project	National CORE	Preliminary Low/Mod Housing Project Work	300,000	300,000	LMF	$ 300,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000
10)	Regional Wastewater Funding Loan	Town of Yucca Valley	Funding Loan for HOWD Regional	4,500,000	4,500,000	CPF	$ 4,500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,500,000
11			Wastewater Project											$ -	$ -
12	lic Infrastructure Program	Town of Yucca Valley	Funding for Infrastructure Projects as	500,000	500,000	CPF	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000
13)			Identified in the County MP of Drainage											$ -	$ -
14)							$ -							$ -	$ -
15)							$ -							$ -	$ -
16)							$ -							$ -	$ -
17)							$ -							$ -	$ -
18)							$ -							$ -	$ -
19)							$ -							$ -	$ -
20)							$ -							$ -	$ -
21)							$ -							$ -	$ -
22)							$ -							$ -	$ -
	Totals - This Page			26,837,178	6,937,703		$ 6,053,351	$ 26,500	$ 96,000	$ 91,500	$ 88,000	$ 493,852	$ 88,500	$ 884,352	$ 6,937,703
	Totals - Page 2			0	0		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Totals - Page 3			0	0		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Totals - Page 4			0	0		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Totals - Other Obligations			79,059,640	1,538,160		$ 848,660	$ -	$ -	$ -	$ -	$ -	$ -	$ 689,500	$ 1,538,160
	Totals - All Pages			105,896,818	8,475,863		$ 6,902,011	$ 26,500	$ 96,000	$ 91,500	$ 88,000	$ 493,852	$ 88,500	$ 1,573,852	$ 8,475,863

* This Preliminary Draft Recognized Obligation Payment Schedule (RDROPS) is to be adopted by the redevelopment agency no later than 10/1/11. It is valid through 06/30/12. If the Court upholds the continuation ordinance per ABX1 27, this PRDOPS will not be valid.

** Source Legend - TIF = Tax Increment Fund; LMF = Low/Mod Housing Fund; CPF = Capital Projects Fund (RDA)

Name of Redevelopment Agency: Yucca Valley Redevelopment Agency

Project Area(s) All

OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name or Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month Total Aug - Dec	EOPS Total	Payments by Month Jan	Feb	Mar	Apr	May	June	Total Jan-June	Total FY 11-12
1)	Loan Repayment	Low/Mod Fund	SERAF Loan Repayment	636,640	159,160	159,160	159,160	0	0	0	0	0	0	0	159,160
2)	Pass thru agreement	TOTAL	Pass-thru payment	52,098,000	0	0	0	0	0	0	0	0	0	0	0
3)	Pass thru agreement	Morongo USD	Pass-thru payment		330,000	165,000	165,000	0	0	0	0	0	165,000	165,000	330,000
4)	Pass thru agreement	Copper Mtn College	Pass-thru payment		104,000	52,000	52,000	0	0	0	0	0	52,000	52,000	104,000
5)	Pass thru agreement	Yucca Valley Fire Dist.	Pass-thru payment		114,000	57,000	57,000	0	0	0	0	0	57,000	57,000	114,000
6)	Pass thru agreement	HDWD	Pass-thru payment		181,000	90,500	90,500	0	0	0	0	0	90,500	90,500	181,000
7)	Pass thru agreement	Mojave Water Agency	Pass-thru payment		10,000	5,000	5,000	0	0	0	0	0	5,000	5,000	10,000
8)	Pass thru agreement	SB County	Pass-thru payment		190,000	95,000	95,000	0	0	0	0	0	95,000	95,000	190,000
9)	Pass thru agreement	County Supt of Schools	Pass-thru payment		15,000	7,500	7,500	0	0	0	0	0	7,500	7,500	15,000
10)	Low/Mod Deposits	Low/Mod Fund	Set-Aside	26,325,000	435,000	217,500	217,500	0	0	0	0	0	217,500	217,500	435,000
11)														0	0
12)														0	0
13)														0	0
14)														0	0
15)														0	0
16)														0	0
17)														0	0
18)														0	0
19)														0	0
20)														0	0
21)														0	0
22)														0	0
23)															
24)														0	0
25)							848,660	0	0	0	0	0	689,500	689,500	1,538,160
26)							0	0	0	0	0	0	0	0	0
27)							0	0	0	0	0	0	0	0	0
28)							0	0	0	0	0	0	0	0	0
	Totals - Other Obligations			79,059,640	1,538,160	848,660	848,660	0	0	0	0	0	689,500	689,500	1,538,160

