

COMMUNITY DEVELOPMENT AGENCY

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE MARIN COUNTY REDEVELOPMENT AGENCY SPECIAL MEETING

To be held at
Civic Center Administration Building
3501 Civic Center Drive, Room 322
San Rafael
May 4, 2012
9:00 AM

AGENDA

A. CALL TO ORDER

B. REGULAR CALENDAR

1. INTRODUCTIONS OF OVERSIGHT BOARD MEMBERS

Consider hearing formal introductions of Oversight Board members

Recommendation: hear formal introductions

2. ELECTION OF CHAIR AND VICE CHAIR

Consider electing one member to serve as Chair and electing one member to serve as Vice Chair of the Oversight Board to the Successor Agency to the Marin County Redevelopment Agency for one-year terms.

Recommendation: Elect Chair and Vice Chair.

3. PUBLIC COMMENT (on items not listed on the Agenda)

At this time, members of the public may comment on any item not appearing on the agenda.

4. ESTABLISH DATE/TIME FOR NEXT MEETING

Consider scheduling next meeting.

Recommendation: Establish meeting date and time.

5. DESIGNATION OF CONTACT PERSON FOR THE STATE DEPARTMENT OF FINANCE INQUIRIES.

Consider designating Leelee Thomas, Principal Planner with the Marin County Community Development Agency, as the staff person who shall serve as the contact person for the State Department of Finance inquiries regarding Oversight Board actions.

Recommendation: Make designation.

6. APPROVAL OF ADMINSTRATIVE BUDGET FOR JANUARY 1, 2012 THROUGH JUNE 30, 2012.

Consider adopting a resolution of the Oversight Board to the Successor Agency of the Marin County Redevelopment Agency approving the Successor Agency Administrative Budget for January 1, 2012 through June 30, 2012.

Recommendation: Adopt resolution

7. ADOPTION OF RECONGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012.

Consider adopting the Recognized Obligation Payment Schedule of the Successor Agency to the County of Marin Redevelopment Agency.

Recommendation: Adopt resolution

C. ADJOURNMENT

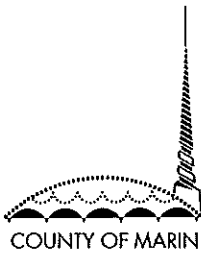
HOW TO OBTAIN MORE INFORMATION ON THE OVERSIGHT BOARD: Information is available at <http://www.co.marin.ca.us/depts/CD/Main/comdev/red/index.cfm>

If you have questions or concerns please contact (415) 473.6697 or lthomas@marincounty.org

Agenda material can be inspected in the Community Development Agency between the hours of 8:00 a.m. and 4:00 p.m. The Community Development Agency is located in Room 308 Marin County Civic Center, 3501 Civic Center Drive, San Rafael.



Room 322 is accessible to persons with disabilities. If you require American Sign Language interpreters, assistive listening devices, or other accommodations to participate in this meeting, you may request them by calling (415) 473-4381 (voice/TTY) or 711 for the California Relay Service or e-mailing disabilityaccess@co.marin.ca.us at least **four working days** in advance of the event. Copies of documents are available in accessible formats upon request.



COMMUNITY DEVELOPMENT AGENCY

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY

May 4, 2012

SUBJECT: Approval of the Successor Agency's administrative budget pursuant to Health and Safety Code Section 34177(j)

Dear Board Members,

RECOMMENDATION:

Adopt Resolution approving the administrative budget for the Successor Agency of the dissolved Marin County Redevelopment Agency for the period of January 1, 2012 through June 30, 2012.

SUMMARY:

The Dissolution Act provides the Successor Agency with an Administrative Cost Allowance to reimburse its costs associated with the dissolution of the former Redevelopment Agency. Reimbursements will be made from property tax revenues, not to exceed 5% of the property tax allocated to the Successor Agency for fiscal year 2011-2012, provided however, that the annual amount shall not be less than \$250,000 for any fiscal year.

BACKGROUND:

On December 29, 2011, the California Supreme Court ruled on the California Redevelopment Association (CRA) and the League of California Cities lawsuit against the State which alleged that the Restructuring Acts (ABx1 26 and 27) were unconstitutional. The Court found that the dissolution of redevelopment agencies (ABx1 26) is constitutional and the bill allowing agencies to pay a voluntary annual payment to continue redevelopment activities is unconstitutional (ABx1 27). The Court also pushed back a number of deadlines, including making the date of dissolution effective February 1, 2012.

