

**TECHNICAL ADVISORY COMMITTEE TO THE
VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING AGENDA**

Southern California Logistics Airport
18374 Phantom Street, Theater Room
Victorville, CA 92394
Wednesday, February 27, 2013

3:30 P.M.

CALL TO ORDER

ITEM 1 PUBLIC COMMENT

DISCUSSION AGENDA

- ITEM 2 RESOLUTION NO. S-13-002 - RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR JULY 1, 2013 THROUGH DECEMBER 31, 2013
- ITEM 3 BUSINESS AND COMMENTS
- ITEM 4 NEXT SCHEDULED MEETING: MARCH 20, 2013 – REGULAR MEETING
- ITEM 5 ADJOURNMENT

SUCCESSOR AGENCY TO THE
VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL BOARD MEETING OF: February 27, 2013

SUBMITTED BY: Marc Puckett
Treasurer

DATE: 2/27/13

SUBJECT: Adoption of Recognized Obligation Payment Schedule (ROPS) for July through December 2013

RECOMMENDATION:

TAC: That TAC recommend that the Board adopts Resolution No. S-13-002 approving the Recognized Obligation Payment Schedule (ROPS) for purposes of ABx1 26, and authorizes the Treasurer to make such payments as listed as revenue becomes available.

Commission: That Your Honorable Board of Commissioners, acting as Successor Agency to the Victor Valley Economic Development Authority, adopts Resolution No. S-13-002 approving the Recognized Obligation Payment Schedule (ROPS) for purposes of ABx1 26, and authorizes the Treasurer to make such payments as listed as revenue becomes available.

DISCUSSION: As you know, California Redevelopment Agencies were abolished as of February 1, 2012, as a result of legislation, ABx1 26, enacted on June 29, 2011, and upheld by the California Supreme Court on December 29, 2011. On January 12, 2012, the Commission confirmed its designation as Successor Agency to the Victor Valley Economic Development Authority, for purposes of complying with ABx1 26, under protest, as VVEDA contends the bill does not apply to VVEDA as it is not a redevelopment agency, but rather a Joint Powers Authority comprised of municipalities as its members.

The role of the Successor Agency is to wind down the affairs of the former redevelopment agency. Among other things, the Successor Agency is responsible for performing contractual obligations of the former RDA, and continuing payments required by the former RDA. The Successor Agency must prepare a ROPS for each six-month period. The purpose of each ROPS prepared by the Successor Agency is that it will be the basis by which the County Auditor-Controller determines the amount of funds necessary to be passed through to the Successor Agency to satisfy the former RDA's obligations for which tax increment was pledged.

Attached for your approval is the ROPS for payments due as obligations of the Victor Valley Economic Development Authority for a timeframe covering July 1, 2013 through December 31, 2013.

Staff remains available for any questions or comments you might have.

Submitted by: MP:ka

Attachments: Resolution No. S-13-002

VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. S-13-002

RESOLUTION OF THE COMMISSION OF THE VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY SITTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 FOR THE PERIOD COMMENCING ON JULY 1, 2013 AND ENDING ON DECEMBER 31, 2013

WHEREAS, the Victor Valley Economic Development Authority (“VVEDA”) is a joint powers authority which was formed to cause the reuse of former George Air Force Base (the “Air Base”) (now known as Southern California Logistics Airport); and

WHEREAS, VVEDA was formed and presently exists pursuant to a certain Fourth Amended Joint Exercise of Powers Agreement (the “Joint Powers Agreement”) by and among the City of Victorville, City of Adelanto, City of Hesperia, Town of Apple Valley and County of San Bernardino (individually, a “Member”, and collectively, the “Members”); and

WHEREAS, under Section 33492.40 of Health and Safety Code, VVEDA, although not organized as a redevelopment agency, has the legal authority to exercise redevelopment powers in furtherance of the redevelopment of a project area approved by VVEDA and, in addition to exercising the powers of a redevelopment agency, has the authority to act as the legislative body and planning commission for all approvals and actions of the legislative bodies and planning commissions for the adoption and implementation of a redevelopment plan; and

WHEREAS, in order to promote the civilian reuse of the Air Base, VVEDA has undertaken many actions, including, but not limited to, pursuing the adoption of the 1993 Victor Valley Redevelopment Plan, as amended (the “Redevelopment Plan”) and establishing the project area subject to the Redevelopment Plan (the “Project Area”); and

WHEREAS, on or about June 28, 2011, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed companion bills, ABx1 26 and ABx1 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments (collectively, the “Redevelopment Restructuring Bills”); and

WHEREAS, specifically, ABx1 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 (the “Dissolution Bill”); and

WHEREAS, the validity of Redevelopment Restructuring Bills was challenged by petitioners in California Redevelopment Association v. Matosantos, Case No. S194861, as violating the State Constitution and other laws (the “CRA Action”); and

WHEREAS, on or about December 29, 2011, the California Supreme Court issued an opinion in the CRA Action which effectively upheld the Dissolution Bill and extended certain deadlines contained therein; and

WHEREAS, pursuant to Health and Safety Code section 34172, adopted as part of the Dissolution Bill, all the redevelopment agencies within the State are deemed dissolved; and

