

RESOLUTION NO. RDA-11-08

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:

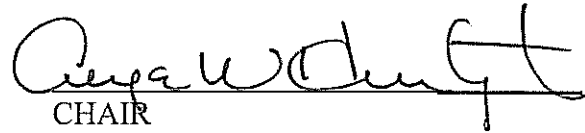
Section 1. The Recitals set forth above are true and correct and incorporated herein by reference.

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 23rd day of August, 2011.


CHAIR

ATTEST:



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					277,851.00	\$ 277,851.00
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	\$ 105,000.00
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	\$ 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	\$ 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	\$ 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	100,000.00	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	8,000.00	10,000.00	\$ 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	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	2,000,000.00	2,500,000.00	\$ 4,500,000.00
11)										\$ -
12) 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
13)										\$ -
14)										\$ -
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30)										\$ -
Totals - This Page			\$ 26,837,178.00	\$ 6,937,703.00	\$ 189,500.00	\$ 179,500.00	\$ 379,500.00	\$ 2,715,351.00	\$ 2,589,500.00	\$ 6,937,351.00
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ 79,059,640.00	\$ 1,538,160.00	\$ -	\$ -	\$ -	\$ -	\$ 848,650.00	\$ 848,650.00
Totals - All Pages			\$ 105,896,818.00	\$ 8,475,863.00	\$ 189,500.00	\$ 179,500.00	\$ 379,500.00	\$ 2,715,351.00	\$ 3,438,150.00	\$ 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.

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) Loan Repayment	Low/Mod Fund	SERAF Loan Repayment	636,640.00	159,160.00					159,160.00	\$ 159,160.00
2) Pass thru agreement	TOTAL	Pass-thru payment	52,098,000.00	0.00						\$ -
3) Pass thru agreement	Morongo USD	Pass-thru payment		330,000.00					165,000.00	\$ 165,000.00
4) Pass thru agreement	Copper Mtn College	Pass-thru payment		104,000.00					52,000.00	\$ 52,000.00
5) Pass thru agreement	Yucca Valley Fire Dist.	Pass-thru payment		114,000.00					57,000.00	\$ 57,000.00
6) Pass thru agreement	HDWD	Pass-thru payment		181,000.00					90,500.00	\$ 90,500.00
7) Pass thru agreement	Mojave Water Agency	Pass-thru payment		10,000.00					5,000.00	\$ 5,000.00
8) Pass thru agreement	SB County	Pass-thru payment		190,000.00					95,000.00	\$ 95,000.00
9) Pass thru agreement	County Supt of Schools	Pass-thru payment		15,000.00					7,500.00	\$ 7,500.00
10) Low/Mod Deposits	Low/Mod Fund	Sat-Aside	26,325,000.00	435,000.00					217,500.00	\$ 217,500.00
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26)										\$ -
27)										\$ -
28)										\$ -
Totals - Other Obligations			\$ 79,059,640.00	\$ 1,538,160.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 848,660.00

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 ** Include only payments to be made after the adoption of the EOPS.
 *** All payment amounts are estimates

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO) ss.

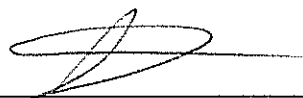
TOWN OF YUCCA VALLEY)

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, acting as the Secretary of the Community Redevelopment Agency of the Town of Yucca Valley, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of said Agency held on the 23rd day of August, 2011, by the following vote:

AYES: Agency Members Abel, Hagerman, Lombardo, Rowe, and Chair Huntington

NOES: None

ABSENT: None



Town Clerk, Town of Yucca Valley, acting as the Secretary of the Community Redevelopment Agency of the Town of Yucca Valley

(SEAL)

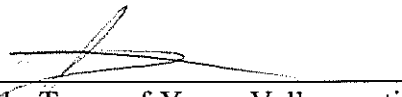
STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN BERNARDINO)

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, acting as the Secretary of the Community Redevelopment Agency of the Town of Yucca Valley, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. RDA 11-08, of the Agency, and that the same has not been amended or repealed.

DATED: August 23, 2011



Town Clerk, Town of Yucca Valley, acting as the Secretary of the Community Redevelopment Agency of the Town of Yucca Valley