

## OVERSIGHT BOARD RESOLUTION NO. 2017-07

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO APPROVING AN AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 17-18B FISCAL PERIOD OF JANUARY 1, 2018 TO JUNE 30, 2018, SUBJECT TO SUBMITTAL TO, AND REVIEW BY, THE STATE DEPARTMENT OF FINANCE UNDER DISSOLUTION LAW, CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF**

**WHEREAS**, the Community Development Agency of the City of Mission Viejo (“former Agency”) previously was a public body, corporate and politic formed, organized, existing and exercising its powers under the California Community Redevelopment Law, Health and Safety Code, Section 33000, *et seq.*, and was formed by the City Council (“City Council”) of the City of Mission Viejo (“City”); and

**WHEREAS**, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and wind down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 and by other subsequent legislation (“Dissolution Law”); and

**WHEREAS**, as of February 1, 2012, the former Agency was dissolved under the Dissolution Law, and as a separate public entity, corporate and politic, the Successor Agency to the Community Development Agency of the City of Mission Viejo (“Successor Agency”) administers the enforceable obligations of the former Agency and otherwise unwinds the former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

**WHEREAS**, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Law; and

**WHEREAS**, Sections 34177(m), 34177(o) and 34179 provide that each Recognized Obligation Payment Schedule (“ROPS”) is submitted to, reviewed and approved by the Successor Agency and then reviewed and approved by the Oversight Board before final review and approval by the State of California, Department of Finance (“DOF”); and

**WHEREAS**, Section 34177(o)(1)(E) authorizes that “[o]nce per [ROPS] period, and no later than October 1, a successor agency may submit one amendment to the [ROPS] approved by the department pursuant to this subdivision, if the oversight board makes a finding that a revision is necessary for the payment of approved enforceable obligations during the second one-half of the [ROPS] period, which shall be defined as January 1 to June 30, inclusive. A successor agency may only amend the amount requested for payment of approved enforceable obligations. The revised [ROPS] shall be approved by the oversight board and submitted to the department by electronic means in a manner of the department’s

choosing. The department shall notify the successor agency and the county auditor-controller as to the outcome of the department's review at least 15 days before the date of the property tax distribution.", and;

**WHEREAS**, the DOF reviewed and approved with adjustments made by DOF, the Successor Agency's ROPS 17-18 in a decision letter dated May 17, 2017; and

**WHEREAS**, the DOF approved line item 32, City Loans, in the amount of \$558,051, on the ROPS 17-18 as an enforceable obligation; and

**WHEREAS**, the amount listed by the Successor Agency on line item 32 is equal to the principal balance of the original loan at date of dissolution of \$492,000, plus accumulated interest, calculated under Section 34191.4(b)(3) of Dissolution Law, through June 30, 2016; and

**WHEREAS**, the Successor Agency is entitled to interest on the outstanding balance of the loan listed on line item 32 from July 1, 2016 through June 30, 2017 in the amount of \$14,965; and

**WHEREAS**, the Successor Agency prepared an amendment to the approved ROPS 17-18 with modifications to the "B" fiscal period of January 1, 2018 to June 30, 2018 for item 32, which amended ROPS 17-18B is attached as Exhibit A, and the Successor Agency considered and approved by resolution ROPS 17-18B, as amended at a regular meeting of the Successor Agency held on September 26, 2017; and

**WHEREAS**, the Oversight Board has reviewed the amendment to ROPS 17-18B as presented by the Successor Agency and desires to approve ROPS 17-18B, as amended, and to authorize the Successor Agency to cause posting of ROPS 17-18B, as amended, on the City's website: (<http://www.cityofmissionviejo.org>), and to direct transmittal of such ROPS 17-18B, as amended, to the DOF, with copies to the County Administrative Officer, the County Auditor-Controller, and the State Controller's Office.

**NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

**SECTION 2.** The Oversight Board hereby finds that the revisions set forth in ROPS 17-18B, as amended, for monies from the Redevelopment Property Tax Trust Fund ("RPTTF") during the fiscal period of January 1 to June 30, 2018 are necessary for the payment of DOF-approved enforceable obligations during the ROPS 17-18B period, in particular corrections and funding for DOF-approved enforceable obligation, item 32. Item 32 is an adjustment with the corrected calculation of interest due for such item 32; which findings are made in furtherance of receiving the correct amount from the RPTTF for these DOF-approved enforceable obligations, which findings are intended to comply with Section 34177(o)(1)(E).

**SECTION 3.** Under the Dissolution Law, the Oversight Board approves the ROPS 17-18B, as amended, which is included as Attachment 1 and incorporated by this reference; provided however, that the ROPS 17-18B, as amended, is approved subject to the condition that such ROPS, as amended, is to be submitted to and reviewed by the DOF. Further, the City Manager/Executive Director and the Administrative Services Director and their authorized designees, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

**SECTION 4.** The Oversight Board authorizes transmittal of the ROPS 17-18B, as amended, to the DOF with copies to the County Administrative Officer, the County Auditor-Controller, and the State Controller's Office.

**SECTION 5.** The Administrative Services Director or her authorized designee is directed to post this Resolution, including the ROPS 17-18B, as amended, on the City's website ([www.cityofmissionviejo.org](http://www.cityofmissionviejo.org)) under the Dissolution Law.

