

RESOLUTION NO. 146

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SHAFTER
COMMUNITY DEVELOPMENT AGENCY APPROVING AND ADOPTING AN
ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO AB 1X 26**

WHEREAS, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), the City Council of the City of Shafter ("City") created the Shafter Community Development Agency ("Agency"); and

WHEREAS, the Agency has been responsible for implementing the Redevelopment Plan for the Shafter Community Development Project Area I and Project Area II covering certain properties within the City ("Project Area"); and

WHEREAS, as part of the 2011-2012 State budget bill, the California State Legislature recently enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, which eliminate every redevelopment agency in the State unless the community that created it adopts an ordinance ("Continuation Ordinance") agreeing to participate in an Alternative Voluntary Redevelopment Program ("Alternate Redevelopment Program") which requires the payment of an annual "community remittance" payment; and

WHEREAS, Health and Safety Code Section 34169, enacted by AB 1X 26, requires redevelopment agencies to adopt, by August 27, 2011, an Enforceable Obligation Payment Schedule ("EOPS") which will serve as the basis for the payment of the Agency's outstanding financial obligations if the City does not adopt the Continuation Ordinance and the Agency is dissolved; and

WHEREAS, the City adopted Urgency Ordinance No. 637, the Continuation Ordinance, on August 2, 2011; and

WHEREAS, since the adoption of the Continuation Ordinance the Agency has been operating under the provisions of AB 1X 27; and

WHEREAS, on July 18, 2011, the California League of Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of AB 1X 26 and AB 1X 27 and requesting a stay of enforcement of AB 1X 26 and AB 1X 27; and

WHEREAS, on August 11, 2011, the Supreme Court agreed to take the case and issued an order for the immediate stay of the enforcement of AB 1X 27 in its entirety and a partial stay of AB 1X 26; and

WHEREAS, because AB 1X 27, the statutory scheme which the City and Agency had opted into through the adoption of the Continuation Ordinance, has been stayed, the City's adopted Continuation Ordinance is not effective for the duration of the stay; and

WHEREAS, it appears the Agency must adopt an EOPS at this time because although the Court order stayed enforcement of Health and Safety Code Section 34169, the Court order did not stay the enforcement of Health and Safety Code Section 34167, also enacted by AB 1X 26, which relies upon and makes reference to an adopted EOPS; and

WHEREAS, adoption of the EOPS is important as the Agency may be limited to only making payments for debts and obligations listed on the EOPS during the time the stay is in place.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SHAFER COMMUNITY DEVELOPMENT AGENCY DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

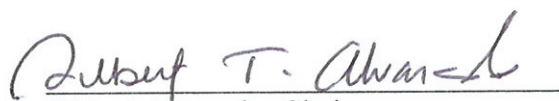
SECTION 1. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The Agency hereby approves and adopts the Enforceable Obligation Payment Schedule, in substantially the form attached hereto as Exhibit A, as required by the recently enacted legislation AB 1X 26.

SECTION 3. The Executive Director is hereby authorized and directed to post a copy of the EOPS on the City's website. The Executive Director is further authorized and directed to transmit to the Kern County Auditor-Controller, the State Controller and the Department of Finance, notification by mail or electronic means providing the website location of the posted EOPS and other information as required by AB 1X 26.

SECTION 4. The Agency Chairperson shall sign Resolution No. 146 and the Agency Secretary shall certify the adoption thereof.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2011.



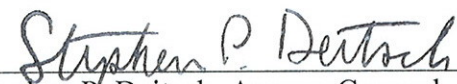
Gilbert Alvarado, Chairman

ATTEST:



Carol Chavolla, Office Technician

APPROVED AS TO FORM:



Stephen P. Deitsch, Agency Counsel

EXHIBIT A

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

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) Project Area I Bond - 2006	Wells Fargo Bank, NA	2006 Tax Exempt Bonds	6,796,000.00	482,594.00				304,737.00		\$ 304,737.00
2) Project Area I Bond - 2006	Wells Fargo Bank, NA	2006 Low Mod Housing Bonds	1,699,000.00	115,648.50				76,184.25		\$ 76,184.25
3) Project Area II Bond - 2006	Wells Fargo Bank, NA	2006 Tax Exempt Bonds	5,004,000.00	362,422.00				230,363.00		\$ 230,363.00
4) Project Area II Bond - 2006	Wells Fargo Bank, NA	2006 Low Mod Housing Bonds	1,251,000.00	90,605.50				57,590.75		\$ 57,590.75
5) Loan Agreement	City of Shafter	SERAF and Operating Expenses Loan	2,042,957.36	0.00						\$ -
6) Compensated Absences	Agency Employees	Compensated Absents at 6/30/11	49,502.00	49,502.00	4,125.17	4,125.17	4,125.17	4,125.17	4,125.17	\$ 20,625.85
7) Other Post-Employment Benefits	Agency Employees	OPEB Liability at 6/30/11	19,662.00	19,662.00	1,638.50	1,638.50	1,638.50	1,638.50	1,638.50	\$ 8,192.50
8) Employee Costs	Employees of Agency	Salary and benefits for employees	236,769.00	236,769.00	19,730.75	19,730.75	19,730.75	19,730.75	19,730.75	\$ 98,853.75
9) Agency insurance costs	Central San Joaquine Valley	Liability, Errors and Omissions	31,709.00	31,709.00	2,642.42	2,642.42	2,642.42	2,642.42	2,642.42	\$ 13,212.10
10) Financial Audit Contract	Capontcci & Larson, Inc.	FY2011 Annual Audit	15,000.00	15,000.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	\$ 15,000.00
11) General Office Expense	RDA Expense	General Office Expense	2,000.00	2,000.00	166.67	166.67	166.67	166.67	166.67	\$ 833.35
12) Department Supplies	RDA Expense	Office supplies	7,300.00	7,300.00	608.33	608.33	608.33	608.33	608.33	\$ 3,041.65
13) Communications	RDA Expense	Telephone and communications	3,000.00	3,000.00	250.00	250.00	250.00	250.00	250.00	\$ 1,250.00
14) Postage & freight	RDA Expense	Postage & freight	420.00	420.00	35.00	35.00	35.00	35.00	35.00	\$ 175.00
15) Advertising	RDA Expense	Public notices and publications	700.00	700.00	58.33	58.33	58.33	58.33	58.33	\$ 291.65
16) Maintenance & Repair	RDA Expense	Maintenance & Repair	500.00	500.00	41.67	41.67	41.67	41.67	41.67	\$ 208.35
17) Vehicle Operating Expense	RDA Expense	Vehicle Operating Expense	3,800.00	3,800.00	316.67	316.67	316.67	316.67	316.67	\$ 1,583.35
18) Vehicle Shop Charges and Fuel	City of Shafter	RDA Portion of City Shop costs	4,508.00	4,508.00	375.67	375.67	375.67	375.67	375.67	\$ 1,878.35
19) Subscriptions & Dues	RDA Expense	Subscriptions & Dues	7,500.00	7,500.00	625.00	625.00	625.00	625.00	625.00	\$ 3,125.00
20) Travel, Training & Development	RDA Expense	Travel, Training & Development	10,400.00	10,400.00	866.67	866.67	866.67	866.67	866.67	\$ 4,333.35
21) Equipment & Property Rent	RDA Expense	Equipment & Property Rent	1,000.00	1,000.00	83.33	83.33	83.33	83.33	83.33	\$ 416.65
22) Building Maintenance	City of Shafter	Ongoing building maintenance and Repair	24,869.00	24,869.00	2,072.42	2,072.42	2,072.42	2,072.42	2,072.42	\$ 10,362.10
23) Automation Maintenance	City of Shafter	Information Technology Charges	20,871.00	20,871.00	1,739.25	1,739.25	1,739.25	1,739.25	1,739.25	\$ 8,696.25
24) Legal & Contractual	Best, Best, Krieger / RDA	Legal & Contractual	67,500.00	67,500.00	5,625.00	5,625.00	5,625.00	5,625.00	5,625.00	\$ 28,125.00
25) Utilities	RDA Expense	Utilities	7,553.00	7,553.00	629.42	629.42	629.42	629.42	629.42	\$ 3,147.10
26) Communication Promotion	RDA Expense	Communication Promotion	35,000.00	35,000.00	2,916.67	2,916.67	2,916.67	2,916.67	2,916.67	\$ 14,583.35
27) Finance Overhead	City of Shafter	RDA Share of Finance and Management	53,088.00	53,088.00	4,424.00	4,424.00	4,424.00	4,424.00	4,424.00	\$ 22,120.00
28) General Overhead	City of Shafter	RDA Share of Operational Overhead	64,019.00	64,019.00	5,334.92	5,334.92	5,334.92	5,334.92	5,334.92	\$ 26,674.60
29)										\$ -
30)										\$ -
Totals - This Page			\$ 17,459,627.36	\$ 1,697,940.00	\$ 54,305.86	\$ 58,055.86	\$ 58,055.86	\$ 58,055.86	\$ 58,055.86	\$ 284,930.86
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ 444,999.99	\$ 444,999.99	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 166,874.99
Grand total - All Pages			\$ 17,904,627.35	\$ 2,142,939.99	\$ 54,305.86	\$ 58,055.86	\$ 58,055.86	\$ 58,055.86	\$ 58,055.86	\$ 1,166,779.29

