RESOLUTION NO. 109-14-OB

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUNNYVALE APPROVING A REPAYMENT SCHEDULE FOR LOW AND MODERATE INCOME HOUSING FUNDS PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, pursuant to Health and Safety Code Section 34173, the City Council of the City of Sunnyvale (the "City Council") declared that the City of Sunnyvale (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Redevelopment Agency of the City of Sunnyvale (the "Dissolved RDA") effective February 1, 2012; and

WHEREAS, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the City; and

WHEREAS, the Dissolution Act provides for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, beginning in FY 2014-15 pursuant to Health and Safety Code Section 34176(e)(6)(B), the Dissolution Act provides for the repayment of loans or deferrals owed to the Low and Moderate Income Housing Fund ("LMIHF") by the former RDA, provided that the maximum repayment amount authorized each fiscal year shall be equal to one half of the increase between "the amount distributed" to the taxing entities in that fiscal year and the amount distributed to taxing entities in the FY 2012-13 base year; and

WHEREAS, pursuant to Health and Safety Code Section 34171(d)(1)(G), amounts owed to the LMIHF are enforceable obligations, provided the Oversight Board approves a repayment schedule; and

WHEREAS, the Successor Agency staff has prepared a LMIHF Deferral Repayment Schedule based on current estimates of funds available for such purposes and consistent with the requirements of Health and Safety Code Section 34176(e)(6)(B); and

WHEREAS, the Oversight Board desires to authorize the Successor Agency staff to prepare and submit to the appropriate entities modifications to the LMIHF Deferral Repayment Schedule on matters that can be handled administratively, have no impact on the Successor

Agency's overall obligations, and are consistent with Health and Safety Code Section 34176(e)(6)(B).

NOW THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Sunnyvale hereby approves the LMIHF Deferral Repayment Schedule, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Sunnyvale authorizes inclusion on Recognized Obligations Payment Schedule 14-15B of the first payment shown on Exhibit A.

BE IT FURTHER RESOLVED that the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Sunnyvale authorizes City staff on behalf of the Successor Agency to submit modifications to the LMIHF Deferral Repayment Schedule so long as the Successor Agency's total obligations are not increased and the modifications are consistent with Health and Safety Code Section 34176(e)(6)(B), and requests DOF and the Auditor-Controller to consider such amendments as approved.

BE IT FURTHER RESOLVED that this Resolution shall become effective in accordance with Health and Safety Code Section 34179(h).

The above and foregoing Resolution was duly and regularly passed and adopted at a meeting of the Oversight Board for the Successor Agency of the Redevelopment Agency of the City of Sunnyvale on September __, 2014, by the following vote:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

_____

Chairperson

ATTEST: _____

Oversight Board Designated

Communication Official

EXHIBIT A

LMIHF Deferral Repayment Schedule
Payments to the City of Sunnyvale Low and Moderate Income Housing Asset Fund
By the Successor Agency to the Redevelopment Agency of the City of Sunnyvale

Pursuant to HSC section 34171(d)(1)(G), payments on loans from and deferrals of former Redevelopment Agency of the City of Sunnyvale's Low and Moderate Income Housing Fund ("LMIHF") are enforceable obligations, provided the Oversight Board approves a repayment schedule. Pursuant to HSC section 34176(e)(6)(B), repayment of obligations related to LMIHF deferrals by redevelopment successor agencies are subject to calculation of a maximum repayment amount authorized each fiscal year, equal to one half of the increase between "the amount distributed" to the taxing entities in that fiscal year and the amount distributed to taxing entities in the FY 2012-13 base year.

The estimated amount of residual Redevelopment Property Tax available for calculation of the maximum payment is summarized in the following table. It is based on projected growth in assessed values in the Sunnyvale Redevelopment Project Area and assumes that all proposed ROPS are approved by the Oversight Board and the Department of Finance as presented to the Department. Higher growth rates or lower amounts of approved ROPS payments would result in a greater residual available for repayment of the Successor Agency's LMIHF Deferral obligations.

