

RESOLUTION NO. 2011-01

RESOLUTION OF THE BRAWLEY COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BRAWLEY, CALIFORNIA APPROVING AND ADOPTING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO SECTION 34169 (g) OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW

WHEREAS, the Brawley Community Redevelopment Agency (the "Agency") is organized and existing pursuant to the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.; hereinafter, the "CCRL") and is responsible for the administration of redevelopment activities within the City of Brawley (the "City"); and

WHEREAS, pursuant to Ordinance No. 680, adopted July 19, 1976, the City Council of the City adopted a redevelopment plan ("Original Plan") for the Brawley Redevelopment Project No. 1 (the "Original Project Area"); and

WHEREAS, the Original Plan for the Project Area has subsequently been amended five (5) times by the City Council, as follows:

1. On December 22, 1986, by Ordinance No. 86-18 to extend eminent domain authority, establish a cap on the receipt of tax increment funds and establish an effectiveness deadline;
2. On July 16, 1990, by Ordinance No. 90-14 to add territory (the "1990 Amendment" or "1990 Amended Plan");
3. On December 19, 1994, by Ordinance No. 94-07 to apply the time limitations on incurring and repaying indebtedness and duration of effectiveness with respect to the Original Plan and 1990 Amended Plan pursuant to CCRL § 33333.6 (per AB 1290);
4. On June 6, 2006, by Ordinance No. 2006-05 to: i) repeal the timeline for incurring debt (per SB 211), and ii) extend the time periods of effectiveness and collection of tax increment by one year (per SB 1045) with respect to the redevelopment plans for the Original Plan and the 1990 Amended Plan; and
5. On July 17, 2007, by Ordinance No. 2007-04 to: i) add territory and fully replace and supersede the Original Plan and 1990 Amended Plan; and ii) comply with CCRL § 33342.7 (per SB 53) (the "2007 Amendment" or "2007 Amended Plan"); and

WHEREAS, pursuant to the 2007 Amended Plan, on a combined basis the territory of the Original Project Area, the 1990 Amendment and the 2007 Amendment (collectively, the "Component Areas"), constitute the Project Area for the Redevelopment Plan for the Brawley Redevelopment Project No. 1, as amended, which consists of approximately 1,416 acres (the "Amended Project Area"); and

WHEREAS, the Agency is actively engaged in activities to redevelop the Amended Project Area pursuant to the provisions of the CCRL; and

WHEREAS, continued redevelopment of the Amended Project Area to eliminate blight, improve public facilities and infrastructure, renovate and construct affordable housing, and enter into partnerships with private industries to create jobs and expand the local economy is vital to the health, safety and welfare of the City; and

WHEREAS, on June 28, 2011, the State of California enacted California Health and Safety Code Section 34161, *et seq.* (pursuant to ABX1 26; the "Dissolution Act"), immediately prohibiting further redevelopment activity by redevelopment agencies and dissolving all redevelopment agencies in the State of California on October 1, 2011 or November 1, 2011, if the legislative body of a redevelopment agency adopts a non-binding resolution declaring its intention to enact an ordinance electing to comply with the provisions of California Health and Safety Code Section 34192, *et seq.*; and

WHEREAS, the dissolution of the Agency would be detrimental to the health, safety and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented and funded by the Agency are highly significant and of enduring benefit to the community and the City and are a critical component of the City's future; and

WHEREAS, on June 28, 2011, the State of California also enacted California Health and Safety Code Section 34192, *et seq.* (pursuant to ABX1 27; the "Continuation Act"), providing communities the opportunity to continue redevelopment activity through their local redevelopment agencies by electing to participate in the "Alternative Voluntary Redevelopment Program"; and

WHEREAS, the Alternative Voluntary Redevelopment Program allows a community's redevelopment agency to continue operating, without the constraints of California Health and Safety Code Section 34161, *et seq.*; and

WHEREAS, on July 18, 2011, the California Redevelopment Association, League of California Cities, City of Union City, City of San Jose and John F. Shirey filed a petition for Writ of Mandate; Application for Temporary Stay and supporting memorandum and declarations with the Supreme Court of the State of California (the "Petition"); and

WHEREAS, on August 11, 2011 the California Supreme Court agreed to review the Petition challenging the constitutionality of Dissolution Act and Continuation Act (collectively, the "Redevelopment Restructuring Acts") and ordered a stay (the "Supreme Court Stay") relative to specified portions of the Redevelopment Restructuring Acts; and

WHEREAS, the Supreme Court Stay postponed certain provisions of the Redevelopment Restructuring Acts indefinitely, but left in place provisions prohibiting redevelopment agencies from making any payments after the date that is sixty (60) days from the effective date of the Dissolution Act (i.e., August 29, 2011), other than debt service payments and payments listed on an adopted Enforceable Obligation Payment Schedule (the "EOPS"); and

