

**RESOLUTION NO. 2012-02**

**A RESOLUTION OF THE LEMOORE OVERSIGHT BOARD TO THE  
LEMOORE SUCCESSOR AGENCY TO THE  
FORMER LEMOORE REDEVELOPMENT AGENCY APPROVING THE  
RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR  
JANUARY 1, 2012 TO JUNE 30, 2012**

**WHEREAS**, AB X1 26 (“AB 26”) and AB X1 27 (“AB 27”) were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

**WHEREAS**, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

**WHEREAS**, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB 26 and AB 27 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011; and

**WHEREAS**, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26 as a proper exercise of the legislative power and striking down AB 27 as unconstitutional, eliminating all redevelopment agencies effective February 1, 2012; and

**WHEREAS**, the Supreme Court’s ruling modified the deadlines set forth in AB 26, in most cases extending them by four (4) months; and

**WHEREAS**, Health and Safety Code Section 34177(l)(2)(A), as modified by the Supreme Court’s ruling in *Matosantos*, provided that the Successor Agency adopt an initial draft Recognized Obligation Payment Schedule (“ROPS”) by March 1, 2012; and

**WHEREAS**, Health and Safety Code Section 34173(e) expressly limits the City’s liability for actions taken in its capacity as Successor Agency; and

**WHEREAS**, on February 21, 2012, the Successor Agency adopted a draft Initial ROPS for the period January 1, 2012 to June 30, 2012; and

**WHEREAS**, the Successor Agency must submit a copy of the approved ROPS to the Kings County Auditor-Controller, the State Controller, and the Department of Finance by April 15, 2012; and

**WHEREAS**, on February 22, 2012, a copy of the approved ROPS was submitted to the Kings County Auditor-Controller, the State Controller and the Department of Finance; and

**WHEREAS**, the adopted ROPS must be reviewed, and certified as to its accuracy, by the Kings County Auditor-Controller; and

**WHEREAS**, until a ROPS becomes operative, only payments on the adopted Enforceable Obligation Payment Schedule (EOPS) will be made; and

**WHEREAS**, Health and Safety Code Section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of a ROPS; and

**WHEREAS**, Health and Safety Code Section 34179 (d) provides Oversight Board Members with personal immunity from suit for their actions taken within the scope of their responsibilities as Oversight Board Members.

**NOW, THEREFORE, BE IT RESOLVED** that the Lemoore Oversight Board to the Lemoore Successor Agency to the former Lemoore Redevelopment Agency hereby adopts the Recognized Obligation Payment Schedule for the period January 1, 2012 to June 30, 2012, attached hereto and incorporated by reference herein pursuant to Health and Safety Code Section 34177.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Lemoore, the Successor Agency to the former Lemoore Redevelopment Agency, or designee, is hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Lemoore Oversight Board to the Lemoore Successor Agency to the former Lemoore Redevelopment Agency at a regular meeting this 26<sup>th</sup> day of April 2012, by the following vote:

AYES: Murray, Verboon, Corl, Holwell, Cavanagh, Plourde

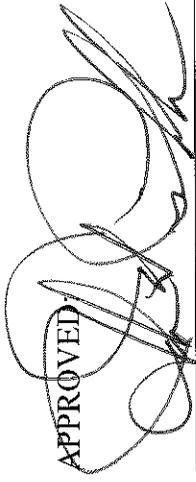
NOES: None

ABSENT: Community College District Representative

ABSTAIN: None

ATTEST:

