

**OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY
TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY**

Special Meeting

Simi Valley City Hall
2929 Tapo Canyon Road
Simi Valley, CA 93063
June 4, 2012
9:00 a.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Agenda Review
5. Public Statements

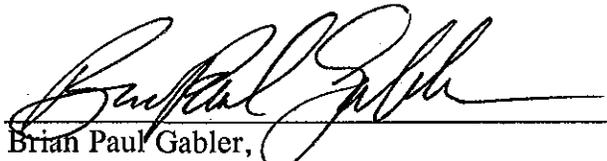
Time allotted for public statements or comments on all items on the agenda. Each individual speaker is limited to three (3) minutes.

6. Approval of Minutes: April 30, 2012
7. Consent Calendar: None
8. Continued Business: None
9. New Business:
 - 9A. Consideration of Resolutions Confirming and Approving the Recognized Obligations Payment Schedules (ROPS) Approved by the California Department of Finance for the period of January 1, 2012 through June 30, 2012 and for the period of July 1, 2012 through December 31, 2012
 - 9B. Consideration of Resolution Adopting a Conflict of Interest Code
 - 9C. Consideration of a Resolution Directing the Transfer of Non-Housing Property to the Rancho Simi Recreation and Park District and Consideration of a Resolution Approving the Transfer of Housing Real Estate Assets to the City of Simi Valley

OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY
TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY

June 4, 2012

- 9D. Status of Affordable Housing Projects Listed on the Recognized Obligations Payment Schedule and Report Regarding the Reorganization of the City's Housing Division
- 9E. Update Concerning Alternate Oversight Board Members (oral report)
- 10. Board Comments
- 11. Adjournment: To Be Determined



Brian Paul Gabler,
Director of Economic Development/
Assistant City Manager
Oversight Board Secretary

If any interested individual has a disability, which may require accommodation to participate in this meeting, please contact the City Manager's Office at 583-6701. Upon advance notification of the need for accommodation, reasonable arrangements will be made to provide accessibility to the meeting.

MINUTES OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE
SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY

Simi Valley, California

April 30, 2012

AGENDA
ITEM

1. Called to Order: 9:11 a.m.
2. Pledge of Allegiance: Led by Brian P. Gabler
3. Roll Call: Present: Abbe Berns, Paul Derse, Bruce Hamous, Lowell Schultze, Mike Sedell,
Jeff Yaller
Absent: Iris Ingram
4. Election of the Chair and Vice Chair of the Oversight Board

ACTION: Board Member Derse moved to nominate Mike Sedell as Chair of the Oversight Board; Board Member Yaller seconded the motion. There being no objections, the motion carried through acclamation.

ACTION: Chair Sedell moved to nominate Board Member Derse as Vice-Chair of the Oversight Board; Board Member Berns seconded the motion. There being no objections, the motion carried through acclamation.

Resolution No. OB 2012 – 01 – A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY APPROVING AND RATIFYING THE RESULTS OF AN ELECTION DESIGNATING THE CHAIR AND VICE CHAIR OF THE OVERSIGHT BOARD

ACTION: Board Member Schultze moved to adopt Resolution No. OB 2012-01; Board Member Yaller seconded the motion. There being no objections, the motion carried through acclamation.

5. Agenda Review: None
6. Public Statements: None
7. Approval of Minutes: None
8. Consent Calendar: None
9. Continued Business: None

**AGENDA
ITEM**

10. New Business:10A. Consideration of a Resolution Approving By-Laws and a Resolution Approving Rules of Procedures

Chair Sedell requested staff to confer with legal counsel regarding to the ability to have alternate Board Members for each appointed Board Member and report back to the Board.

Resolution No. OB 2012 – 02 – A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY ADOPTING BYLAWS

ACTION: Board Member Berns moved to adopt Resolution No. OB 2012-02; Board Member Hamous seconded the motion. There being no objections, the motion carried through acclamation.

Resolution No. OB 2012 – 03 – A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY ADOPTING RULES OF PROCEDURES FOR MEETINGS AND RELATED FUNCTIONS, ACTIVITIES, AND REGARDING MEETING TIMES AND LOCATION OF REGULAR MEETINGS

ACTION: Board Member Berns moved to adopt Resolution No. OB 2012-03; Board Member Schultze seconded the motion. There being no objections, the motion carried through acclamation.

10B. Purpose of Oversight Board

ACTION: Board Member Schultze moved to receive and file the report; Vice Chair Derse seconded the motion. There being no objections, the motion carried through acclamation.

10C. Overview of Former Simi Valley Community Development Agency

ACTION: Vice Chair Derse moved to receive and file the report; Board Member Schultze seconded the motion. There being no objections, the motion carried through acclamation.

AGENDA
ITEM10D. Designation of Contact Person for State of California Department of Finance Inquiries

Resolution No. OB 2012 - 04 - A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DESIGNATING A PERSON TO RESPOND TO INQUIRIES FROM THE CALIFORNIA DEPARTMENT OF FINANCE

ACTION: Board Member Schultze moved to adopt Resolution No. OB 2012-04; Vice Chair Derse seconded the motion. There being no objections, the motion carried through acclamation.

10E. Consideration of Resolutions Approving the Recognized Obligations Payment Schedules (ROPS) for the period of January 1, 2012 through June 30, 2012 and for the period of July 1, 2012 through December 31, 2012

Vice Chair Derse requested a list of the assets constructed as a result of the original bonds issued and then refunded through the 2003 Tax Allocation Bonds.

Chair Sedell requested staff send to the Board a copy of the Simi Valley City Council staff report regarding the reorganization of the Housing Division.

Board Member Berns requested staff to review the validity of the Legal Services Line Item with Stradling Yocca Carlson & Rauth and the Legal Services Line Item with Goldfarb & Lipman in light of the date of the contracts and remove them from the ROPS if appropriate.

Resolution No. OB 2012 - 05 - A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012

ACTION: Board Member Hamous moved to adopt Resolution No. OB 2012-05; Board Member Yaller seconded the motion:

ROLL CALL

AYES: Board Members Berns, Hamous, Schultze, Yaller, Vice Chair Derse, & Chair Sedell
NAYS: None
ABSENT: Board Member Ingram
ABSTAIN: None

AGENDA
ITEM

Resolution No. OB 2012 – 06 – A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY APPROVING AN ALTERNATIVE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012

It was the consensus of the Board to not have the Alternative Recognized Obligations Payment Schedule submitted to the California Department of Finance unless the loan between the City of Simi Valley and the Simi Valley Community Development Agency would be approved as an Enofrceable Obligation through a change in State law.

ACTION: Board Member Hamous moved to adopt Resolution No. OB 2012-06; Board Member Schultze seconded the motion:

ROLL CALL

AYES: Board Members Berns, Hamous, Schultze, Yaller, & Chair Sedell
NAYS: Vice Chair Derse
ABSENT: Board Member Ingram
ABSTAIN: None

Board Member Berns requested a status of the expiration dates of the entitlements of the affordable housing projects included in the ROPS.

Resolution No. OB 2012 – 07 – A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2012

ACTION: Board Member Schultze moved to adopt Resolution No. OB 2012-07; Vice Chair Derse seconded the motion:

ROLL CALL

AYES: Board Members Berns, Hamous, Schultze, Yaller, Vice Chair Derse, & Chair Sedell
NAYS: None
ABSENT: Board Member Ingram
ABSTAIN: None

AGENDA
ITEM

11. Board Comments:

Board Member Schultze requested staff to forward an Oversight Board contact list to all Board Members.

12. Adjournment: Chair Sedell adjourned the meeting at 10:45 a.m. to the meeting of June 4, 2012 at 9:00 a.m. There being no objections, the motion carried through acclamation.

Mike Sedell, Chair of the Oversight Board to
the Successor Agency of the Simi Valley
Community Development Agency

Brian P. Gabler, Oversight Board Secretary

OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE
SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY

MEMORANDUM

June 4, 2012

TO: Oversight Board

FROM: Office of the City Manager, Simi Valley Successor Agency

SUBJECT: CONSIDERATION OF RESOLUTIONS CONFIRMING AND APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULES (ROPS) APPROVED BY THE CALIFORNIA DEPARTMENT OF FINANCE FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012 AND FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2012

RECOMMENDATION

It is recommended the Oversight Board:

1. Adopt a Resolution (page 4) confirming and approving the Recognized Obligations Payment Schedule approved by the California Department of Finance for the period of January 1, 2012 through June 30, 2012.
2. Adopt a Resolution (page 6) confirming and approving the Recognized Obligations Payment Schedule approved by the California Department of Finance for the period of July 1, 2012 through December 31, 2012.

BACKGROUND AND OVERVIEW

Section 34177(l)(1) of the Dissolution Act requires a Successor Agency to prepare a Recognized Obligations Payment Schedule (ROPS) before each initial six-month period. The Dissolution Act requires the Oversight Board to approve the ROPS prior to distribution to the California Department of Finance (DOF), County of Ventura, and other entities. At the April 30, 2012 meeting, the Oversight Board approved the ROPS for the period of January 1, 2012 through June 30, 2012 and for the period of July 1, 2012 through December 31, 2012. Staff submitted the approved ROPS to the DOF for review and approval. In response, the DOF required items contained on the ROPS to be deleted. Staff acquiesced to the DOF directive and the ROPS were subsequently approved by the DOF. Staff is recommending that the Oversight Board confirm the changes required by the DOF and approve the revised ROPS.

FINDINGS AND ALTERNATIVES

On April 30, 2012, the Oversight Board adopted Resolutions and approved ROPS for the period of January 1, 2012 through June 30, 2012 and for the period of July 1, 2012 through December 31, 2012. As part of the Board's discussion, the Oversight Board requested staff to review for validity prior to submitting the ROPS to the DOF the following Line Items on the ROPS:

- "Legal Service - Stradling Yocca Carlson & Rauth" with a value of \$60,000.
- "Legal Services - Goldfarb & Lipman" with a value of \$20,000.

After staff's review of these two items, staff determined the Line Items would most likely not survive a review by DOF and were therefore deleted from the ROPS prior to submittal to the DOF. On May 8, 2012, staff submitted the approved ROPS to the DOF for review and on May 9, 2012 the Successor Agency received a response from the DOF indicating that the DOF is requesting a review of one or more Enforceable Obligations contained on the ROPS.

