

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

Southern California Logistics Airport  
18374 Phantom Street, Theater Room  
Victorville, CA 92394

Wednesday, September 11, 2013  
**4:00 P.M.**

**CALL TO ORDER**

ITEM 1 PUBLIC COMMENT

**DISCUSSION AGENDA**

- ITEM 2 RESOLUTION S-13-003 ADOPTION OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR JANUARY THROUGH JUNE 2014
- ITEM 3 FINAL TAX INCREMENT DISTRIBUTION 2012-2013 FISCAL YEAR
- ITEM 4 BUSINESS AND COMMENTS
- ITEM 5 ADJOURNMENT

SUCCESSOR AGENCY TO THE  
VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY  
SPECIAL BOARD MEETING OF: September 11, 2013

SUBMITTED BY: Marc Puckett  
Treasurer

DATE: 9/10/13

SUBJECT: Adoption of Recognized Obligation Payment Schedule (ROPS) for January through June 2014

RECOMMENDATION: That Your Honorable Board of Commissioners, acting as Successor Agency to the Victor Valley Economic Development Authority, adopts Resolution No. S-13-003 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 January 1, 2014 through June 30, 2014.

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

Submitted by: MP:ka

Attachments: Resolution No. S-13-003

VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. S-13-003

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 JANUARY 1, 2014 AND ENDING ON JUNE 30, 2014

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 January 1 through June 30 of 2014.

**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]



## Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Victor Valley  
 Name of County: San Bernardino

**Current Period Requested Funding for Outstanding Debt or Obligation** **Six-Month Total**

<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>		<b>\$</b>
<b>A Sources (B+C+D):</b>		<b>-</b>
B Bond Proceeds Funding (ROPS Detail)		-
C Reserve Balance Funding (ROPS Detail)		-
D Other Funding (ROPS Detail)		-
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>		<b>\$ 11,532,210</b>
F Non-Administrative Costs (ROPS Detail)		11,196,321
G Administrative Costs (ROPS Detail)		335,890
<b>H Current Period Enforceable Obligations (A+E):</b>		<b>\$ 11,532,210</b>

**Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding**

I Enforceable Obligations funded with RPTTF (E):	11,532,210
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>	<b>\$ 11,532,210</b>

**County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding**

L Enforceable Obligations funded with RPTTF (E):	11,532,210
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>	<b>11,532,210</b>

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







**Recognized Obligation Payment Schedule 13-14B - Notes**  
January 1, 2014 through June 30, 2014

Item #	Notes/Comments
1	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.
2	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.
3	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.
4	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.
5	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.
6	Since the County Auditor Controller will not have the relevant property tax reports available for FY 2013-14 prior to the required deadline for the ROPS 13-14B, VVEDA has provided estimates to determine the Joint Powers Authority Agreement payments for the Jan to June 2014 payment period.

VICTOR VALLEY ECONOMIC DEVELOPMENT AUTHORITY  
TECHNICAL ADVISORY COMMITTEE AND BOARD OF COMMISSIONERS  
MEETING OF: September 11, 2013

**SUBMITTED BY:** Marc Puckett  
Treasurer

**DATE:** September 6, 2013

**SUBJECT:** Final Tax Increment Distribution  
2012-2013 Fiscal Year

**RECOMMENDATIONS:** That the Honorable Board of Commissioners approve a final distribution of taxes to its member jurisdictions and the affected taxing entities.

**FISCAL IMPACT:** \$10,116,572

**DISCUSSION:** From December 14, 2012 through April 30, 2013, VVEDA has collected \$14,332,864 in tax increment revenues. Of that amount, the San Bernardino County remitted \$3,855,552 in pass-through payments to affected taxing entities and paid County Administrative Fees of \$250,260. In addition, staff is recommending withholding \$110,480 for fiscal year 2013-14 Administrative Cost Allowance as approved by the Department of Finance on ROPS 13-14A. VVEDA's fiscal consultant, the Rosenow Spevacek Group (RSG) has prepared a tax increment distribution analysis based on the tax increment revenues received by VVEDA through April 30, 2013. The RSG tax increment distribution analysis reconciled receipts from the original project area and Amendment 4 and 8 areas in the amount of \$14,082,604. The tax increment distribution is provided in Table 1 attached to this report.