* 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 AB127, this EOPS will not be valid and there is no need to prepare a ROPS.

Name of Redevelopment Agency: Shafter Community Development Agency
 Project Area I and Project Area II

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) Est. Pass Through Payments FY2012 Kern County	Kern County	COUNTY GENERAL	238,979.26	238,979.26	5,974.48	5,974.48	5,974.48	5,974.48	5,974.48	59,617.22	\$ 113,515.14
2) Est. Pass Through Payments FY2012 Kern County	Kern County	COUNTY FIRE	97,884.65	97,884.65	2,447.12	2,447.12	2,447.12	2,447.12	2,447.12	36,706.74	\$ 46,495.22
3) Est. Pass Through Payments FY2012 City of Shafter	City of Shafter	CITY OF SHAFTER	46,426.41	46,426.41	1,160.66	1,160.66	1,160.66	1,160.66	1,160.66	17,409.90	\$ 22,052.54
4) Est. Pass Through Payments FY2012 Shafter Wasco Cemetery District	Shafter Wasco Cemetery District	CEMETERY DIST. #1	7,772.19	7,772.19	194.30	194.30	194.30	194.30	194.30	2,914.57	\$ 3,691.77
5) Est. Pass Through Payments FY2012 Shafter Parks and Recreation	Shafter Parks and Recreation	SHAFTER PARK & REC	9,730.09	9,730.09	243.25	243.25	243.25	243.25	243.25	3,648.78	\$ 4,621.78
6) Est. Pass Through Payments FY2012 Kern County Mosquito & Vector Control	Kern County Mosquito & Vector Control	KERN MOSQUITO & VECTOR	685.88	685.88	17.15	17.15	17.15	17.15	17.15	257.21	\$ 325.81
7) Est. Pass Through Payments FY2012 Richland Lerdo School District	Richland Lerdo School District	RICHLAND LERDO SCHOOL DIST	23,295.05	23,295.05	582.38	582.38	582.38	582.38	582.38	8,735.64	\$ 11,065.16
8) Est. Pass Through Payments FY2012 Kern High School District	Kern High School District	KERN HIGH SCHOOL	15,567.08	15,567.08	389.18	389.18	389.18	389.18	389.18	5,837.66	\$ 7,394.38
9) Est. Pass Through Payments FY2012 Kern Community College District	Kern Community College District	KERN COMMUNITY COLLEGE	4,659.38	4,659.38	116.48	116.48	116.48	116.48	116.48	1,747.27	\$ 2,213.19
10)											\$ -
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12)											\$ -
13)											\$ -
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25)											\$ -
26)											\$ -
27)											\$ -
28)											\$ -
Totals - Other Obligations			\$ 444,999.99	\$ 444,999.99	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 166,874.99	\$ 211,374.99

* 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.
 *** All payment amounts are estimates.

CERTIFICATE OF GOVERNING BODY'S ACTION

STATE OF CALIFORNIA)
) ss.
COUNTY OF KERN)

I, Carol Chavolla, Office Technician of the Shafter Community Development Agency, Shafter, California, DO HEREBY CERTIFY that the above and foregoing Resolution of the Shafter Community Development Agency was duly passed and adopted at a Regular Meeting held on the 16th day of August, 2011, by the following vote:

AYES: Alvarado, Colvard, Johnston, Nelson, and Prout
NOES: None.
ABSENT: None.
ABSTAINING: None.

DATED: August 16, 2011

(SEAL)

Office Technician, Shafter Community Development Agency