P.47

YUCCA VALLEY REDEVELOPMENT AGENCY REPORT

To: Honorable Chair & Agency Members
From: Curtis Yakimow; Treasurer
Date: September 14, 2011
For Agency Meeting: September 20, 2011

Subject: **Yucca Valley RDA Remittance Agreement with the Town of Yucca Valley and Low/Mod Income Housing Deposit for FY 2011-12**

Recommendation: **That the Yucca Valley Redevelopment Agency approve the Resolution authorizing the execution of a Remittance Agreement with the Town of Yucca Valley; and approve the Resolution reducing its allocation to the Low/Mod Income Housing Fund for the 2011-12 Fiscal Year**

Order of Procedure:

Staff Report
Public Comment
Questions of Staff
Agency Discussion
Motion/Second
Discussion on Motion
Roll Call Vote

Discussion:

The State of California adopted its fiscal year 2011-2012 budget with several provisions that required funds from local governments. In a maneuver to balance the State budget, the State Legislature abolished redevelopment agencies with the passage of Assembly Bill X1 26 (AB 26) so as to keep the tax increment money currently allocated to redevelopment agencies. However, the Legislature concurrently passed companion

Reviewed: Town Manager | Town Attorney | Admin Svcs

X Department Report ___ Request of other Agency ___ Ordinance ___ Receive and File
___ Consent ___ Presentation X Resolution ___ Public Hearing

legislation, Assembly Bill X1 27 (AB 27), which provided that redevelopment agencies could continue if they chose to pay the State of California a "voluntary remittance". On August 16th, the Town and the Agency elected to opt-in under AB 27, under protest, and adopted the AB 27 Ordinance.

Remittance Agreement

Under AB 27, the Town is authorized to enter into an agreement (the "Remittance Agreement") with the Agency pursuant to which the Agency will agree to remit tax increment funds available to the Agency to make the annual remittance payments to the County. All amounts committed to the Town by the Agency in such agreement are assigned to the State in the event the Town does not remit the required payments to the County.

Additionally, for the 2011-12 Fiscal Year only, the Agency is also authorized to suspend its deposit into the Low- and Moderate-Income Housing fund, as may be necessary to meet the Agency's debt and other obligations, current priority program needs, or the Agency's obligations under the Remittance Agreement. Staff has determined that the use of this authority is required. The Agency needs to suspend a portion of its deposit into the Low-Mod- Housing Fund in order to assure that sufficient funding is available to finance the Agency's redevelopment programs and activities.

The following table lists the non-housing programs and projects, along with the available funding for FY 2011-12, and demonstrates the anticipated shortfall due to the required payment under AB 27.

1. Non-Housing Debt Service	$ (736,000)
2. AB 27 Payment	**(760,000)**
3. SERAF Repayment	(159,160)
4. RDA Administration	(243,000)
5. Non-housing Operations	(107,000)
Debt Service & Programs	(2,005,160)
Estimated Increment	1,132,000
Funding Surplus (Shortfall) FY 11-12	**$ (873,160)**

Staff has evaluated the fiscal impact of the legislation and has determined that the Agency will be able to make the anticipated payments in order to continue to operate during the current five-year implementation planning period. This would permit the Agency to continue to fund certain capital projects, affordable housing and the administrative budget. However, remittance of the payments will significantly curtail the ability of the Agency to undertake large new projects.

Financial Impact: In future years, if the Agency has insufficient funds to make the remittances required under the Remittance Agreement, then the Town is still required to make the payments from any lawfully available funds, or permit the Agency to dissolve, following the procedures set-forth in AB 26. For FY 2011-12, the shortfall between Agency non-housing revenues (tax increment revenues) and its debt service and its current period priority program needs is estimated to be approximately $873,160. Legislative authority permits a portion of this shortfall ($435,000) to be funded out of the current year Housing Set-Aside tax revenues.

