

# OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE STANISLAUS COUNTY REDEVELOPMENT AGENCY

## AGENDA

September 12, 2013  
9:00 a.m.

*Third Floor, Conference Room 3001  
1010 10<sup>th</sup> Street  
Modesto, California*

[www.stancounty.com](http://www.stancounty.com)

The Oversight Board welcomes you to its meetings which are regularly scheduled the second Thursday of each month, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

**CONSENT CALENDAR:** These matters include routine financial and administrative actions and are identified with an asterisk (\*). All items on the consent calendar will be voted on as a single action at the beginning of the meeting under the section titled "Consent Calendar" without discussion. If you wish to discuss an item on the Consent Calendar, please notify the Clerk prior to the beginning of the meeting or you may speak about the item during Public Comment Period.

**NON-CONSENT CALENDAR:** These items will be individually discussed and reviewed in detail.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE OVERSIGHT BOARD REGARDING A MATTER ON THE AGENDA:** Please raise your hand or step to the podium at the time the item is announced by the Oversight Board Chairperson. In order that interested parties have an opportunity to speak, any person addressing the Oversight Board will be limited to a maximum of 5 minutes unless the Chairperson of the Oversight Board grants a longer period of time.

**PUBLIC COMMENT PERIODS:** Matters under the jurisdiction of the Oversight Board and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Oversight Board for consideration; however, California law prohibits the Oversight Board from taking any action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Oversight Board. Any member of the public wishing to address the Oversight Board during the "Citizen's Forum" period will be limited to a maximum of 5 minutes.

**OVERSIGHT BOARD AGENDAS AND MINUTES:** Agendas, Minutes, and copies of items to be considered by the Oversight Board are typically posted on the internet on Friday afternoons preceding the meeting at the following website: [www.stancounty.com](http://www.stancounty.com). All materials, including materials related to an item on this Agenda, submitted to the Oversight Board after distribution of the agenda packet are available for public inspection in the Planning and Community Development Department at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, during normal business hours.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Oversight Board meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Oversight Board Clerk at (209) 525-6330. Notification 72 hours prior to the meeting will enable the Clerk to make arrangements to ensure accessibility to this meeting.

- I. **ROLL CALL:** Dave Cogdill Jr.; James Duval; Linda Flores; Brad Hawn; Terry Withrow; and Duane Wolterstorff.
- II. **APPROVAL OF MINUTES**

\*A. March 1, 2013 - Special Meeting.

**III. CORRESPONDENCE**

A. None.

**IV. PUBLIC COMMENT**

**V. AGENDA ITEMS**

A. Approval of Recognized Obligation Payment Schedule (ROPS) 13-14B for January to June 2014.

**VI. OTHER MATTERS**

A. On the Horizon.

**VII. ADJOURNMENT**

# OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE STANISLAUS COUNTY REDEVELOPMENT AGENCY

## MINUTES

SPECIAL MEETING

March 1, 2013

- I. ROLL CALL:** Meeting called to order at 9:03 a.m.
- Present: Chairman, Terry Withrow; James Duval; Duane Wolterstorff; Brad Hawn; Dave Cogdill, Jr; Linda Flores
- Absent: Stephen Mayotte
- Staff Present: Angela Freitas, Planning and Community Development Director; Edward Burroughs, Assistant County Counsel; Brenda McCormick, Oversight Board Clerk
- II. APPROVAL OF MINUTES**
- \*A. Upon motion of Oversight Board members Brad Hawn/Duane Wolterstorff (4-0), Dave Cogdill, Jr. and Linda Flores abstained, the Board approved the minutes of the February 14, 2013 meeting.
- III. CORRESPONDENCE**
- A. Received letter dated February 27, 2013, from Juan Carolos Cancino, Attorney, California Rural Legal Assistance.
- IV. PUBLIC COMMENT**
- A. No one spoke.
- V. AGENDA ITEMS ( \* - Consent Items )**
- B. Approve Revisions to the Recognized Obligation Payment Schedule (ROPS) 13-14A for July to December 2013, originally considered on February 14, 2013.  
*Director Freitas presented an overview of the report to the Board.  
Chairman asked for public comment – Juan Carlos Cancino, Attorney, California Rural Legal Assistance spoke.  
**Brad Hawn/Duane Wolterstorff (6-0) – Approved all Staff Recommendations as outlined in the Staff Report, including Resolution No. 2013-04, as amended.***