  
Nanci C. O. Lima, MMC  
City Clerk

  
Chairman

**Lemoore Successor Agency  
Recognized Obligation Payment Schedule**

Project Name	Payee	Description of the nature of the work, product, service, facility or other thing of value for which payment is to be made	Total Outstanding Debt or Obligation as of June 30, 2012	Total Due Fiscal Year 2011-2012 <sup>1</sup>	Source of Payment <sup>2</sup>	Total Jul-Dec	Jan	Feb	Mar	Apr	May	Jun <sup>1</sup>	Total Jan-Jun
1998 Bond	U.S. Bank	Debt Service - Capital Bonds	\$ 8,227,950	\$ 952,805	RPTTF	\$ 403,775	\$ 137,015					\$ 412,015	\$ 549,030
2003 Bond	U.S. Bank	Debt Service - Capital Bonds	\$ 20,800,261	\$ 1,204,363	RPTTF	\$ 469,249	\$ 270,934					\$ 464,180	\$ 735,114
2011 Bond	U.S. Bank	Debt Service - Capital Bonds	\$ 51,009,130	\$ 2,040,129	RPTTF	\$ 554,318	\$ 647,054					\$ 838,757	\$ 1,485,811
Pass Through Agreement	Kings County	Pass Through	\$ 372,351	\$ 372,351	RPTTF								\$ -
Pass Through Agreement	Schools & Special Districts	Pass Through	\$ 381,411	\$ 381,411	RPTTF								\$ -
Pass Through Agreement	City of Lemoore	Pass Through	\$ 173,615	\$ 173,615	RPTTF		\$ 97,224			\$ 76,391			\$ 173,615
Pass Through Agreement	Lemoore High School	Funds held in set-aside account for LHS special projects to benefit the community.	\$ 44,586	\$ 44,586	RPTTF							\$ 44,586	\$ 44,586
Track Resurfacing Project	Lemoore High School	High School track resurfacing project. Approved April 2011.	\$ 243,592	\$ 243,593	RPTTF	\$ 218,696			\$ 24,897				\$ 24,897
Pass Through Agreement	Lemoore Elementary School	Funds held in set-aside account for LUESD special projects to benefit the community.	\$ 910,259	\$ 910,259	RPTTF							\$ 910,259	\$ 910,259
Low-Moderate Income Housing Pass Through	Redevelopment Agency LMI Housing Fund	Mandatory 20% set-aside for low-moderate income housing programs and projects.	\$ 1,990,925	\$ 1,990,925	LMHF	\$ 1,059,278				\$ 931,647			\$ 931,647
Golf Course/City Loan	City of Lemoore	Payment toward Golf Course Deficit Fund Balance.	\$ 200,000	\$ 200,000	RPTTF		\$ 200,000						\$ 200,000
Cost Allocation Plan	City of Lemoore	RDA has no employees of its own. City staff performs administrative services identified in Cost Allocation Plan approved by the RDA Board April 2009.	\$ 645,132	\$ 645,132	RPTTF	\$ 430,088	\$ 215,044						\$ 215,044
Successor Agency Administration	City of Lemoore as Successor Agency	Payment for administrative services of the Successor Agency for winding down the affairs of the former Redevelopment Agency. First year 5%. Next four years @ \$250k.	\$ 1,876,745	\$ 822,804	ACA							\$ 822,804	\$ 822,804

