

RESOLUTION NO. 2012-009

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY CITY OF FOSTER CITY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1 TO DECEMBER 31, 2012

SUCCESSOR AGENCY CITY OF FOSTER CITY

WHEREAS, the Successor Agency has prepared a draft Recognized Obligation Payment Schedule for the period July 1, 2012 to December 31, 2012 (ROPS) pursuant to California Health & Safety Code (H&S Code) §34177 that was approved by the Oversight Board on May 9, 2012 and submitted to the County Controller and State Department of Finance on May 9, 2012; and,

WHEREAS, the County Controller provided the Successor Agency with updated tax increment figures and Redevelopment Property Tax Trust Funds (RPTTF) calculations on May 14, 2012; and,

WHEREAS, the County Controller requested clarification of the sources of funds anticipated in the payment of enforceable obligations to PWM Residential Ventures LLC and Prometheus Development on the ROPS for the Marlin Cove and Hillsdale / Gull Project Areas, respectively; and,

WHEREAS, it was determined that the sources of funds for PWM Residential Ventures LLC and Prometheus Development should have been reflected as coming from RPTTF funds; and,

WHEREAS, based upon the update calculations of tax increment received by the County Controller it was determined that there would be a deficit of \$120,000 in available tax increment distributed to the Successor Agency in the subsequent period to meet the January to June 2013 enforceable obligations of the Successor Agency; and,

WHEREAS, it was determined that the Successor Agency could amend its ROPS for the July to December 2012 period to request a sinking fund totaling \$120,000 in order to meet the enforceable obligations of the Successor Agency in the January to June 2013 period

WHEREAS, the Successor Agency staff submitted an amended ROPS to the County Controller and State Department of Finance on May 23, 2012 to comply with their deadline to distribute excess RPTTF funds to taxing entities; and,

WHEREAS, Successor Agency staff has updated the calculation of affordable housing subsidies and utilities subsidies payable to PWM Residential Ventures LLC in compliance with the Development and Disposition Agreement (DDA) and based upon the final tax increment calculations received from the County Controller and has reflected projected future obligation amounts in the attached ROPS; and,

WHEREAS, Successor Agency staff has updated the calculation of affordable housing subsidies payable to Prometheus Development in compliance with the Development and Disposition Agreement (DDA) and based upon the final tax increment calculations received from the County Controller and has reflected projected future obligation amounts in the attached ROPS.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Successor Agency City of Foster City that the amended Recognized Obligation Payment Schedule for the Period July 1, 2012 to December 31, 2012, attached hereto and incorporated herein, is hereby approved.

BE IT FURTHER RESOLVED that the Secretary is instructed to transmit a copy of this resolution and the approved ROPS to the San Mateo County Controller's Office and the California Department of Finance.

PASSED AND ADOPTED as a resolution of the Oversight Board of the Successor Agency City of Foster City at the Special Meeting held on the 12<sup>th</sup> day of June, 2012, by the following vote:

:

AYES: **Chair Bennett, Members Acree, Keller, Koelling, McManus, Wykoff**

NOES: **None**

ABSENT: **Member McMillan**

ABSTAIN: **None**



DICK W. BENNETT, CHAIRPERSON

ATTEST:



STEVE TOLER, SECRETARY

Successor Agency City of Foster City Project Area: Project Area One  
**Recognized Obligations Payment Schedule**  
 For the period July 1, 2012 to December 31, 2012 Approved by Oversight Board on 5/9/2012

The following schedule has been prepared in accordance with California Health and Safety Code §34177

Project Name	Payee	Description	H&S Code Compliance - Enforceable Obligation	Source of Funds	Obligated Payments						Total July to December 2012	Total Outstanding Obligation for Multi-Year Obligations Beyond This period	Footnotes
					July 2012	August 2012	September 2012	October 2012	November 2012	December 2012			
Project Area One	San Mateo Union High School District	Obligations under the Stipulated Judgment and Mutual Release between the Agency and SMUHSD dated June 27, 1991, payable through June 2016.	34171(d)(1)(D)	FC-CSA	-	-	-	-	-	242,000	<b>242,000</b>	1,750,000	(A)
Project Area One	Northwestern Mutual	Affordable housing subsidy under terms of the Owner Participation Agreement (OPA) for Pilgrim-Triton Project	34171(d)(1)(E)	FC-AHRA	-	-	6,300,000	-	-	-	<b>6,300,000</b>	-	(B)
Project Area One	Housing Endowment and Regional Trust of San Mateo County	Membership contract for regional construction, rehabilitation, acquisition of affordable housing and placement services to LMI residents and seniors	34167(d)(6)	FC-AHRA	12,500	-	-	-	-	-	<b>12,500</b>	-	(B)
<b>Total Enforceable Obligations</b>					<b>12,500</b>	<b>-</b>	<b>6,300,000</b>	<b>-</b>	<b>-</b>	<b>242,000</b>	<b>6,554,500</b>	<b>1,750,000</b>	
<b>FOOTNOTE:</b>													
(A) - This obligation is payable under the terms of a Cooperative Services Agreement between the Agency and the City dated April 18, 2011. While the City maintains that this agreement is a valid contract, and without prejudice to the arguments of its validity, this enforceable obligation of the Agency that has been transferred to the City under that agreement is included in the ROPS.													
(B) - These obligations are payable under the terms of an Affordable Housing Reimbursement Agreement between the Agency and the City dated February 22, 2011. While the City maintains that this agreement is a valid contract, and without prejudice to the arguments of its validity, these enforceable obligations of the Agency that have been transferred to the City under that agreement is included in the ROPS.													
<b>SOURCE OF FUNDS:</b>													
FC-CSA	Foster City Cooperative Services Agreement Funds, which are currently on-hand from net available tax increment previously collected. No further tax increment is necessary.												
FC-AHRA	Foster City Affordable Housing Reimbursement Agreement Funds, which are currently on-hand from net available tax increment previously collected. No further tax increment is necessary.												