Successor Agency staff continued to work with DOF staff regarding their concerns. At the conclusion of several discussions, the DOF communicated to Successor Agency staff that specific items needed to be removed from the ROPS and Housing Line Items needed to be moved to another form. In addition to requiring the removal of specific items, the DOF made it clear to Successor Agency staff that the Agency must make the required changes and resubmit the ROPS to the DOF within 2 days. If the ROPS is not resubmitted by the deadline, the DOF could not guarantee the distribution of property tax revenue to the Successor Agency. However, if the ROPS were resubmitted with the required changes, the DOF would approve the ROPS.

The specific changes to the ROPS requested by the DOF are as follows:

- Move all Housing related items to Form B - All Revenue Sources Other Than Redevelopment Property Tax Trust Fund (RPTTF);
- Delete Line Item "Close Out Audit of SVCDA" with a value of \$8,500;
- Delete Line Item "Non-Housing Employee Costs" with a value of \$1,687,400;
- Delete Line Item "Property Audit Services" with a value of \$22,000.

Due to the changes being deletions as opposed to additions and due to the ultimatum from the DOF to resubmit by May 15, 2012 or potentially lose funding, Successor Agency staff made and submitted the required changes prior to returning to the Oversight Board for approval.

With the DOF providing approval of the ROPS for the period of January 1, 2012 through June 30, 2012 and for the period of July 1, 2012 through December 31, 2012, staff is recommending the Oversight Board adopt Resolutions confirming the ROPS that were approved by the DOF.

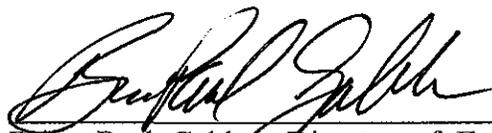
The following Alternatives are available to the Oversight Board:

1. Adopt a Resolution confirming and approving the Recognized Obligations Payment Schedule approved by the California Department of Finance for the period of January 1, 2012 through June 30, 2012.
2. Adopt a Resolution confirming and approving the Recognized Obligations Payment Schedule approved by the California Department of Finance for the period of July 1, 2012 through December 31, 2012.
3. Provide further direction.

It is recommended the Oversight Board approve Alternative Nos. 1 and 2.

SUMMARY

Pursuant to ABx1 26, the Successor Agency is obligated to prepare a ROPS and submit it to the Oversight Board for approval. The Oversight Board approved the ROPS on April 30, 2012 and staff subsequently submitted the ROPS to the DOF. In response, the DOF required modifications to the ROPS by May 15, 2012. Staff made the modifications and the DOF subsequently approved the ROPS. It is recommended the Oversight Board adopt Resolutions confirming the ROPS approved by the DOF for the period of January 1, 2012 through June 30, 2012 and a ROPS for the period of July 1, 2012 through December 31, 2012.



Brian Paul Gabler, Director of Economic
Development/Assistant City Manager

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY CONFIRMING AND APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE APPROVED BY THE CALIFORNIA DEPARTMENT OF FINANCE FOR THE PERIOD OF JANUARY 1, 2012 THROUGH JUNE 30, 2012

WHEREAS, the Oversight Board for the Successor Agency to the Simi Valley Community Development Agency ("Oversight Board") met and duly considered a recognized obligation payment schedule for the period January 1, 2012 through June 30, 2012 in the form submitted by the Successor Agency (the "ROPS"); and

WHEREAS, at its meeting on April 30, 2012, the Oversight Board approved the ROPS and instruments referenced in the ROPS for the period of January 1, 2012 through June 30, 2012; and

WHEREAS, the California Department of Finance reviewed the ROPS and required specific changes; and

WHEREAS, Successor Agency staff made the changes required by the California Department of Finance and the California Department of Finance subsequently approved the ROPS; and

WHEREAS, the Oversight Board desires to express and memorialize its approval of the ROPS approved by the California Department of Finance as the Recognized Obligation Payment Schedule duly approved by the Oversight Board.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Oversight Board finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Oversight Board confirms and approves as the Recognized Obligation Payment Schedule for the period January 1, 2012 through June 30, 2012 (the "ROPS") that was approved by the California Department of Finance.

SECTION 3. The Successor Agency shall maintain on file as a public record this Resolution and the ROPS as approved hereby.

PASSED and ADOPTED this

Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:

Brian P. Gabler, Oversight Board Secretary

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY CONFIRMING AND APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE APPROVED BY THE CALIFORNIA DEPARTMENT OF FINANCE FOR THE PERIOD OF JULY 1, 2012 THROUGH DECEMBER 31, 2012

WHEREAS, the Oversight Board for the Successor Agency to the Simi Valley Community Development Agency ("Oversight Board") met and duly considered a recognized obligation payment schedule for the period July 1, 2012 through December 31, 2012 in the form submitted by the Successor Agency (the "ROPS"); and

WHEREAS, at its meeting on April 30, 2012, the Oversight Board approved the ROPS and instruments referenced in the ROPS for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, the California Department of Finance reviewed the ROPS and required specific changes; and

WHEREAS, Successor Agency staff made the changes required by the California Department of Finance and the California Department of Finance subsequently approved the ROPS; and

WHEREAS, the Oversight Board desires to express and memorialize its approval of the ROPS approved by the California Department of Finance as the Recognized Obligation Payment Schedule duly approved by the Oversight Board.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Oversight Board finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Oversight Board confirms and approves as the Recognized Obligation Payment Schedule for the period July 1, 2012 through December 31, 2012 (the "ROPS") that was approved by the California Department of Finance.

SECTION 3. The Successor Agency shall maintain on file as a public record this Resolution and the ROPS as approved hereby.

PASSED and ADOPTED this

Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:

Brian P. Gabler, Oversight Board Secretary

RECOGNIZED OBLIGATION PAYMENT SCHEDULE - CONSOLIDATED
FILED FOR THE January 1, 2012 to June 30, 2012 PERIOD

Name of Successor Agency Successor Agency to the Simi Valley Community Development Agency

	Current	
	Total Outstanding Debt or Obligation	Total Due During Fiscal Year
Outstanding Debt or Obligation	\$ 43,770,092.77	\$ 3,302,588.53
	Total Due for Six Month Period	
Outstanding Debt or Obligation	\$ 7,736,208.53	
Available Revenues other than anticipated funding from RPTTF	\$ 1,714,439.77	
Enforceable Obligations paid with RPTTF	\$ 2,823,218.76	
Administrative Cost paid with RPTTF	\$ 250,000.00	
Pass-through Payments paid with RPTTF	\$ 2,948,550.00	
Administrative Allowance (greater of 5% of anticipated Funding from RPTTF or \$250,000. Note: Calculation should not include pass-through payments made with RPTTF. The RPTTF Administrative Cost figure above should not exceed this Administrative Cost Allowance figure)	\$ 250,000.00	

Certification of Oversight Board Chairman:
Pursuant to Section 34177(l) of the Health and Safety code,
I hereby certify that the above is a true and accurate Recognized
Enforceable Payment Schedule for the above named agency.

Mike Sedell	Chair
Name	Title
	5/17/12
Signature	Date

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2011-2012**	*** Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF)						
								Payments by month						
								Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Total
1) Façade Renovation Grant	April 26, 2010	B/C Sinaloa Plaza LLC	Façade Renovation Grant at Woodlands Plaza located at 540 through 690 Los Angeles Avenue	Merged WE/TC	105,000.00	52,500.00	RPTTF	0.00	17,500.00	0.00	0.00	17,500.00	0.00	\$ 35,000.00
2) Façade Renovation Grant	January 10, 2011	K & J Auto Exchange	Façade Renovation Grant at the northeast corner of Cochran Street and Tapo Street	Merged WE/TC	70,000.00	70,000.00	RPTTF	70,000.00	0.00	0.00	0.00	0.00	0.00	\$ 70,000.00
3) Union Pacific Lease	2002	Union Pacific Railroad	Annual lease for land located at the northeast corner of Tapo Canyon Road and Los Angeles Avenue	Merged WE/TC	400.00	400.00	RPTTF	0.00	0.00	0.00	0.00	400.00	0.00	\$ 400.00
4) County of Ventura Property Tax Collection Fee	n/a	County of Ventura	Fee for property tax collection and distribution	Merged WE/TC	150,200.00	150,200.00	RPTTF	0.00	0.00	0.00	0.00	150,200.00	0.00	\$ 150,200.00
5) Unfunded Retiree Obligations	n/a	Vested Employees/Retirees of the SVCDA	Vested Unfunded Pension/OPEB Obligations	Merged WE/TC	461,600.00	461,600.00	RPTTF	461,600.00	0.00	0.00	0.00	0.00	0.00	\$ 461,600.00
6) 2003 Tax Allocation Bonds	February 20, 2003	US Bank	Bond Issue to fund non-housing projects	Merged WE/TC	41,359,123.00	2,099,218.76	RPTTF	0.00	617,109.38	0.00	0.00	0.00	1,482,109.38	\$ 2,099,218.76
7) 2003 Tax Allocation Bonds	February 20, 2003	Willdan	Arbitrage Rebate calculation services	Merged WE/TC	20,700.00	1,150.00	RPTTF	0.00	0.00	0.00	1,150.00	0.00	0.00	\$ 1,150.00
8) 2003 Tax Allocation Bonds	February 20, 2003	HdL	Continuing Disclosure document preparation	Merged WE/TC	40,500.00	2,250.00	RPTTF	0.00	0.00	0.00	2,250.00	0.00	0.00	\$ 2,250.00
9) 2003 Tax Allocation Bonds	February 20, 2003	US Bank	Trustee Services Fee	Merged WE/TC	61,200.00	3,400.00	RPTTF	0.00	0.00	3,400.00	0.00	0.00	0.00	\$ 3,400.00
Totals - This Page (RPTTF Funding)					\$ 42,268,723.00	\$ 2,840,718.76	N/A	\$ 531,600.00	\$ 634,809.38	\$ 3,400.00	\$ 3,400.00	\$ 168,100.00	\$1,482,109.38	\$ 2,823,218.76
Totals - Page 2 (Other Funding)					\$ 211,869.77	\$ 211,869.77	N/A	\$ 211,869.77	\$ 211,869.77	\$ 295,090.92	\$ 226,869.77	\$ 216,869.77	\$ 551,869.77	\$ 1,714,439.77
Totals - Page 3 (Administrative Cost Allowance)					\$ 1,289,500.00	\$ 250,000.00	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000.00	\$ 250,000.00
Totals - Page 4 (Pass Thru Payments)					\$ 5,897,100.00	\$ 5,897,100.00	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,948,550.00	\$ 2,948,550.00
Grand total - All Pages					\$ 43,770,092.77	\$ 3,302,588.53		\$ 743,469.77	\$ 846,479.15	\$ 298,490.92	\$ 230,269.77	\$ 384,969.77	\$2,283,979.15	\$ 7,736,208.53

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.

