

RESOLUTION NO. 2015-0007

Adopted by Oversight Board for Redevelopment Agency Successor Agency

May 18, 2015

APPROVING THE EXPENDITURE OF \$386,255 IN 2003 ALKALI FLAT TAX EXEMPT TAX ALLOCATION REDEVELOPMENT BOND PROCEEDS AND \$100,000 IN 2006 RIVER DISTRICT TAXABLE BOND PROCEEDS FOR THE 12TH/NORTH 12TH COMPLETE STREET PROJECT AND APPROVING THE EXCESS BOND PROCEEDS EXPENDITURE AGREEMENT

BACKGROUND

- A. Since the Redevelopment Agency Successor Agency (RASA) received its Finding of Completion in September 2013, unencumbered bond funds are available to allocate to projects.
- B. The 12th/North 12th Complete Street Plan was developed with grant funding from Caltrans' Environmental Justice Program to improve the function of the street for all modes, including bicyclists and pedestrians.
- C. Improving 12th Street and enhancing its public facilities were strategies identified in the 2009 Redevelopment Implementation Plan for the Alkali Flat Redevelopment Project Area.
- D. The 2009 River District Redevelopment Implementation Plan included strategies to provide a safe and attractive environment, improve local streets and intersections. Improving North 12th Street is consistent with these strategies.
- E. The California Transportation Commission's Active Transportation Program (ATP) provides grant funds to construct projects which increase biking and walking, improve safety and enhance public health. These goals are consistent with the 12th/North 12th Complete Street Plan (the "Project").
- F. A successful ATP grant application would provide funding to construct the Project and including the bond proceeds and matching funds would improve the competitiveness of the application for funding from this statewide grant program.
- G. Bond funds in the amount of \$386,255 from the Alkali Flat Redevelopment Project Area and \$100,000 from the River District Redevelopment Project Area are available to be pledged to the Project.

H. The bond funds would be transferred to the City of Sacramento (City) under an Excess Bond Proceeds Expenditure Agreement, which commits use of the funds for the Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE OVERSIGHT BOARD OF THE REDEVELOPMENT AGENCY SUCCESSOR AGENCY RESOLVES AS FOLLOWS:

- Section 1. The Oversight Board for the Redevelopment Agency Successor Agency determines that:
- (a) The 12th/ North 12th Complete Street Project will benefit the Alkali Flat and River District Redevelopment Project Areas by eliminating blight by improving this length of 12th/North 12th Street with enhanced public infrastructure and amenities.
 - (b) No other reasonable means of financing the Project is available to the community.
 - (c) The payment of the costs for the Project with Alkali Flat Redevelopment and River District Redevelopment Bond funds is consistent with the bond covenants and the Alkali Flat and River District Redevelopment Plans and Implementation Plans.
- Section 2. RASA is hereby authorized to appropriate 2003 Alkali Flat Tax-Exempt Tax Allocation Redevelopment Bond Proceeds in the amount of \$386,255 for the 12th/North 12th Complete Street Project and any interest earned on the bond proceeds until the funds are expended pursuant to the Excess Bond Proceeds Expenditure Agreement.
- Section 3. RASA is hereby authorized to appropriate 2006 River District Taxable Bond Proceeds in the amount of \$100,000 for the Project and including and any interest earned on the bond proceeds until the funds are expended pursuant to the Excess Bond Proceeds Expenditure Agreement.
- Section 4. The Oversight Board directs that the bond expenditures for this Project be listed on the Recognized Obligation Payment Schedule 15/16B, for the period January to June 2016.
- Section 5. The Oversight Board finds that these actions are consistent with the bond indenture pursuant to California Health & Safety Code section 34191.4, subdivision (c).
- Section 6. The Oversight Board approves the attached Excess Bond Proceeds Expenditure Agreement between RASA and the City for the Project.

