RESOLUTION NO. 2012/08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING AN AMENDED ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE ("EOPS") AS SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY

WHEREAS, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), on July 15, 1975, the City Council of the City of Antioch ("City") created the Antioch Development Agency ("Agency") pursuant to Ordinance No. 290-C-S; and

WHEREAS, also in accordance with the Community Redevelopment Law and pursuant to Ordinance No.290-C-S on July 15, 1975, the City Council approved and adopted the Redevelopment Plan for the Antioch Development Agency Project Area (the "Redevelopment Plan") that was subsequently amended and expanded to include Project Areas 1, 2, 3, 4, and 4.1 as follows:

1. The Redevelopment Plan for Project Area 1 was originally adopted pursuant to Ordinance No. 398-C-S on April 10, 1979 and subsequently amended pursuant to Ordinance No. 653-C-S on November 12, 1986, Ordinance No. 963-C-S on October 26, 1999, Ordinance No. 964-C-S on October 26, 1999, Ordinance No.1096-C-S on July 10, 2007. The Redevelopment Plan for Project Areas 1,2,3,4 and 4.1 was also addressed in Ordinance No. 1095-C-S on July 10, 2007, particularly as to extending certain time limits.

2. The Redevelopment Plan for Project Area 2 was originally adopted pursuant to Ordinance No. 584-C-S on July 17, 1984 and subsequently specifically amended pursuant to Ordinance No. 967-C-S on December 7, 1999. The Redevelopment Plan for Project Areas 1,2,3,4 and 4.1 was also addressed in Ordinance No. 1095-C-S on July 10, 2007, particularly as to extending certain time limits.

3. The Redevelopment Plan for the Antioch Redevelopment Project Area 3 was originally adopted by Ordinance No. 660-C-S and subsequently specifically amended by Ordinance No. 967-C-S on December 7, 1999. The Redevelopment Plan for Project Areas 1,2,3,4 and 4.1 was also addressed in Ordinance No. 1095-C-S on July 10, 2007, particularly as to extending certain time limits.

4. The Redevelopment Plan for Project Area 4 was originally adopted by Ordinance No. 752-C-S on July 11, 1989 and subsequently specifically amended by Ordinance No. 789-C-S on August 14, 1990 referred to as Project Area 4.1 and further amended by Ordinance No. 967-C-S on December 7, 1999. The Redevelopment Plan for Project Areas 1,2,3,4 and 4.1 was also addressed in Ordinance No. 1095-C-S on July 10, 2007, particularly as to extending certain time limits.

WHEREAS, the Agency was responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law and its most recent Implementation Plan approved on June 28, 2011 pursuant to ADA Resolution No. 448 with the understanding that the Agency would reimburse the City for costs for staff, administration and other costs; and

WHEREAS, since adoption of the Redevelopment Plan, the Agency engaged in activities to execute and implement the Redevelopment Plans and Implementation Plans pursuant to the provisions of the Community Redevelopment Law to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, as part of the 2011-2012 State budget bill, the California State Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27 (together known as the "Redevelopment Restructuring Acts"), which eliminated every redevelopment agency unless the community that created it adopted an ordinance ("Continuation Ordinance") agreeing to participate in an Alternative Voluntary Redevelopment Program ("Alternate Redevelopment Program") which required the payment of an annual "community remittance" payment; and

WHEREAS, Health and Safety Code Section 34169, enacted as part of the Redevelopment Restructuring Acts, required redevelopment agencies to adopt within 60 days of the enactment of AB 1X 26, an Enforceable Obligation Payment Schedule ("EOPS") to serve as the basis for the payment of the agency's outstanding financial obligations if the City did not adopt the Continuation Ordinance and the agency was dissolved; and

WHEREAS, on July 26, 2011, the City Council introduced a Continuation Ordinance as Ordinance No. 2050-C-S to participate in the Alternate Redevelopment Program pursuant to the Redevelopment Restructuring Acts and on August 9, 2011 adopted Ordinance No. 2050-C-S; 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, *California Redevelopment Association v. Matosantos* (Case No. S194861), challenging the constitutionality of and requesting a stay of enforcement of AB 1X 26 and AB 1X 27 ("Lawsuit"); and

WHEREAS, pursuant to ADA Resolution 450 dated August 25, 2011, the Antioch Development Agency approved and adopted the Enforceable Obligation Payment Schedule as shown on the attachment to that resolution, in accordance with Health and Safety Code Section 34167 and 34169, and confirmed that the annual budget process, including the budgets for Fiscal Years 2011 and 2012, reflect the understanding and agreement with the City for the Agency to pay the City for staffing, administrative charges and other costs to operate the Agency with these costs and charges reimbursed from future tax increment and constituting enforceable obligations of the Agency; and