*The Board approved CRLA'S February 20, 2013, proposed edits to the "notes" section (Attachment C) with incorporation of the number three (3) alternative language proposed in CRLA's February 27, 2013, letter to the Oversight Board.*

**VI. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. On the Horizon  
*Director Freitas informed the Board she had nothing to report at this time.*

**VII. ADJOURNMENT**

The meeting was adjourned at 9:40 a.m.

Signature on file  
Angela Freitas, Secretary

(The above is a summary of the minutes of the Oversight Board meeting. A Complete audio file of the meeting is available from the Planning and Community Development Department.)

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE  
STANISLAUS COUNTY REDEVELOPMENT AGENCY**

**STAFF REPORT**

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**SUBJECT:**

Approval of Recognized Obligation Payment Schedule (ROPS) 13-14B for January to June 2014

**RECOMMENDATION:**

1. Approve the Recognized Obligation Payment Schedule (ROPS) 13-14B for January to June 2014.
2. Approve the attached Draft Resolution approving the ROPS 13-14B for January to June 2014.
3. Authorize the Chair of the Oversight Board to sign the ROPS 13-14B for January to June 2014.
4. Direct the Department of Planning and Community Development to take all actions required under law including, but not limited to, forwarding the approved ROPS to the Stanislaus County Auditor-Controller, California Department of Finance, and California State Controller's Office.

**DISCUSSION:**

The Redevelopment Agency Dissolution Act (the "Dissolution Act") (ABx1 26) requires that an oversight board approve the Recognized Obligation Payment Schedule (ROPS) prepared by the successor agency before it can be submitted to the Stanislaus County Auditor-Controller, California Department of Finance (Finance) and the State Controller's Office. A ROPS lists all of the enforceable obligations of the former Redevelopment Agency and, commencing on May 1, 2012, only those payments listed on the ROPS may be made by the Successor Agency (SA).

After May 1, 2012, the SA only receives a distribution of property tax funding (deposited into a Redevelopment Property Tax Trust Fund (RPTTF)) equal to the amount needed to make the payments listed on the ROPS.

All of the obligations listed on the ROPS 13-14B were listed on previous ROPS approved by the Oversight Board (OB) of the SA of the Stanislaus County Redevelopment Agency (Agency). (See Attachment 1) Despite OB approval, Finance

has determined that the following two agreements reflected on the ROPS are not enforceable obligations and, as such, the obligations have been denied:

- Public Works Infrastructure Agreement
- Housing Set Aside Fund – LMI Housing Fund/1991 CRLA Agreement

The ROPS 13-14B has been prepared using a new on-line template provided by Finance. While the new template does not delete items denied by Finance as enforceable obligations, the ROPS instructions make clear that, in accordance with the Dissolution Act, agencies and the oversight boards are not allowed to restore funding for an obligation that was deleted or reduced by Finance unless it reflects decisions made during the Meet and Confer process or pursuant to a court order.

The SA has been unsuccessful through the Meet and Confer process in getting Finance to reverse their determinations of denial.

As initiated with the previous ROPS, the ROPS 13-14B includes a reconciliation of estimated versus actual payments made by the SA during the ROPS III period (January to June 2013). As reflected on the “Summary” and “Report of Prior Period Adjustments” sheets, the ROPS 13-14B RPTTF payment will be reduced by \$68,692. Based on this reduction, the ROPS 13-14B reflects an adjusted current period RPTTF requested funding in the amount of \$710,765; however, the “Summary” sheet does not reflect this reduction in the section titled “County Auditor Controller Reported Prior Adjustment to Current Period RPTTF Requested Funding”. Shaded sections of the new template reflect pre-populated fields which cannot be adjusted by the SA. The above reduction that is not reflected on the “Summary” sheet appears to be dependent on information to be completed by the County Auditor Controller (CAC) on the “Report to Prior Period Adjustment” sheet upon submittal of the ROPS 13-14B by the SA to Finance and the CAC.

