

RESOLUTION NO.: RDA 709

**A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF MERCED,
CALIFORNIA, ADOPTING AN ENFORCEABLE
OBLIGATION PAYMENT SCHEDULE
PURSUANT TO AB 1X 26**

WHEREAS, The Redevelopment Agency of the City of Merced (“Agency”) is a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 *et seq.*; and,

WHEREAS, as part of the 2011-2012 State budget bill, the California State Legislature recently enacted and the Governor signed companion bills AB 1X 26 and AB 1X 27, which eliminate every redevelopment agency unless the community that created the agency adopts an ordinance agreeing to participate in an “Alternative Voluntary Redevelopment Program” which requires the payment of an annual “community remittance” payment; and,

WHEREAS, on July 18, 2011, the League of California Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of and requesting a stay of enforcement of AB 1X 26 and AB 1X 27; and,

WHEREAS, on August 11, 2011, the Supreme Court agreed to take the case and issued an order for the immediate stay of the enforcement of AB 1X 26 in part and AB 1X 27 in its entirety; and,

WHEREAS, on August 17, 2011, the Court modified its stay to clarify that Health and Safety Code Sections 34161 through 34169.5 are not subject to the stay; and ,

WHEREAS, Health and Safety Code Sections 34167 and 34169, enacted by AB 1X 26, requires redevelopment agencies to adopt an Enforceable Obligation Payment Schedule (“EOPS”) by August 27, 2011; and,

WHEREAS, adoption of the EOPS would allow the Agency to make payments on debts and obligations listed on the EOPS while the stay is in effect.

WHEREAS, An Enforceable Obligation Payment Schedule, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, has been presented to the Agency, the Agency is familiar with the contents thereof, and the Executive Director has recommended approval of said Schedule subject to the contingencies and reservation of rights set forth in this Resolution; and,

WHEREAS, The Agency reserves the right to challenge the legality of Assembly Bill x1 26 and Assembly Bill x1 27; and,

WHEREAS, The Agency reserves the right to amend the Enforceable Obligation Payment Schedule; and,

WHEREAS, In adopting the Enforceable Obligation Payment Schedule, the Agency does not intend to waive, nor shall the Agency be deemed to have waived any rights the Agency or its successor may have pursuant to or in connection with any obligation listed on such Schedule, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such EOPS.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF MERCED DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Agency Board finds that the recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. The Agency Board adopts the Enforceable Obligation Payment Schedule attached hereto, subject to all reservations of rights and contingencies set forth above.

SECTION 3. The Agency Board authorizes the Agency's Executive Director or designee to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Enforceable Obligation Payment Schedule on the Agency's website, and the provision of notice of adoption of this Resolution and such Schedule to

the County Auditor-Controller, the State Controller and the State Department of Finance.

SECTION 4. The Agency Board declares that if any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

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PASSED AND ADOPTED by the Redevelopment Agency of the City of Merced at a regular meeting held on the 25th day of August 2011, by the following called vote:

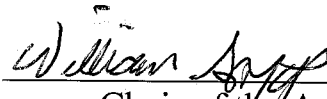
AYES: Agency Members: CARLISLE, PEDROZO, GABRIAULT-ACOSTA, BLAKE, LOR, SPREGGS

NOES: Agency Members: NONE

ABSTAIN: Agency Members: NONE

ABSENT: Agency Members: RAWLING

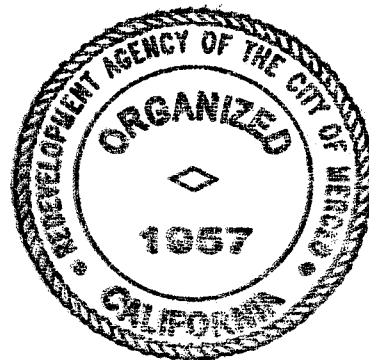
APPROVED:


Chair of the Agency

ATTEST:
AGENCY SECRETARY

BY: 
Assistant/Deputy Agency Secretary

(SEAL)



APPROVED AS TO FORM:



Agency General Counsel Date

EXHIBIT A

Project Area(s): Redevelopment Project Area 2, Gateways Redevelopment Project Area
 Contact Person: Daniel Ainslie (209) 385-6827