WHEREAS, pursuant to Resolution No. 12-002, the Commission of the Victor Valley Economic Development Authority (the “Commission”) that for purposes of the Dissolution Bill, VVEDA shall serve as the successor agency to VVEDA (the “Successor Agency”); and

WHEREAS, pursuant to Health and Safety Code section 34177 (“Section 34177”), adopted as part of the Dissolution Bill, a successor agency is required to adopt a Recognized Obligation Payment Schedule that lists all of the obligations that are considered enforceable within the meaning of Health and Safety Code Section 34171(d); and

WHEREAS, pursuant to Health and Safety Code section 34177(a)(3), the Successor Agency is prohibited from making a payment unless it is listed on an adopted Recognized Obligation Payment Schedule; and

WHEREAS, the Successor Agency has prepared the Recognized Obligation Payment Schedule attached hereto as Exhibit “A” and incorporated herein by this reference setting forth all the obligations which the Successor Agency has determined are enforceable obligations within the meaning of Section 34171(d) and which represent payments to be made for the period commencing on July 1 through December 31 of 2013.

WHEREAS, VVEDA does not nor does it intend through the adoption of this Resolution or otherwise, to waive any constitutional and/or legal rights to challenge the applicability of the Dissolution Bill to VVEDA.

NOW, THEREFORE, THE COMMISSION OF THE VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY SITTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals

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

Section 2. Adoption of Recognized Obligation Payment Schedule

In accordance with Health and Safety Code Section 34177, and based on the Recitals set forth above, the Commission of the Victor Valley Economic Development Authority, sitting as the Governing Board of the Successor Agency (the "Successor Agency Governing Board") hereby approves and adopts the Recognized Obligation Payment Schedule attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 3. Implementation

The Successor Agency Governing Board hereby authorizes and directs the Successor Agency's Executive Director, or his or her designee, to: (1) post the Recognized Obligation Payment Schedule on the Successor Agency and/or VVEDA's websites; (2) submit the Recognized Obligation Payment Schedule to the Successor Agency's Oversight Board; (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the Controller of the Successor Agency's action to adopt the Recognized Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule; and (4) to execute and deliver such documents and instruments and to do such things which may be necessary or proper to effectuate the purposes of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the Successor Agency.

Section 4. CEQA

The Successor Agency Governing Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program.

Section 5. Under Protest

While VVEDA and the Successor Agency currently intend to comply with the provisions of the Dissolution Bill in accordance with the terms of the Supreme Court's decision with respect to the CRA Action, both VVEDA and the Successor Agency still contend that the Dissolution Bill does not apply to VVEDA for several reasons, including, but not limited to, VVEDA's formation as a joint powers authority prior to being granted redevelopment powers, VVEDA's composition of legislative bodies and not redevelopment agencies, and VVEDA's ongoing obligations to redevelop the Air Base. Accordingly, the State has no authority to require VVEDA to comply with any provisions of the Dissolution Bill, including, but not limiting to, dissolution, prohibition against receipt of tax proceeds and/or liquidation of assets. As such, any compliance with the Dissolution Bill undertaken by VVEDA and/or the Successor Agency pursuant to the terms of the Supreme Court's decision with respect to the CRA Action is under protest and without prejudice to VVEDA's and/or the Successor Agency's right to challenge the applicability of the Dissolution Bill to VVEDA and/or the Successor Agency.

Section 6. Effective Date

This Resolution shall take effect upon its adoption.

Section 7. Certification

The Successor Agency Secretary shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the Successor Agency to the Victor Valley Economic Development Authority; and shall make a minute of passage and adoption thereof in the records of the proceedings of the Successor Agency, in the minutes of the meeting at which this Resolution is passed and adopted.

EXHIBIT "A"

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

[SEE ATTACHED]

SUCCESSOR AGENCY CONTACT INFORMATION

Successor Agency

ID: 275
County: San Bernardino
Successor Agency: Victor Valley

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Sophie
Escobar
Assistant Director of Economic Development
14343 Civic Drive
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CA
92393
760-955-5032
sescobar@ci.victorville.ca.us

Secondary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Phone Number

Email Address

Brian
Moncrief
Senior Analyst, RSG Inc
714-316-2106
bmoncrief@webrsg.com

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the July 1, 2013 to December 31, 2013 Period

Name of Successor Agency: **VICTOR VALLEY (SAN BERNARDINO)**

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$1,737,210,002

Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$0
B Enforceable Obligations Funded with RPTTF	\$11,185,869
C Administrative Allowance Funded with RPTTF	\$335,576
D Total RPTTF Funded (B + C = D)	\$11,521,445
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be same amount as ROPS form six-month total</i>	\$11,521,445
F Enter Total Six-Month Anticipated RPTTF Funding	\$11,521,445
G Variance (F - D = G) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	\$0

Prior Period (July 1, 2012 through December 31, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))

H Enter Estimated Obligations Funded by RPTTF (lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)	\$8,570,656
I Enter Actual Obligations Paid with RPTTF	\$8,387,018
J Enter Actual Administrative Expenses Paid with RPTTF	\$183,638
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$0
L Adjustment to RPTTF (D - K = L)	\$11,521,445

Certification of Oversight Board Chairman:

Pursuant to Section 34177(m) of the Health and Safety code,

I hereby certify that the above is a true and accurate Recognized

Obligation Payment Schedule for the above named agency.

Name

Title

/s/

Signature

Date