On August 23, 2011 the Marin County Board of Supervisors adopted Resolutions 2011-83 and 2011-84 electing to act as the Successor Agency to the Marin County Redevelopment Agency and retain the housing assets and functions of the Redevelopment Agency. The Successor Agency's responsibility is to insure that enforceable obligations of the former redevelopment agency are met, to wind down other activities and dispose of any property and/or assets. More specifically, the Successor Agency is required to perform the following tasks:

- Make payments on bonds, and other legally binding and enforceable agreements or contracts;
- Prepare biannual Recognized Obligation Payment Schedules (ROPS);
- Dispose of the former RDA's assets and property;
- Wind up all other affairs of the former RDA;
- Prepare administrative budgets and pay administrative costs; and
- Work with the Oversight Board.

Pursuant to Health and Safety Code Section 34177(j), the RDA Successor Agency is required to prepare a proposed administrative budget ("Budget") and submit it for approval to the Oversight Board. Pursuant to Health and Safety Code Section 34179(h), because the DOF may review Oversight Board actions, the Oversight Board's action to approve the Budget is not effective for three business days, pending a request for review by the DOF.

FISCAL IMPACT:

The proposed administrative budget of \$69,279 for the period of February through June (the period for which the Successor Agency has been in effect) has been prorated. The annualized amount of \$166,270 is significantly less than the \$250,000 allowed pursuant to Health and Safety Code Section 34177.

REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> Successor Agency Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:



Leelee Thomas
Principal Planner

Attachments:

1. Administrative budget for the period of January 1, 2012 through June 30, 2012.
2. Oversight Board Resolution No. 2012-1 (Administrative Budget)

EXHIBIT A

SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET

[Attached behind this page]



Administrative Budget - Successor Agency to RDA					
February 1, 2012 through June 30, 2012 (Balance of FY2012)					
SA - Debt Retirement Fund					
FUND 24570					
	FTE			5 months	Description
Staff:					
Director	2%		2188		Supervision and oversight of staff Develop and monitor budget, insure compliance with statutory requirements, respond to public inquires, Report to Board, , Support for Oversight Board.
Principal Planner	30%		21,000		
Planner	20%		12,000		Manage contracts, prepare staff reports
Accountant	50%		17,000		All specialized accounting; such as preparing financial reports, insuring timely bond payments and correct housing set aside payments and assisting the outside auditor.
Staffing Subtotal				52,188	
Outside Legal Counsel				6,250	Outside counsel provides expertise in issues related to dissolution
Oversight Board mtg costs				208	Costs associated with Oversight Board meetings
General Overhead				7,203	Administrative overhead costs, rent, etc.
Supplies				250	General office supplies
Prof. Development				2,500	Staff training
M&R Svs-Equip (33.33% copiers/phones)				139	Maintenance and repair services
Travel				125	Mileage to meetings, site visits
Misc. publications, etc.				417	Publications and related materials
TOTAL				69,279	
Unused Portion of \$250,000 allotment					
5 of 12 months:					
\$104,167. - \$69,279 =		34,888			



RESOLUTION NO. 2012-1

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the County of Marin ("RDA Successor Agency") is the successor agency to the dissolved Marin County Redevelopment Agency ("Agency"), confirmed by Resolution No. 2011-83 adopted on August 23, 2011; and

WHEREAS, Health and Safety Code section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, the Oversight Board is the RDA Successor Agency's oversight board pursuant to Health and Safety Code section 34179(a); and

WHEREAS, Health and Safety Code section 34177(j) requires the RDA Successor Agency to prepare a proposed administrative budget ("Administrative Budget") and submit it to the Oversight Board for the Oversight Board's approval; and

WHEREAS, the RDA Successor Agency has submitted the Administrative Budget to the Oversight Board.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The approval of the Administrative Budget through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

Section 3. Approval of the Administrative Budget. The Oversight Board hereby approves and adopts the Administrative Budget, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

Section 4. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. Certification. The Principal Planner of the Marin County Community Development Agency, acting on behalf of the Oversight Board as its Staff, shall certify to the adoption of this Resolution.

Section 6. Effective Date. Pursuant to Health and Safety Code section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for three (3) business days, pending a request for review by the State of California Department of Finance.

PASSED, APPROVED AND ADOPTED this 4TH day of May, 2012 by the following vote:

AYES:

NOES:

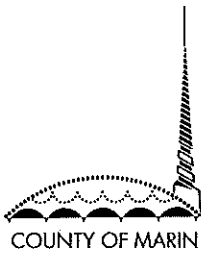
ABSENT:

ABSTAIN:

Oversight Board Chairperson

ATTEST:

Oversight Board Staff



COMMUNITY DEVELOPMENT AGENCY

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY

May 4, 2012

SUBJECT: Resolution of the Oversight Board of the Successor Agency to the Dissolved Marin County Redevelopment Agency, approving a Recognized Obligation Payment Schedule (ROPS) pursuant to Health and Safety Code Section 34177(l).