WHEREAS, pursuant to Resolution No. 2011/56 dated August 25, 2011, the City Council reaffirmed that the annual budget process, including the budgets for Fiscal Years 2011 and 2012, reflects the understanding and agreement between the City and Antioch Development Agency for the Agency to pay the City for staffing, administrative charges and other costs to operate the Agency with these costs and charges reimbursed from future tax increment and constituting enforceable obligations of the Agency and

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the Lawsuit upholding AB 1X 26, which dissolves all redevelopment agencies, and striking down AB 1X 27, which had allowed redevelopment agencies, including the Antioch Development Agency, to participate in the Alternate Redevelopment Program; thereby requiring the dissolution of all redevelopment agencies by February 1, 2012; and

WHEREAS, pursuant to AB 1X 26 now codified in part as Health and Safety Code section 34173(d)(1), the City of Antioch would automatically become the Successor Agency of the Antioch Development Agency unless it affirmatively elects not to serve as the Successor Agency for non-housing related functions; and

WHEREAS, pursuant to Resolution No. 2012/07 dated January 24, 2012, the City of Antioch confirmed its intention to serve as the Successor Agency to the Antioch Development Agency for non-housing related functions and pursuant to Resolution No. 2012/06 dated January 24, 2012, the City of Antioch elected to perform the housing functions of the Antioch Development Agency pursuant to AB 1X 26; and

WHEREAS, as required by AB 1X 26, the City, as the Successor Agency to the Agency, has reviewed the EOPS adopted by the Agency on August 25, 2011 and has made the modifications as shown on Exhibit 1;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch as follows:

1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

2. Adoption of Amended EOPS. As Successor Agency to the Antioch Development Agency, the City approves the Enforceable Obligations Payment Schedule attached as Exhibit 1.

* * * * * *

The foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 24th day of January 2012, by the following vote:

AYES: Council Members Kalinowski, Harper, Rocha, Agopian and Mayor Davis

NOES: None

ABSENT: None

for Christina Garcia
DENISE SKAGGS, CITY CLERK

Exhibit 1, p 1

Name of Redevelopment Agency: Antioch Development Agency

Project Area(s) All

Successor Agency: City of Antioch

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation as of 1/1/12	Total Due During Fiscal Year 2012	Payments by Month						
						Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
1)	2000 Tax Allocation Bonds	Bank of New York	Bond issue to fund non-housing projects	8,624,126.00	1,400,459.00		178,500.00					$ 178,500.00
2)	2009 Tax Allocation Bonds	Bank of New York	Bond issue to fund non-housing projects	2,335,817.00	144,762.00		24,585.00					$ 24,585.00
3)	1994 Tax Allocation Bonds	Bank of New York	Bond Issue to fund non-housing projects	738,566.00	245,079.00						16,388.00	$ 16,388.00
4)	2002 Lease Revenue Bonds	Bank of New York	Bond issue to fund non-housing projects	41,711,010.00	1,589,156.00						632,747.00	$ 632,747.00
5)	Housing Fund Deficit	Project Area 1 to Housing Fund	Repayment for housing fund	3,537,849.00	25,000.00	25,000.00						$ 25,000.00
6)	Vista Diablo Rent Subsidy	Vista Diablo	Rent subsidy	878,105.00	93,946.00							$ -
7)	Administrative costs	City of Antioch/consultants	Admininistrative expenses for agency	12,485,610.00	551,739.00	71,220.00	45,980.00	45,980.00	45,980.00	45,980.00	45,980.00	$ 301,120.00
8)	Monitoring Wells	City of Antioch	Monitoring Wells project	40,000.00	40,000.00	18,000.00						$ 18,000.00
9)	Marina Subsidy	City of Antioch	Marina subsidy	4,500,000.00	250,000.00	250,000.00						$ 250,000.00
10)	Bond administration	Bank of New York	Bond administrative fees	302,000.00	15,100.00						5,300.00	$ 5,300.00
												$ -
	Totals - This Page			$ 75,153,083.00	$ 4,355,241.00	$ 364,220.00	$ 249,065.00	$ 45,980.00	$ 45,980.00		$ 700,415.00	$ 1,451,640.00
	Totals - Other Obligations			$ 32,448,718.00	$ 881,795.00	$ -	$ -	$ -	$ 837,707.00	$ -	$ 44,088.00	$ 881,795.00
	Totals - All Pages			$ 107,601,801.00	$ 5,237,036.00	$ 364,220.00	$ 249,065.00	$ 45,980.00	$ 883,687.00		$ 744,503.00	$ 2,333,435.00

