

RESOLUTION NO. 2020-005

A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD OF THE COUNTY OF MERCED APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 1, 2020 THROUGH JUNE 30, 2021 (ROPS 20-21) FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF LOS BANOS IN ACCORDANCE WITH HEALTH & SAFETY CODE SECTION 34180(g)

WHEREAS, on June 29, 2011, the Legislature of the State of California (the "State") adopted Assembly Bill x1 26 ("AB 26"), which amended provisions of the State's Community Redevelopment Law (Health & Safety Code sections 33000 et seq.); and

WHEREAS, pursuant to AB 26 and the State Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matasantos, et al.*, which upheld AB 26 (together with AB 1484, as amended to date, the "Dissolution Law"), the former Redevelopment Agency of the City of Los Banos ("Dissolved RDA") was dissolved on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Law, the City of Los Banos declined to become the Successor Agency to the Former Agency. As a result, the Los Banos Designated Local Authority was formed by operation of law in accordance with Health & Safety Code Section 34173(d) to serve as the Successor Agency to the Redevelopment Agency of the City of Los Banos ("Successor Agency") effective February 1, 2012; and

WHEREAS, effective July 1, 2018, the Countywide Oversight Board of the County of Merced ("Countywide Oversight Board") was established in accordance with Health & Safety Code section 34179(j) to approve certain successor agency actions pursuant to Health & Safety Code section 34180 and to direct the successor agencies in certain other actions pursuant to Health & Safety Code section 34181; and

WHEREAS, Successor Agency staff has prepared the proposed Recognized Obligation Payment Schedule for the period of July 1, 2020 through June 30, 2021 ("ROPS19-20"), substantially in the form shown in Attachment "A", attached hereto and incorporated herein by this reference;

WHEREAS, Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2020 and continuing through June 30, 2021 ("FY 2020-21 Administrative Budget"), substantially in the form shown in Attachment "B", attached hereto and incorporated herein by this reference;

WHEREAS, the Successor Agency is entitled to an administrative cost allowance (the "Administrative Cost Allowance") pursuant to Sections 34171(b) and 34183(a)(3) of the Health and Safety Code in the approximate amount of \$120,000 for the 2020-21

fiscal year of which approximately \$60,000 will be disbursed July 1, 2020 and approximately \$60,000 will be disbursed January 2, 2021;

WHEREAS, the Los Banos Designated Local Authority, acting in its capacity as the governing board of the Successor Agency, approved the ROPS 20-21 and FY 2020-21 Administrative Budget by adoption of Resolution No. 2020-03, attached to the staff report and incorporated herein by this reference;

WHEREAS, by adoption of Resolution No. 2020-03, the Successor Agency's governing board represents and warrants that it has examined all of the items on the ROPS 20-21 and finds that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency until disposition in accordance with the Dissolution Act, the continued administration of its ongoing enforceable obligations, and/or the expeditious wind-down of the affairs of the Former Agency by the Successor Agency;

WHEREAS, pursuant to Section 34177 and 34180(g) of the Health and Safety Code, the ROPS 20-21 and FY 2020-21 Administrative Budget must be submitted to the Countywide Oversight Board for the Countywide Oversight Board's approval; and

WHEREAS, the staff report, Successor Agency resolution and ROPS 20-21 attached hereto and supporting documentation submitted to Countywide Oversight Board staff in connection therewith are incorporated herein by this reference, and provide the supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, THE COUNTYWIDE OVERSIGHT BOARD OF THE COUNTY OF MERCED DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct and incorporated herein by reference, and, together with information provided by the Los Banos Designated Local Authority staff, form the basis for the approvals, findings, resolutions, and determinations set forth below.

SECTION 2. Under Section 34180(g) of the Health and Safety Code, the Countywide Oversight Board must approve the establishment of the recognized obligation payment schedules of the Successor Agency.