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
					Aug**	Sept	Oct	Nov	Dec	
Project Area #2/1999 Tax Allocation Bonds	U.S. Bank	TAB Payments for Bond Issue	10,139,348.00	2,031,710.00					1,861,560.00	\$ 1,861,560.00
Project Area #2/2003 Tax Allocation Bonds	U.S. Bank	TAB Payments for Bond Issue	17,745,172.00	174,384.00					163,364.00	\$ 163,364.00
Project Area #2/Trustee Services	U.S. Bank	Bond agent professional services		5,000.00					5,000.00	\$ 5,000.00
Project Area #2/Cost of Continuing Disclosure	Willdan Financial Services	Continuing Disclosure		2,450.00						\$ -
Project Area #2/Merced County Administration	Merced County	Administration Expense-Auditor		162,750.00						\$ -
Project Area #2/Housing Set Aside	Redevelopment Agency	Statutory Requirement for Housing		1,136,457.00						\$ -
Project Area#2/Debt Service Funding Agreement	F & M Bank	Debt Service Funding Agreement	2,633,768.00	2,633,768.00	13,256.50	13,256.50	13,256.50	13,256.50	13,256.50	\$ 66,282.50
Project Area #2/Loan Gurantee	Wells Fargo	Loan Guarantee - Laurel Glen Apartments		60,748.00	5,062.33	5,062.33	5,062.33	5,062.33	5,062.33	\$ 25,311.65
Project Area #2/Loan City of Merced (2003 & 2009)	City of Merced	Loan		1,278,627.00						\$ -
Project Area #2/Loan City of Merced	City of Merced	Loan	4,409,973.00							\$ -
Project Area #2/Staffing Costs	City of Merced	Agency staffing		251,689.32	20,974.11	20,974.11	20,974.11	20,974.11	20,974.11	\$ 104,870.55
Project Area #2/Administrative Expense	City of Merced	General administrative expense		442,033.12	36,836.09	36,836.09	36,836.09	36,836.09	36,836.09	\$ 184,180.45
Project Area #2/Materials, Supplies & Services	City of Merced	Materials, Supplies & Services		127,328.16	10,610.68	10,610.68	10,610.68	10,610.68	10,610.68	\$ 53,053.40
Project Area #2/Lease of Facility	City of Merced	Leased space for Agency office		7,726.24	643.85	643.85	643.85	643.85	643.85	\$ 3,219.25
Project Area #2/Annual Audit Fees	Gallina, LLP	Annual Audit Fees	7,017.38	7,017.38					7,017.38	\$ 7,017.38
Project Area #2/Simpson's DDA-Brownfield Rem.	Various Environmental Consultants	Environmental Guarantee	2,000,000.00	0.00						\$ -
Project Area #2/Costco, Inc. DDA-Brownfield	Various Environmental Consultants	Environmental Guarantee	4,000,000.00	0.00						\$ -
Project Area #2/Merced Center DDA's	Various Environmental Consultants	Environmental Guarantee	4,000,000.00	0.00						\$ -
Project Area #2/Rehabilitation of 951 W. 7th Street	City of Merced	Rehabilitation of single family home	30,900.00	30,900.00		6,180.00	6,180.00	6,180.00	6,180.00	\$ 24,720.00
Project Area #2/Merced County Arts Council Lease	Merced County Arts Cncl	Operational subsidy for Arts Project	24,850.00	24,850.00		6,212.50			6,212.50	\$ 12,425.00
Project Area #2/Merced County Environmental Health	Merced County	Environmental Clearance for remediation	7,010.75	7,010.75	584.23	584.23	584.23	584.23	584.23	\$ 2,921.15