Dear Board Members,

RECOMMENDATION: Adopt the attached resolution approving the Recognized Obligation Payment Schedule (ROPS) pursuant to Health and Safety Code Section 34177(l).

SUMMARY:

Pursuant to Health and Safety Code Section 34172, the Marin County Redevelopment Agency ("Agency") was dissolved as of February 1, 2012. The County of Marin ("RDA Successor Agency") is the successor agency of the Agency. The Oversight Board is responsible for approving the actions of the RDA Successor Agency pursuant to Health and Safety Code Section 34179.

DISCUSSION:

One of the RDA Successor Agency's responsibilities pursuant to Health and Safety Code Section 34177(l) is to prepare a draft Recognized Obligation Payment Schedule ("ROPS") by March 1, 2012, listing all of the outstanding debts and obligations of the former Agency for the period from February 1, 2012, through June 30, 2012, submit the draft ROPS to the County Auditor-Controller for certification as to its accuracy, and submit the draft ROPS to the Oversight Board for approval.

The ROPS was prepared by the RDA Successor Agency and submitted to the Auditor-Controller as of March 1, 2012. The Auditor-Controller directed the RDA Successor Agency to submit the ROPS to the Oversight Board. It now requires Oversight Board approval in order to become effective pursuant to Health and Safety Code Sections 34177(l) and 34180(g). Once it is approved by the Oversight Board and becomes effective, the RDA Successor Agency may receive funds from the Auditor-Controller to pay the dissolved Agency's existing debts and obligations provided in the ROPS. Upon Oversight Board approval, the RDA Successor Agency should provide a copy of the approved ROPS to the Auditor-Controller, the State of California Controller and the DOF, and post the approved ROPS on the RDA Successor Agency's website.

Pursuant to Health and Safety Code Section 34179(h), because the DOF may review Oversight Board actions, the Oversight Board's action to approve the ROPS is not effective for three business days, pending a request for review by the DOF.

FISCAL IMPACT:

No funds are involved with the approval of the ROPS

REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> Successor Agency Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:



Leelee Thomas
Principal Planner

ATTACHMENTS

1. Recognized Obligation Payment Schedule (ROPS) for January 1, 2012 through June 30, 2012 pursuant to Health and Safety Code Section 34177(l).
2. Oversight Board Resolution No. 2012-2 (ROPS)

Name of Redevelopment Agency: Marin County Redevelopment Agency
 Project Area(s): Marin City

1st Draft RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Page 1: January through June 2012
 Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation Bond Payments and Expenses:	Payee	Description	Total Outstanding Debt or Obligations as of Jan. 2012	Beginning Balance Jan. 2012	2012 Payments by Month						Remaining Outstanding Balance June 2012
					Jan.	Feb.	March	April	May	June	
1) 1995 GRA Revenue Bonds Series A	US Bank	GRA Bond Payments	15,501,600	349,525							15,152,075
2) Contract for audit	Dien, Evans & Co., LLP	Bond independent auditor	497,859	5,683							492,176
3) Contract for continuing disclosure	Goodwin Consulting Group, Inc.	Bond continuing disclosures	162,008	1,584							160,424
4) Fiscal agent fees - Bonds GI/GRA	US Bank	Bond fiscal agent fees	304,638	1,655	1,250	1,250					3,155
5) Bond administrative Expenses	County of Marin	Bond administration costs	2,370,532	11,357							2,359,175
6) Contracts and Funding Agreements:											
7) Redevpay Marin Apartments	Marin City Community Land Corp	Housing Assistance Pledge Agreement 9/1/85	12,632,250	311,384							12,320,866
8) Services to Marin City Community	Marin Housing Authority	BMR Program oversight	1,693,559	34,217							1,659,342
9) Services to Marin City Community	County of Marin	MCSC excess proceeds CLC-RDA Agreement 9/20/83	312,500	225,000							87,500
10) Donabata Unleashed Improvements	Marin County Dept. of Public Works	NR excess proceeds CLC-RDA Agreement 9/20/85	187,000	8,000							179,000
11) Marin City Community Center	Marin City Community Services District	Project area public works improvements	189,028	189,028							-
12) Legal support services	Best, Best & Rieffer	Renovation, expansion, upgrade Contract for F2012 legal services	1,250,000	1,250,000							-
Administrative Expenses:											
13) Successor Agency admin. costs	County of Marin	Management oversight and monitoring	10,366	532	1,963	1,963	1,963	1,963	1,963	1,963	10,365
Payments administered by County Dept. of Finance:											
14) Franchise payments	County of Finance		3,537,492	11,249	11,249	11,249	11,249	11,249	11,249	11,249	3,500,000
15) Statutory Payments SB2557	Marin County Agencies, Schools, etc. County of Marin Dept. of Finance	CA H&S Code 53476 pass through payments CA SB2557 payments to County DOF	5,337,078	142,837	128,968	128,968	128,968	128,968	128,968	128,968	5,108,239
Totals - This Page			44,452,027	2,623,587	248,355	10,767	152,428	152,428	152,428	152,428	42,433,085
Totals - Other Obligations			1,679,342	50,000							1,679,342
Totals - Page January - June 2012			46,131,369	2,673,587	248,355	10,767	152,428	152,428	152,428	152,428	44,112,427