SECTION 3. The Countywide Oversight Board hereby approves the ROPS 20-21 attached hereto as Attachment A (the "Approved ROPS 20-21"). In connection with such approval, the Countywide Oversight Board makes the specific findings set forth below.

SECTION 4. The Countywide Oversight Board or its designee has examined the items on the Approved ROPS 20-21 and finds that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency

until disposition in accordance with the Dissolution Act, the continued administration of the ongoing agreements of the Successor Agency and/or Dissolved RDA, and/or the expeditious wind-down of the affairs of the Dissolved RDA by the Successor Agency.

SECTION 5. The Countywide Oversight Board Chairperson, Successor Agency Executive Director or Chairperson, and Countywide Oversight Board Counsel are collectively authorized to make any technical or clerical corrections to the Approved ROPS 20-21 prior to filing with the Department of Finance.

SECTION 6. Under Section 34177(j) of the Health and Safety Code, the Countywide Oversight Board must approve the Administrative Budget for the Successor Agency.

SECTION 7. In accordance with the Dissolution Act, the Countywide Oversight Board hereby approves the FY 2020-21 Administrative Budget, attached hereto as Attachment B (the "Approved Administrative Budget").

SECTION 8. The Countywide Oversight Board hereby authorizes and directs the Chairperson or Executive Director of the Los Banos Designated Local Authority ("Director"), or the Director's designees, to take all actions and sign any and all documents necessary to implement and effectuate the actions approved by this Resolution as determined necessary by the Director or the Director's designee. The Countywide Oversight Board hereby further authorizes and directs the Director, or Director's designee, to execute all documents on behalf of the Successor Agency, and to administer the Successor Agency's obligations and duties to be performed pursuant to this Resolution.

SECTION 9. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Countywide Oversight Board hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 10. The Countywide Oversight Board hereby authorizes and directs the Countywide Oversight Board staff and the Successor Agency staff to take all actions necessary under the Dissolution Act to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of this Resolution.

SECTION 11. Countywide Oversight Board staff is hereby directed to submit a signed copy of this Resolution, including all attachments and related staff reports to the Department of Finance in accordance with the Dissolution Law. The Successor Agency is further directed to promptly provide the Countywide Oversight Board Chair, Countywide Oversight Board counsel, and Countywide Oversight Board staff with copies of all correspondence to and from the Department of Finance with respect to this Countywide Oversight Board Resolution.

SECTION 12. This Resolution shall take effect from and after the date of its passage and adoption in accordance with, and subject to, all applicable requirements of the Dissolution Law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Countywide Oversight Board of the County of Merced, held this 23rd day of January, 2020.

AYES: BOARD MEMBERS: Silveira, Jones, Urquidez, Riley, Villalta

NOES: BOARD MEMBERS: None

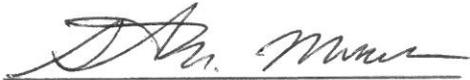
ABSENT: BOARD MEMBERS: McWatters

ABSTAIN: BOARD MEMBERS: None



Mike Villalta, Chairperson
Countywide Oversight Board of the
County of Merced

ATTEST:



Steve Masura, Secretary
Countywide Oversight Board of the County of Merced

Attachments:

Exhibit A – ROPS 20-21

Exhibit B – Administrative Budget FY 20-21

EXHIBIT A

ROPS 20-21

[ATTACHED]

**Recognized Obligation Payment Schedule (ROPS 20-21) - Summary
Filed for the July 1, 2020 through June 30, 2021 Period**

Successor Agency: Los Banos
County: Merced

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	20-21A Total (July - December)	20-21B Total (January - June)	ROPS 20-21 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 100,000	\$ -	\$ 100,000
B Bond Proceeds	100,000	-	100,000
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 1,113,910	\$ 1,243,854	\$ 2,357,764
F RPTTF	1,053,910	1,183,854	2,237,764
G Administrative RPTTF	60,000	60,000	120,000
H Current Period Enforceable Obligations (A+E)	\$ 1,213,910	\$ 1,243,854	\$ 2,457,764

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) 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 successor agency.