The Successor Agency intends that the actual repayment amount each ROPS period would be no greater than the maximum amount allowed pursuant to the formula contained in HSC 34176(e)(6)(B). As such that amount would vary depending upon the amounts approved for distribution to the Successor Agency for the payment of enforceable obligations and the administrative allowance, as well as the amount deposited in the RPTTF for each ROPS period. The schedule below is a sample repayment schedule but is not intended to limit the amount or timing of the repayments, which could vary depending on actual residual in a ROPS period within a fiscal year.

Estimated Residual Redevelopment Property Tax Revenue for Repayment of Deferred Low and Moderate Income Housing Fund Obligation by the Sunnyvale Redevelopment Successor Agency								
Fiscal Year	**Projected RPTTF**	**ROPS Distribution**	**County Admin**	**Residual Distribution**	**Residual Distribution Over Base Year**	**Maximum Fiscal Year LMIHF Payment**	**ROPS**	**ROPS LMIHF Payment**
12/13	$9,409,215	($2,101,130)	($259,042)	$7,049,043				
13/14	$9,214,379	($1,083,327)	($176,531)	$7,933,521	$884,478			
14/15	$9,546,848	($1,041,476)	($176,617)	$8,328,755	$1,279,712	$442,239	14-15A	
							14-15B	$442,239
15/16	$11,260,686	($1,686,591)	($208,323)	$9,365,771	$2,316,728	$639,856	15-16A	$319,928
							15-16B	$319,928

							16-17A	$579,182
16/17	$11,865,153	($2,516,281)	($219,505)	$9,129,367	$2,080,324	$1,158,364	16-17B	$579,182
							17-18A	$520,081
17/18	$12,185,571	($7,151,137)	($225,433)	$4,809,000	($2,240,043)	$1,040,162	17-18B	$520,081
							18-19A	$0*
18/19	$12,681,912	($11,954,303)	($234,615)	$492,994	($6,556,049)	$0	18-19B	$0*
							19-20A	$0*
19/20	$13,270,703	($10,114,236)	($245,508)	$2,910,959	($4,138,084)	$0	19-20B	$0*
							20-21A	$0*
20/21	$13,701,754	($4,101,175)	($253,482)	$9,347,097	$2,298,054	$0	20-21B	$0*
							21-22A	$574,513
21/22	$13,975,789	($5,302,485)	($258,552)	$8,414,752	$1,365,709	$1,149,027	21-22B	$574,513
							22-23A	$341,427
22/23	$14,255,305	($4,885,759)	($263,723)	$9,105,823	$2,056,780	$682,854	22-23B	$341,427
							23-24A	$514,195
23/24	$14,540,410	($5,356,216)	($268,998)	$8,915,197	$1,866,154	$1,028,390	23-24B	$514,195
							24-25A	$466,538
24/25	$14,831,219	($5,529,539)	($274,378)	$9,027,302	$1,978,259	$933,077	24-25B	$466,538
							25-26A	$494,565
25/26	$15,127,843	($5,708,020)	($279,865)	$9,139,958	$2,090,915	$989,130	25-26B	$494,565
							26-27A	$522,729
26/27	$15,430,400	($2,230,426)	($285,462)	$12,914,512	$5,865,469	$1,045,458	26-27B	$522,729
							27-28A	$1,466,367
27/28	$15,739,008	($1,975,056)	($291,172)	$13,472,780	$6,423,737	$2,932,734	27-28B	$1,466,367
							28-29A	$1,605,934
28/29						$3,211,868	28-29B	$1,026,113
Total								**$14,673,336**

* No repayment of the LMIHF obligation is anticipated in FY 2018/19 through FY 2020/21 due to the payment of the ARDDOPA accrued public improvement obligation projected to start in FY 2017/18. The FY 2017/18 through FY 2019/20 residual distribution is estimated to be less than the FY 2012/13 base year.