

RESOLUTION NO. CRA-107.2

A RESOLUTION OF THE SCOTTS VALLEY REDEVELOPMENT AGENCY APPROVING THE AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND CERTAIN RELATED ACTIONS

RECITALS:

A. The Scotts Valley Redevelopment Agency (the "Agency") is a redevelopment agency in the City of Scotts Valley (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

B. The City Council of the City (the "City Council") has adopted a redevelopment plan for a redevelopment project area, and from time to time, the City Council has amended such redevelopment plan.

C. AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code.

D. The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a partial stay of AB X1 26 and AB X1 27.

E. On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently.

F. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later. The Supreme Court did not revise the effective dates or deadline for performance of obligations in Part 1.8.

G. As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies are dissolved and successor agencies are designated as successor entities to the former redevelopment agencies. Pursuant to Health and Safety Code Section 34169, until successor agencies are authorized, redevelopment agencies must continue to make all scheduled payments for enforceable obligations as defined in Health and Safety Code Section 34167(a). Pursuant to Health and Safety Code Section 34167, redevelopment agencies shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness.

H. The Agency adopted Resolution No. 107 on August 17, 2011, adopting an Enforceable Obligation Payment Schedule (EOPS). This EOPS was first amended by Resolution 107.1 on January 18, 2012. The Agency desires to adopt this Resolution to amend the Amended EOPS approved on January 18, 2012, to include payments obligated to be made after December 31, 2011.

I. The amended EOPS is set forth on Exhibit A attached to this Resolution and incorporated herein by reference (the "Amended EOPS").

NOW, THEREFORE, THE SCOTTS VALLEY REDEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Agency hereby adopts the Amended EOPS. The Original EOPS, as amended, shall constitute the EOPS of the Agency.

Section 3. The Agency Secretary is hereby authorized and directed to post this Resolution, including the Exhibits, on the City Website.

Section 4. Prior to dissolution, the Agency may amend the EOPS from time to time at any public meeting of the Agency. Any such further amendments shall be posted to the City Website.

Section 5. The Agency Secretary is hereby authorized and directed to transmit a copy of this Resolution, including the Exhibits, by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance. A notification providing the website location of the posted copy of this Resolution will suffice.

Section 6. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing documents associated with the Amended EOPS to the California Department of Finance and the State Controller, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

Section 7. The Agency hereby affirms the designation of Stephen Ando as the Agency official to whom the California Department of Finance may make requests for review in connection with the Amendments.

Section 8. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 9. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines

(California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

PASSED AND ADOPTED this 30th day of January, 2012.

AYES: AGUILAR, BUSTICHI, JOHNSON, LIND, REED

NOES: NONE


ABSTAIN: NONE

ABSENT: NONE



Donna Lind, Chair

ATTEST:



Tracy A. Ferrara, Agency Secretary

EXHIBIT A
AMENDED EOPS

Name of Redevelopment Agency: Scotts Valley Redevelopment Agency
 Project Area(s): Scotts Valley Redevelopment Project Area