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Agreement for Services	Chamber of Commerce	Five year agreement approved November 16, 2010. January payment includes Coordinator wages incurred last fiscal year in the amount of \$1,524.82.	\$ 234,000	\$ 57,000	RPTTF		\$ 4,847	\$ 2,678	\$ 25,500			\$ 25,500	\$ 58,525
1st Amendment to Owner Participation Agreement	Leprino Foods Company	1st Amendment, dated Nov. 5, 2002, to a comprehensive Owner Participation Agreement for construction of a new mozzarella cheese manufacturing plant with 325 new jobs in Lemoore - \$250,000,000 project. RDA total contribution = \$6,000,000.	\$ 2,033,780	\$ 1,100,000	RPTTF	\$ 1,040,100 <sup>3</sup>					\$ 1,100,000		\$ 1,100,000
2nd Amendment to Owner Participation Agreement	Leprino Foods Company	2nd Amendment, dated Sep. 4, 2007, to a comprehensive Owner Participation Agreement for the construction of a Waste Water Pre-treatment System necessary for the expansion of the mozzarella cheese manufacturing plant with 175 additional jobs in Lemoore - additional \$180,000,000 project. RDA total contribution = \$6,000,000.	\$ 5,562,863	\$ 400,000	RPTTF	\$ 437,137 <sup>3</sup>					\$ 400,000		\$ 400,000
Low-Moderate Income Senior Housing Complex Loan	Lemoore Pacific Associates II	80 unit, high quality, low income housing, including 34 units available to very low income families. Loan approved 3/15/11.	\$ 2,680,000	\$ 2,680,000	LMIHF	\$ 2,680,000							\$ -
Low-Moderate Income Family Housing Complex Commitment	ROEM Development Corporation	81 unit, high quality, low income housing, including 39 units available to very low income families. Payment expected late 2012. Commitment approved April 19, 2011.	\$ 2,500,000	\$ 2,500,000	LMIHF						\$ 2,500,000		\$ 2,500,000
Purchase Agreement	Gary V. Burrows, Inc.	Purchase of improvements on railroad owned property for blight eradication. Agreement approved 3/25/11.	\$ 155,000	\$ 155,000	RPTTF	\$ 155,000							\$ -

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Contract for Brownfield Cleanup 10/19/06	Associated Soils Analysis, Inc.	Remediation of contaminated property began with a Preliminary Site Assessment Work Plan in 2006. Remediation is expected to continue approximately three more years. All costs are expected to be reimbursed.	\$ 860,000	\$ 10,000	RPTTF			\$ 10,000					\$ 10,000
Contract for Services	Kings County Economic Development Corporation	EDC services are utilized to attract industrial development. Funding for such services is authorized annually through the adoption of the Agency's annual budget.	\$ 37,079	\$ 37,080	RPTTF	\$ 18,540	\$ 3,090	\$ 3,090	\$ 3,090	\$ 3,090	\$ 3,090	\$ 3,090	\$ 18,540
Payment for Services	Weed Abatement Consultant	Weed abatement on Agency owned property - twice per year - five years.	\$ 40,000	\$ 8,000	RPTTF		\$ 2,750		\$ 5,250				\$ 8,000
Loan to Rotary for Improvements	Windtamer Tarps	Loan to Lemoore Rotary for improvement project at the Arbor Plaza.	\$ 5,199	\$ 5,199	RPTTF	\$ 5,199							\$ -
Loan to Rotary for Improvements	Reed Electric	Loan to Lemoore Rotary for improvement project at the Arbor Plaza.	\$ 6,700	\$ 6,700	RPTTF	\$ 6,700							\$ -
Payment for Services	Gary V. Burrows, Inc.	Blight eradication at 40 E Street. Agreement approved 3/25/11.	\$ 20,000	\$ 20,000	RPTTF	\$ 20,000							\$ -
Loan Agreement	Kings County Management & Development Corporation	Loan approved June 7, 2011 for the relocation of home at 752 Carmel Drive necessary for the construction of the 19th Avenue/SR198 Interchange Project.	\$ 250,000	\$ 250,000	LMIHF				\$ 250,000				\$ 250,000
Payment for Services	Inspection, Removal, Demolition Contractors	Asbestos inspection, asbestos removal and demolition of hazardous structures at 595 Champion St., 537 E St., and 830 Daphne Ln.	\$ 17,100	\$ 17,100	RPTTF				\$ 17,100				\$ 17,100
Payment for Services	Inspection, Removal, Demolition Contractors	Asbestos inspection and demolition of house at 752 Carmel Drive per agreement with Caltrans for its removal for the 19th Avenue/SR198 Interchange Project.	\$ 10,000	\$ 10,000	RPTTF				\$ 10,000				\$ 10,000

