

RESOLUTION NO. 2014-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING AN AGREEMENT REGARDING EXPENDITURE OF EXCESS BOND PROCEEDS FOR SPECIFIED PROPOSED PUBLIC IMPROVEMENTS CONSISTENT WITH BOND COVENANTS

WHEREAS, the Redevelopment Dissolution Law (AB1x 26, enacted June 28, 2011, as amended by AB 1484, enacted June 27, 2012) provided for creation of the Successor Agency ("Successor Agency") to the Community Development Commission of the City of Rohnert Park ("CDC") and required the Successor Agency to expeditiously wind down the affairs of the CDC as directed by the oversight board created pursuant to Section 34179 of the California Health and Safety Code ("Oversight Board"); and

WHEREAS, following the successful completion of certain statutory prerequisites, the Successor Agency received a Finding of Completion from the State of California Department of Finance by letter dated April 26, 2013; and

WHEREAS, Health and Safety Code Section 34191.4(c) provides that once a finding of completion has been issued by the Department of Finance, the successor agency is authorized to use bond proceeds for the purposes for which the bonds were sold; and

WHEREAS, the Successor Agency may designate the use of and commit indebtedness obligation proceeds that were derived from indebtedness issued for redevelopment purposes on or before December 31, 2010, and that remain available after the satisfaction of enforceable obligations that have been approved on a Recognized Obligation Payment Schedule ("ROPS") and that are consistent with the indebtedness obligation covenants (hereafter, "Excess Bond Proceeds"); and

WHEREAS, the CDC issued its Rohnert Park Redevelopment Project Tax Allocation Bonds, Series 2007R (the "Bonds") in the total original principal amount of \$34,680,000; and

WHEREAS, the Bonds were issued pursuant to that certain Third Supplemental Indenture of Trust, dated as of April 1, 2007, between the CDC and Union Bank of California as trustee ("Trustee"), supplemental to a Master Indenture dated as of May 1, 1991 (collectively, the "Indenture"); and

WHEREAS, the Indenture requires that the Bonds proceeds be expended for redevelopment purposes and in compliance with federal Tax Code requirements, as further provided in the Tax Certificate executed by the CDC in connection with issuance of the Bonds and described in the Official Statement for the Bonds; and

WHEREAS, there are approximately \$5.7 million in Excess Bond Proceeds remaining; and

WHEREAS, on February 11, 2014, the City Council of the City of Rohnert Park (“City”) approved by a list of proposed public improvements to be funded from Bonds proceeds (“Proposed Public Improvements”); and

WHEREAS, bond counsel has provided an opinion that the expenditure of the Excess Bond Proceeds for the Proposed Public Improvements is consistent with the original Bonds covenants; and

WHEREAS, on April 9, 2014 the Oversight Board, by adoption of Resolution No. 2014-4, found that the Proposed Public Improvements are consistent with the Bonds covenants and directed the staff of the Successor Agency to include all or a portion of the expenditures from the Excess Bond Proceeds for the Proposed Public Improvements on the ROPS for the January-June 2015 (ROPS 14-15B) period; and

WHEREAS, Successor Agency staff have prepared and will present to the Oversight Board at its September 10, 2014 meeting a proposed ROPS that includes the expenditure of Bonds proceeds for the following Proposed Public Improvements: the Benicia Pool Renovation, Sports Center Locker Room Renovation, Public Safety Main Station HVAC System Replacement, and Park Restroom Renovation; and

WHEREAS, the Successor Agency desires to enter into an agreement with the City to allow the Successor Agency to transfer the remaining Excess Bond Proceeds to the City and to require the City to use the Excess Bond Proceeds for the purposes identified in and consistent with the Bonds covenants and the requirements of the CRL.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, AS SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF ROHNERT PARK, DOES HEREBY RESOLVE AS FOLLOWS:

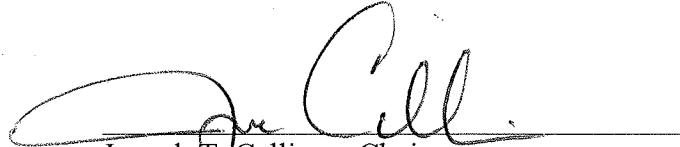
Section 1. Based on the foregoing recitals, the Successor Agency hereby approves and authorizes the City Manager, following approval by the Oversight Board and Department of Finance, to execute the Agreement Regarding Expenditure of Excess Bond Proceeds in the form attached to the staff report accompanying this Resolution, subject to minor, technical changes approved by the City Attorney.

Section 2. The City Manager or his designee are authorized and directed to execute such additional instruments and to take such actions as are necessary to carry out the intent of this Resolution.

DULY AND REGULARLY ADOPTED this 9th day of September, 2014.



SUCCESSOR AGENCY TO THE
COMMUNITY DEVELOPMENT
COMMISSION OF THE CITY OF
ROHNERT PARK


Joseph T. Callinan, Chair

ATTEST:


JoAnne Buergler, City Clerk

BELFORTE: Aye MACKENZIE: Aye STAFFORD: Aye AHANOTU: Aye CALLINAN: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)