ENFORCEABLE 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						Total	
					Jan	Feb	March	April	May	June		
1) 2006 Tax Allocation Bonds	Bank of New York	Bonds issue to fund non-housing projects	7,717,462.50	539,940.00	273,353.75							\$ 273,353.75
2) 2009 Lease Rev Bonds Series A	Bank of New York	Bonds issue to fund non-housing projects	12,795,358.00	300,028.00		150,013.75						\$ 150,013.75
3) 2009 Lease Rev Bonds Series B	Bank of New York	Bonds issue to fund non-housing projects	7,414,347.00	262,458.00		131,229.38						\$ 131,229.38
4) 2003 Certificate of Participation	Bank of New York	Bonds issue to fund non-housing projects	1,753,889.00	46,102.00		46,102.00						\$ 46,102.00
5) 1997 Note Payable	Scotts Valley Water District	Note issue to fund non-housing projects	206,600.00	12,500.00						7,200.00		\$ 7,200.00
6) City Loan entered into on 9/18/91	City of Scotts Valley	Loan for operating costs and NH projects	2,083,231.25	416,646.25	**					1,000,000.00		\$ 1,000,000.00
7) Loan Payable	SV Wastewater Fund	Purchase portion of property	1,600,000.00	400,000.00								\$ -
8) Services Contract	SV Chamber of Commerce	Marketing services	475,000.00	25,000.00								\$ -
9) Agency insurance costs	MBASIA	Workers Comp Insurance	3,935.00	3,935.00								\$ -
10) Agency insurance costs	MBASIA	Liability / Vehicle Insurance	3,057.00	3,057.00								\$ -
11) Contract for construction	DL Falk	Library Project	478,669.89	478,669.89	***							\$ -
12) Services Contract	Kosmont Companies	Fiscal Analysis of Town Center Project	23,177.11	23,177.11	***							\$ -
13) Services Contract	Kosmont Companies	Fiscal Analysis of Hotel Project	11,412.50	11,412.50	***							\$ -
14) Financial Assistance Agreement	Zero Motorcycles	Manufacturing tenant improvements	50,000.00	25,000.00								\$ -
15) Services Contract	Santa Cruz CVC	Marketing services	9,270.00	9,270.00								\$ -
16) Services Contract	CG Ullenberg LLP	Independent Auditor	10,500.00	3,500.00								\$ -
17) Property Assessment	City of Scotts Valley	Assessment District Payment	63,613.56	10,126.82								\$ -
18) Purchase Option Agreement	City of Santa Cruz	Option Payment on Land	85,000.00	15,000.00								\$ -
19) Financial Assistance Agreement	Scarborough/Cilbert Pk's	Purchase of Land	200,000.00									\$ -
20) Administrative Fees	County of Santa Cruz	Property Tax Administration Fee	2,563,608.00	63,686.00								\$ -
21) Services Contract	SC Housing Authority	Affordable Housing Services	35,000.00	35,000.00	***							\$ -
22) ABX1 27 Voluntary Program Act	County of Santa Cruz	Remittance Payments	15,008,436.00	1,431,154.00								\$ -
23) Employee Salary & Benefits	Employees of Agency	Payroll for Employees	317,262.00	317,262.00	***							\$ -
24) Obligation to Low/Mod Housing	Affordable Housing Fund	20% of gross tax increment	26,865,084.00	986,000.00								\$ -
25) Subsidy Agreement	Bay Tree Apartments	Affordable Rent Subsidy	930,437.66	43,444.56								\$ -
26) Subsidy Agreement	Acom Apartments	Affordable Rent Subsidy	754,703.85	39,547.80								\$ -
27) Subsidy Agreement	Rod Markell	Affordable Rent Subsidy	619,636.00	23,688.00								\$ -
28) Services Contract	Logan & Powell	Legal services	75,000.00	75,000.00	***							\$ -
29) Construction Invoice	Alpha Air Balancing, Inc	Library Project	5,600.00	5,600.00								\$ -
Totals - This Page			\$ 82,119,690.32	\$ 5,606,404.63		\$ 273,353.75	\$ -	\$ 327,345.13	\$ -	\$ -	\$ 1,000,000.00	\$ 1,607,898.88
Totals - Page 2			\$ 13,987,884.22	\$ 821,455.47		\$ 20,733.93	\$ 19,375.00	\$ 164,995.75	\$ 14,982.00	\$ -	\$ -	\$ 265,050.08
Totals - Page 3			\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ 74,051,478.00	\$ 2,829,882.66		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,414,941.33
Grand total - All Pages			\$ 170,159,052.54	\$ 9,257,742.76		\$ 294,087.08	\$ 19,375.00	\$ 492,340.88	\$ 14,982.00	\$ -	\$ 1,014,982.00	\$ 3,287,890.29

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than January 31, 2012. It is valid through June 30, 2012.
 ** Estimated payment amount. Actual payment amount is subject to the extent tax increment funds are available.
 *** Estimated payments as they vary monthly

Name of Redevelopment Agency Scotts Valley Redevelopment Agency
 Project Area(s) Scotts Valley Redevelopment Project Area