Upon submittal of the ROPS 13-14B, the Department of Finance will have five (5) days to request a review and forty-five (45) days to review the ROPS. Upon Finance’s determination, the SA has five (5) days to request additional review by Finance and an opportunity to Meet and Confer on disputed items. While the SA does not anticipate there being any disputed items, staff is prepared to request additional review and to Meet and Confer, if necessary.

**ATTACHMENTS:**

1. Proposed ROPS 13-14B for January to June 2014
2. Draft Resolution No. 2013-05

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

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

**Name of Successor Agency:** Stanislaus County  
**Name of County:** Stanislaus

| 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>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>\$ 779,457</b> |
| F Non-Administrative Costs (ROPS Detail)   | 654,457           |
| G Administrative Costs (ROPS Detail)   | 125,000           |
| <b>H Current Period Enforceable Obligations (A+E):</b>   | <b>\$ 779,457</b> |

| Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding |                   |
|--|-------------------|
| I Enforceable Obligations funded with RPTTF (E):   | 779,457           |
| J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)                     | (68,692)          |
| <b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>                                   | <b>\$ 710,765</b> |

| County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding |                |
|--|----------------|
| L Enforceable Obligations funded with RPTTF (E):   | 779,457        |
| M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)                        | -              |
| <b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>                                       | <b>779,457</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 (ROPS) 13-14B - Report of Fund Balances**  
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

| A   | B   | C                                  | D                                 | E   | F   | G                            | H         | I          | J            | K     |          |
|---|---|------------------------------------|-----------------------------------|---|---|------------------------------|-----------|------------|--------------|-------|----------|
| Fund Balance Information by ROPS Period           |   | Fund Sources                       |                                   |   |   |                              |           |            |              | Total | Comments |
|   |   | Bond Proceeds                      |                                   | Reserve Balance   |   | Other                        | RPTTF     |            |              |       |          |
|   |   | Bonds Issued on or before 12/31/10 | Bonds Issued on or after 01/01/11 | Review balances retained for approved enforceable obligations | RPTTF balances retained for bond reserves | Rent, Grants, Interest, Etc. | Non-Admin | Admin      |              |       |          |
| <b>ROPS III Actuals (01/01/13 - 6/30/13)</b>      |   |                                    |                                   |   |   |                              |           |            |              |       |          |
| 1   | <b>Beginning Available Fund Balance (Actual 01/01/13)</b><br>Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)            |                                    |                                   |   |   | 194                          | 901       | 252,272    | \$ 253,367   |       |          |
| 2   | <b>Revenue/Income (Actual 06/30/13)</b> Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller                                       |                                    |                                   |   |   | 112                          | 414,532   | 138,470    | \$ 553,114   |       |          |
| 3   | <b>Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13)</b> Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs                         |                                    |                                   |   |   |                              | 415,433   | 70,477     | \$ 485,910   |       |          |
| 4   | <b>Retention of Available Fund Balance (Actual 06/30/13)</b> Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III |                                    |                                   |   |   |                              |           |            | \$ -         |       |          |
| 5   | <b>ROPS III RPTTF Prior Period Adjustment</b> Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.                                | No entry required                  |                                   |   |   |                              | 699       | 67,993     | \$ 68,692    |       |          |
| 6   | <b>Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)</b>   | \$ -                               | \$ -                              | \$ -  | \$ -                                      | \$ 306                       | \$ -      | \$ 320,265 | \$ 251,879   |       |          |
| <b>ROPS 13-14A Estimate (07/01/13 - 12/31/13)</b> |   |                                    |                                   |   |   |                              |           |            |              |       |          |
| 7   | <b>Beginning Available Fund Balance (Actual 07/01/13)</b> (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)   | \$ -                               | \$ -                              | \$ -  | \$ -                                      | \$ 306                       | \$ 699    | \$ 388,258 | \$ 320,571   |       |          |
| 8   | <b>Revenue/Income (Estimate 12/31/13)</b><br>Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller                               |                                    |                                   |   |   | 93                           | 1,187,285 | 9,534      | \$ 1,196,912 |       |          |
| 9   | <b>Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)</b>  |                                    |                                   |   |   |                              | 1,187,983 | 125,000    | \$ 1,312,983 |       |          |
| 10  | <b>Retention of Available Fund Balance (Estimate 12/31/13)</b><br>Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A          |                                    |                                   |   |   |                              |           |            | \$ -         |       |          |
| 11  | <b>Ending Estimated Available Fund Balance (7 + 8 - 9 -10)</b>  | \$ -                               | \$ -                              | \$ -  | \$ -                                      | \$ 399                       | \$ 1      | \$ 272,792 | \$ 204,500   |       |          |