Attachments:
Remittance Agreement
Resolution Authorizing the Execution of a Remittance Agreement
Resolution Reducing its Allocation to the Low/Mod Income Housing Fund for the 2011-12 Fiscal Year

AGREEMENT NO. _____

REMITTANCE AGREEMENT

THIS REMITTANCE AGREEMENT ("AGREEMENT") is made and entered into on _____, by and between the **TOWN OF YUCCA VALLEY** (referred to herein as "Town"), and the **REDEVLOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY**, a public body, corporate and politic ("Agency"), with reference to the following facts:

RECITALS

WHEREAS, Assembly Bills X1 26 ("AB 26") and X1 27 ("AB 27") were passed by the State Legislature on June 15, 2011, and signed by the Governor on June 29, 2011.

WHEREAS, upon enactment, AB 27 codified Part 1.9 of Division 24 of the California Health and Safety Code, commencing with section 34192 ("Part 1.9").

WHEREAS, AB 27 established a "voluntary alternative redevelopment program" whereby the Town may choose to continue the operation of the Agency pursuant to Part 1.9, upon the enactment of an ordinance by the Town to comply with the provisions of Part 1.9 and make certain remittances described in California Health and Safety Code Section 34194 to the San Bernardino County Auditor-Controller ("County Auditor"). All section references in this Agreement are to the California Health and Safety Code, unless otherwise specified.

WHEREAS, the Town Council of the Town of Yucca Valley (the "Town Council") on August 16, 2011, adopted an Ordinance committing the Town to comply with and make the remittances required by Part 1.9 and continue the existence and activities of the Agency after enactment of AB 27 (the "Ordinance").

WHEREAS, pursuant to Section 34194.1, in making remittances to the County Auditor pursuant to Section 34194, the Town may use any available funds not otherwise obligated for other uses.

WHEREAS, pursuant to Section 34194.2, the Town may enter into an agreement with the Agency, whereby the Agency will transfer a portion of its tax increment to the Town, in an amount not to exceed the annual remittance required each year pursuant to Chapter 3 of Part 1.9, for the purpose of financing activities within the redevelopment area that area that are related to accomplishing the Agency's project goals.

WHEREAS, the purpose of this Agreement is to provide for the transfer of funds pursuant to Section 34194.2 to enable the Town to make the remittances required by Part 1.9.

WHEREAS, the obligations of the Agency under this Agreement shall constitute an indebtedness of the Agency for the purpose of carrying out the redevelopment plan for the Yucca Valley Redevelopment Project Area, as currently constituted or as it may be amended.

WHEREAS, the validity of AB 26 and AB 27 is being challenged in a lawsuit entitled *California Redevelopment Association, et al. v. Matosantos, et al.,* California Supreme Court Case No. S194861 (the "CRA Lawsuit") and other lawsuits challenging the validity of AB 26 and AB 27 may be filed.

WHEREAS, pending a decision on the merits in the CRA Lawsuit, the California Supreme Court has stayed the effectiveness of portions of AB 26 and AB 27, including, but not limited to, Sections 34194, 34194.1 and 34194.2.

WHEREAS, it is the intention of the Town and the Agency for this Agreement to become effective only if and when the stay ordered by the California Supreme Court in the CRA Lawsuit has been lifted or dissolved; provided, however, if the decision on the merits in the CRA Lawsuit or any other lawsuit challenging the validity of AB 26 and/or 27 is that provisions of AB 27 authorizing the making of remittances to the County Auditor are invalid for any reason, this Agreement shall be null and void and of no effect.

NOW, THEREFORE, TOWN and AGENCY mutually agree as follows:

1. EFFECT OF RECITALS.

The recitals above are an integral part of this Agreement and set forth the intentions of the Parties and the premises on which the Parties have decided to enter into this Agreement.