** All totals due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund

Bonds - Bond proceeds

Other - reserves, rents, interest earnings, etc

LMIHF - Low and Moderate Income Housing Fund

Admin - Successor Agency Administrative Allowance

7)	Peppertree Apartments; Many Mansions	June 20, 2011	Many Mansions	Twelve apartment units affordable to extremely low-income and low-income households. Two 1-bedroom units and one 2-bedroom unit will have rents restricted to the extremely low-income rent level, six 2-bedroom units and two 3-bedroom units will have rents restricted to the very low-income rent level, and one 1-bedroom unit will have rents restricted to the low-income rent level if Many Mansions is successful in obtaining a HOME loan . Additional \$35,600 in initial administrative costs related to overseeing construction, marketing plan, and income certification of prospective tenants	Merged WE/TC	484,137.00	0.00	LMIHF	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
8)	Senior Rent Subsidy Program Contract	December 16, 2002	Area Housing Authority of the County of Ventura	Provision of rental subsidies to up to 41 low-income Simi Valley Senior Citizens that are on the Section 8 Waiting List. The amount of the subsidies is determined by the Section 8 assistance formula.	Merged WE/TC	388,680.00	388,680.00	LMIHF	32,390.00	32,390.00	32,390.00	32,390.00	32,390.00	32,390.00	\$ 194,340.00
9)	Mobile Home Rent Subsidy Program for Seniors	Various	Mobile Home owners within the Susana Woods Mobile Home Park, Simi Country Estates Mobile Home Park, and Friendly Village Mobile Home Park	Provision of rental subsidies for Simi Valley low-income residents who own and occupy a mobile home. The subsidy covers up to 75% of rent increases that exceed 30% of the households income.	Merged WE/TC	12,240.00	12,240.00	LMIHF	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	\$ 6,120.00
10)	Parkview Units Cost of Ownership	n/a	Parkview HOA	Homeowners Association dues for owned units	Merged WE/TC	15,120.00	15,120.00	LMIHF	1,260.00	1,260.00	1,260.00	1,260.00	1,260.00	1,260.00	\$ 7,560.00
11)	Simi Village Units Cost of Ownership	n/a	Simi Village HOA	Homeowners Association dues for owned units	Merged WE/TC	960.00	960.00	LMIHF	80.00	80.00	80.00	80.00	80.00	80.00	\$ 480.00
12)	Le Parc Units Cost of Ownership	n/a	Le Parc HOA	Homeowners Association dues for owned units	Merged WE/TC	3,650.00	3,650.00	LMIHF	304.00	304.00	304.00	304.00	304.00	304.00	\$ 1,824.00
13)	Housing Units Cost of Ownership	n/a	Southern California Edison	Electrical cost for owned units	Merged WE/TC	960.00	960.00	LMIHF	80.00	80.00	80.00	80.00	80.00	80.00	\$ 480.00
14)	Housing Units Cost of Ownership	n/a	Southern California Gas	Natural gas cost for owned units	Merged WE/TC	360.00	360.00	LMIHF	30.00	30.00	30.00	30.00	30.00	30.00	\$ 180.00
15)	de Leon Housing Unit Litigation	n/a	Stradling Yocca Carlson & Rauth	Legal costs involving disposition of restricted housing unit	Merged WE/TC	95,000.00	95,000.00	LMIHF	10,000.00	10,000.00	25,000.00	25,000.00	15,000.00	10,000.00	\$ 95,000.00
16)	de Leon Housing Unit Litigation	n/a	Unit Purchaser	Legal costs involving disposition of restricted housing unit	Merged WE/TC	190,000.00	190,000.00	LMIHF	0.00	0.00	0.00	0.00	0.00	190,000.00	\$ 190,000.00
17)	Werner home Rehabilitation Loan	April 5, 2011	Team Construction	Final payment on Home Rehabilitation Loan	Merged WE/TC	11,000.00	1,000.00	LMIHF	0.00	0.00	1,000.00	0.00	0.00	0.00	\$ 1,000.00
18)	Housing Unit Monitoring	n/a	City of Simi Valley	Monitoring of rental and owner-occupied units to insure continued eligibility by tenants and occupants. Ensuring conformance with covenants of Affordable Housing Agreements already in place.	Merged WE/TC	58,200.00	58,200.00	LMIHF	4,850.00	4,850.00	4,850.00	4,850.00	4,850.00	4,850.00	\$ 29,100.00
19)	Housing Employee Costs	n/a	Employees of Former Agency	Costs of Housing employees	Merged WE/TC	2,033,900.00	2,033,900.00	LMIHF	161,855.77	161,855.77	229,076.92	161,855.77	161,855.77	161,855.77	\$ 1,038,355.77
20)															\$ -
Totals - LMIHF						\$ 16,147,237.00	\$ 2,950,070.00		\$ 211,869.77	\$ 211,869.77	\$ 295,090.92	\$ 226,869.77	\$ 216,869.77	\$ 551,869.77	\$ 1,714,439.77
Totals - Bond Proceeds															\$ 0.00
Totals - Other															\$ 0.00
Grand total - This Page						\$ 16,147,237.00	\$ 2,950,070.00		\$ 211,869.77	\$ 211,869.77	\$ 295,090.92	\$ 226,869.77	\$ 216,869.77	\$ 551,869.77	\$ 1,714,439.77

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.

** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund
LMIHF - Low and Moderate Income Housing Fund
Bonds - Bond proceeds
Other - reserves, rents, interest earnings, etc
Admin - Successor Agency Administrative Allowance

RECOGNIZED OBLIGATION PAYMENT SCHEDULE - CONSOLIDATED
FILED FOR THE July 1, 2012 to December 31, 2012 PERIOD

Name of Successor Agency

Successor Agency to the Simi Valley Community Development Agency

	Current	
	Total Outstanding Debt or Obligation	Total Due During Fiscal Year
1)		
2)	\$ 55,587,440.00	\$ 3,377,331.26
3)		
4)		
5)	Total Due for Six Month Period	
6)		
7)	\$ 1,557,714.63	
8)		
9) Available Revenues other than anticipated funding from RPTTF	\$ 824,624.00	
Enforceable Obligations paid with RPTTF	\$ 608,090.63	
Administrative Cost paid with RPTTF	\$ 125,000.00	
Pass-through Payments paid with RPTTF	\$ -	
Administrative Allowance (greater of 3% of anticipated Funding from RPTTF or \$250,000. Note: Calculation should not include pass-through payments made with RPTTF. The RPTTF Administrative Cost figure above should not exceed this Administrative Cost Allowance figure)	\$ 250,000.00	

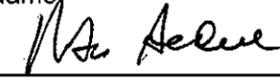
Certification of Oversight Board Chairman:
Pursuant to Section 34177(l) of the Health and Safety code,
I hereby certify that the above is a true and accurate Recognized
Enforceable Payment Schedule for the above named agency.

Mike Sedell

Chair

Name

Title



5/17/12

Signature

Date

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

Project Name / Debt Obligation	Contract/Agreement Execution Date	Payee	Description	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2012-2013**	*** Funding Source	Payable from the Redevelopment Property Tax Trust Fund (RPTTF)						
								Payments by month						
								Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	Total
1) Union Pacific Lease	2002	Union Pacific Railroad	Annual lease for land located at the northeast corner of Tapo Canyon Road and Los Angeles Avenue	Merged WE/TC	400.00	400.00	RPTTF	0.00	0.00	0.00	0.00	400.00	0.00	\$ 400.00
2) 2003 Tax Allocation Bonds	February 20, 2003	US Bank	Bond Issue to fund non-housing projects	Merged WE/TC	41,359,123.00	2,101,781.26	RPTTF	0.00	0.00	0.00	0.00	0.00	600,890.63	\$ 600,890.63
3) 2003 Tax Allocation Bonds	February 20, 2003	Willdan	Arbitrage Rebate calculation services	Merged WE/TC	20,700.00	1,150.00	RPTTF	0.00	0.00	0.00	1,150.00	0.00	0.00	\$ 1,150.00
4) 2003 Tax Allocation Bonds	February 20, 2003	HdL	Continuing Disclosure document preparation	Merged WE/TC	40,500.00	2,250.00	RPTTF	0.00	0.00	0.00	2,250.00	0.00	0.00	\$ 2,250.00
5) 2003 Tax Allocation Bonds	February 20, 2003	US Bank	Trustee Services Fee	Merged WE/TC	61,200.00	3,400.00	RPTTF	0.00	0.00	3,400.00	0.00	0.00	0.00	\$ 3,400.00
6)														
7)														
8)														
9)														
Totals - This Page (RPTTF Funding)					\$ 41,481,923.00	\$ 2,108,981.26	N/A	\$ -	\$ -	\$ 3,400.00	\$ 3,400.00	\$ 400.00	\$ 600,890.63	\$ 608,090.63
Totals - Page 2 (Other Funding)					\$ 13,701,417.00	\$ 864,250.00	N/A	\$ 16,604.00	\$ 166,604.00	\$ 31,604.00	\$ 231,604.00	\$ 21,604.00	\$ 358,604.00	\$ 824,624.00
Totals - Page 3 (Administrative Cost Allowance)					\$ 404,100.00	\$ 404,100.00	N/A	\$ 20,833.00	\$ 20,833.00	\$ 20,833.00	\$ 20,833.00	\$ 20,833.00	\$ 20,835.00	\$ 125,000.00
Totals - Page 4 (Pass Thru Payments)					\$ -	\$ -	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages					\$ 55,587,440.00	\$ 3,377,331.26		\$ 37,437.00	\$ 187,437.00	\$ 55,837.00	\$ 255,837.00	\$ 42,837.00	\$ 978,329.63	\$ 1,557,714.63

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board before the final ROPS is submitted to the State Controller and State Department of Finance by April 15, 2012. It is not a requirement that the Agreed Upon Procedures Audit be completed before submitting the final Oversight Approved ROPS to the State Controller and State Department of Finance.