A tax distribution of the reconciled receipts (the fifth column on Table 1) less the amount of pass-through payments, County Administrative Fees paid by the San Bernardino County and withholding of 2013-14 Administrative Cost Allowance would result in the distribution of \$10,116,572 to member jurisdictions. Any remaining amounts will be reconciled as part of the fiscal year end process and will be distributed at that time.

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

MP:ka

**Attachments:** RSG Final Distribution of Taxes

**VVEDA**

**DISTRIBUTION OF TAX INCREMENT REVENUE (DECEMBER 14, 2012 THROUGH APRIL 30, 2013)**

**TABLE 1**

TAXING ENTITY	Actual Revenue Received					Total Received Revenue Through April 30, 2013	Administrative Cost Allowance (VVEDA)	Total Amount to be Distributed to Member Jurisdictions
	1993 Received Revenue As of (Dec 14th to April 30th)	Amendment IV Received Revenue (Dec 14th to April 30th)	Amendment VIII Received Revenue (Dec 14th to April 30th)	Amendment IV Received Revenue (Dec 14th to April 30th)	Amendment VIII Received Revenue (Dec 14th to April 30th)			
<i>Total Pass Through Payments</i>	3,779,711	75,841	-	-	-	3,855,552		
<i>Apple Valley (JPA Member)*</i>								
<i>Total</i>	1,129,839	-	-	-	-	1,129,839	(22,096)	1,107,743
<i>Hesperia (JPA Member)*</i>								
<i>Total</i>	161,748	-	-	-	-	161,748	(22,096)	139,652
<i>SB County (JPA Member)*</i>								
<i>Total</i>	373,334	53,085	-	-	-	426,419	(22,096)	404,323
<i>Victorville (JPA Member)*</i>								
<i>Total</i>	3,964,150	20,245	(9,638)			3,974,757	(22,096)	3,952,661
<i>Adelanto (JPA Member)*</i>								
<i>Total</i>	-	117,833	-			117,833	(22,096)	95,737
<i>SCLA*</i>								
<i>Subtotal - Distribution to Member Jurisdictions</i>	4,309,123	113,740	(6,407)			4,416,456		4,416,456
	9,938,195	304,903	(16,046)			10,227,052	(110,480)	10,116,572
<b>TOTAL</b>	<b>13,717,906</b>	<b>380,744</b>	<b>(16,046)</b>			<b>14,082,604</b>		

\*Note: JPA Member Jurisdiction payments shown in Table 1 include 100% of the allocation of monies formerly referred to as "low and moderate income housing set aside" as well as non-housing (80%) monies. The total distribution amount shown in Table 1 adds the figures shown in the "Former Low/Mod Housing (20%)" row and "TOTAL MEMBER JURISDICTION ALLOCATIONS" row, as shown in Tables A, B, and C.



**VVEDA** **TABLE A**  
**2012-13 CALCULATED PASS THROUGHS OF RECEIVED REVENUE FOR 1993 PROJECT AREA**

	SCLA	Victorville	Heaparia	Apple Valley	SB County	TOTAL
Total Tax Increment Collected by County (Dec 14, 2012 to April 30, 2013)	2,814,720	7,507,317	384,408	2,487,069	808,394	13,991,907
Member Jurisdiction Pro Rata Share	20%	54%	3%	18%	8%	100%
Administrative Fees to County Auditor-Controller	13,271	35,395	1,718	11,832	3,811	65,827
SB2557 Administration Fees	35,920	95,804	4,850	31,483	10,316	178,173
Former Low/Mod Housing (20%) <sup>1</sup>	582,944	1,501,463	72,881	493,414	161,679	2,792,381
Total FY 2012-13 Pass Throughs	730,153	2,075,160	107,423	657,689	209,277	3,779,711
REMAINING TAX INCREMENT TO BE DIVIDED (Net of Admin, Pass Throughs, and Low/Mod)	1,472,433	3,799,486	177,733	1,272,851	423,311	7,145,814
ALLOCATION TO MEMBER JURISDICTIONS						
Member Jurisdiction (50%) (Except SCLA 100%)	1,472,433	1,899,743	88,867	636,426	211,655	4,309,123
Member Jurisdictions' Allocation to SCLA (see below)	2,836,690					2,836,690
<b>TOTAL MEMBER JURISDICTION ALLOCATIONS</b>	<b>4,309,123</b>	<b>1,899,743</b>	<b>88,867</b>	<b>636,426</b>	<b>211,655</b>	<b>7,145,814</b>
MEMBER JURISDICTIONS' ALLOCATION TO SCLA						
Remaining Tax Increment to SCLA (50%)		1,899,743	88,867	636,426	211,655	2,836,690
						9,938,195

<sup>1</sup>The "Former Low/Mod Housing (20%)" row is included in the above table for purposes of calculating the remaining tax increment to be divided for the 50/50 split with SCLA per the JPA agreement. 100% of the figures shown in this row are subsequently added together with the figures in the "Total Member Jurisdiction Allocations" row to derive the total amounts to be distributed to the JPA Member Jurisdictions. The sum total of the figures in these rows can be seen in the summary table (Table 1).