2. OBLIGATIONS OF THE PARTIES.

A. For purposes of this Agreement, the term "Net Available Tax Increment" means any tax increment funds allocated to the Agency, net of (1) existing debt service payments, (2) existing third-party contractual obligations, and (3) any funds on deposit in or to be deposited in the Agency's Low and Moderate Income Housing Trust Fund ("Housing Fund"). Notwithstanding the foregoing definition, for the purpose of making the remittance payments for the 2011-2112 Fiscal Year only, "Net Available Tax Increment" includes tax increment funds to be allocated for the 2011-2012 Fiscal Year to the Housing Fund pursuant to Sections 33334.2, 33334.4 and 33334.6 to the extent the Agency makes a finding that there are insufficient other moneys to meet its debt and other obligations, current priority program needs or its obligation to transfer funds to the Town under Section 34194.2 or pursuant to this Agreement.

B. The Agency shall transfer to the Town Net Available Tax Increment or other funds which will be used by the Town to make the remittance payments required by Part 1.9 and due in equal installments on January 15 and May 15 of each fiscal year. The amount transferred to the Town in each fiscal year shall not exceed the amount required for the Town to pay the remittance amount for that fiscal year determined by the State Director of Finance pursuant to Part 1.9. The transfers shall be made in two installments

each year to coincide with the January 15 and May 15 due dates for the installments of the remittance payments.

C. The Town shall timely remit to the County Auditor the payments required by Part 1.9 as provided by the Ordinance. The Town's obligation to make such remittances shall be a special limited obligation of the Town payable solely from Net Available Tax Increment or any other available funds. Nothing contained in this Agreement shall be deemed to be a pledge of the Town's general fund revenues or other assets to make the remittance payments contemplated by Part 1.9. The Town may choose to fund the remittance payments solely from Agency funds and assets and is not obligated to use other funds to make those payments.

D. The obligations of the Agency under this Agreement shall be payable in the first instance out of Net Available Tax Increment, as defined in the above recitals and/or as defined or provided in any applicable constitutional provision, statute or other provision of law now existing or adopted in the future, levied by or for the benefit of taxing agencies in the Agency's redevelopment project areas, and allocated to the Agency and/or any lawful successor entity of the Agency and/or any entity established by law to carry out the redevelopment plan for the redevelopment project areas and/or expend tax increment or pay indebtedness of the Agency to be repaid with tax increment, pursuant to Section 33670 or any applicable constitutional provision, statute or other provision of law now existing or adopted in the future. If Net Available Tax Increment in a given fiscal year is insufficient to pay the entire amount of the remittance payment, then the Agency may also transfer to the Town income received by the Agency from its projects and programs or any other additional funds available to it.

3. LIABILITY AND INDEMNIFICATION.

In contemplation of the provisions of California Government Code section 895.2 imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined by Government Code section 895, each of the Parties, as between themselves, pursuant to the authorization contained in Government Code sections 895.4 and 895.6, shall each assume the full liability imposed upon it, or any of its officers, agents or employees, by law for injury caused by negligent or wrongful acts or omissions occurring in the performance of this Agreement to the same extent that such liability would be imposed in the absence of Government Code section 895.2. To achieve the above-stated purpose, each Party indemnifies, defends and holds harmless the other Party for any liability, losses, costs or expenses that may be incurred by such other party solely by reason of Government Code section 895.2.

4. RESERVATION OF RIGHTS; EFFECTIVE DATE; TERMINATION FOR INVALIDITY OF AB 27.

By this Agreement the Town is not warranting or guaranteeing the payment of money to any other entity, and the Town reserves the right to cease making the payments required by AB 27 should the amount of such payments (as determined by the Department of Finance) prove to be in excess of the available funds not otherwise obligated for other uses or for any other reason. Moreover, this Agreement shall in no way be construed as requiring the Town to abide by AB 26 or AB 27 in the event either, or both, bills are found unconstitutional or otherwise legally invalid in whole or in part, nor shall this Agreement

have the effect or give rise to any waiver of rights or remedies that the Town or Agency may have, whether in law or in equity, to challenge AB 26 or AB 27. This Agreement shall not be construed as the Town's or Agency's willing acceptance of, or concurrence with, either AB 26 or AB 27, nor does this Agreement evidence any assertion or belief whatsoever on the part of the Town that said bills are constitutional or lawful.