Name Title

/s/  1-23-2020
Signature Date

**Los Banos
Recognized Obligation Payment Schedule (ROPS 20-21) - ROPS Detail
July 1, 2020 through June 30, 2021**

A Item #	B Project Name	C Obligation Type	D Agreement Execution Date	E Agreement Termination Date	F Payee	G Description	H Project Area	I Total Outstanding Obligation	J Retired	K ROPS 20-21 Total	L M N O P ROPS 20-21A (Jul - Dec)					Q 20-21A Total	R S T U V ROPS 20-21B (Jan - Jun)					W 20-21B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$33,081,344		\$2,457,764	\$100,000	\$-	\$-	\$1,053,910	\$60,000	\$1,213,910	\$-	\$-	\$-	\$1,183,854	\$60,000	\$1,243,854
5	Rail Corridor	Property Maintenance	11/07/2001	09/01/2037	City of Los Banos	Water & electricity	Los Banos	16,000	N	\$16,000						\$-				16,000		\$16,000
6	L&L District Reimbursement	Property Maintenance	05/03/2006	12/31/2037	Betty E. Mooskian Trustee	Reimbursement for property taxes	Los Banos	6,500	N	\$6,500						\$-				6,500		\$6,500
7	L&L District Reimbursement	Miscellaneous	05/03/2006	12/31/2037	Azhaderian VH & Co. Inc.	Reimbursement for property taxes	Los Banos	9,500	N	\$9,500						\$-				9,500		\$9,500
8	L&L District Reimbursement	Miscellaneous	05/03/2006	12/31/2037	Neubauer Andrew & Margaret Trustees	Reimbursement for property taxes	Los Banos	4,500	N	\$4,500						\$-				4,500		\$4,500
9	L&L District Reimbursement	Miscellaneous	05/03/2006	12/31/2037	Windecker Inc.	Reimbursement for property taxes	Los Banos	9,800	N	\$9,800						\$-				9,800		\$9,800
10	Rail Corridor	Property Maintenance	02/01/2012	09/01/2037	Various Vendors	Repairs & maintenance	Los Banos	-	N	\$-						\$-						\$-
11	L&L District Reimbursement	Property Maintenance	04/05/2006	12/31/2037	City of Los Banos	Property Taxes/L&L Assessments	Los Banos	40,905	N	\$40,905			20,000			\$20,000				20,905		\$20,905
13	Low & Moderate Housing	SERAF/ERAF	04/07/2010	06/30/2021	Low & Moderate Housing	Repayment of SERAF loan	Los Banos	264,768	N	\$264,768			100,000			\$100,000				164,768		\$164,768
14	740 2nd Street Cleanup	Remediation	04/26/2011	12/31/2037	State Water Resources	Former Pacheco Oil site cleanup	Los Banos	-	N	\$-						\$-						\$-
15	740 2nd Street Cleanup	Remediation	04/26/2011	12/31/2037	Central Valley Regional Water Control Board	Former Pacheco Oil site cleanup	Los Banos	-	N	\$-						\$-						\$-
16	Rail Corridor	Property Maintenance	07/01/2008	09/01/2037	Merced County Tax Collector	Property Taxes	Los Banos	275	N	\$275						\$-				275		\$275
25	Pacheco Oil Site Cleanup	Remediation	01/04/2013	12/31/2022	Provost and Prichard	Cleanup of Pacheco Oil Site per Health & Safety Code	Los Banos	100,000	N	\$100,000	100,000					\$100,000						\$-