*Note Receivable - all payments received will be "excess proceeds" and are obligated to services in Marin City per 1995 agreement

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**1st Draft RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 OTHER OBLIGATION PAYMENT SCHEDULE**

January 2012 - June 2012
 Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Beginning Balance Outstanding Debt or Obligation	Total Due January - June 2012	2012 Payments by month							Remaining Outstanding Balance June 2012
					Jan.	Feb.	March	April	May	June	Total	
1) County staff payroll reimb.	County of Marin	Employee salary reimbursements	1,729,342.00	100,000.00	50,000.00	-	-	-	-	50,000.00	100,000.00	1,629,342.00
2)												
3)												
4)												
Totals - Other Obligations			\$ 1,729,342.00	\$ 100,000.00	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	\$ 50,000.00	\$ 100,000.00	1,629,342.00

* Note - payments are estimated; projected for bi-annual reimbursement

RESOLUTION NO. 2012-2

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY, APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the County of Marin (“RDA Successor Agency”) is the successor agency to the dissolved Marin County Redevelopment Agency (“Agency”), confirmed by Resolution No. 2011-83 adopted on August 23, 2011; and

WHEREAS, Health and Safety Code section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, the Oversight Board is the RDA Successor Agency’s oversight board pursuant to Health and Safety Code section 34179(a); and

WHEREAS, Health and Safety Code section 34177(l)(2), as modified by the Supreme Court opinion in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), requires the RDA Successor Agency to prepare an initial draft of a “recognized obligation payment schedule” (“ROPS”) by March 1, 2012, listing outstanding obligations of the Agency to be performed by the RDA Successor Agency during the time period from February 1, 2012, through June 30, 2012; and

WHEREAS, Health and Safety Code section 34177(l)(2) requires the RDA Successor Agency to submit the initial draft of the ROPS to either the County of Marin Auditor-Controller, or its designee, for the auditor’s review and certification as to the accuracy of the ROPS; and

WHEREAS, Health and Safety Code section 34177(l)(2) requires the RDA Successor Agency to submit the ROPS certified by the external auditor to the Oversight Board for approval and, upon such approval, the RDA Successor Agency is required to submit a copy of such approved ROPS to the County of Marin Auditor-Controller, the California State Controller, and the State of California Department of Finance and post the Approved ROPS on the RDA Successor Agency’s website; and

WHEREAS, Health and Safety Code section 34180(g) requires the Oversight Board to approve the RDA Successor Agency’s establishment of the ROPS prior to the RDA Successor Agency acting upon the ROPS; and

WHEREAS, RDA Successor Agency staff has prepared an initial draft of the ROPS and submitted it to the County of Marin Auditor-Controller prior to March 1, 2012; and

WHEREAS, the County of Marin Auditor-Controller has informed the RDA Successor Agency to submit the initial draft of the ROPS to the Oversight Board.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED MARIN COUNTY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The approval of the ROPS through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. Approval of the ROPS. The Oversight Board hereby approves and adopts the ROPS, in substantially the form attached to this Resolution as Exhibit A, pursuant to Health and Safety Code Section 34177.

SECTION 4. Implementation. The Oversight Board hereby directs the RDA Successor Agency to submit copies of the ROPS approved by the Oversight Board to the County of Marin Auditor-Controller, the State of California Controller and the State of California Department of Finance after the effective date of this Resolution or, if the State of California Department of Finance requests review of the ROPS prior to the effective date of this Resolution, upon approval of the ROPS by the State of California Department of Finance, and prior to April 15, 2012, and to post the ROPS on the RDA Successor Agency's website.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The Principal Planner of the Marin County Community Development Agency, acting on behalf of the Oversight Board, shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. Pursuant to Health and Safety Code section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for three (3) business days, pending a request for review by the State of California Department of Finance.

PASSED, APPROVED AND ADOPTED THIS 4th day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson

ATTEST:

Oversight Board Staff

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

[Attached behind this page]