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Reimbursement Agreement	Lemoore Racing Enterprises	Rebate of up to 25% of annual loan payments for capital improvements completed per Purchase and Loan Agreement dated 01/18/1994.	\$ 23,714	\$ 4,064	RPTTF	\$ 4,064							\$ -
Agency/Successor Agency Attorney	Lozano Smith	Agency/Successor Agency Legal Services.	\$ 180,000	\$ 26,768	RPTTF/ACA	\$ 8,423	\$ 1,025	\$ 5,320	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 18,345
RDA Annual Audit	Sampson & Sampson	Annual RDA Audit completed 12/20/11.	\$ 50,000	\$ 10,000	RPTTF/ACA	\$ 5,250			\$ 4,750				\$ 4,750
Bond Project	To be determined	Street Improvements near Bush/41, includes College Ave. RR Crossing. Resolution No. 2010-02 adopted September 21, 2010.	\$ 2,818,189	\$ -	BP/RPTTF								\$ -
Bond Project	To be determined	Wastewater Treatment Plant Upgrade - Engineering/Planning.	\$ 511,550	\$ -	BP								\$ -
Bond Project	To be determined	Revolving Loan Program.	\$ 767,325	\$ -	BP								\$ -
Bond Project	To be determined	19th Avenue Interchange - Utility Relocation.	\$ 3,069,300	\$ -	BP								\$ -
Bond Project	To be determined	Police & Fire Dispatch Center - Design and Equipment.	\$ 368,316	\$ -	BP								\$ -
Bond Project	To be determined	Video Surveillance Camera System.	\$ 306,930	\$ -	BP								\$ -
Bond Project	To be determined	LED Street Light Conversion - 900.	\$ 434,818	\$ -	BP								\$ -
Bond Project	To be determined	Design/Engineering - Cedar Lane Extension and ROW Acquisition.	\$ 572,936	\$ -	BP								\$ -
Bond Project	To be determined	Storm Drainage Upgrade - Lemoore Industrial Park.	\$ 306,930	\$ -	BP								\$ -

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Bond Project	To be determined	Underground Dockstader Ditch on Cinnamon Dr. Install sidewalk, curb & gutter.	\$ 419,471	\$ -	BP								\$ -
Bond Project	To be determined	Install Security Cameras at CMC.	\$ 153,465	\$ -	BP								\$ -
Bond Project	To be determined	ADA Sidewalks throughout Project Area.	\$ 911,270	\$ -	BP								\$ -
Bond Project	To be determined	Create Cooling Center at Senior Center by adding Solar PV System.	\$ 409,240	\$ -	BP								\$ -
Bond Project	To be determined	Railroad Upgrades at Fox Street.	\$ 404,125	\$ -	BP								\$ -
Bond Project	To be determined	Expand front parking area at CMC by 185 spaces. Install second drive approach.	\$ 460,395	\$ -	BP								\$ -
Bond Project	To be determined	Construct Public Improvements on the RR Property at E & Lemoore Ave, including a BMX Park.	\$ 511,550	\$ -	BP								\$ -
Bond Project	To be determined	Storm Drainage Improvements - West of SR 41.	\$ 869,635	\$ -	BP								\$ -
			<b>\$ 114,836,837</b>	<b>\$ 17,278,884</b>		<b>\$ 6,038,580</b>	<b>\$ 1,578,982</b>	<b>\$ 21,088</b>	<b>\$ 343,587</b>	<b>\$ 1,014,128</b>	<b>\$ 4,006,090</b>	<b>\$ 3,524,191</b>	<b>\$ 10,488,067</b>
<sup>1</sup> Amounts Include Bond Debt Service due third quarter 2012 <sup>2</sup> RPTTF = Redevelopment Property Tax Trust Fund LMIHF = Low and Moderate Income Housing Fund ACA = Administrative Cost Allowance BP = Bond Proceeds RB = Reserve Balances ORS = Other Revenue Sources (rents, concessions, asset sale proceeds, interest earnings, and any other revenue derived from the former RDA, as approved by the Oversight Board) <sup>3</sup> Leprino Payment for Fiscal Year 2010-2011													