A Item #	B Project Name	C Obligation Type	D Agreement Execution Date	E Agreement Termination Date	F Payee	G Description	H Project Area	I Total Outstanding Obligation	J Retired	K ROPS 20-21 Total	ROPS 20-21A (Jul - Dec)					Q 20-21A Total	ROPS 20-21B (Jan - Jun)					W 20-21B Total
											Fund Sources						Fund Sources					
											L Bond Proceeds	M Reserve Balance	N Other Funds	O RPTTF	P Admin RPTTF		R Bond Proceeds	S Reserve Balance	T Other Funds	U RPTTF	V Admin RPTTF	
29	Audit Fees	Fees	09/30/2015	12/31/2021	Price Paige	Bond and other compliance pursuant to HSC Section 34171 (b)	Los Banos	10,800	N	\$10,800	-	-	-	5,400	-	\$5,400	-	-	-	5,400	-	\$5,400
31	Weed Abatement Cost	Property Maintenance	02/01/2012	12/31/2037	City of Los Banos	Weed abatement bills from fire department.	Los Banos	1,850	N	\$1,850	-	-	-	-	-	\$-	-	-	-	1,850	-	\$1,850
41	DLA Administration	Admin Costs	02/01/2012	12/31/2037	Various Vendors	Admin Fees	Los Banos	4,000,000	N	\$120,000	-	-	-	60,000	\$60,000	-	-	-	-	60,000	-	\$60,000
47	2014 Tax Allocation Refunding Bonds, Series A&B	Bonds Issued After 12/31/10	12/17/2014	09/01/2035	Wilmington Trust, N.A.	Debt Service Payment Due March & Sept	Los Banos	28,552,446	N	\$1,868,866	-	-	926,510	-	\$926,510	-	-	-	942,356	-	\$942,356	
50	2014 Tax Allocation Refunding Bonds, Series A&B	Fees	12/17/2014	09/01/2035	Wilmington Trust, N.A.	Trust Services for 2014 Tax Allocation Refunding Bonds	Los Banos	64,000	N	\$4,000	-	-	2,000	-	\$2,000	-	-	-	2,000	-	\$2,000	
51	Conveyance costs	Property Dispositions	01/01/2019	06/30/2021	Various Vendors	Appraisals, Title Insurance, escrow, closing and other costs	Los Banos	-	N	\$-	-	-	-	-	\$-	-	-	-	-	-	-	\$-

Los Banos
Recognized Obligation Payment Schedule (ROPS 20-21) - Report of Cash Balances
July 1, 2017 through June 30, 2018
(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
	ROPS 17-18 Cash Balances (07/01/17 - 06/30/18)	Fund Sources					Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	Beginning Available Cash Balance (Actual 07/01/17) RPTTF amount should exclude "A" period distribution amount.	1,863,443		51,910	268,936	5,789	
2	Revenue/Income (Actual 06/30/18) RPTTF amount should tie to the ROPS 17-18 total distribution from the County Auditor-Controller	880				2,379,118	
3	Expenditures for ROPS 17-18 Enforceable Obligations (Actual 06/30/18)	587,667		27,570		2,163,815	
4	Retention of Available Cash Balance (Actual 06/30/18) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)			12,215	268,936	156,088	
5	ROPS 17-18 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 17-18 PPA form submitted to the CAC			No entry required		64,042	
6	Ending Actual Available Cash Balance (06/30/18) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$1,276,656	\$-	\$12,125	\$-	\$962	

Los Banos
Recognized Obligation Payment Schedule (ROPS 20-21) - Notes
July 1, 2020 through June 30, 2021

Item #	Notes/Comments
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EXHIBIT B

ADMINISTRATIVE BUDGET

Fiscal Year 2020-21

<u>Company Name (Services)</u>	<u>Amount</u>
Kosmont Companies (administrative support services)	\$ 40,000
Kosmont Companies (property disposition)	\$ 10,000
Leibold McClendon & Mann PC (legal services)	\$ 30,000
City of Los Banos (Staff Support)	\$ 24,000
Accounting Services	\$ 16,000
Total	<u>\$120,000</u>