**Recognized Obligation Payment Schedule (ROPS ) 13-14B - ROPS Detail**  
**January 1, 2014 through June 30, 2014**  
 (Report Amounts in Whole Dollars)

| A      | B                               | C                          | D                                 | E                                   | F                              | G                                       | H            | I                                    | J       | K   | L               | M           | N          | O          | P               |
|--------|---------------------------------|----------------------------|-----------------------------------|-------------------------------------|--------------------------------|---|--------------|--------------------------------------|---------|---|-----------------|-------------|------------|------------|-----------------|
| Item # | Project Name / Debt Obligation  | Obligation Type            | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee                          | Description/Project Scope               | Project Area | Total Outstanding Debt or Obligation | Retired | Funding Source  |                 |             |            |            | Six-Month Total |
|        |                                 |                            |                                   |                                     |                                |   |              |                                      |         | Non-Redevelopment Property Tax Trust Fund (Non-RPTTF) |                 |             | RPTTF      |            |                 |
|        |                                 |                            |                                   |                                     |                                |   |              |                                      |         | Bond Proceeds   | Reserve Balance | Other Funds | Non-Admin  | Admin      |                 |
|        |                                 |                            |                                   |                                     |                                |   |              | \$ 28,255,894                        |         | \$ -  | \$ -            | \$ -        | \$ 654,457 | \$ 125,000 | \$ 779,457      |
| 1      | Salida Storm Drain Loan         | Third-Party Loans          | 8/19/2003                         | 8/1/2041                            | USDA-Rural Development         | Loan for public infrastructure          | No. 1        | 6,791,633                            | N       |   |                 |             | 84,092     |            | \$ 84,092       |
| 2      | Keyes Tax Allocation Bond       | Third-Party Loans          | 12/8/2005                         | 8/1/2036                            | Bank of New York               | Loan for public infrastructure          | No. 1        | 20,168,288                           | N       |   |                 |             | 316,743    |            | \$ 316,743      |
| 3      | Bret Harte Sewer Loan           | Improvement/Infrastructure | 4/12/1995                         | 12/12/2015                          | CA Water Quality Control Board | Loan for public infrastructure          | No. 1        | 358,108                              | N       |   |                 |             |            |            | \$ -            |
| 4      | Cal HFA                         | Third-Party Loans          | 4/12/2005                         | 4/1/2015                            | CA Housing Finance Agency      | Down Payment Assistance - LMI           | No. 1        | 756,065                              | N       |   |                 |             | 252,022    |            | \$ 252,022      |
| 5      | Employee Retirement Obligation  | Miscellaneous              | 12/1/2008                         | 3/31/2013                           | Stanislaus County              | Staff Retirement Expenses               | No. 1        | -                                    | Y       |   |                 |             |            |            | \$ -            |
| 6      | Keyes Bond Administration       | Professional Services      | 12/8/2005                         | 8/1/2036                            | Bank of New York               | Annual Bond Administration              | No. 1        | 36,800                               | N       |   |                 |             | 1,600      |            | \$ 1,600        |
| 7      | Keyes Bond Arbitrage            | Professional Services      | 12/8/2005                         | 8/1/2036                            | Bank of New York               | 5 year Bond Arbitrage                   | No. 1        | 20,000                               | N       |   |                 |             |            |            | \$ -            |
| 8      | Housing Rehabilitation          | Professional Services      | 10/1/2010                         | 12/31/2012                          | Housing Authority              | Housing rehabilitation program contract | No. 1        | -                                    | Y       |   |                 |             |            |            | \$ -            |
| 9      | 1991 CLRA Agreement             | Miscellaneous              | 11/5/1991                         | 6/25/2042                           | Successor Housing Agency       | Affordable housing programs             | No. 1        | -                                    | N       |   |                 |             |            |            | \$ -            |
| 10     | Public Works Infrast. Agreement | Improvement/Infrastructure | 6/20/2011                         | 6/25/2042                           | Stan. County Public Works      | Public infrastructure projects          | No. 1        | -                                    | N       |   |                 |             |            |            | \$ -            |
| 11     | Administrative allowance        | Admin Costs                | 1/1/2014                          | 6/30/2014                           | Stanislaus County              | Successor Agency administration         | No. 1        | 125,000                              | N       |   |                 |             |            | 125,000    | \$ 125,000      |
|        |                                 |                            |                                   |                                     |                                |   |              |                                      |         |   |                 |             |            |            | \$ -            |
|        |                                 |                            |                                   |                                     |                                |   |              |                                      |         |   |                 |             |            |            | \$ -            |