Project Area #2/Castle Analytical Lab	Castle Analytical Lab	Testing for environmental clearance	368.00	368.00	30.67	30.67	30.67	30.67	30.67	\$ 153.35
Project Area #2/Advanced Chemical Transport	Advanced Chemical Trans.	Hazardous waste transport-#108043	2,550.00	2,550.00	1,275.00	1,275.00				\$ 2,550.00
Project Area #2/Provost & Pritchard Testing	Provost & Pritchard	Testing and abatement-environmental	11,079.34	11,079.34	923.28	923.28	923.28	923.28	923.28	\$ 4,616.40
Project Area #2/Downey Brand LLP	Downey Brand LLP	Legal Representation for Merced Center	40,342.57	40,342.57	3,361.88	3,361.88	3,361.88	3,361.88	3,361.88	\$ 16,809.40
Project Area #2/Security Monitoring for Environmental	ProTech Security	Monitor testing site for #108043-MC	540.00	540.00	45.00	45.00	45.00	45.00	45.00	\$ 225.00
Project Area #2/Provost & Pritchard Testing	Provost & Pritchard	Testing and abatement-environmental	103,258.87	103,258.87	8,604.91	8,604.91	8,604.91	8,604.91	8,604.91	\$ 43,024.55
Project Area #2/Central Merced Street Resurfacing	A Teichert & Sons, Inc	Street improvement for W. 18th St.	451,538.92	451,538.92	150,512.97	150,512.97	150,512.97			\$ 451,538.91
Project Area #2/Advertising for Central Merced CIP	Merced Sun-Star	Advertising for capital project	580.00	580.00		580.00				\$ 580.00
Project Area #2/Central Merced Street Resurfacing	City of Merced	Inspections of W. 18th Street CIP	15,000.00	15,000.00	3,750.00	3,750.00	3,750.00	3,750.00		\$ 15,000.00
Project Area #2/Central Merced Street Resurfacing	PG&E Co.	Relocation and service connection	8,811.69	8,811.69	2,937.23	2,937.23	2,937.23			\$ 8,811.69
Project Area #2/Central Merced Street Resurfacing	City of Merced	Engineering design and management	34,575.66	34,575.66	8,643.92	8,643.92	8,643.92	8,643.92		\$ 34,575.68
Project Area #2/Land Acquisition	Construction Rental Svc.	Rental fencing for vacant property	167.62	167.62						\$ -
Project Area #2/Residential Façade Grant	Kim Dolina	Residential improvement at 101 W. 20th	8,467.50	8,467.50	2,116.88	2,116.88	2,116.88	2,116.88		\$ 8,467.52
Project Area #2/Fencing Services for Agency Property	Merced Fence Co.	Rental fencing for Agency property	3,118.00	3,118.00	259.83	259.83	259.83	259.83	259.83	\$ 1,299.15
Project Area #2/Rehab 951 West 7th St	City of Merced	Engineering Services	542.91	542.91		108.58	108.58	108.58	108.58	\$ 434.32
Project Area #2/Highway 59 Multi-Family Housing Pro.	Merced Pacific Associates, LLC	Development of 75 units-tax credit	3,074,887.00	3,000,000.00		3,000,000.00				\$ 3,000,000.00
Project Area #2/Merced Theatre Tax Credit Guarantee	Wells Fargo PNC Bank	Federal Tax Credit Guarantee	14,768,802.00	0.00						\$ -
Project Area #2/Merced Theatre Renovation	Lewis C. Nelson	Contractor for renovation project	4,818,055.42	4,818,055.42	700,974.10	1,029,270.33	1,029,270.33	1,029,270.33	1,029,270.33	\$ 4,818,055.42
Project Area #2/Merced Theatre Renovation	Condor Earth Technology	Site testing	5,224.80	5,224.80		1,044.96	1,044.96	1,044.96	1,044.96	\$ 4,179.84

