

RESOLUTION NO. 12-04

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S PROPOSED ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j), AUTHORIZING THE SUCCESSOR AGENCY TO ENTER INTO AN AGREEMENT WITH THE CITY OF MONTCLAIR FOR ADMINISTRATIVE SUPPORT PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171, AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the City of Montclair Redevelopment agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Montclair ("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 laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution considered and approved by the City Council at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 of the Dissolution Act provides that the Successor Agency shall have an Oversight Board composed of seven members; 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 Act; and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget covering the period from February 1, 2012 through June 30, 2012 and submit to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the upcoming six-month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for arrangements for administrative and operations services provided by the city serving as Successor Agency; and

WHEREAS, the Successor Agency's proposed Administrative Budget has been submitted to the Oversight Board for its review and approval; and

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of San Bernardino Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency's estimated administrative costs in the

approved Administrative Budget will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the upcoming six-month period; and

WHEREAS, pursuant to Section 34180(h) the Successor Agency may request authorization from the Oversight Board for the Successor Agency and the City of Montclair to prepare an agreement to ensure provision of the necessary services from the City to support the Successor Agency's responsibilities in winding down the activities of the former community redevelopment agency including the estimated costs set forth in the Administrative Budget; and

WHEREAS, the Successor Agency desires to enter into a Cost Reimbursement Agreement, which would authorize the reimbursement of costs incurred by the City to support Successor Agency operations and obligations; and

WHEREAS, the Oversight Board desires to approve the Successor Agency's proposed Administrative Budget and to authorize the Successor Agency to prepare a Cost Reimbursement Agreement for consideration; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for three (3) business days pending any request for review by the DOF; and if the DOF requests review hereof, DOF will have ten days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

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

Section 2. Pursuant to the Dissolution Act, the Oversight Board approves the Successor Agency's proposed Administrative Budget, attached hereto as Attachment No. 1 and incorporated by this reference.

Section 3. The Oversight Board authorizes the Successor Agency to prepare a Cost Reimbursement Agreement between the Successor Agency and City for consideration.

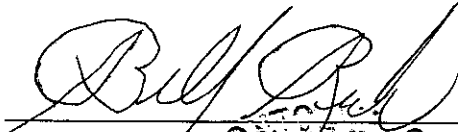
Section 4. The Oversight Board authorizes the Successor Agency to transmit the Administrative Budget when/if approved to the County Auditor-Controller, the State Department of Finance ("DOF"), and the State Controller's Office.


Section 5. This Resolution shall become effective after transmittal of this Resolution with the ROPS attached to the DOF and the expiration of three (3) business days pending a request for the review of the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof, it will have ten days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by the DOF.

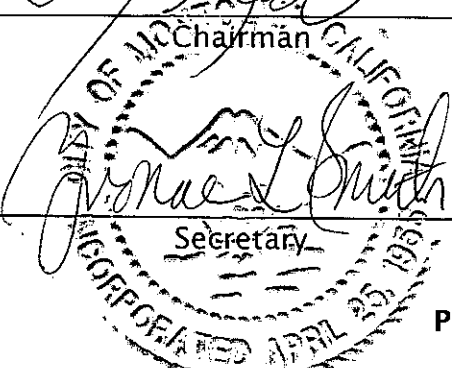
Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 25th day of April, 2012.

ATTEST:

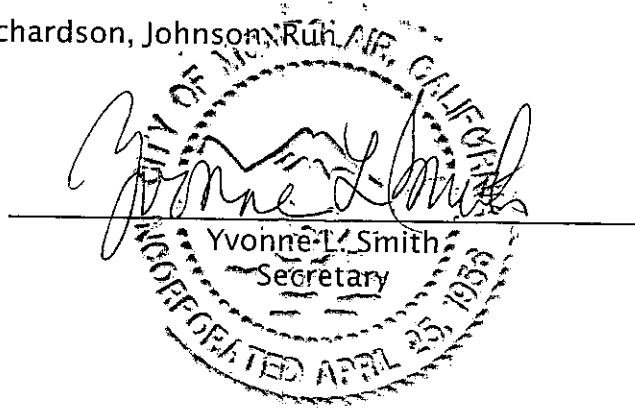


Chairman


Secretary


I, Yvonne L. Smith, Secretary of the Oversight Board of the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 12-04 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the 25th day of April 2012, and that it was adopted by the following vote, to-wit:

AYES: Catlin, Erickson, Kulbeck, Richardson, Johnson, Ruhl, AIR, GILFILLAN
NOES: None
ABSTAIN: None
ABSENT: Stallings



**Successor Agency for the Redevelopment Agency of the City of Montclair
Administrative Budget
February 1 to June 30, 2012**

Approved by Oversight Board on April 25, 2012

Estimated Funding:

Fund: Estimated Administrative Allowance (3%) of Redevelopment Trust Fund Amount Allocated to City	\$ 382,130.91
Plus: Available Project Resources on hand	\$ 85,166.92
Total	<u>\$ 467,297.83</u>

Staff Costs	% of Staff Time	
City Manager	30%	\$ 38,254.17
RDA/Public Works Director	75%	\$ 51,538.44
Economic Development Coordinator	100%	\$ 39,674.17
Senior Accountant	45%	\$ 19,118.75
Junior Accountant	40%	\$ 13,947.00
Accounting Specialist	20%	\$ 5,812.05
Accounting Specialist	12.5%	\$ 3,537.10
Administrative Specialist	30%	\$ 8,752.90
Office Specialist	2.5%	\$ 615.00
Office Specialist Part-time	12.5%	\$ 1,418.40
Deputy City Clerk	12.5%	\$ 4,231.55
IT Supervisor	5%	\$ 4,654.20
Senior IT Specialist	5%	\$ 4,120.65
IT Specialist	10%	\$ 3,902.50
IT Technician	9%	\$ 2,834.65
Sub-Total		<u>\$ 202,411.53</u>

Administrative Costs	
Utilities (Electric, Water, Gas, Telephone)	\$ 16,666.65
Indirect Staff Charges (Other Staff Services & Building Maintenance Costs)	\$ 89,785.00
Vocation Education	\$ 1,000.00
Retiree Pension Costs	\$ 14,367.10
Mileage/Auto Allowance	\$ 11,175.00
Office Supplies/Postage	\$ 375.05
Sub-Total	<u>\$ 133,368.80</u>

Insurance Costs	
Public Employee Bond	\$ 72.50
General Liability	\$ 3,025.00
Fire Insurance	\$ 3,855.00
Earthquake	\$ 730.00
Sub-Total	<u>\$ 7,682.50</u>

Legal and Consultant Costs	
Robbins & Holdaway	\$ 8,335.00
Stradling, Yocca, Carlson, & Rauth	\$ 50,000.00
Donald L. Parker	\$ 40,000.00
Teaman, Ramirez, Smith	\$ 15,500.00
HdL, Coren & Cone	\$ 10,000.00
Sub-Total	<u>\$ 123,835.00</u>

TOTAL	<u>\$ 467,297.83</u>
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