**SECTION 6.** Under Section 34179(h) written notice and information about certain actions taken by the Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF's choosing. An Oversight Board's action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review; provided however, that pursuant to Section 34177(m) as to each ROPS submitted the DOF shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations thereon no later than 45 days after submittal.

**SECTION 7.** The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

THE FOREGOING RESOLUTION IS APPROVED AND ADOPTED BY THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2017 BY THE FOLLOWING ROLL CALL VOTE:

  
Sherri Butterfield, Chair  
Oversight Board of the Successor Agency to the  
Community Development Agency of the City of  
Mission Viejo

APPROVED AS TO FORM:  
HARPER & BURNS LLP

  
John R. Harper, Esq.  
Oversight Board Counsel

ATTEST:



Sherry Merrifield, Secretary  
Oversight Board of the Successor Agency  
to the Community Development Agency of the City of Mission Viejo

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss.  
CITY OF MISSION VIEJO         )

I, Sherry Merrifield, Secretary of the Oversight Board of the Successor Agency to the Community Development Agency of the City of Mission Viejo, hereby certify that the foregoing resolution was duly adopted by the Oversight Board at a regular meeting held on the 28<sup>th</sup> day of September 2017, and that it was so adopted by the following vote:

AYES:           Chairperson Sherri Butterfield, Vice-Chairperson Robert Breton, Board Member Cheryl Dyas, Board Member Clark Hampton, Board Member Trish Kelley, Board Member Kim McCord and Board Member Brian Probolsky

NOES:           None

ABSENT:        None

ABSTAIN:       None



Sherry Merrifield, Secretary  
Oversight Board of the Successor Agency to the  
Community Development Agency of the City of  
Mission Viejo

**RESOLUTION 2017-07**

**ATTACHMENT NO. 1  
ROPS 17-18B, AS AMENDED**

(attached)

**Amended Recognized Obligation Payment Schedule (ROPS 17-18B) - Summary**

Filed for the January 1, 2018 through June 30, 2018 Period

Successor Agency: Mission Viejo  
 County: Orange

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 17-18B Authorized Amounts	ROPS 17-18B Requested Adjustments	ROPS 17-18B Amended Total
<b>A Enforceable Obligations Funded as Follows (B+C+D):</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
<b>E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):</b>	<b>\$ 898,250</b>	<b>\$ 14,965</b>	<b>\$ 913,215</b>
F RPTTF	811,500	14,965	826,465
G Administrative RPTTF	86,750	-	86,750
<b>H Current Period Enforceable Obligations (A+E):</b>	<b>\$ 898,250</b>	<b>\$ 14,965</b>	<b>\$ 913,215</b>

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.

Sherri Butterfield, Chairperson

Name	Title
/s/ <i>Sherri M. Butterfield</i>	<i>Sept. 29, 2017</i>
Signature	Date

Mission Viejo Amended Recognized Obligation Payment Schedule (ROPS 17-18B) - ROPS Detail

January 1, 2018 through June 30, 2018

(Report Amounts in Whole Dollars)

Item #	Project Name/Debt Obligation	Obligation Type	Total Outstanding Balance	AUTHORIZED AMOUNTS					Total	REQUESTED ADJUSTMENTS					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
1	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before	\$ 22,947,103	\$ -	\$ -	\$ -	\$ 811,500	\$ 86,750	\$ 898,250	\$ -	\$ -	\$ -	\$ 14,965	\$ -	\$ 14,965	
2	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	OPA/DDA/Construction	\$ 19,600,000	-	-	-	800,000	-	\$ 800,000	-	-	-	-	-	\$ -	
3	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Fees	\$ 50,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
4	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Fees	\$ 195,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
7	Camino Capistrano Bridge Improvements	OPA/DDA/Construction	\$ 50,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
8	Camino Capistrano Bridge Improvements	OPA/DDA/Construction	\$ 50,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
24	Owner Participation Agreement - Kaleidoscope	OPA/DDA/Construction	\$ 25,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
27	Administration	Admin Costs	\$ 250,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
29	SERAF Loan Repayment	SERAF/ERAF	\$ -	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
32	City Loans	City/County Loans On or Before 6/27/11	\$ 558,051	-	-	-	-	-	\$ -	-	-	14,965	-	-	\$ 14,965	
33	Camino Capistrano Bridge Improvements	Improvement/Infrastructure	\$ 939,052	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
37	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before 12/31/10	\$ 25,000	-	-	-	2,500	-	\$ 2,500	-	-	-	-	-	\$ -	
45	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Fees	\$ 25,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
51	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Project Management Costs	\$ -	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
53	SERAF/ERAF Loan Repayment	Legal	\$ -	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
56	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	RPTTF Shortfall	\$ -	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
57	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	OPA/DDA/Construction	\$ 80,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
58	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before 12/31/10	\$ 100,000	-	-	-	9,000	-	\$ 9,000	-	-	-	-	-	\$ -	
60	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before 12/31/10	\$ 100,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
61	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before 12/31/10	\$ 100,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
62	1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project)	Bonds Issued On or Before 12/31/10	\$ 100,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
63	Mission Viejo Housing Authority	Housing Entity Admin Cost	\$ 150,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
64	Mission Viejo Housing Authority	Housing Entity Admin Cost	\$ 150,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
65	Mission Viejo Housing Authority	Housing Entity Admin Cost	\$ 150,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	
66	Mission Viejo Housing Authority	Housing Entity Admin Cost	\$ 150,000	-	-	-	-	-	\$ -	-	-	-	-	-	\$ -	