ENFORCEABLE 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						Total	
					Jan	Feb	March	April	May	June		
1) Furniture Invoice	Ross McDonald Co, Inc	Library Project	65,779.65	65,779.65								
2) Furniture Invoice	One Work Place	Library Project	90,933.00	90,933.00		9,093.00						\$ 9,093.00
3) Furniture Invoice	KBM Workspace	Library Project	4,005.01	4,005.01								\$ -
4) Furniture Invoice	Santa Cruz Public Libraries Group 4	Library Project	18,923.72	18,923.72								\$ -
5) Services Contract	County of Santa Cruz	Architecture - Library Project	43,843.43	43,843.43								\$ -
6) MOU Agreement	Habitat for Humanity	Share of cost for CEDS	2,308.00	2,308.00								\$ -
7) Affordable Housing Subsidy	Wooster Financial, Inc.	Affordable Housing Project	300,000.00	300,000.00								\$ -
8) Services Contract	City of Scotts Valley	Town Center Project	25,000.00	25,000.00								\$ -
9) Reimbursement Agreement	City of Scotts Valley	Lease Payments	12,735,358.00	300,028.00			150,013.75					\$ 150,013.75
10) Affordable Housing Contribution	Sullivan Land Development	Affordable Housing Project	200,000.00									\$ -
11) Services Contract	Zeller Appraisal Services	Commercial Building Appraisal	4,800.00	4,800.00								\$ -
12) Services Contract	BNY Mellon	Bond Trustee	1,590.00	1,590.00								\$ -
13) Furniture Invoice	Burgeon Group	Library Project	14,250.00	14,250.00								\$ -
14) Furniture Invoice	Knoll, Inc	Library Project	2,788.57	2,788.57	2,045.08							\$ 2,045.08
15) Furniture Invoice	Motivational Systems	Library Project	30,830.60	24,732.85	6,097.75							\$ 6,097.75
16) Services Contract	Roto Rooter	Library Project	21,328.00	21,328.00								\$ -
17) Furniture Invoice	SC Public Library	Library Project	23,332.32	23,332.32								\$ -
18) Furniture Invoice	Landscape Forms	Library Project	5,968.13	5,968.13								\$ -
19) Services Contract	George Wilson	Library Project	881.79	881.79								\$ -
20) Services Contract	Richards, Watson, Gershon	Legal Services - Bonds	50,000.00	25,000.00	4,681.50							\$ 4,681.50
21) Services Contract	Goldfarb & Lipman	Legal Services - Affordable Housing	50,000.00	25,000.00								\$ -
22) Services Contract	Coastal Evergreen	Skypark	12,000.00	12,000.00	1,000.00		1,000.00					\$ 2,000.00
23) Board Stipends	Board of Directors	Board Meeting Stipends	2,550.00	2,550.00	450.00		300.00					\$ 750.00
24) Services Contract	Logan & Powell	Case # CIV467230	125,000.00	20,000.00				5,000.00				\$ 5,000.00
25) Services Contract	First Alarm	Library Building	540.00	540.00	45.00		45.00					\$ 90.00
26) Utilities	AT&T	Library Building	384.00	384.00	32.00		32.00					\$ 64.00
27) Utilities	Scotts Valley Water District	Library Building	2,500.00	2,500.00	135.00							\$ 135.00
28) Services Contract	Pacific Air	Library Building - HVAC System	10,150.00	10,150.00				2,000.00				\$ 2,000.00
29) Employee Salary & Benefits	Employees of Agency	Library Building - Landscape Maintenance	4,200.00	4,200.00	350.00		350.00					\$ 700.00
30) Utilities	PG&E	Library Building	1,770.00	1,770.00	115.00		150.00					\$ 265.00
31) Purchase Option Agreement	City of Santa Cruz	Purchase option for three parcels	60,000.00	15,000.00				15,000.00				\$ 15,000.00
32) Employee Salary & Benefits	Employees of Agency	Skypark Maintenance	60,370.00	60,370.00	5,030.00		5,030.00					\$ 10,060.00
33) Utilities	Scotts Valley Water District	Skypark Park	16,500.00	16,500.00	752.00		1,375.00					\$ 1,375.00
34)												\$ -
35)												\$ -
36)												\$ -
37)												\$ -
38)												\$ -
39)												\$ -
40)												\$ -
Totals - This Page			\$ 13,987,884.22	\$ 821,455.47	\$ 20,733.33	\$ 19,375.00	\$ 164,995.75	\$ 14,982.00	\$ 14,982.00	\$ 14,982.00	\$ 14,982.00	\$ 285,050.08

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 *** Estimated payments as they vary monthly

Name of Redevelopment Agency: Scotts Valley Redevelopment Agency
 Project Area(s) Scotts Valley Redevelopment Project Area

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 **						Total	
					Jan	Feb	March	April	May	June		
1) Section 33676 Payments	Cabrillo College	Payments per former CRL 33676	3,901,334.00	88,536.00 **				44,269.00				\$ 44,269.00
2) Section 33676 Payments	County Office of Ed	Payments per former CRL 33676	1,682,713.00	38,188.00 **				19,094.00				\$ 19,094.00
3) Pass Through Agreement	County of Santa Cruz	Payments per former CRL 33401	31,351,553.00	1,149,570.00 **				574,785.00				\$ 574,785.00
4) Pass Through Agreement	SV Unified School Distr.	Payments per former CRL 33401	6,550,256.00	220,142.06 **				110,071.03				\$ 110,071.03
5) Pass Through Agreement	County Library JPA	Payments per former CRL 33401	3,747,679.00	137,416.00 **				68,708.00				\$ 68,708.00
6) Pass Through Agreement	SV Fire District	Payments per former CRL 33401	21,451,769.00	786,572.00 **				393,286.00				\$ 393,286.00
7) Pass Through Agreement	Santa Cruz Flood Control	Payments per former CRL 33401	537,302.00	19,700.00 **				9,850.00				\$ 9,850.00
8) Pass Through Agreement	Branciforte Fire District	Payments per former CRL 33401	26,865.00	986.00 **				493.00				\$ 493.00
9) Pass Through Agreement	SV Water District	Payments per former CRL 33401	2,824,063.00	30,613.60 **				15,306.80				\$ 15,306.80
10) Housing Fund Deficit	SV RDA Affordable Hous.	Repayment for housing fund	1,977,944.00	358,157.00 **				179,078.50				\$ 179,078.50
11)												\$ -
12)												\$ -
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26)												\$ -
27)												\$ -
28)												\$ -
Totals - Other Obligations			\$ 74,051,478.00	\$ 2,829,882.66	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,414,941.33

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than January 31, 2012. It is valid through June 30, 2012.
 ** All payment amounts are estimates