** All totals due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund
LMIHF - Low and Moderate Income Housing Fund

Bonds - Bond proceeds

Admin - Successor Agency Administrative Allowance

Other - reserves, rents, interest earnings, etc

OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE
SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY

MEMORANDUM

June 4, 2012

TO: Oversight Board

FROM: Office of the City Manager, Simi Valley Successor Agency

SUBJECT: CONSIDERATION OF RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

RECOMMENDATION

It is recommended the Oversight Board adopt a Resolution (page 3) adopting a Conflict of Interest Code.

BACKGROUND AND OVERVIEW

The Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission (FPPC) require that newly established local entities adopt a conflict of interest code. The Oversight Board is deemed a local entity for purposes of the Political Reform Act and, as such, is required to adopt a conflict of interest code.

FINDINGS AND ALTERNATIVES

Staff has prepared the attached Resolution (page 3) pursuant to the model conflict of interest code provided by the FPPC. Once adopted, the Resolution will serve as the Oversight Board's Conflict of Interest Code. The proposed Conflict of Interest Code will:

- Designate the Oversight Board members as the persons required to file periodic statements of economic interest (Form 700);
- Specify that Oversight Board members must complete all reporting categories on their Form 700s; and
- Direct that Form 700s be filled with the City Clerk of the City of Simi Valley (which is the designated reviewing body).

Upon adoption, staff will forward the Resolution to the City Clerk for formal approval by the City Council in its capacity as the code reviewing body. Staff recommends the Oversight Board adopt the attached Resolution adopting a Conflict of Interest Code.

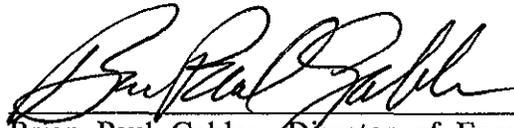
The following Alternatives are available to the Oversight Board:

1. Adopt a Resolution adopting a Conflict of Interest Code;
2. Elect not to adopt a Conflict of Interest Code at this time;
3. Provide alternative direction.

It is recommended the Board select Alternative No 1.

SUMMARY

The Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission (FPPC) require that newly established local entities adopt a conflict of interest code. Staff has prepared a Resolution, pursuant to the model conflict of interest code provided by the FPPC. Staff recommends the Oversight Board adopt the Resolution adopting a Conflict of Interest Code.



Brian Paul Gabler, Director of Economic
Development/Assistant City Manager

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE
SUCCESSOR AGENCY TO THE SIMI VALLEY
COMMUNITY DEVELOPMENT AGENCY ADOPTING A
CONFLICT OF INTEREST CODE

WHEREAS, the Oversight Board for Successor Agency to Simi Valley Community Development Agency ("Oversight Board") has been appointed pursuant to the provisions of Health and Safety Code Section 34179; and

WHEREAS, the Oversight Board is deemed a local entity for purposes of the Political Reform Act; and

WHEREAS, pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission ("FPPC"), a newly established local entity is required to adopt a conflict of interest code; and

WHEREAS, the Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq and Section 18730 of Title 2 of the California Code of Regulations, the Oversight Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference and attached hereto as Exhibit A, which together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Section 3 and 5 of this Resolution, collectively constitutes the Oversight Board's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the FPPC or judicial determination, the portion of the Oversight Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of Government Code Section 87200.

SECTION 2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission and any amendments to either of the foregoing are incorporated by reference into this conflict of interest code.

SECTION 3. The following are the designated Oversight Board positions, the holders of which shall be required to file statements of economic interests: Oversight Board Members.

SECTION 4. The code reviewing body for this conflict of interest code shall be the City Council of the City of Simi Valley. This conflict of interest code shall be promptly submitted after its adoption to the City Clerk of the City of Simi Valley. Oversight Board Members shall file Statements of Economic Interest with the City Clerk of the City of Simi Valley.

SECTION 5. The Board finds and determines that the persons holding the positions set forth in Section 3 make or participate in the making of decisions that may foreseeably have a material effect on financial investments.

SECTION 6. Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the Statements of Economic Interest promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by the FPPC may be amended from time to time and such amendments shall not require an amendment to this code or Resolution.

SECTION 7. Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

SECTION 8. Nothing contained in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87000 et seq. The provisions of this Resolution are additional to the Political Reform Act and FPPC regulations. This Resolution shall be interpreted in a manner consistent with the Political Reform Act and FPPC regulations. In the event of any inconsistency between the provisions of this Resolution and the Political Reform Act and/or FPPC regulations, the provisions of the Political Reform Act and FPPC regulations shall govern.

SECTION 9. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Oversight Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 10. The Secretary shall certify to the adoption of this Resolution and shall maintain on file as a public record this Resolution.

PASSED and ADOPTED this

Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:

Brian P. Gabler, Oversight Board Secretary

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and
- (C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been

determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to

have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

1Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and

verified by the designated employee as if it were an original. See Government Code section 81004.

2See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter
(Register 81, No.2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter
(Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter
(Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed
8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and
amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93;
operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental
Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of
Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4 filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

**OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE
SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY**

MEMORANDUM

June 4, 2012

TO: Oversight Board

FROM: Office of the City Manager, Simi Valley Successor Agency

SUBJECT: CONSIDERATION OF A RESOLUTION DIRECTING THE TRANSFER OF NON-HOUSING PROPERTY TO THE RANCHO SIMI RECREATION AND PARK DISTRICT AND CONSIDERATION OF A RESOLUTION APPROVING THE TRANSFER OF HOUSING REAL ESTATE ASSETS TO THE CITY OF SIMI VALLEY

RECOMMENDATION

It is recommended the Oversight Board:

1. Adopt a Resolution (page 6) approving the transfer of housing real estate assets to the City of Simi Valley.
2. Adopt a Resolution (page 9) directing the Successor Agency to transfer the non-housing asset Assessor Parcel Number 616-0-090-290 to the Rancho Simi Recreation and Park District.

BACKGROUND AND OVERVIEW

ABx1 26 (Dissolution Act) provides that as of February 1, 2012 the housing assets of the former redevelopment agency are transferred to the local housing authority or the City that created the redevelopment agency. On January 30, 2012, the City of Simi Valley adopted a Resolution electing to become the Successor Housing Agency and retain the housing assets of the redevelopment agency and perform the functions previously performed by the redevelopment agency. In order to provide clear title of the transfer of real estate, staff recommends the Oversight Board adopt a Resolution confirming the transfer of housing assets.

The Dissolution Act further requires the disposal of all non-housing assets of the former redevelopment agency. The Simi Valley Community Development Agency (Agency) owns one parcel that is a non-housing asset. Staff is recommending the Oversight Board direct the transfer of the property to the Rancho Simi Recreation and Park District.

FINDINGS AND ALTERNATIVES

Housing Assets

Section 34176(a) of the Dissolution Act states as follows:

“The city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. If a city, county, or city and county elects to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all right, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the city, county, or city and county.”

On January 30, 2012, the Simi Valley City Council adopted Resolution No. 2012-07 electing to have the City of Simi Valley retain the responsibility for performing housing functions previously performed by a redevelopment agency. With this action, the housing assets transferred to the City of Simi Valley effective February 1, 2012.

Section 34181(c) of the Dissolution Act states as follows:

“The oversight board shall direct the successor agency to do all the following: (c) Transfer housing responsibilities and all rights, powers, duties and obligations along with any amounts on deposit in the Low and Moderate Income Housing Fund to the appropriate entity pursuant to Section 34176.”

Having designated the City as the Successor Housing Agency to receive housing assets, all title and interests of the former redevelopment agency transfer by operation of law to the City of Simi Valley. However, Section 34181(c) provides the Oversight Board shall direct the successor agency to direct any housing assets to that entity receiving the housing assets.

As a result of these differences, staff has learned that title companies have been unwilling to write policies of title insurance for housing assets transferred without direction from the Oversight Board. As a result of the Dissolution Act, the following housing assets transferred to the City of Simi Valley:

Street Address	Assessor Parcel Number	Bedrooms/Baths	Square Feet
1225-C Fitzgerald Road	640-0-360-185	2/2	936
1225-E Fitzgerald Road	640-0-350-175	2/2	1,111
1143 Tivoli Lane #105	612-0-120-225	1/1	733
284 Midnight Moon Lane	631-0-200-295	3/2.5	1,294
1007-E Waltham Road	640-0-340-035	3/2	1,361
1079-E Waltham Road	640-0-340-385	2/2	1,361

All units are multifamily housing units in Simi Valley that were acquired with Low and Moderate Income Housing Funds.

Although it is questionable whether the Oversight Board is required to approve the transfer of the housing assets to the City of Simi Valley, it is recommended to ensure clear title of the properties. Therefore, staff is recommending the Oversight Board adopt the attached Resolution (page 6) approving the transfer of the six housing assets to the City of Simi Valley.

Non-Housing Assets

Section 34177(e) of the Dissolution Act states the following:

“Successor agencies are required to do all the following: (e) Dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to subdivision (a) of Section 34181. The disposal is to be done expeditiously and in a manner aimed at maximizing value. Proceeds from asset sales and related funds that are no longer needed for approved development projects or to otherwise wind down the affairs of the agency, each as determined by the oversight board, shall be transferred to the county auditor-controller for distribution as property tax proceeds under Section 34188.”

Section 34181(a) of the Dissolution Act states the following:

“The oversight board shall direct the successor agency to do all the following: (a) Dispose of all assets and properties of the former redevelopment agency that were funded by tax increment revenues of the dissolved redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value.”

