

Orange Countywide Oversight Board

Agenda Item No. 8a

Date: 9/21/2021

From: Successor Agency to the Anaheim Redevelopment Agency

Subject: Resolution of the Countywide Oversight Board Approving Amendment to the Recognized Obligation Payment Schedule (ROPS)

Recommended Action:

Approve resolution approving amendment to FY 2021-22B ROPS for the Anaheim Successor Agency

The Anaheim Successor Agency requests approval of the Amended Recognized Obligation Payment Schedule (ROPS) 21-22B for the second half of Fiscal Year 2021-22. The amendment would request additional RPTTF funds (Line 151) to repair non-routine maintenance issues. The major non-routine items include: modifications to the landfill gas system and trench collector, modifications to the groundwater wells and perimeter gas probe monitoring network, relocation of electric switch pad, additional costs associated with Rains pit header repair, and the relocation of XMFR for the remediation of the Westgate Property landfill (LRPMP Property #16).

As identified in the Successor Agency's previous ROPS submittal, an inspection of the landfill gas collection system header shows that differential settlement has caused multiple low spots in the blow-grade header. These low spots have restricted vacuum to a number of the extraction wells and jeopardize the effectiveness of the entire system. In order to meet the requirements of SCAQMD Rule 1150.1 and State AB 32, these low spots must be repaired. The Agency has sufficient contract authority available to complete these repairs.

In addition, the amendment requests \$3,200 for external property management costs (Line 75) pertaining to Line 71, Shoe City lease. These costs include new fencing, property clean up, etc.

Impact on Taxing Entities

The proposed ROPS Amendment will reduce residual RPTTF to the taxing entities from the January 2, 2022 distribution by \$1,844,200.

Staff Contact(s)

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Attachments

1. Resolution
2. Amended ROPS FY 20-21B

RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD
RESOLUTION NO. _____

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD APPROVING
AN *AMENDED RECOGNIZED OBLIGATION PAYMENT* FOR THE FY2021-22 FISCAL
PERIOD OF JULY 1, 2021 TO JUNE 30, 2022, FOR THE SUCCESSOR AGENCY TO THE
ANAHEIM REDEVELOPMENT AGENCY, SUBJECT TO SUBMITTAL TO, AND REVIEW
BY, THE STATE DEPARTMENT OF FINANCE [DOF] UNDER CALIFORNIA HEALTH
AND SAFETY CODE, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING
AND TRANSMITTAL THEREOF

WHEREAS, the former Anaheim Redevelopment Agency (“Former Agency”) previously was a community redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Anaheim (“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 Agency was dissolved pursuant to the Dissolution Law, and as a separate public entity, corporate and policy the Successor Agency to the Anaheim Redevelopment Agency (“Successor Agency”) administers the enforcement obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs; and

WHEREAS, prior to July 1, 2018 under the Dissolution Law, in particular Sections 34179 and 34180, all actions of the Successor Agency were subject to the review and approval by a local seven-member oversight board, which oversaw and administered the Successor Agency’s activities during the period from dissolution until June 30, 2018; and

WHEREAS, as of, on and after July 1, 2018, under the Dissolution Law, in particular Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Orange; and

WHEREAS, as of, on and after July 1, 2018, the Orange Countywide Oversight Board (“Oversight Board”) was established through the Orange County Auditor-Controller in compliance with Section 34179(j), which serves as the oversight board to the 25 successor

agencies existing and operating in Orange County, including Successor Agency and all other successor agencies in Orange County; and

WHEREAS, every oversight board, both the prior local oversight board and this newly established Orange Countywide Oversight Board, have fiduciary responsibilities to the holders of enforceable obligations and to the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of the Dissolution Law; and

