

NOTICE AND CALL OF  
SPECIAL MEETING

NOTICE IS HEREBY GIVEN as provided by Government Code of the State of California Section 54956 that Chair George Huntington called a Special Meeting of the Redevelopment Agency of the Town of Yucca Valley for Tuesday, August 23, 2011, at 5:30 p.m. at the Yucca Valley Community Center, Yucca Room, 57090 Twentynine Palms Highway, Yucca Valley, California, for the below stated purpose.

AGENDA

(Action may be taken on any of the items listed below)

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

**PLEDGE OF ALLEGIANCE**

**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


**Recommendation: Pursuant to Assembly Bill 1X26, adopt the  
Resolution establishing the Agency's Enforceable Obligation  
Schedule.**

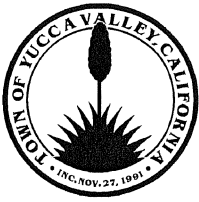
Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Roll Call Vote \_\_\_\_\_.

2. Update on AB 1X26 and AB 1X27

**PUBLIC COMMENTS**

**ADJOURNMENT**

  
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JANET M. ANDERSON, MMC  
Town Clerk



## YUCCA VALLEY REDEVELOPMENT AGENCY REPORT

**To:** Honorable Chair & Agency Members  
**From:** Curtis Yakimow; Treasurer  
**Date:** August 18, 2011  
**For Agency Meeting:** August 23, 2011

**Subject:** Initial Enforceable Obligations Payment (EOP) Resolution

**Recommendation:** That the Agency Board pursuant to Assembly Bill 1X26 adopt the resolution establishing the Agency's Enforceable Obligation Schedule.

**Order of Procedure:**

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

**Discussion:**

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, regardless of the fact that the legislative body already took action enacting an urgency ordinance exercising its right to Opt In under the provisions of AB 1X27.

The Enforceable Obligation Schedule must list all obligations of the Redevelopment Agency that are enforceable including the following:

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Reviewed:                                                                             
Town Manager              Town Attorney              Admin Svcs

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

1. Bonds
2. Required debt service
3. Reserve set-asides
4. Payments required under the indenture or similar documents governing the issuance of any outstanding bonds of the Redevelopment Agency
5. Loans of moneys borrowed by the Redevelopment Agency, including, but not limited to, moneys borrowed from the Low and Moderate Income Housing Fund
6. Payments required by the federal government
7. Preexisting obligations to the state
8. Obligations imposed by state law
9. Legally enforceable payments required in connection with the Redevelopment Agency's employees, including, but not limited to, pension payments, pension obligation debt service, and unemployment payments
10. Judgments or settlements,
11. Legally binding and enforceable agreements or contracts
12. Contracts or agreements necessary for the continued administration or operation of the Redevelopment Agency to the extent, including, but not limited to, agreements to purchase or rent office space, equipment and supplies, and insurance.

The Enforceable Obligation 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.

In light of the forgoing, the proposed Enforceable Obligation Schedule 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.

**Financial Impact:** If approved, the Town of Yucca Valley, with reimbursement from the Agency, will make a payment in the amount of \$759,797 to the State as "voluntary payment" to retain the Yucca Valley RDA. Subsequent annually payments are anticipated to be \$180,000.

**Attachments:**

Proposed Resolution adopting the Enforceable Obligation Schedule

RESOLUTION NO. RDA-11-

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

**WHEREAS**, the Agency Board of the Yucca Valley Redevelopment Agency ("Agency") approved and adopted the Redevelopment Plan for the Project Area ("Redevelopment Plan") covering properties within the Agency (the "Project Area"); and

**WHEREAS**, the Yucca Valley Redevelopment Agency ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

**WHEREAS**, since the dates of adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

**WHEREAS**, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area's economic growth, create and develop local job opportunities, and alleviate deficiencies in public infrastructure, to name a few; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB1X 26 and AB1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts a resolution committing it to making certain payments; and

**WHEREAS**, specifically, AB1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

**WHEREAS**, the Agency Board of the Agency approved and adopted the Redevelopment Plan for the Project Area covering properties within the Agency; and

**WHEREAS**, the Agency is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

**WHEREAS**, the State legislature has adopted Assembly Bill 1 X 26 which eliminates redevelopment agencies and requires all Agencies to wind-down their affairs unless the Agencies are extended through compliance with the requirements of Assembly Bill Number 1 X 27; and

**WHEREAS**, as part of this wind-down process, all redevelopment agencies are required to file a schedule of "enforceable obligations" that require payments to be made through the end of the calendar year 2011; and