While the Town intends to make the remittances as provided for in AB 27 and pursuant to this Agreement, the remittances shall be made under protest and without prejudice to the Town's right to recover such amounts and interest thereon, to the extent there is a final determination by a court of competent jurisdiction that AB 26 or AB 27, or both, are unconstitutional or otherwise unlawful. The Town and the Agency reserve the right, regardless of any remittance made pursuant to this Agreement, to challenge the legality of AB 26 or AB 27, or both.

The CRA Lawsuit and/or other actions challenging the validity of AB 26 and AB 27 has, or have been, or may be filed on behalf of cities, counties and redevelopment agencies. The California Supreme Court has issued a stay of the effectiveness of portions of AB 26 and AB 27 in the CRA Lawsuit. Until and unless the stay issued by the California Supreme Court has been lifted or dissolved, this Agreement shall not become effective, the Town shall not be obligated to make any community remittance for the duration of such stay and the Agency shall not be obligated to remit funds to the Town to enable the Town to make such payments. Moreover, to the extent that the California Supreme Court or any court of competent jurisdiction determines that the provisions of AB 27 regarding the making of remittances to the County Auditor are invalid for any reason, this Agreement shall be deemed null and void and of no further force and effect when all petitions for rehearing and appeals from such determination are exhausted or unsuccessful, or time for filing petitions for rehearing and appeals therefrom has lapsed.

5. <u>ENTIRE AGREEMENT; WAIVERS; AND AMENDMENTS</u>.

A. This Agreement shall be executed in duplicate originals, each of which is deemed to be an original. This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter hereof.

B. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to the subject matter of this Agreement.

C. This Agreement is intended solely for the benefit of the Town and the Agency. Notwithstanding any reference in this Agreement to persons or entities other than the Town and the Agency, there shall be no third party beneficiaries under this Agreement.

D. Any waiver or amendment of the provisions of this Agreement must be in writing and signed by the authorized representative of the parties.

6. <u>SEVERABILITY</u>.

If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of this Agreement shall continue in full force and effect unless the rights and obligations of

the Parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

7. BINDING ON SUCCESSORS.

This Agreement shall be binding on and shall inure to the benefit of all successors and assigns of the Parties, whether by agreement or operation of law. This Agreement shall survive any full or partial merger of the Town and the Agency and shall remain in full force and effect and be fully enforceable according to its terms.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, the day and year first-above written.

"TOWN"	**"AGENCY"**
TOWN OF YUCCA VALLEY	**YUCCA VALLEY REDEVELOPMENT AGENCY**
By:_____ **George Huntington, Mayor**	By:_____ **George Huntington, Chair**
ATTEST:	ATTEST:
_____ Janet Anderson, Town Clerk	_____ Janet Anderson, Agency Secretary
APPROVED AS TO FORM:	APPROVED AS TO FORM:
_____ Lona N. Laymon, Town Attorney	_____ Lona N. Laymon, Agency Counsel

RESOLUTION NO. RDA-11-

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY APPROVING A REMITTANCE AGREEMENT WITH THE TOWN OF YUCCA VALLEY IN ACCORDANCE WITH ASSEMBLY BILL AB X1 27

WHEREAS, the Redevelopment Agency of the Town of Yucca Valley (the "Agency") administers the implementation of various redevelopment projects, programs, and activities within the redevelopment project area in the Town of Yucca Valley (the "Town"); and

WHEREAS, on June 15, 2011, the State Legislature passed Assembly Bill X1 26 ("AB 26") and Assembly Bill X1 27 ("AB 27"), and on June 29, 2011, Governor Edmund G. Brown Jr. signed AB 26 and AB 27; and

WHEREAS, AB 26 generally prevents redevelopment agencies from entering into new or amended obligations or contracts, and eliminates redevelopment agencies and winds down their operations; and