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

WHEREAS, Section 34177(o)(1)(E) of the Dissolution Law authorizes that “[o]nce per 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 Successor Agency has submitted to the Orange Countywide Oversight Board an amendment to ROPS FY 2021-2022 reflecting additional payments for non-routine maintenance, remediation and related project costs, to enable the Successor Agency to pay costs necessary to address current remediation needs at 208-224 N Beach Blvd and other projects; and

WHEREAS, the objective of this Orange Countywide Oversight Board resolution is to authorize, make findings, and approve the Successor Agency’s amendment of ROPS FY21-22 to correct and increase line item 151 and 75 as reflected on the amendment to the Successor Agency’s ROPS FY 2021-2022 attached as Attachment No. 1 to this resolution and fully incorporated herein by this reference; and

WHEREAS, the Orange Countywide Oversight Board has reviewed and considered the Successor Agency’s amendment of ROPS FY21-22, and desires to make certain findings, including: (i) amendment is necessary to pay a DOF-approved enforceable obligation on ROPS FY 2021-2022 during the “B” fiscal period, (ii) ROPS FY 2021-22, as amended, is approved, (iii) the Successor Agency or City staff are authorized to post ROPS FY 2021-22, as amended,

on the City's website, and (iv) staff is directed to transmit ROPS FY 2021-22, as amended, to the DOF, pursuant to the Dissolution Law;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

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

SECTION 2. The Orange Countywide Oversight Board hereby finds the revision set forth in amended ROPS FY 2021-2022 for funds to be distributed from the Redevelopment Property Tax Trust Fund (RPTTF) for the fiscal period January 1, 2022 to June 30, 2022 is necessary to pay DOF-approved enforceable obligations for such ROPS FY 2021 -2022B period; in particular, the amendment is to correct and increase the RPTTF authorized for disbursement to the Successor Agency and payment by the Successor Agency for line items 151 and 75.

SECTION 3. Under the Dissolution Law, the Orange Countywide Oversight Board approves the ROPS FY 2021-22, as amended, (Attachment No. 1); provided however, that the ROPS FY 2021-2022, 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 Executive Director of the Successor Agency and his authorized designees, in consultation with legal counsel, shall be authorized to discuss this matter with the DOF and make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

SECTION 4. The Orange Countywide Oversight Board authorizes transmittal of ROPS FY 2021-2022, as amended, to the DOF.

SECTION 5. The Executive Director of the Successor Agency and his authorized designees directed to post this Resolution, including the ROPS FY 2021-2022, as amended, on the City's website.

SECTION 6. The approval of the amendment to the ROPS through this Resolution does not commit the Orange Countywide Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 7. Under Section 34179(h) written notice and information about certain actions taken by the Orange Countywide Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF's choosing. The Orange Countywide 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.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

Amended Recognized Obligation Payment Schedule (ROPS 21-22B) - Summary
Filed for the January 1, 2022 through June 30, 2022 Period

Successor Agency: Anaheim

County: Orange

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 21-22B Authorized Amounts	ROPS 21-22B Requested Adjustments	ROPS 21-22B Amended Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 149,787	\$ -	\$ 149,787
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	149,787	-	149,787
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 11,400,258	\$ 1,844,200	\$ 13,244,458
F RPTTF	11,203,886	1,844,200	13,048,086
G Administrative RPTTF	196,372	-	196,372
H Current Period Enforceable Obligations (A+E)	\$ 11,550,045	\$ 1,844,200	\$ 13,394,245

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.

 Name Title

/s/ _____
 Signature Date

Anaheim
Amended Recognized Obligation Payment Schedule (ROPS 21-22B) - ROPS Detail
January 1, 2022 through June 30, 2022