Project Area #2/Merced Theatre Renovation	City of Merced	Engineering Services-Project Manager	36,156.25	36,156.25		7,231.25	7,231.25	7,231.25	7,231.25	\$ 28,925.00
Project Area #2/Merced Theatre Renovation	WMB Architects, Inc.	Architectural and project management	45,531.26	45,531.26	38,840.22	6,691.04				\$ 45,531.26
Project Area #2/Merced Theatre Renovation	Pacific Valley Roofing	Roofing services for project	2,144.00	2,144.00		2,144.00				\$ 2,144.00
										\$ -
Gateways/Tax Allocation Bonds (2001)	U.S. Bank	TAB Payments for Bond Issue	3,527,231.00	164,348.00					107,799.00	\$ 107,799.00
Gateways/Tax Allocation Bonds (2009)	U.S. Bank	TAB Payments for Bond Issue	28,703,090.00	961,456.00					569,760.00	\$ 569,760.00
Gateways/Trustee Services	U.S. Bank	Bond agent professional services		8,000.00					8,000.00	\$ 8,000.00
Gateways/Cost of Continuing Disclosure	Willdan Financial Services	Continuing Disclosure		4,200.00						\$ -
Gateways/Merced County Administration	Merced County	Administration Expense-Auditor		52,000.00						\$ -
Gateways/Housing Set Aside	Redevelopment Agency	Statutory Requirement for Housing		366,596.00						\$ -
Gateways/Debt Service Funding Agreement	Bank of New York Mellon	HUD 108 Loan - The Grove Apartments	330,960.00	330,960.00	267,700.00					\$ 267,700.00
Gateways/Loan Gurantee	Wells Fargo	Loan Guarantee - The Grove Apartments		74,525.00	6,210.42	6,210.42	6,210.42	6,210.42	6,210.42	\$ 31,052.10
Gateways/Staffing Costs	City of Merced	Agency staffing		40,972.68	3,414.39	3,414.39	3,414.39	3,414.39	3,414.39	\$ 17,071.95
Gateways/Administrative Expense	City of Merced	General administrative expense		71,958.88	5,996.57	5,996.57	5,996.57	5,996.57	5,996.57	\$ 29,982.85
Gateways/Materials, Supplies & Services	City of Merced	Materials, Supplies & Services		20,727.84	1,727.32	1,727.32	1,727.32	1,727.32	1,727.32	\$ 8,636.60
Gateways/Lease of Facility	City of Merced	Leased space for Agency office		1,257.76	104.81	104.81	104.81	104.81	104.81	\$ 524.05
Gateways/Annual Audit Fees	Gallina, LLP	Annual Audit Fees	7,017.38	7,017.38					7,017.38	\$ 7,017.38
Gateways/Cooperative Agreement for PFEDA	City of Merced PFEDA	Funding to complete capital projects	81,688,500.00							\$ -
Gateways/Reimbursement Agreement for PFEDA	City of Merced PFEDA	Administrative and operation of PFEDA	9,500,000.00							\$ -
Gateways/Highway 59 Signalization Project	City of Merced	Engineering charges for project	58,389.04	58,389.04		6,487.67	6,487.67	6,487.67	6,487.67	\$ 25,950.68
Gateways/Highway 59 Signalization Project	Taylor Backhoe	Roadway construction of Willowbrook	49,781.56	49,781.56		49,781.56				\$ 49,781.56
Gateways/Highway 59 Signalization Project	Technicon Engineering	Engineering services for road project	2,630.00	2,630.00		2,630.00				\$ 2,630.00
Gateways/Highway 59 Multi-Family Housing Project	City of Merced	Lot merger for Highway 59 Housing	404.00	404.00		404.00				\$ 404.00
Gateways/Highway 59 Multi-Family Housing Project	Merced Pacific Associates, LLC	Development of 75 units-tax credit	4,371,113.00							\$ -
Gateways/Highway 59 and Childs Avenue Engineering	TES Engineering	Pedestrian signal design	336.00	336.00		336.00				\$ 336.00
Gateways/Highway 59 and Childs Avenue Engineering	City of Merced	Engineering charges for project	950.14	950.14		950.14				\$ 950.14
Gateways/Commercial Façade Improvement	Sunil Ratanji	Commercial Rehabilitation Project	10,850.00	10,850.00		3,616.67	3,616.67	3,616.67		\$ 10,850.01
Gateways/Site maintenance	Weedman/Spence Spraying Service	Spraying of vacant lots	3,371.00	3,371.00		3,371.00				\$ 3,371.00
Gateways/Site maintenance	Weedman/Spence Spraying Service	Spraying of vacant lots	1,815.00	1,815.00		1,815.00				\$ 1,815.00
Gateways/Fencing Services for Agency Property	Construction Rental Svc.	Rental fencing for vacant property	1,557.64	1,557.64		129.80	129.80	129.80	129.80	\$ 519.20
Gateways/Fencing Services for Agency Property	Merced Fence Co.	Rental fencing for vacant property	8,738.00	8,738.00		728.17	728.17	728.17	728.17	\$ 2,912.68
Gateways/Demolition of blighted residences	Merced Fence Co.	Rental fencing for vacant property	1,950.00	1,950.00		162.50	162.50	162.50	162.50	\$ 650.00
Gateways/DDA with Maxwell Construction at 18th & I	Maxwell Construction	Development of affordable housing	1,500,000.00	793,518.36		200,000.00				\$ 200,000.00
Gateways/Engineering for 18th & I Street DDA	Golden Valley Engineering	Engineering site development	5,000.00	5,000.00		2,500.00	2,500.00			\$ 5,000.00
Gateways/Lot entitlements for 18th & I Street DDA	City of Merced	Lot merger and planned development	10,000.00	10,000.00		10,000.00				\$ 10,000.00
Gateways/Demolition of blighted residences	Midwest Environmental	Demo blighted residential structures	34,747.00	34,747.00		11,582.33	11,582.33	11,582.33		\$ 34,746.99
										\$ -
										\$ -
Totals - EOPS			\$ 198,198,464.70	\$ 20,010,812.06	\$ 1,295,397.19	\$ 4,617,758.04	\$ 1,341,567.80	\$ 1,188,117.60	\$ 3,905,720.39	\$ 12,348,561.02
Totals -Other Obligations			\$ 2,813,500.00	\$ 1,275,792.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 201,011,964.70	\$ 21,286,604.92	\$ 1,295,397.19	\$ 4,617,758.04	\$ 1,341,567.80	\$ 1,188,117.60	\$ 3,905,720.39	\$ 12,348,561.02

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