WHEREAS, AB 27 allows redevelopment agencies to remain in existence, and to gain an exemption from the provisions of AB 26, in exchange for the payment of substantial sums of money on an annual basis to the San Bernardino County Auditor-Controller ("County Auditor"); and

WHEREAS, AB 27 codified Part 1.9 of Division 24 of the California Health and Safety Code ("Part 1.9"), which now comprises a portion of the California Community Redevelopment Law; and

WHEREAS, AB 27 establishes a "voluntary alternative redevelopment program" ("Alternative Program"), whereby the Agency is authorized to continue to exist upon the Town's enactment of an ordinance to comply with the provisions of Part 1.9; and

WHEREAS, AB 27 provides that, in order to enable the Agency to be included in the Alternative Program, the Town must notify the County Auditor, the State Controller, and the State Department of Finance, on or before November 1, 2011, that the Town will comply with the provisions of Part 1.9 by adoption of an ordinance consistent with Part 1.9; and

WHEREAS, the Town Council has adopted an ordinance to comply with Part 1.9 ("Ordinance") and notified the County Auditor, the State Controller and the State Department of Finance of its adoption; and

WHEREAS, AB 27 requires the Town to make specified remittances to the County Auditor in order to continue the existence of the Agency, as prescribed in Part 1.9 and the Ordinance; and

WHEREAS, Section 34194.2 of AB 27 authorizes the Agency to enter into an agreement with the Town, whereby the Agency will transfer a portion of its tax increment to the Town, in an amount not to exceed the amount of the Town's annual remittance to the County Auditor ("Remittance Agreement"), for the purpose of financing activities within the Town's redevelopment area that are related to accomplishing the Agency's project goals; and

WHEREAS, the purpose of the Remittance Agreement is to provide for the transfer of funds by the Agency to the Town in an amount not to exceed the amount of the remittance payments required by Part 1.9, utilizing net available tax increment and other funds in this current fiscal year and forthcoming fiscal years; and

WHEREAS, the validity of AB 26 and AB 27 is being challenged in a lawsuit entitled *California Redevelopment Association, et al. v. Matosantos, et al.*, California Supreme Court Case No. S194861 (the "CRA Lawsuit") and other lawsuits challenging the validity of AB 26 and AB 27 may be filed; and

WHEREAS, pending a decision on the merits in the CRA Lawsuit, the California Supreme Court has stayed the effectiveness of portions of AB 26 and AB 27, including, but not limited to, Sections 34194, 34194.1 and 34194.2; and

WHEREAS, it is the intention of the Agency for the Remittance Agreement to become effective only if and when the stay ordered by the California Supreme Court in the CRA Lawsuit has been lifted or dissolved; provided, however, if the decision on the merits in the CRA Lawsuit or any other lawsuit challenging the validity of AB 26 and/or 27 is that provisions of AB 27 authorizing the making of remittances to the County Auditor are invalid for any reason, this Agreement shall be null and void and of no effect; and

WHEREAS, the Agency Board has reviewed and duly considered the Staff Report, documents and other evidence presented at the meeting and believes that it will be in the best interest of the Agency and the health, safety, morals and welfare of the residents of the Town, and in accord with the public purpose and provisions of applicable state and local law and requirements, for the Agency to enter into a Remittance Agreement with the Town and for the Agency to participate in the Alternative Program.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The Agency Board hereby approves the Remittance Agreement attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 3. The Chair, or designee, is authorized on the Agency's behalf, to execute the Remittance Agreement.

SECTION 4. The Executive Director, or designee, is authorized, on the Agency's behalf, to execute and deliver all other documents and take all actions necessary and appropriate to facilitate the Agency's continued participation in the Alternative Program, after the Town has enacted the Ordinance and while the Ordinance remains in effect.

PASSED, APPROVED, AND ADOPTED BY THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY THIS 20th DAY OF SEPTEMBER, 2011.

_____
CHAIR

ATTEST:

_____
AGENCY SECRETARY

RESOLUTION NO.

