

RESOLUTION NO. 12- 01

RESOLUTION OF THE CITY OF CUPERTINO REDEVELOPMENT
AGENCY APPROVING AND ADOPTING AN AMENDED
ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO
PART 1.8 OF THE REDEVELOPMENT LAW

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Cupertino (the "City") adopted in accordance with the Redevelopment Law, Ordinance No. 1850, on August 21, 2000, adopting the Redevelopment Plan for the Cupertino Valco Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

WHEREAS, the City of Cupertino Redevelopment Agency (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, Section 34169 of the California Redevelopment Law provides that the Agency may adopt an Enforceable Obligation Schedule listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law and to designate an official of the Agency whose responsibility shall be to provide information and documentation for items listed in the Enforceable Obligation Payment Schedule; and

WHEREAS, the Agency Board passed and adopted Resolution 11-04 on August 16, 2011 approving and adopting an Enforceable Obligation Payment Schedule; and

WHEREAS, as further set forth in the staff report (Exhibit 1) accompanying this Resolution (the "Staff Report"), the Agency has prepared an amended schedule (Exhibit 2) setting forth all of the obligations which the Agency has determined are enforceable obligations under Section 34167(d) of the Redevelopment Law (the "Amended Enforceable Obligation Payment Schedule"); and

WHEREAS under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of this Amended Enforceable Obligation Payment Schedule is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program, because it merely lists enforceable obligations previously entered into and approved by the Agency; and

WHEREAS, the Agency Board has reviewed and duly considered the Staff Report, the proposed Amended Enforceable Obligation Payment Schedule, and documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, that the Agency Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Resolution is exempt from the requirements of

the California Environmental Quality Act (CEQA) in that it is not a project. The Agency Board therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Santa Clara in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED, that the Agency Board hereby approves and adopts the Amended Enforceable Obligation Payment Schedule.

BE IT FURTHER RESOLVED, that the Agency Board authorizes and directs the Agency's Executive Director or the Executive Director's designee to: (1) post the Amended Enforceable Obligation Payment Schedule on the Agency and the City's websites, (2) designate an Agency representative to whom all questions related to the Amended Enforceable Obligation Payment Schedule can be directed, (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the State Controller of the Agency's action to adopt the Amended Enforceable Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Agency's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Amended Enforceable Obligation Payment Schedule on behalf of the Agency.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

PASSED AND ADOPTED at a regular meeting of the City of Cupertino Redevelopment Agency on this 10th day of January, 2012 by the following vote:

Vote: Members of the Redevelopment Agency

AYES: Santoro, Chang, Sinks, Wong

NOES: None

ABSENT: Mahoney

ABSTAIN: None

ATTEST:

APPROVED:



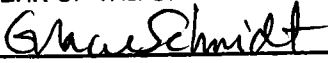
Grace Schmidt, Agency Secretary



Mark Santoro, Agency Chairperson

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST JANUARY 17, 2012
CITY CLERK OF THE CITY OF CUPERTINO

BY 

CITY CLERK



COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 www.cupertino.org

REDEVELOPMENT AGENCY STAFF REPORT
Meeting: January 10, 2012

Subject

Approval of Amended Redevelopment Agency Enforceable Obligations Payment Schedule.

Recommended Action

Adopt Amended Redevelopment Agency Enforceable Obligations Payment Schedule as per Resolution No. 12-
_____.

Discussion

The Agency Board adopted, on August 16, 2011, an Enforceable Obligations Payment Schedule (EOPS) that is required from redevelopment agencies that are dissolving with outstanding agreements. An enforceable obligation schedule allows existing contracts and obligations to be paid out of taxes formerly going to the Agency. Upon an analysis of the dissolution law that revealed the availability of additional funds for administration, the Agency desires to amend its EOPS in order to add administrative obligations such as employee, legal, advisory, and audit services.