Item #	Project Name	Obligation Type	Total Outstanding Obligation	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		
			\$240,390,422	\$-	\$-	\$149,787	\$11,203,886	\$196,372	\$11,550,045	\$-	\$-	\$-	\$1,844,200	\$-	\$1,844,200	
50	Tax Allocation Refunding Bonds	Bonds Issued On or Before 12/31/10	\$50,330,933	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
54	Fiscal agent/arbitrage svcs	Fees	\$520,000	-	-	-	14,000	-	\$14,000	-	-	-	-	-	\$-	
56	HUD 108 Loan-Capital Projects	CDBG/HUD Repayment to City/County	\$4,420,572	-	-	-	68,846	-	\$68,846	-	-	-	-	-	\$-	
58	HUD 108 Loan-Westgate	CDBG/HUD Repayment to City/County	\$2,832,463	-	-	-	50,224	-	\$50,224	-	-	-	-	-	\$-	
63	External Project Costs	Professional Services	\$479,932	-	-	-	20,000	-	\$20,000	-	-	-	-	-	\$-	
66	River Valley Redev. Proj. Area	OPA/DDA/Construction	\$3,539,886	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
68	Anaheim Westgate Center Proj.	Miscellaneous	\$6,069,887	-	-	-	103,952	-	\$103,952	-	-	-	-	-	\$-	
70	8.9-acre SoCal Edison	Miscellaneous	\$15,071,611	-	-	-	285,288	-	\$285,288	-	-	-	-	-	\$-	
71	Shoe City lease	Miscellaneous	\$1,720,181	-	-	-	18,402	-	\$18,402	-	-	-	-	-	\$-	
75	External Project Costs	Professional Services	\$516,000	-	-	-	2,000	-	\$2,000	-	-	-	3,200	-	\$3,200	
103	External Project Costs	Professional Services	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
114	Avon Dakota Revitalization	Miscellaneous	\$3,268,348	-	-	-	1,634,174	-	\$1,634,174	-	-	-	-	-	\$-	
115	Avon Dakota Revitalization	Miscellaneous	\$600,000	-	-	-	300,000	-	\$300,000	-	-	-	-	-	\$-	
116	Project Management	Project Management Costs	\$65,000	-	-	-	32,500	-	\$32,500	-	-	-	-	-	\$-	
117	External Project Costs	Professional Services	\$150,000	-	-	-	75,000	-	\$75,000	-	-	-	-	-	\$-	
135	Administrative Cost Allowance	Admin Costs	\$443,795	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
137	Coop. Agr. - Reimb of Costs	Unfunded Liabilities	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
150	Plaza Redev. Project Area (Previous ROPS Line 65)	OPA/DDA/Construction	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	

Item #	Project Name	Obligation Type	Total Outstanding Obligation	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		
151	Westgate Remediation (Previous ROPS Line 100)	Remediation	\$20,652,236	-	-	-	995,000	-	\$995,000	-	-	-	1,841,000	-	\$1,841,000	
180	Cooperation /Loan Agreement - 34173(h) - Retroactive Payments (Previous ROPS Line 153)	City/County Loans After 6/27/11	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
185	Administrative Cost Allowance to Housing Successor Per AB 471 (Previous ROPS Line 156)	Housing Entity Admin Cost	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
186	Administrative Cost Allowance to Housing Successor Per AB 471 (Retroactive Disallowed Allowance) - Previous ROPS Line 156	Housing Entity Admin Cost	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
187	Domain Project Area Remediation	Remediation	\$299,575	-	-	149,787	-	-	\$149,787	-	-	-	-	-	\$-	
191	Insurance for Westgate LandFill (Related to Line 151)	Remediation	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
192	Overreported "Other Funds" From Cash Balance Form	Miscellaneous	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
193	2018 Refunding Bonds Series A	Bonds Issued On or Before 12/31/10	\$128,928,500	-	-	-	7,584,500	-	\$7,584,500	-	-	-	-	-	\$-	
195	Westgate Remediation - Water Control Board	Remediation	\$481,503	-	-	-	20,000	-	\$20,000	-	-	-	-	-	\$-	
197	Avon Dakota Revitalization - Retroactive for Line 115	Miscellaneous	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
198	Avon Dakota Revitalization - Retroactive for Line 117	Miscellaneous	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	