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Exhibit A - Excess Bond Proceeds Expenditure Agreement for the 12th/North 12th
Complete Street Project

Adopted by the Oversight Board for the Redevelopment Agency Successor Agency on May 18,
2015 by the following vote:

Ayes: Members Dozier, Sanchez, Schenirer and Tamayo

Noes: None

Abstain: None

Absent: Member Givans and Matista

Attest:

Shirley Concolino

Digitally signed by Shirley Concolino
DN: cn=Shirley Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2015.05.21 16:44:25 -07'00'

Shirley Concolino, Redevelopment Agency Successor Agency Clerk

EXCESS BOND PROCEED EXPENDITURE AGREEMENT**Regarding Allocation of Agency Bond Funds****12th/North 12th Complete Street Project****Background**

- A. On January 31, 2012, the City of Sacramento (“City”) elected to serve as the successor to the Redevelopment Agency of the City of Sacramento (“Agency”) for the Agency’s non-housing assets and liabilities pursuant to the provisions of AB 1x 26 (Chapter 5, Statutes of 2011). The Agency was dissolved as of February 1, 2012, and all of its non-housing assets were transferred to the City in its capacity as the Redevelopment Agency Successor Agency (RASA).
- B. Under AB 1484 (Chapter 16, Statutes of 2012; Health and Safety Code section 34173, subd. (g)), the dissolution law was clarified to provide that RASA is a separate legal entity from the City. Also, AB 1484 provided that the Agency’s bond fund assets can be expended in a manner consistent with the bonds covenants after compliance with certain requirements. On September 20, 2013, RASA received its Finding of Completion from the State Department of Finance (DOF) and is now able to spend the Agency’s unencumbered bond funds in a manner consistent with the original bond covenants.
- C. AB 1484 (Health and Safety Code section 34180, subd. (b)) requires approval of the Oversight Board for RASA to allocate the Agency bond funds in a manner consistent with the original bond covenants and the payment of these bond funds must be included on a Recognized Obligations Payment Schedule (ROPS) as an excess bond proceeds obligation that is subject to approval by both the Oversight Board and DOF.
- D. On May 18, 2015, the Oversight Board for RASA approved an allocation of the Agency non-housing bonds funds pursuant to Health and Safety Code section 34191.4, subdivision (c) on the ROPS. Prior to the Effective Date (defined below), the City Council, acting as the board of directors for RASA, and the City approved the transfer of the Agency non-housing bonds for the Project and authorized RASA and the City to enter into this Excess Bond Expenditure Agreement (“Agreement”). The North 12th/12th Complete Street Project will be included in the next Recognized Obligation Payment Schedule for January – June 2016 (ROPS 15-16B) which will be presented for approval to the Oversight Board in September 2015.

Agreement

NOW, THEREFORE, RASA and the City agree as follows:

1. The “Effective Date” of this Agreement is as follows:

Effective Date:	
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2. RASA and City hereby agree that RASA will pay City the Agency bond funds in the amount as set out below, and City will use the funds to provide a loan for construction of the Project, consistent with the bond indenture pursuant to Health and Safety Code section 34191.4, subdivision (c), and subject to the terms and conditions set out in this Agreement:

Source of Funds:	2003 Alkali Flat Redevelopment Bond Funds and 2006 River District Redevelopment Bond Funds
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Amount of Funds:	\$384,783.04 Alkali Flat \$100,000 River District The amount of funds includes any interest earned on the bond proceeds until expended pursuant to the terms of this Agreement.
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Project Description:	Safety and aesthetic improvements to 12 th / North 12 th Street from the American River to H Street for all modes, especially pedestrians and bicycles. These improvements include creating a cycle track with pedestrian signals, new crosswalks, acquisition of right of way as necessary, on-street parking, pedestrian scale lighting, improvements to the Union Pacific Underpass and embankment leading to it from the north and south and other improvements to the streetscape.
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on North 12 th /12 th Street from the American River to H Street	12 th / North 12 th Street from the American River to H Street.
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Project Areas:	Alkali Flat Redevelopment Project Area and River District Redevelopment Project Area
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RASA shall transfer to the City the Agency bond funds as defined in Section 2, above, in the amount and in accordance with the ROPS 15-16B, by no later than June 30, 2016.

- 3. Neither RASA, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by City under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, City shall fully indemnify, defend and hold RASA harmless from any liability imposed for injury to persons or property occurring by reason of anything done or omitted to be done by City under or in connection with RASA's funding of work undertaken by City pursuant to this Agreement.
- 4. This Agreement shall terminate upon the completion of all obligations of the Parties.

The Parties have entered into this Agreement as of the Effective Date.

CITY OF SACRAMENTO

REDEVELOPMENT AGENCY SUCCESSOR AGENCY

By:

By:

John S. Shirey, City Manager

John S. Shirey, City Manager

Approved as to Form:

Approved as to Form:

Senior Deputy City Attorney

Senior Deputy City Attorney

Attest:

Attest:

Assistant City Clerk

Assistant City Clerk