RESOLUTION OF THE YUCCA VALLEY REDEVELOPMENT AGENCY REDUCING ITS ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-12 FISCAL YEAR AND MAKING CERTAIN FINDINGS

WHEREAS, pursuant to Community Redevelopment Law (California Health &Safety Code §33000 et seq.) (the "CRL"), the Yucca Valley Redevelopment Agency (the "Agency") is required to annually deposit at least twenty percent (20%) of tax increment revenue allocated to the Agency into a separate fund (the "Low and Moderate Income Housing Fund") dedicated for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing; and

WHEREAS, Assembly Bill xl 27 ('ABxl 27") was passed by the California State Legislature, signed by the Governor, and has been codified as Part 1.9 of Division 24 of the California Health and Safety Code, commencing with Section 34192 ("Part 1.9"); and

WHEREAS, ABx1 27 establishes an "Alternative Voluntary Redevelopment Program" pursuant to which the Agency may continue to exist and carry out the provisions of the CRL if the Town of Yucca Valley (the "Town") enacts an ordinance to comply with the provisions of Part 1.9, including the remittance of certain payments to the County Auditor-Controller as described in California Health and Safety Code Section 34194 (the "Community Remittances");

WHEREAS, the Town Council of the Town (the "Town Council") has adopted an ordinance committing the Town to comply with Part 1.9, including making the Community Remittances; and

WHEREAS, pursuant to Health and Safety Code Section 34194.2, the Town and the Agency have entered into an agreement (the "Remittance Agreement") pursuant to which the Agency will annually transfer a portion of its tax increment to the Town, in an amount not to exceed the amount of the Community Remittance that the Town is required to remit to the County Auditor-Controller for the applicable year; and

WHEREAS, Health and Safety Code Section 34194.3 authorizes the Agency to reduce its deposit to the Low and Moderate Income Housing Fund for the 2011-12 fiscal year if the Town complies with the provisions of Part 1 .9 and the Agency finds that there are insufficient other moneys to meet the Agency's debt and other obligations, current priority program needs, or the Agency's obligations under the Remittance Agreement; and

WHEREAS, the Staff Report accompanying this Resolution (the "Staff Report") describes the Agency's financial obligations for Fiscal Year 2011-12, including the Agency's debt service obligations, contractual obligations, and program requirements.

NOW THEREFORE the Board of the Yucca Valley Redevelopment Agency hereby resolves:

1. Based upon the information set forth in the Staff Report and the evidence in the record, including the testimony, documents and other written evidence presented at the meeting at which this Resolution was considered, that the Agency lacks sufficient funds to meet the Agency's debt and other obligations, current priority program needs, and the Agency's obligations under the Remittance Agreement during Fiscal Year 2011-12. The finding that the Agency lacks sufficient funds to meet the Agency's debt and other obligations, current priority program needs, and the Agency's obligations under the Remittance Agreement are supported, without limitation, by the following facts and evidence:

- The required AB 27 payment will result in an Agency funding shortfall of an estimated $873,160 for the 2011/2012 fiscal year.

- The Agency will receive an estimated amount of $435,000 in funds allocable to the Low and Moderate Income Housing Fund. These funds are needed to off-set the above-noted shortfall.

2. Consistent with Health and Safety Code Section 34194.3, based upon the information set forth in the Staff Report and the evidence in the record, including the testimony, documents and other written evidence presented at the meeting at which this Resolution was considered, that it is necessary for the Agency to reduce its allocation to the Low and Moderate Income Housing Fund for Fiscal Year 2011-12 by the sum of Four Hundred Thirty Five Thousand Dollars ($435,000).

3. The Agency's deposit of funds to the Low and Moderate Income Housing Fund for Fiscal Year 2011-12 shall be reduced by the sum of Four Hundred Thirty Five Thousand Dollars ($435,000).

4. Authorizes the Agency Executive Director, or Treasurer, to take such actions as are necessary and appropriate to carry out and implement the intent of this Resolution.

PASSED AND ADOPTED by the Redevelopment Agency of the Town of Yucca Valley
this 20th day of September, 2011.

_____
MAYOR

ATTEST:

_____

AGENCY SECRETARY