The only non-housing asset owned by the Agency that was transferred to the Successor Agency is located at 2850 Lemon Drive (Assessor Parcel Number 616-0-090-290; “City Parcel”) and is the parking lot west of the Boys and Girls Club of Simi Valley (Club) facility (see map page 11). The 0.19-acre (8,276 square feet) City Parcel was acquired in 1988 and was intended to be part of the future development of the Club facility. The City Parcel is located adjacent to and is part of Rancho Tapo Community Park, which is owned and controlled by the Rancho Simi Recreation and Park District (Park District).

In May 1990, the City of Simi Valley and the Park District entered into a fifty-year (50) agreement (attached page 12) to assemble the land needed for the construction of the Club facility. The agreement provides for the District to provide their property, combined with the City Parcel, to allow the City to "finance the acquisition, construction, maintenance, and operation of a community recreation center and improvements." In accordance with the agreement, the Park District is responsible for all grounds maintenance on the City Parcel. Further, the agreement provides that the City Parcel shall be incorporated into the Master Plan for Rancho Tapo Community Park.

The subject parcel is part of CC-S-4, Modification No. 2, the development application approved for the construction of the facility for the Boys and Girls Club of Simi Valley. Because the property is part of this development application, the property is unavailable for future development.

Staff researched a possible value of the City Parcel for the Oversight Board's consideration. While the City Parcel is fully encumbered and is not developable, staff compared residentially zone properties in Simi Valley that are currently being marketed. At a generous value of \$20.00 per square foot, an estimated value of the City Parcel would be approximately \$165,500.

As the City Parcel is encumbered with a parking lot that is integrated into the Park District's community park, is part of the Rancho Tapo Community Park Master Plan providing required parking for the park and the Club facility, and is being use for a public purpose, staff is recommending the Oversight Board direct the transfer of the City Parcel to the Park District. As the City Parcel is fully encumbered and restricted for park purposes, it is further recommended the City Parcel be transferred at no cost. Staff recommends the Oversight Board adopt a Resolution (page 9) directing the transferred of the City Parcel to the Rancho Simi Recreation and Park District.

The following Alternatives are available to the Oversight Board:

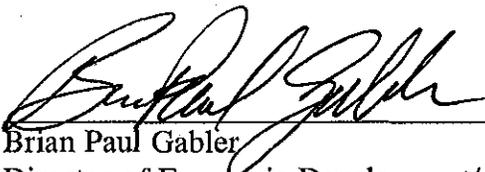
1. Adopt a Resolution directing the Successor Agency to transfer the non-housing asset Assessor Parcel Number 616-0-090-290 to the Rancho Simi Recreation and Park District;
2. Elect not to direct the transfer of Assessor Parcel Number 616-0-090-290 at this time;
3. Order the disposal of Assessor Parcel Number 616-0-090-290;
4. Adopt a Resolution approving the transfer of housing real estate assets to the City of Simi Valley;
5. Elect not to adopt the Resolution at this time
6. Provide staff with further direction.

Staff recommends Alternatives Nos. 1 and 4.

SUMMARY

ABx1 26 (Dissolution Act) provides that as of February 1, 2012 the housing assets of the former redevelopment agency are transferred to the local housing authority or the City that created the redevelopment agency. On January 30, 2012, the City of Simi Valley adopted a Resolution electing to become the Successor Housing Agency and retain the housing assets of the redevelopment agency. Discrepancies with the Dissolution Act may cause title companies to not write policies of title insurance. In order to provide clear title of the transfer of real estate, staff recommends the Oversight Board adopt a Resolution confirming the transfer of housing assets.

The Dissolution Act further requires the disposal of all non-housing assets of the former redevelopment agency. The Simi Valley Community Development Agency owned one parcel that is a non-housing asset. Staff is recommending the Oversight Board direct the transfer of the property to the Rancho Simi Recreation and Park District.



Brian Paul Gabler
Director of Economic Development/
Assistant City Manager

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY APPROVING THE TRANSFER OF HOUSING ASSETS TO THE CITY OF SIMI VALLEY

WHEREAS, Section 34176(a) of the Health and Safety Code provides that a city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency and that if a city elects to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all right, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the city; and

WHEREAS, at its meeting on January 30, 2012 the City Council of the City of Simi Valley adopted Resolution No. 2012-07 electing to become the Housing Successor Agency and retain the housing assets of the Simi Valley Community Development Agency; and

WHEREAS, Section 34181(c) of the Health and Safety Code provides the oversight board shall direct the successor agency to transfer housing responsibilities and all rights, powers, duties and obligations along with any amounts on deposit in the Low and Moderate Income Housing Fund to the appropriate entity pursuant to Section 34176; and

WHEREAS, the Oversight Board for the Successor Agency to the Simi Valley Community Development Agency ("Oversight Board") met and duly considered a list of housing assets formerly held by the Simi Valley Community Development Agency and transferred to the Housing Successor Agency; and

WHEREAS, the Oversight Board desires to express and memorialize its approval of the transfer of housing assets to the City of Simi Valley.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Oversight Board finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Oversight Board approves the transfer of housing assets as identified on Exhibit A to the City of Simi Valley and such approval shall constitute the approval of the Oversight Board for purposes of Section 34181(c) of the Health and Safety Code.

SECTION 3. The Successor Agency shall maintain on file as a public record this Resolution.

PASSED and ADOPTED this

Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:

Brian P. Gabler, Oversight Board Secretary

EXHIBIT A

HOUSING PROPERTY ASSETS TRANSFERRED TO
CITY OF SIMI VALLEY

Street Address	Assessor Parcel Number
1225-C Fitzgerald Road	640-0-360-185
1225-E Fitzgerald Road	640-0-350-175
1143 Tivoli Lane #105	612-0-120-225
284 Midnight Moon Lane	631-0-200-295
1007-E Waltham Road	640-0-340-035
1079-E Waltham Road	640-0-340-385

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DIRECTING THE TRANSFER OF ASSESSOR PARCEL NUMBER 616-0-090-290 TO THE RANCHO SIMI RECREATION AND PARK DISTRICT

WHEREAS, Section 34177(e) of the Health and Safety Code provides that successor agencies are required to dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to subdivision (a) of Section 34181; and

WHEREAS, Section 34181(a) of the Health and Safety Code provides the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset; and

WHEREAS, with the implementation of ABx1 26, the Successor Agency to the Simi Valley Community Development Agency ("Successor Agency") took possession of Assessor Parcel Number 616-0-090-290 (the "Property") which is a parking lot providing required parking for the Boys and Girls Club of Simi Valley facility and Rancho Tapo Community Park; and

WHEREAS, pursuant to a May 21, 1990 Land Lease Agreement among the Rancho Simi Recreation and Park District (the "District") and the City of Simi Valley, the District is responsible for the maintenance of the Property which is part of the District's Master Plan for the Rancho Tapo Community Park; and

WHEREAS, it is prudent to direct the transfer of the Property to the District;
and

WHEREAS, the Oversight Board desires to express and memorialize its approval to direct the Successor Agency transfer the Property to the District at no cost.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Oversight Board finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Oversight Board directs that the Successor Agency transfer Assessor Parcel Number 616-0-090-290 to the Rancho Simi Recreation and Park District without cost.

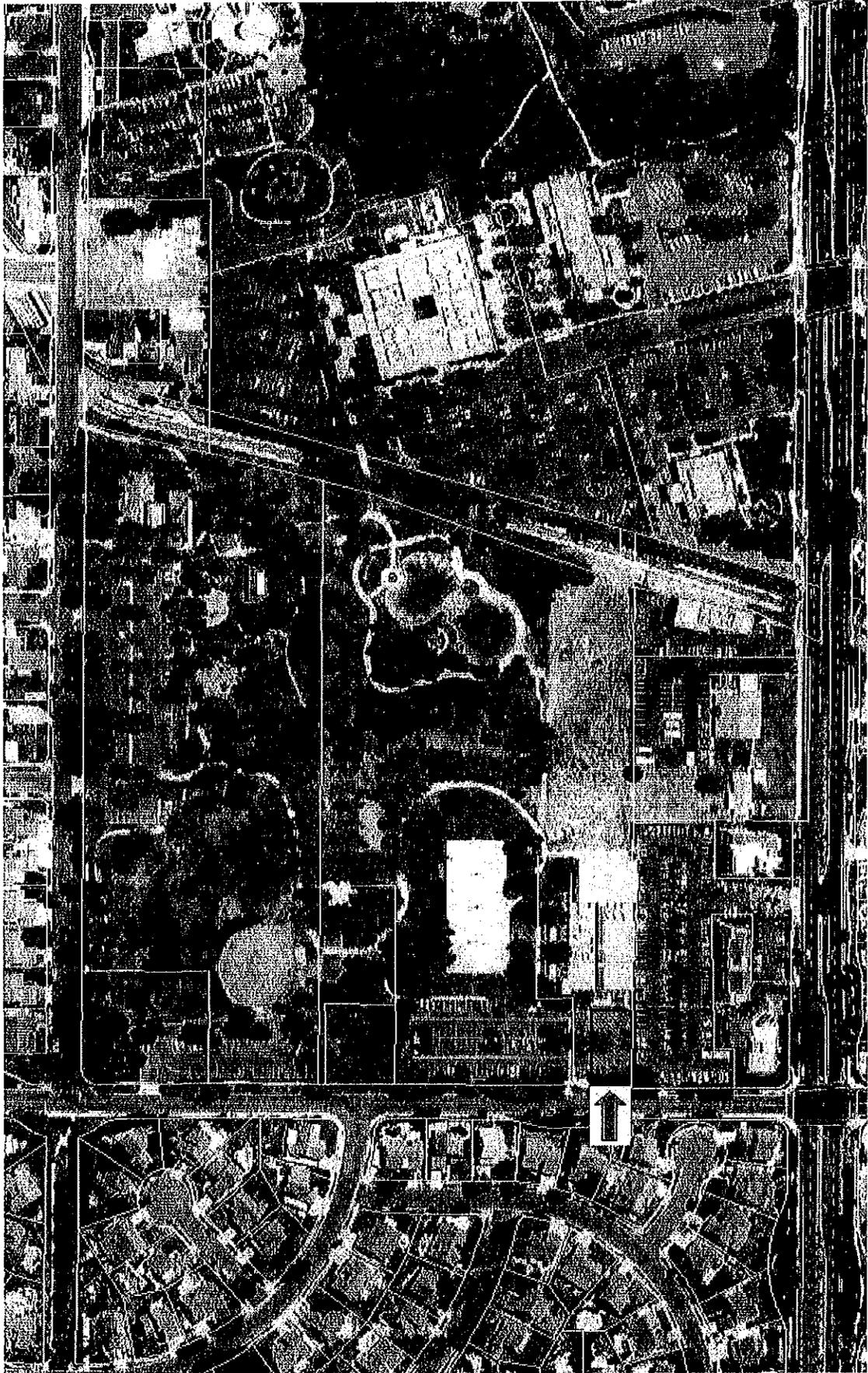
SECTION 3. The Successor Agency shall maintain on file as a public record this Resolution.