**VVEDA** **TABLE B**  
**2012-13 CALCULATED PASS THROUGHS OF RECEIVED REVENUE FOR AMENDMENT IV**

	Victorville	Adelanto	SB County	TOTAL
Total Tax Increment Collected by County (Dec 14, 2012 to April 30, 2013)	40,995	238,618	107,501	387,112
Member Jurisdiction Pro Rata Share	11%	62%	28%	100%
Administrative Fees to County Auditor-Controller	185	1,074	484	1,743
SB2557 Administration Fees	490	2,851	1,284	4,625
Former Low/Mod Housing (20%) <sup>1</sup>	8,199	47,723	21,500	77,422
Total FY 2012-13 Pass Throughs	8,031	46,747	21,063	75,841
REMAINING TAX INCREMENT TO BE DIVIDED (Net of Admin, Pass Throughs, and Low/Mod)	24,991	140,220	63,160	227,480
ALLOCATION TO MEMBER JURISDICTIONS				
Member Jurisdiction (50% net of Admin, Pass Throughs, and Low/Mod)	12,046	70,110	31,585	113,740
Member Jurisdictions' Allocation to SCLA (50% net of Admin, Pass Throughs, and Low/Mod)	12,046	70,110	31,585	113,740
<b>TOTAL MEMBER JURISDICTION ALLOCATIONS</b>	<b>24,991</b>	<b>140,220</b>	<b>63,160</b>	<b>227,480</b>

<sup>1</sup>The "Former Low/Mod Housing (20%)" row is included in the above table for purposes of calculating the remaining tax increment to be divided for the 50/50 split with SCLA per the JPA agreement. 100% of the figures shown in this row are subsequently added together with the figures in the "Total Member Jurisdiction Allocations" row to derive the total amounts to be distributed to the JPA Member Jurisdictions. The sum total of the figures in these rows can be seen in the summary table (Table 1).

304,903

**VVEDA** **TABLE C**  
**2012-13 CALCULATED PASS THROUGHS OF RECEIVED REVENUE FOR AMENDMENT VIII**

	Victorville	Adelanto	SB County	Apple Valley	TOTAL
Total Tax Increment Collected by County (Dec 14, 2012 to April 30, 2013)	(18,155)	-	-	-	(18,155)
Member Jurisdiction Pro Rata Share	100%	0%	0%	0%	100%
Administrative Fees to County Auditor-Controller	(73)	-	-	-	(73)
SB2557 Administration Fees	(36)	-	-	-	(36)
Former Low/Mod Housing (20%) <sup>1</sup>	(3,231)	-	-	-	(3,231)
Total FY 2012-13 Pass Throughs	-	-	-	-	-
REMAINING TAX INCREMENT TO BE DIVIDED (Net of Admin, Pass Thrus, and Low/Mod)	(12,815)	-	-	-	(12,815)
ALLOCATION TO MEMBER JURISDICTIONS					
Member Jurisdiction (50% net of Admin, Pass Throughs, and Low/Mod)	(6,407)	-	-	-	(6,407)
Member Jurisdictions' Allocation to SCLA (50% net of Admin, Pass Throughs, and Low/Mod)	(6,407)	-	-	-	(6,407)
<b>TOTAL MEMBER JURISDICTION ALLOCATIONS</b>	<b>(12,815)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(12,815)</b>

<sup>1</sup>The "Former Low/Mod Housing (20%)" row is included in the above table for purposes of calculating the remaining tax increment to be divided for the 50/50 split with SCLA per the JPA agreement. 100% of the figures shown in this row are subsequently added together with the figures in the "Total Member Jurisdiction Allocations" row to derive the total amounts to be distributed to the JPA Member Jurisdictions. The sum total of the figures in these rows can be seen in the summary table (Table 1).

(18,048)