WHEREAS, therefore and notwithstanding any actions planned or already taken with respect to compliance with the Continuation Act, it is necessary that all redevelopment agencies adopt an EOPS in order to ensure that they continue to have authority to fulfill their respective financial obligations during the effectiveness of the Supreme Court Stay; and

WHEREAS, the Supreme Court Order declared that its briefing schedule is designed to facilitate oral arguments as early as possible in 2011, and a decision before January 15, 2012; and

WHEREAS, based on the foregoing, it appears that the Supreme Court Stay could be in effect for approximately five (5) months; and

WHEREAS, the Agency's EOPS, which is consistent with the requirements of § 34169 (g) of the CCRL, is attached to this Resolution as Exhibit "A"; and

WHEREAS, All of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Brawley Community Redevelopment Agency, as follows:

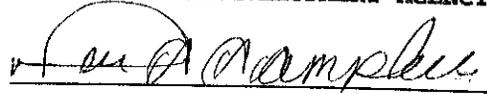
Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Agency's Enforceable Obligation Payment Schedule, which is attached hereto as Exhibit "A", is approved and adopted.

Section 3. The Executive Director, or designee, is hereby authorized and directed to: i) notify the County Auditor-Controller, the State Controller and the State Department of Finance concerning this Resolution, in accordance with the applicable provisions of the California Community Redevelopment Law; and ii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the Agency.

PASSED, APPROVED AND ADOPTED this 23rd day of August, 2011.

**CITY OF BRAWLEY, CALIFORNIA
CALIFORNIA REDEVELOPMENT AGENCY**


Don C. Campbell, Chairman

ATTEST:

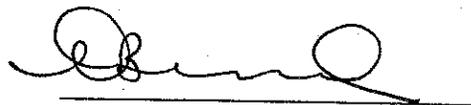

Alma Benavides, Secretary

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)**

I, ALMA BENAVIDES, City Clerk of the City of Brawley; California, DO HEREBY CERTIFY that the foregoing Resolution No. 2011-01 was passed and adopted by the Community Redevelopment Agency of the City of Brawley, California, at a special meeting held on the 23rd day of August 2011, and that it was so adopted by the following roll call vote:

**AYES:
NAYES:
ABSTAIN:
ABSENT:**

DATED: August 23, 2011


Alma Benavides, Secretary

Name of Redevelopment Agency: Brawley Community Redevelopment Agency
 Project Area No. 1

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
					Aug**	Sept	Oct	Nov	Dec		
1) 2006 Tax Allocation Bonds	Bank of New York Trust Co.	Bonds	9,554,681.25	368,752.50	0.00	245,456.25	0.00	0.00	0.00	0.00	\$ 245,456.25
2) City Admin Costs	City	Admin for Agency and LMI Housing	904,827.00	904,827.00	75,402.25	75,402.25	75,402.25	75,402.25	75,402.25	75,402.25	\$ 377,011.25
3) Annual Continuing Disclosure	Urban Futures, Inc.	Continuing Disclosure Services for 2006 Bonds	2,150.00	2,150.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
4) Bond Paying Agent Fees	Bank of New York Trust Co.	For 2006 Tax Allocation Bonds	3,000.00	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
5) Housing Program Loans	Various	Per Agreements	800,000.00	800,000.00	66,667	66,667	66,667	66,667	66,667	66,667	\$ 333,335.00
6) Fire Station #2	Various	Construction Contract	2,523,984.30	2,523,984.00	504,798.80	504,798.80	504,798.80	504,798.80	504,798.80	504,798.80	\$ 2,523,984.00
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Totals - This Page			\$ 13,788,662.25	\$ 4,602,723.50	\$ 646,868.05	\$ 892,524.30	\$ 646,868.05	\$ 646,868.05	\$ 646,868.05	\$ 646,868.05	\$ 3,479,796.50
Totals - Other Obligations			\$ 478,100.00	\$ 478,100.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 14,266,762.25	\$ 5,080,823.50	\$ 646,868.05	\$ 892,524.30	\$ 646,868.05	\$ 646,868.05	\$ 646,868.05	\$ 646,868.05	\$ 3,479,796.50

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.
 ** Include only payments to be made after the adoption of the EOPS.

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	
					Aug**	Sept	Oct	Nov	Dec		
1) Pass Through Agreement	Imperial County	Payments per pass through	190,300.00	190,300.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
2) Pass Through Agreement	City Supt Sch	Payments per pass through	11,500.00	11,500.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
3) Pass Through Agreement	Brawley Sch Dist	Payments per pass through	130,800.00	130,800.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
4) Pass Through Agreement	Brawley Union HS	Payments per pass through	98,200.00	98,200.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
5) Pass Through Agreement	Imp Comm College	Payments per pass through	47,300.00	47,300.00	0.00	0.00	0.00	0.00	0.00	0.00	\$
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Totals - Other Obligations			\$ 478,100.00	\$ 478,100.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 ** Includes only payments to be made under the adoption of the EOPS.
 *** All payment amounts are estimates