PASSED and ADOPTED this

Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:

Brian P. Gabler, Oversight Board Secretary



90-137691

Rec Fee .00
Total .00

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Recorded
Official Records
County of
Ventura
Richard D. Dean
Recorder

CITY OF SIMI VALLEY
2929 Tapo Canyon Road
Simi Valley, CA 93063
Attn: City Clerk's Office

8:02am 17-Sep-90

CG 58

{Space above for recorder.}
This document is recorded
for the benefit of the City
of Simi Valley, and the
recording is fee-exempt
under 6103 of the Government
Code.

This lease is for a term of fifty
years and is exempt pursuant to
Ordinance No. 2585.

=====
LAND LEASE

This Land Lease, dated as of May 21, 1990 by
and between the Rancho Simi Recreation and Park District
("District"), a recreation and park district created and
existing pursuant to Chapter 4 of Division 5 of the Public
Resources Code of the State of California (commencing with
Section 5780 thereof) and the City of Simi Valley, a municipal
corporation created and existing pursuant to the laws of the
State of California ("City").

W I T N E S S E T H:

WHEREAS, District owns certain real property (the
"District Parcel") within the boundaries of the City which
is a part of Rancho Tapo Community Park, which property is
more particularly described in "Exhibit A" attached hereto
and incorporated herein by reference; and

WHEREAS, District and City desire to enter into this
Agreement for joint and cooperative action which will enable
the City to finance the acquisition, construction, maintenance,
and operation of a community recreation center and improvements
(the "Project"), which Project is more fully described in Exhibit
B hereof, to be constructed in part on the District Parcel and in
part on an adjacent parcel owned by the City's Community
Development Agency (the "City Parcel") and used for the term of
this Lease by the District, the City, and the Boys and Girls Club
of Simi Valley, Inc. (the "Club"), which shall be a Lessee of the

City; and

WHEREAS, the City and the District desire to divide the use of the Project between the City and the District in order to achieve maximum use of the Project by the residents of the City and the District based upon the capital contributions of the City and the District to the construction of the Project so that the City and its assignees shall be entitled to eighty-five percent (85%) of the use of the Project and the District shall be entitled to fifteen percent (15%) of use of the Project; and

WHEREAS, the Project will be constructed by the City, and upon completion the City's rights to use the Project will be leased to the Club pursuant to a Facility Lease Agreement dated as of May 21, 1990 by and between the City and the Club (all capitalized terms not otherwise defined herein shall have the meaning set forth in the Facility Lease Agreement), a copy of which is attached hereto as Exhibit C; and

WHEREAS, District owns all of that certain real property not owned by the City which is needed to complete the Project; and

WHEREAS, the District and the City desire that the District lease the District Parcel to the City in order to permit the City to develop the Project and secure for the District certain public recreation facilities and amenities and to further the public purposes of the District and the City, including District use of the Project described in this Lease and in Exhibit D hereof.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

SECTION 1: Leased Premises. District hereby leases to the City and the City hereby leases from District, on the terms and conditions hereinafter set forth, the District Parcel described on Exhibit A hereto and identified as such on the Site Map attached thereto.

SECTION 2: Term; Extension. The term of this Lease shall commence on the date of recordation of this Lease in the office of the County Recorder of Ventura County, State of California, or on May 21, 1990 whichever is earlier, and shall end on the date 50 years after the completion of the Project, but in no event later than June 1, 2044, unless such term is extended or sooner terminated as hereinafter provided.

At the termination of this Lease, the parties agree to negotiate in good faith regarding the extension of the term hereof. At its option, the District may elect to purchase the Project Improvements (defined in Section 4 below) exercised not less than 90 days prior to the termination of this Lease and following negotiation in good faith regarding the extension hereof, and the City owned land on which the Project is located (the "City Parcel") at their then fair market value, such value to be determined by an appraisal of an MAI appraiser selected mutually by the District and City. If the parties cannot agree on an appraiser, then District and City shall each select an MAI appraiser, which appraisers shall in turn select a third MAI appraiser and the value shall be the average of the three appraisals. The District and the City shall equally bear all costs of the appraisals and the purchase procedure.

In the event that the District does not elect to purchase the Project Improvements and the City Parcel and the parties do not mutually agree to an extension hereof, City may, at its option, purchase the District Parcel leased hereunder from District at the then fair market value of such District Parcel, determined by appraisal in the same manner described in the preceding paragraph for appraisal of the Project. City acknowledges that the District Parcel may be subject upon purchase to restriction for use for park and recreational purposes. For purposes of determining the fair market value for any purposes of this section, the District Parcel, the City Parcel, and the Project Improvements shall all be valued without regard to any restrictions on use for park purposes which might be applicable to same by reason of state statute. The District and the City shall equally bear all costs of the appraisals and the purchase procedure.

If the City ceases to lease the Project to the Club prior to the end of the term of this Land Lease, the District shall have the right to purchase the City Parcel and the Project within a period of one hundred eighty (180) days following the date the Club's use of the Project is terminated. The District shall exercise this right of purchase by giving formal notice to the City of its election to purchase the Project and the City Parcel within ninety (90) days after termination of the Club's use of the Project. In such event the City and District shall establish the value of the City Parcel and the Project in the same manner as previously set forth for purchase of the City Parcel and the Project by the District at the termination of this Lease. The City's debt service costs for the

Project shall be paid by the District for the period commencing ninety (90) days after the date the Club's use of the Project is terminated, if the District elects to purchase the Project and the City Parcel. Said debt service costs shall be added to the purchase price paid by the District for the Project and City Parcel.

SECTION 3. Rental. As rental for the Lease to the City of the District Parcel, the District shall have the right to use the District Parcel, the City Parcel, and the Project, including all fixtures, equipment, and facilities which are a part of the recreation center identified as the Project fifteen percent (15%) of the time said Parcels and Project would normally be used for public recreational purposes. The City and the Club have established a "Facility Lease Agreement" by which the Club will lease from the City use of the District Parcel, the City Parcel, and the Project, which Lease is attached hereto, marked Exhibit C, and by this reference incorporated herein. Said Lease provides specifically for use by the District of said Parcels and the Project for fifteen percent (15%) of the total hours that such a recreational facility would normally be used for public recreational purposes, and said Facility Lease Agreement references a schedule of such use which is entitled "Summary of District Recreational Use of Youth Center", a copy of which Summary is attached hereto, marked Exhibit D, and by this reference incorporated herein. During the term of this Lease the District shall have use of the City Parcel, District Parcel, and Project essentially in accordance with Exhibit D, as said schedule may, from time to time, be amended. The City and District shall cooperate with the Club with regard to amendments to the Agreement and Lease as, and if, such amendments are deemed necessary in order to better serve the purposes of the Club, City and District. During such time as the Club is Lessee of the City's rights to the Project the Schedule of District Use may be amended by mutual agreement between the District and the Club. At times when the Club is not leasing the Project from the City, amendment of the Summary of District Recreational Use of Youth Center may be amended by mutual agreement of the City and District. The parties shall cooperate with each other in such amendments as may be desirable or necessary in the Schedule of Use to maximize public recreational use of the Project.

SECTION 4. Purpose; District Use. The City shall use the District Parcel for the purpose of the acquisition, construction, installation, maintenance, and operation of a public community recreation center, which has previously

been identified in this Lease as the Project, which shall be used for recreational activities of the City and District, leasing use of the Project to the Club, and other ongoing recreational uses open to the public, provided that in the event of default by the Club under the Club's Lease Agreement with the City the City or its assignee may exercise remedies provided in the Facility Lease Agreement.

The City shall proceed to develop the Project on the District Parcel and the City Parcel within the time therefor set forth in the Facility Lease Agreement (subject to any extensions thereof in accordance with the terms thereof) and in all events within five (5) years from the date hereof. The District shall have no interest in any building improvements, fixtures and personal property constructed, placed or used on the District Parcel, comprising part of the Project or otherwise (the "Project Improvements"), except that the District shall have use of the Project and the Project Improvements fifteen percent (15%) of the hours they would normally be used for public recreational purposes pursuant to the preceding provisions of this Lease. The Project and the Project Improvements shall be constructed and installed by the City pursuant to plans and specifications prepared and approved by the City. The District shall, however, have a right to review and comment upon the plans and specifications for the Project and the Project Improvements prior to their construction and installation. The review and comments are advisory only and are not to delay, and will not delay, the decision and/or implementation of the plans and specifications for the Project and the Project Improvements.

At the termination of the Lease, absent any other disposition of such Project Improvements pursuant to Section 2 hereof, such Project Improvements shall be the Property of the City and City may remove such Property within six (6) months of the termination of this Lease. Anything to the contrary herein notwithstanding, City shall be under no obligation to remove said Project Improvements on the District Parcel and may, at its option, elect to abandon such improvements, in which case they shall become the sole property of the District.

For the term of this Lease, the City shall assure to the District pursuant to the Facility Lease Agreement or otherwise, District use of the Project on substantially the terms described in Exhibit D hereof entitled "Summary of District Recreational Use of Youth Center ("District Use"). In no event shall District be entitled to in excess of

fifteen percent (15%) of the beneficial use of the Project pursuant to this Lease.