**WHEREAS**, under the threat of dissolution pursuant to AB1 X 26, and based upon the contingencies and reservations set forth herein, the Agency establishes the foregoing Enforceable Obligation Payment Schedule (the "Schedule") to be able to continue redevelopment activities that were begun prior to the effective date of AB1X 26; and

**WHEREAS**, the Agency reserves the right to appeal any determination of the California Director of Finance or other entity regarding the propriety of this resolution as well as any future determinations; and

**WHEREAS**, the Agency is aware that an action challenging the constitutionality of AB1X 26 and AB 1X 27 has been filed on behalf of cities, counties and redevelopment agencies; and

**WHEREAS**, while the Agency currently intends to comply with the state-mandated obligations established hereunder, they shall all be made under protest and without prejudice to the Agency's right to recover such amounts and interest thereon, to the extent there is a final determination that AB1X 26 and AB1X 27 are unconstitutional or otherwise infirm, including state-mandated costs for complying with the establishment of the Schedule and any amendments thereto; and

**WHEREAS**, the Agency reserves the right, regardless of any actions taken pursuant to this resolution, to challenge the legality of AB1 X 26 and AB1 X 27 and seek reimbursement for compliance costs of this state-mandated program; and

**WHEREAS**, to the extent a court of competent jurisdiction enjoins, restrains, or invalidates the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB1X 26 and AB1X 27, the Agency shall not be obligated to this Schedule or comply with the terms and conditions of AB1X 26 and AB1X 27 and this resolution shall not be construed as any waiver or disclaimer of its rights with respect to such injunction, restraint or stay; and

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** that the Agency Board of the Yucca Valley Redevelopment Agency does resolve as follows:

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

**Section 2.** The Enforceable Obligation Payment Schedule, attached hereto and incorporated herein by reference as "Exhibit A", is hereby adopted, subject to all reservations of rights and contingencies set forth above.

**Section 3.** The Executive Director or designee is authorized to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Enforceable Obligation Payment Schedule on the Agency's website, and the provision of notice

of adoption of this Resolution and such Schedule to County auditor-controller, the State Controller and the State Department of Finance.

PASSED AND ADOPTED this 23<sup>rd</sup> day of August, 2011.

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CHAIR

ATTEST:

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AGENCY SECRETARY

## 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					Total	
					Aug**	Sept	Oct	Nov	Dec		
1) 2008 Tax Allocation Bonds	Bank of New York	Bonds issue to fund non-housing projects	20,635,178.00	735,703.00							
2) Employee Costs	Town of Yucca Valley	Payroll for RDA labor per agreement	250,000.00	250,000.00	21,000.00	21,000.00	21,000.00	21,000.00	21,000.00	21,000.00	277,851.00
3) Contract for consulting services	RSG	Project administration	50,000.00	50,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	20,000.00
4) Agency insurance costs	PARSAC	Insurance	10,000.00	10,000.00	10,000.00						10,000.00
5) Operational Agreement	Town of Yucca Valley	Reimbursement per Agreement for Admin	25,000.00	25,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	10,000.00
6) Contract for legal services	Alshire and Wynder	Legal Expenditure	35,000.00	35,000.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	12,500.00
7) General Plan Update	Town of Yucca Valley	Project expenditure	500,000.00	500,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	300,000.00
8) Property Tax Admin costs	San Bernardino County	Prop Tax Administration	32,000.00	32,000.00	0.00	0.00	0.00	0.00	0.00	0.00	18,000.00
9) Low/Mod Housing Project	National CORE	Preliminary Low/Mod Housing Project Work	300,000.00	300,000.00	100,000.00	100,000.00	100,000.00	50,000.00	50,000.00	0.00	300,000.00
10) Regional Wastewater Funding Loan	Town of Yucca Valley	Funding Loan for HDWD Regional Wastewater Project	4,500,000.00	4,500,000.00	0.00	0.00	0.00	0.00	0.00	2,500,000.00	4,500,000.00
11) Public Infrastructure Program	Town of Yucca Valley	Funding for Infrastructure Projects as identified in the County MP of Drainage	500,000.00	500,000.00		250,000.00			250,000.00		500,000.00
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Totals - This Page			\$ 26,837,178.00	\$ 6,937,703.00	\$ 189,500.00	\$ 179,500.00	\$ 379,500.00	\$ 2,715,351.00	\$ 2,568,500.00	\$ 2,568,500.00	\$ 6,053,351.00
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ 79,059,640.00	\$ 1,538,160.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 848,660.00	\$ 848,660.00
Totals - All Pages			\$ 105,896,818.00	\$ 8,475,863.00	\$ 189,500.00	\$ 179,500.00	\$ 379,500.00	\$ 2,715,351.00	\$ 3,438,160.00	\$ 3,438,160.00	\$ 6,902,011.00

\* 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.)

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