**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE  
STANISLAUS COUNTY REDEVELOPMENT AGENCY**

**RESOLUTION NO. 2013-05**

**DATE:** September 12, 2013

**SUBJECT: Approval of Recognized Obligation Payment Schedule (ROPS) 13-14 B for  
January to June 2014**

On the motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and approved by the following vote:

Ayes:

Noes:

Absent:

Abstained:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, on February 1, 2012, the Stanislaus County Redevelopment Agency was dissolved pursuant to the Redevelopment Agency Dissolution Act (ABx1 26), enacted by the State Legislature, and signed by the Governor, as part of the Fiscal Year 2011-12 State budget bill, and subsequently modified by the State Supreme Court; and

**WHEREAS**, pursuant to Section 34173 of ABx1 26, the County of Stanislaus assumed the role of the Successor Agency to the former Stanislaus County Redevelopment Agency ("Successor Agency"), and is responsible for winding down the activities of the former Redevelopment Agency; and

**WHEREAS**, ABx1 26 requires the Successor Agency to prepare a Recognized Obligation Payment Schedule (ROPS) for each six month period and submit it to the Oversight Board for approval; and

**WHEREAS**, in accordance with the ROPS 13-14B instructions provided by Finance, the obligation debt information for the 1991 CRLA Agreement and Public Works Infrastructure Agreement has not been populated; and

**WHEREAS**, the ROPS for the period of January to June 2014, has been considered by the Oversight Board at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** that this Oversight Board:

1. Hereby adopts the proposed ROPS for January to June 2014.

2. Hereby finds that, while the obligation debt information has not been populated for the 1991 CRLA Agreement and Public Works Infrastructure Agreements based on the Department of Finance's determination and instructions for ROPS 13-14B, the Successor Agency and the Oversight Board of the former Stanislaus County Redevelopment Agency continue to disagree with Finance's determination and reserve the right to challenge Finance's determination and reestablish the Agreement as an enforceable obligation.
3. This resolution shall take effect from and after the date of its passage and adoption, September 12, 2013.

**BE IT FURTHER RESOLVED** that this Oversight Board directs Successor Agency staff to take all actions required by the Redevelopment Agency Dissolution Act (ABx1 26), including but not limited to, forwarding the approved ROPS to the Stanislaus County Auditor-Controller, the California Department of Finance, and the California State Controller's Office for certification and approval, and requesting the opportunity to meet and confer with the Department of Finance if needed.

**ATTEST:**

**APPROVED AS TO FORM:**

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Brenda McCormick  
Oversight Board Clerk

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Thomas Boze  
Deputy County Counsel