District agrees that so long as the Facility Lease Agreement is in full force and effect, the District shall work with the Club in the scheduling of use of the Project to provide for District Use reserved to the District pursuant to this Lease. The City has protected the District's right to use the Project in its Facility Lease Agreement with the Club and will continue to do so in any modifications of that Lease or further agreements established between the Club and the City with regard to the Project. The City agrees that during the term of the Facility Lease Agreement, the District and the Club may modify the terms of the District Use, provided that in no event shall such modification increase the aggregate beneficial use of the Project by the District to an amount in excess of fifteen percent (15%) of the total available time without the City's prior written consent. In the event of a dispute between the District and the Club as to implementation of the District Use, the City may appoint a third-party arbitrator to resolve the dispute. All out-of-pocket costs associated with the arbitration procedure shall be borne by the party (District or Club) requesting the arbitration. The decisions of the arbitrator shall be binding.

SECTION 5. Owner in Fee of District Parcel; Title to Improvements. District covenants that it is the owner in fee of the District Parcel described in Exhibit A and that there are no easements, encumbrances or interests with respect to the Property which will prohibit the acquisition, construction and installation of the Project. District shall deliver to the City a policy or policies of title insurance concurrently with the recordation of this Lease in a form and substance satisfactory to the City.

SECTION 6. Representations and Warranties. The District and the City each represent and warrant to the other that it has full legal right, power and authority to enter into this Land Lease and to perform its obligations hereunder, that this Land Lease has been duly authorized, executed and delivered by it to the other and that this Land Lease is its lawful, binding obligation, enforceable in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally and by principles of equity if equitable remedies are sought.

SECTION 7. Assignments and Subleases. The City may not assign its rights under this Lease or sublet or let the Property other than to the Club, without the written consent of District, which consent shall not be unreasonably withheld; provided, however, City may at any time assign this Land Lease to the Community Development Agency of the City of Simi Valley for the purpose of financing the Project or risk management of the Project (or for any other lawful purpose), and provided further no use by community groups or others pursuant to the Facility Lease or otherwise on a periodic or an occasional basis (whether pursuant to a sublease, use agreement or otherwise) shall be considered a violation of this Section. District shall not withhold consent to any proposed sublease or lease of the Project which assures ongoing public recreational use of the Project and which assures and is compatible with the District Use. The rights of the City to assign its rights pursuant to this Section 7 shall be subject to, and subordinate to, the District's rights to purchase the Project as set forth in Section 2.

SECTION 8. Right of Entry; Maintenance. During the term of this Lease the City, or its assignees, shall repair and maintain the Project and keep the Project in a state of good condition and repair, including, but not limited to, the interior, exterior, structural components, roofs, walls, electrical systems, plumbing systems, heating and air conditioning systems, and similar components of the Project. Further, the City or its assignees shall provide utility services for the Project, including gas, electricity, water, sewage, and trash service but excluding telephone service which may be desired by the District. Finally, the City, or its assignee shall provide all custodial and janitorial services and supplies for the Project, including such expendables as soap, towels, toilet tissue, light bulbs, and fluorescent tubes. If the City or its assignees fail to repair or maintain the project or fail to provide utility services or janitorial and custodial services and supplies, the District, and its authorized representatives, shall have the right to enter upon the project at any and all reasonable times to inspect the same and to make any repairs, improvements, or changes necessary for the preservation of the Project and for effective use of the Project by the District. The District may also provide such utility services and custodial and janitorial services and supplies as may be necessary for the effective use of the Project by the District. All such expenses incurred by the District in repairing and maintaining the project and in providing utilities and janitorial and custodial services

and supplies to the Project shall be reimbursed to the District within sixty (60) days after a claim for reimbursement for such expenditures has been submitted to the City or its assignee. At such times as the City has leased its right to use the Project to others, the District shall first submit its request for reimbursement to the City's assignee. If the City's assignee does not reimburse the District for such expenses within sixty (60) days, the City shall reimburse the District for such expenses. All repairs and maintenance performed by the District shall be performed in a manner which shall not unreasonably interfere with the City's or Club's rights with respect to the Project.

The District shall be responsible for all grounds maintenance, including the parking lots, on the City Parcel, the District Parcel, and on adjacent portions of Rancho Tapo Community Park for the term of this Lease at no cost or expense to the City or the Club. The City hereby authorizes the District to enter upon the grounds of the City Parcel and the District Parcel for such purpose. In the event the District fails to maintain the grounds immediately surrounding the Project in a safe and clean condition, the City, or its assignee, may perform such maintenance as may be necessary. In such event the City or the City's assignee shall be entitled to reimbursement from the District for such maintenance within a period of sixty (60) days following submittal of a claim for reimbursement to the District.

The City and the District shall negotiate in good faith regarding more specific terms of their respective maintenance obligations to provide solutions to maintenance problems which may arise during the term of this Lease.

SECTION 9. Destruction of Project. If the recreation center which has been identified in this Lease as the "Project" is destroyed totally or partially by fire, earthquake, or other casualty, the City may, at its option, either repair and rebuild the Project or remove the remains of the Project from the District Parcel. If the City elects to repair or rebuild the Project, and if the City completes such repair or rebuilding within a period of two (2) years from the date of the casualty loss, this Land Lease shall continue in full force and effect. If the City does not elect to repair or rebuild the Project, this Land Lease shall terminate six (6) months after the date of the casualty loss, and the City shall have no further rights to the District Parcel. If the City does not elect to repair or rebuild the Project, the City shall, if so requested by the

District, clear the District Parcel of all remains of the Project and return said Parcel to its condition prior to construction of the Project on that Parcel. All costs associated with removal of remains of the Project from the District Parcel shall be paid by the City. The District shall have no obligation to maintain fire, earthquake, or other casualty loss insurance on the Project. Any fire, earthquake, or other casualty loss insurance maintained by the City or District on the Project may be used by that entity in its sole discretion.

SECTION 10. Default. In the event the City shall be in default in the performance of any obligation on its part to be performed under the terms of this Land Lease, which default continues for thirty (30) days following notice and demand for correction thereof to the City, District may exercise any and all remedies granted by law including suit for specific performance, injunction or damages, provided that in no event may this Land Lease be terminated by District for such breach. Notwithstanding the preceding sentence, District may cancel this Land Lease in the event City has not proceeded to completion of the Project within five (5) years of the date hereof. City agrees that in the event of a breach by the Club of the Facility Lease Agreement and subsequent termination of the Facility Lease Agreement, it will remain obligated to assure to the District the District Use, provided City shall not be obligated to assume any financial liability for acts predating its assumption of such obligation by virtue of termination of the Facility Lease Agreement.

SECTION 11. Waiver of Personal Liability. All liabilities under this Lease on the part of the City shall be solely corporate liabilities of the City as a legal entity, and District hereby releases each and every councilmember and officer of the City of and from any personal or individual liability under this Lease. No councilmember or officer of the City shall at any time or under any circumstances be individually or personally liable under this Lease for anything done or omitted to be done by the City hereunder. All liabilities under this Lease on the part of the District shall be solely liabilities of the District as a legal entity, and the City hereby releases each and every Board member and officer of the District of and from any personal or individual liability under this Lease. No Board member or officer of the District shall at any time or under any circumstances be individually or personally liable under this Lease for anything done or omitted to be done by the District hereunder.

SECTION 12. Partial Invalidity. If any one or more of the terms, provisions, covenants or conditions of this Lease shall to any extent be declared invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, the finding or order or decree of which becomes final, none of the remaining terms, provisions, covenants and conditions of this Lease shall be affected thereby, and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

SECTION 13. Binding Effect. This Land Lease shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

SECTION 14. Amendments. This Land Lease may be amended at any time. City shall make no amendment to the Facility Lease Agreement which materially affects the District Use without the prior written consent of the District.

SECTION 15. Notices. All notices, statements, demands, consents, approvals, authorizations, offers, designations, requests or other communications hereunder by either party to the other shall be in writing and shall be sufficiently given and served upon the other party and addressed as follows:

District: Rancho Simi Recreation and Park District
1692 Sycamore Drive
Simi Valley, California 93065
Attention: General Manager

City: City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, California 93063
Attn: City Manager

SECTION 16. Mutual Idemnification. The District shall defend, hold harmless, and indemnify the City and the Club, and their councilmembers, directors, and officers from and against any and all claims, demands, causes of action, suits, damages, costs of action, counsel fees and all other costs and expenses, including costs of investigation, and from and against all Court Orders and Judgments arising out of injury to persons or damage to property, resulting from or associated with the use of the Project by the District or by other persons or entities authorized by the District to use the Project during such times as the

Project is allocated to District Use.

Similarly, the City and the Club shall each defend, hold harmless, and indemnify the District, and its directors and officers from and against any and all claims, demands, causes of action, suits, damages, costs of action, counsel fees and all other costs and expenses, including costs of investigation, and from and against all Court Orders and Judgments arising out of injury to persons or damage to property, resulting from or associated with the use of the Project by the City, the Club, or the assignees or permittees of the City or Club which are authorized to use the Project during such times as the Project is allocated to use by the City or Club.

Further, the City and the Club shall defend, hold harmless, and indemnify the District, its directors, and officers from and against any and all claims, demands, causes of action, suits, damages, costs of action, counsel fees, and all other costs and expenses, including costs of investigation, and from and against all Court Orders and Judgments arising out of or resulting from the ownership of the Project, or the acquisition, construction, and installation of the Project or the ordering, acquisition, condition, purchase, delivery, rejection, storage, or return of any item of equipment or material used in connection with the acquisition, installation, construction, operation, and maintenance of the Project.

Because the City Parcel, the District Parcel, and the Project to be constructed and used pursuant to this Agreement will be used at various times by the City, the District, and the Club, the City, the District, and the Club shall maintain policies of public liability and property damage insurance as shall be necessary to protect themselves and the other parties from liability as a result of use of the land and the Project under this Agreement.

SECTION 17. Master Plan for Rancho Tapo Community Park. The City has previously approved a Master Plan, dated August 21, 1986, identified as Maj. MOD. CC-S-4, for the construction and improvement of Rancho Tapo Community Park, of which the District Parcel is a part. Said Master Plan has been modified by amendments to the Master Plan, dated May 26, 1989, identified as Adj. S/279 and January 3, 1990, identified as Adj. S/336. Said approved, amended Master Plan shall be amended further to incorporate the District Parcel and the City Parcel in order to accommodate the construction, maintenance, and operation of the Project.