The resulting Amended EOPS includes the Agency agreements with the Vallico Shopping Mall and the Santa Clara County Housing Trust approved by the Agency Board in February 2011. Those agreements cover the purchase and installation of trash capture devices and street improvements near the Vallico Parkway parking structure through 2014 and grants up to \$250,000 per year for the next fifteen years to the Housing Trust for affordable housing purposes. The associated employee, legal, advisory, and audit services to administer these obligations for the next fifteen years are now added to the schedule. The required payments to the County, schools and special districts over the remaining life of the Agency that were on the original schedule continue to be shown on the amended schedule. While the original schedule showed payments for the six months previous to this meeting, this amended schedule is updated to reflect payments for the upcoming six months.

After adoption, the schedule will be posted on the City's website.

Fiscal Impact

Current year obligations are budgeted. Future obligations will be budgeted based on available funds from the former Redevelopment Agency.

Prepared by: David Woo, Finance Director

Reviewed by: Carol Atwood, Director of Administrative Services

Approved for Submission by: David W. Knapp, City Manager

Attachments: Draft Resolution

Amended Enforceable Obligations Payment Schedule

Name of Redevelopment Agency: Cupertino Redevelopment Agency
 Project Area(s): All

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (AMENDED JANUARY, 2012)*

| Project Name / Debt Obligation | Payee | Description | Funding Source | Total Outstanding Debt or Obligation | Total Due During Fiscal Year | Payments by Month | | | | | | Total | |
|---|--|--|--|--------------------------------------|------------------------------|-------------------|--------------|---------------|---------------|--------------|--------------|-------|---------------|
| | | | | | | Jan | Feb | Mar | Apr | May | June | | |
| 1) Agreement Public Infrastructure | Valico Shopping Mall LLC | Reimburse developer for public infrastructure improvements and installation of trash capture devices | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 635,000.00 | 0.00 | | | | | | | | \$ - |
| 2) Agreement Affordable Housing | Housing Trust of Santa Clara County | Grant for affordable housing projects and programs in City affordable housing plan | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 3,750,000.00 | 250,000.00 | 41,500.00 | 41,500.00 | 41,500.00 | 41,500.00 | 41,500.00 | 42,500.00 | | \$ 250,000.00 |
| 3) Demonstration Project Agreement for Local Agency Participation in Grant-Funded Bay Area Trash Capture | Association of Bay Area Governments | Purchase of trash capture devices | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 10,344.89 | 10,344.89 | | | | | 10,344.89 | | | \$ 10,344.89 |
| 4) Employee Costs | City of Cupertino, as Successor Agency | Staff salaries and benefits to administer remaining obligations for fifteen years | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 4,035,665.00 | 215,965.00 | 36,164.00 | 36,164.00 | 36,164.00 | 36,164.00 | 36,164.00 | 36,165.00 | | \$ 216,995.00 |
| 5) Legal and Advisory Services | Goldfarb & Lipman LLP and other outside counsel and advisors | Legal and advisory services related to remaining obligations for fifteen years | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 165,000.00 | 25,000.00 | 10,000.00 | 5,000.00 | 4,000.00 | 2,000.00 | 2,000.00 | 2,000.00 | | \$ 25,000.00 |
| 6) Audit Services | Macias Gini & O'Connell LLP or successors | Audit of Redevelopment Agency 2010-11 and 2011-12 financials, done in the subsequent year | Redevelopment Property Tax Fund (formerly Tax Increment) and Fund Reserves | 16,310.00 | 8,015.00 | 8,015.00 | | | | | | | \$ 8,015.00 |
| Totals - This Page | | | | \$ 8,612,339.89 | \$ 510,344.89 | \$ 95,679.00 | \$ 82,664.00 | \$ 81,664.00 | \$ 79,664.00 | \$ 90,008.89 | \$ 80,665.00 | | \$ 510,344.89 |
| Totals - Page 2 | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | \$ - |
| Totals - Page 3 | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | \$ - |
| Totals - Page 4 | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | \$ - |
| Totals - Other Obligations | | | | \$ 33,076,234.89 | \$ 137,066.77 | \$ 2,700.22 | \$ - | \$ 19,600.55 | \$ 31,966.70 | \$ - | \$ 16,996.29 | | \$ 71,263.76 |
| Totals - All Pages | | | | \$ 41,688,574.78 | \$ 647,411.66 | \$ 98,379.22 | \$ 82,664.00 | \$ 101,264.55 | \$ 111,630.70 | \$ 90,008.89 | \$ 97,661.29 | | \$ 581,608.65 |