Successor Agency City of Foster City  
 Recognized Obligations Payment Schedule  
 For the period July 1, 2012 to December 31, 2012

**Project Area:** Marlin Cove  
 Approved by Oversight Board on 5/9/2012; Amended on June 12, 2012

The following schedule has been prepared in accordance with California Health and Safety Code §34177

Project Name	Payee	Description	H&S Code Compliance - Enforceable Obligation	Source of Funds	Obligated Payments						Total July to December 2012	Total Projected Outstanding Obligation for Multi-Year Obligations Beyond This period (Note 1)
					July 2012	August 2012	September 2012	October 2012	November 2012	December 2012		
Marlin Cove	PWM Residential Ventures LLC	Agency Grant to Developer per the terms of the Disposition and Development Agreement for the Marlin Cove Project through May 2014	34171(d)(1)(E)	RPTTF	-	-	-	-	-	-	-	220,000
Marlin Cove	PWM Residential Ventures LLC	Affordable Housing Subsidy to Developer per the terms of the Disposition and Development Agreement for the Marlin Cove Project through January 2029	34171(d)(1)(E)	RPTTF	-	-	-	-	-	-	-	3,461,000
Marlin Cove	PWM Residential Ventures LLC	Utility Subsidy to Developer per the terms of the Disposition and Development Agreement for the Marlin Cove Project through January 2029	34171(d)(1)(E)	RPTTF	-	-	-	-	-	-	-	897,300
Marlin Cove	Successor Agency City of Foster City	Sinking Fund for anticipated tax increment shortage in January to June 2013 ROPS period in order to fulfill anticipated enforceable obligations in that period	34171(d)(1)(E)	RPTTF	-	-	-	-	-	60,000	<b>60,000</b>	-
<b>Total Enforceable Obligations</b>					-	-	-	-	-	<b>60,000</b>	<b>60,000</b>	
<b>Administrative Cost Allowance</b>			<b>34167(d)(6)</b>	<b>RPTTF</b>							<b>57,000</b>	
FOOTNOTE:												
Note 1	Amounts are projected based upon future estimates of tax increment, AB1290 pass-through payments, and County administrative costs, per the provisions of the Disposition and Development Agreements											
SOURCE OF FUNDS:												
RPTTF	Redevelopment Property Tax Trust Fund											
LMIHF	Low and Moderate Income Housing Fund											

Successor Agency City of Foster City  
 Recognized Obligations Payment Schedule  
 For the period July 1, 2012 to December 31, 2012

Project Area: Hillsdale / Gull

Approved by Oversight Board on 5/9/2012; Amended on June 12, 2012

The following schedule has been prepared in accordance with California Health and Safety Code §34177

Project Name	Payee	Description	H&S Code Compliance - Enforceable Obligation	Source of Funds	Obligated Payments						Total July to December 2012	Total Projected Outstanding Obligation for Multi-Year Obligations Beyond This period (Note 1)
					July 2012	August 2012	September 2012	October 2012	November 2012	December 2012		
Hillsdale / Gull	Prometheus Development	Affordable Housing Subsidy to Developer per the terms of the Disposition and Development Agreement for the Hillsdale/Gull Project (aka "Miramar Apartments") through June 2018	34171(d)(1)(E)	RPTTF	-	-	-	-	-	-	-	1,201,000
Hillsdale / Gull	Successor Agency City of Foster City	Sinking Fund for anticipated tax increment shortage in January to June 2013 ROPS period in order to fulfill anticipated enforceable obligations in that period	34171(d)(1)(E)	RPTTF	-	-	-	-	-	60,000	60,000	-
<b>Total Enforceable Obligations</b>					-	-	-	-	-	60,000	60,000	
<b>Administrative Cost Allowance</b>			<b>34167(d)(6)</b>	<b>RPTTF</b>							<b>29,500</b>	
FOOTNOTE:												
Note 1	Amounts are projected based upon future estimates of tax increment, AB1290 pass-through payments, and County administrative costs, per the provisions of the Disposition and Development Agreement											
<b>SOURCE OF FUNDS:</b>												
RPTTF	Redevelopment Property Tax Trust Fund											
LMIHF	Low and Moderate Income Housing Fund											