Exhibit 1, p 2

Name of Redevelopment Agency: Antioch Development Agency

Project Area(s) all

Successor Agency: City of Antioch

OTHER 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						
						Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
1)	Section 33676	County Resource Consv	Payments per former Section 33676	818.00	29.00				28.00		1.00	$ 29.00
2)	Section 33676	BART	Payments per former Section 33676	10,700.00	350.00				333.00		17.00	$ 350.00
3)	Section 33676	East Bay Park	Payments per former Section 33676	152,800.00	5,250.00				4,988.00		262.00	$ 5,250.00
4)	Pass Through Agreement	Contra Costa County	Payments per former Section 33401	10,279,000.00	292,000.00				277,400.00		14,600.00	$ 292,000.00
5)	Pass Through Agreement	County Library	Payments per former Section 33401	836,000.00	21,000.00				19,950.00		1,050.00	$ 21,000.00
6)	Pass Through Agreement	Riverview Fire Dist	Payments per former Section 33401	12,548,000.00	334,000.00				317,300.00		16,700.00	$ 334,000.00
7)	Pass Through Agreement	County Flood Control	Payments per former Section 33401	105,000.00	3,000.00				2,850.00		150.00	$ 3,000.00
8)	Pass Through Agreement	Mosquito Abatment	Payments per former Section 33401	155,000.00	4,000.00				3,800.00		200.00	$ 4,000.00
9)	Pass Through Agreement	College District	Payments per former Section 33401	342,000.00	21,000.00				19,950.00		1,050.00	$ 21,000.00
10)	Pass Through Agreement	Antioch Unified	Payments per former Section 33401	425,000.00	14,000.00				13,300.00		700.00	$ 14,000.00
11)	Pass Through Agreement	East Bay Park	Payments per former Section 33401	25,000.00	400.00				380.00		20.00	$ 400.00
12)	Statutory Payments	County General	Payments per CRL 33607.5 and .7	1,281,700.00	31,600.00				30,020.00		1,580.00	$ 31,600.00
13)	Statutory Payments	County Library	Payments per CRL 33607.5 and .7	132,000.00	3,300.00				3,135.00		165.00	$ 3,300.00
14)	Statutory Payments	Contra Costa Fire	Payments per CRL 33607.5 and .7	1,359,000.00	33,500.00				31,825.00		1,675.00	$ 33,500.00
15)	Statutory Payments	Flood Control	Payments per CRL 33607.5 and .7	15,600.00	400.00				380.00		20.00	$ 400.00
16)	Statutory Payments	County Water Agency	Payments per CRL 33607.5 and .7	3,500.00	86.00				82.00		4.00	$ 86.00
17)	Statutory Payments	Resource Conservation	Payments per CRL 33607.5 and .7	1,700.00	40.00				38.00		2.00	$ 40.00
18)	Statutory Payments	Mosquito Abatement Zone	Payments per CRL 33607.5 and .7	13,900.00	300.00				285.00		15.00	$ 300.00
19)	Statutory Payments	Delta Diablo Zone 3	Payments per CRL 33607.5 and .7	237,900.00	5,900.00				5,605.00		295.00	$ 5,900.00
20)	Statutory Payments	Contra Costa Water	Payments per CRL 33607.5 and .7	41,700.00	1,000.00				950.00		50.00	$ 1,000.00
21)	Statutory Payments	BART	Payments per CRL 33607.5 and .7	56,000.00	1,400.00				1,330.00		70.00	$ 1,400.00
22)	Statutory Payments	Bay Area Air Management	Payments per CRL 33607.5 and .7	16,500.00	400.00				380.00		20.00	$ 400.00
23)	Statutory Payments	East Bay Regional Park	Payments per CRL 33607.5 and .7	264,900.00	6,500.00				6,175.00		325.00	$ 6,500.00
24)	Statutory Payments	Antioch Park Maintenance	Payments per CRL 33607.5 and .7	1,700.00	40.00				38.00		2.00	$ 40.00
25)	Statutory Payments	Office of Education	Payments per CRL 33607.5 and .7	159,800.00	3,900.00				3,705.00		195.00	$ 3,900.00
26)	Statutory Payments	K-12 Schools ERAF	Payments per CRL 33607.5 and .7	1,112,000.00	27,400.00				26,030.00		1,370.00	$ 27,400.00
27)	Statutory Payments	Antioch Unified	Payments per CRL 33607.5 and .7	2,300,000.00	57,000.00				54,150.00		2,850.00	$ 57,000.00
28)	Statutory Payments	Community College	Payments per CRL 33607.5 and .7	405,500.00	10,000.00				9,500.00		500.00	$ 10,000.00
29)	Statutory Payments	Community College ERAF	Payments per CRL 33607.5 and .7	166,000.00	4,000.00				3,800.00		200.00	$ 4,000.00
30)												$ -
31)												
	Totals - Other Obligations			**$ 32,448,718.00**	**$ 881,795.00**	**$ -**	**$ -**	**$ -**	**$ 837,707.00**		**$ 44,088.00**	**$ 881,795.00**