*Amendments shown in italics

OTHER OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169
(AMENDED JANUARY, 2012)*

| Project Name / Debt Obligation | Payee | Description | Funding Source | Total Outstanding Debt or Obligation | Total Due During Fiscal Year*** | Payments by month | | | | | | Total |
|-----------------------------------|--|------------------------------------|---|---|---------------------------------------|-------------------|------|--------------|--------------|------|--------------|--------------|
| | | | | | | Jan | Feb | Mar | Apr | May | June | |
| 1) Statutory Payments | Santa Clara County | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 7,921,967.70 | 32,828.96 | 646.72 | | 4,694.46 | 7,656.22 | | 4,070.72 | \$ 17,068.12 |
| 2) Statutory Payments | Santa Clara County Library | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 1,423,671.68 | 5,999.65 | 116.22 | | 843.65 | 1,375.91 | | 731.56 | \$ 3,067.34 |
| 3) Statutory Payments | City of Cupertino | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 739,586.20 | 3,064.82 | 60.38 | | 438.27 | 714.77 | | 380.04 | \$ 1,593.46 |
| 4) Statutory Payments | Cupertino Union Elementary | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 8,170,991.45 | 33,860.31 | 667.05 | | 4,842.02 | 7,996.91 | | 4,198.68 | \$ 17,604.66 |
| 5) Statutory Payments | Fremont Union High School | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 5,518,111.80 | 22,866.86 | 450.48 | | 3,269.96 | 5,333.01 | | 2,835.49 | \$ 11,888.94 |
| 6) Statutory Payments | Foothill-DeAnza Community College | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 2,106,479.47 | 8,729.18 | 171.96 | | 1,248.27 | 2,035.83 | | 1,082.42 | \$ 4,538.48 |
| 7) Statutory Payments | County School Service District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 1,027,796.38 | 4,259.15 | 83.91 | | 609.06 | 993.32 | | 528.13 | \$ 2,214.42 |
| 8) Statutory Payments | Central Fire Protection District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 4,991,621.76 | 20,685.11 | 407.50 | | 2,957.97 | 4,824.18 | | 2,564.95 | \$ 10,754.60 |
| 9) Statutory Payments | Midpeninsula Regional Open Space District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 514,987.14 | 2,134.09 | 42.04 | | 305.17 | 497.71 | | 264.63 | \$ 1,109.55 |
| 10) Statutory Payments | Santa Clara Valley Water District North Central Zone | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 319,800.18 | 1,325.24 | 26.11 | | 189.51 | 309.07 | | 164.33 | \$ 689.02 |
| 11) Statutory Payments | Santa Clara Valley Water District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 59,044.79 | 244.68 | 4.82 | | 34.99 | 57.06 | | 30.34 | \$ 127.21 |
| 12) Statutory Payments | Bay Area Air Quality Management District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 61,184.09 | 253.54 | 4.99 | | 36.26 | 59.13 | | 31.44 | \$ 131.82 |
| 13) Statutory Payments | Santa Clara County Importation Water-Misc District | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 175,703.88 | 728.11 | 14.34 | | 104.12 | 169.81 | | 90.29 | \$ 378.56 |
| 14) Statutory Payments | Santa Clara Valley Water District West Zone 4 | Payments per CRL 33607.5 and .7 | Redevelopment Property Tax Fund (formerly Tax Increment) | 45,288.37 | 187.67 | 3.70 | | 26.84 | 43.77 | | 23.27 | \$ 97.58 |
| Totals - Other Obligations | | | | | | \$ 2,700.22 | \$ - | \$ 19,800.55 | \$ 31,966.70 | \$ - | \$ 16,996.29 | \$ 71,263.76 |

*** All payment amounts are estimates
* Amendments shown in italics