The City acknowledges the District's right to complete the construction and improvement of the remainder of Rancho Tapo Community Park pursuant to the approved, amended Master Plan. The City and District will cooperate in finding solutions to parking problems should any such problems arise as a direct result of the Boys and Girls Club Facility.

SECTION 18. Time of Essence. Time is of the essence of this Agreement.

IN WITNESS WHEREOF, District and City have caused this Lease to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

ATTEST:

RANCHO SIMI RECREATION AND
PARK DISTRICT
District

Jeremy L. Maudslow
Clerk of the Board

By: Richard J. Fields
Chairman of the Board

ATTEST:

CITY OF SIMI VALLEY
City

Susan Maina
City Clerk, Deputy

By: Gregory Stratton
Gregory Stratton, Mayor

APPROVED AS TO FORM:

John Torrance
John Torrance, City Attorney

APPROVED AS TO CONTENT:

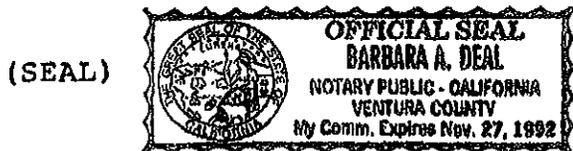
M. L. Koester
M. L. Koester, City Manager

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

On this 20th day of June, 1990, before me, the undersigned, a Notary Public for the State of California, personally appeared Richard L. Fields, personally known to me (or proved to me on the basis of satisfactory evidence) to be the _____ Chairman of the Board of Directors of the Rancho Simi Recreation and Park District and the person who executed the within instrument as _____ Chairman, on behalf of Rancho Simi Recreation and Park District, and acknowledged to me that such officer executed the within instrument pursuant to a Resolution of the Board of Directors of the District.

WITNESS my hand and official seal.

Barbara A Deal
Notary Public
State of California

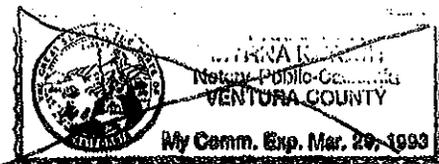


STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

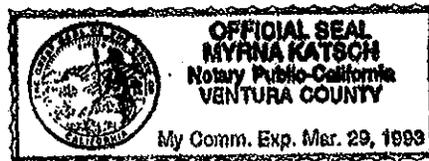
On this 2nd day of July, 1990, before me, the undersigned, a Notary Public for the State of California, personally appeared Gregory Stratton ~~xxxx~~, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Mayor ~~xxxx~~ of the City of Simi Valley and the person ~~x~~ who executed the within instrument ~~asx~~ ~~xxxx~~, on behalf of the City of Simi Valley, and acknowledged to me that such officer ~~x~~ executed the within instrument pursuant to a Resolution of the City Council.

WITNESS my hand and official seal.

Myrna Katsch
Notary Public
State of California



(SEAL)



2/25/90

LEGAL DESCRIPTION

BOYS AND GIRLS CLUB AT RTCP

THOSE PORTIONS OF LOTS 6 AND 21 OF SUBDIVISION NO. 1 OF TAPO RANCH, IN THE CITY OF SIMI VALLEY, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8 PAGE 29 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A PORTION OF PARCEL 3 OF THE LAND CONVEYED TO THE SIMI VALLEY RECREATION AND PARK DISTRICT IN THE DEED RECORDED OCTOBER 19, 1976 AS DOCUMENT #97253 IN BOOK 4694, PAGE 350, OF OFFICIAL RECORDS, BEGINNING AT A POINT OF THE WESTERLY TERMINUS OF THE 7TH COURSE OF PARCEL 3, WHICH IS DESCRIBED IN THE ABOVE REFERENCED DEED AS:

WEST 131.25 FEET TO A POINT IN THE WEST LINE OF SAID LOT 21,

THENCE FROM SAID POINT,

1ST - NORTH 0 00' 19" EAST 30.52 FEET, THENCE

2ND - SOUTH 89 59' 19" EAST 150.70 FEET, THENCE

3RD - NORTH 0 00' 19" EAST 61.78 FEET, THENCE

4TH - SOUTH 89 59' 19" EAST 240.00 FEET, THENCE

5TH - SOUTH 0 00' 19" WEST 160.00 FEET, TO A POINT IN THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL 3, THENCE

NORTH 89 59' 19" WEST ALONG SAID COURSE A DISTANCE OF 259.45 FEET, THENCE FOLLOWING THE 6TH COURSE OF PARCEL 3 NORTH 0 00' 19" EAST A DISTANCE OF 67.70 FEET, THENCE

FOLLOWING THE 7TH COURSE OF PARCEL 3, NORTH 89 59' 19" WEST A DISTANCE OF 131.25 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2

CITY OWNED PARCEL

THAT PROPERTY WHICH IS IDENTIFIED IN THE ASSESSOR'S MAP BOOK AS PARCEL #616-090-090, IN THE CITY OF SIMI VALLEY, IN THE COUNTY OF VENTURA.

BOYS AND GIRLS CLUB FACILITY
PROJECT DESCRIPTION

The project consists of an approximately 24,000 square foot Boys' and Girls' Club housing a gymnasium, exercise/weight room, activities room, multipurpose room, learning center, crafts room, kitchen and administrative offices. The proposed site consists of an area approximately 56,000 square feet located in the southwest corner of Rancho Tapo Community Park with access off Lemon Drive. Sitework is to include required site utilities, grading and drainage, building pad, parking lot and landscaping in the parking lot and within 20 feet of the building pad. The parking lot is to accommodate approximately 22 cars and is to join the proposed parking lot designed and constructed by the Park District. The estimated construction value of the project is \$2.0 to \$2.5 million dollars.

OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE
SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY

MEMORANDUM

June 4, 2012

TO: Oversight Board

FROM: Office of the City Manager, Simi Valley Successor Agency

SUBJECT: STATUS OF AFFORDABLE HOUSING PROJECTS LISTED ON THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE AND REPORT REGARDING THE REORGANIZATION OF THE CITY'S HOUSING DIVISION

RECOMMENDATION

It is recommended the Oversight Board receive and file this report.

BACKGROUND AND OVERVIEW

At the April 30, 2012 meeting, the Oversight Board requested a status of the affordable housing projects listed on the Recognized Obligations Payment Schedule (ROPS). The Board also requested a distribution of the Simi Valley City Council staff report regarding the reorganization of the City's Housing Division.

FINDINGS AND ALTERNATIVES

Attached is a list of the affordable housing projects that are subject to Affordable Housing Agreements and are listed on the ROPS. The list provides the project, date of approval, a brief description, location, expiration date of the project's entitlements, and a current status.

Also attached for the Board's reference is the Simi Valley City Council staff report regarding the reorganization of the City's Housing Division.

It is recommended the Oversight Board receive and file this report.



Brian Paul Gabler, Director of Economic
Development/Assistant City Manager

STATUS OF AFFORDABLE PROJECTS LISTED ON THE SIMI VALLEY ROPS

PROJECT	APPROVAL DATE	DESCRIPTION	LOCATION	PROJECT EXPIRATION DATE	STATUS
PD-S-942/ Palmdale 47 th , LLC	4/4/2005	Construct a 66-unit condominium project with seven units reserved for low-income households in exchange for the City/Agency providing \$425,000 in down-payment assistance	Northwest corner of 118 freeway and Kuehner Road	Extended by state legislation to 4/4/2015	Rough grading complete, large trees relocated, allocation grants awarded.
PD-S-964/ Humkar	12/10/2007	Construct a 16-unit condominium project with three units reserved for moderate-income households in exchange for the City/Agency providing \$225,000 in down-payment assistance, reducing parkway landscaping requirements along Los Angeles Avenue and reducing the size of 16 box trees from 48-inch to 36-inch	Southwest corner of Los Angeles Avenue and Stow Street	Extended by state legislation to 12/10/2015	Not under construction. Allocation grants have been awarded.
PD-S-983/ Casden Simi Valley, LLC	1/28/2008	Construct a 266-unit condominium project with 67 units reserved for low-income households in exchange for the City/Agency providing \$8,400,040 in down-payment assistance, a density bonus of 35 units and a reduction of the required setback and building separation requirements	Southeast corner of Los Angeles Avenue and Madera Road	Extended by state legislation to 1/28/2015	Not under construction. Storm drain plans submitted the County of Ventura and approved. Allocation grants have been awarded.

PROJECT	APPROVAL DATE	DESCRIPTION	LOCATION	PROJECT EXPIRATION DATE	STATUS
PD-S-1001/ SMV Patricia, LLC	3/22/2010	Construct a 26-unit condominium project with four units reserved for low-income households in exchange for the City/Agency providing \$500,000 in down-payment assistance and a reduced front yard setback	1260 and 1270 Patricia Avenue	Expiration extended by state legislation to 3/22/15	Not under construction. Allocation grants have been awarded.
PD-S-1012/ Royal & Corto, LLC	10/7/2010	Construct a 43-unit single family project with five units reserved for low-income households in exchange for the City/Agency providing \$800,000 in down-payment assistance and a 71% density bonus	Southeast corner of Royal Avenue and Corto Street	None. The project is under construction.	Under construction, sales of market--rate units underway.
Many Mansions - Peppertree Apartments (Seeking HOME funds)	6/20/2011	Restricting the occupancy of an existing market-rate 12-unit apartment building to low- and very-low income families with at least one disabled adult member who was formerly homeless in exchange for the City/Agency providing a \$448,537 loan for property acquisition and rehabilitation	1849 Buyers Street	None. The project has been constructed.	Did not receive HOME funds in the latest application round. May apply again in the next funding round.
Many Mansions - Peppertree Apartments (Seeking MHP-SH funds)	6/20/2011	Restricting the occupancy of an existing market-rate 12-unit apartment building to low- and very-low income families with at least one disabled adult member who was formerly homeless in exchange for the City/Agency providing a \$1,634,430 bridge loan to be repaid once the project rehabilitation is completed and a \$575,000 permanent loan	1849 Buyers Street	None. The project has been constructed.	Received MHP funding that is \$450,000 short of what's needed to acquire and rehabilitate the project. Applicant has identified a source of \$250,000 of the gap and is seeking an additional \$200,000.

Agenda

Item: 7A

Date: 4-23-12

**CITY OF SIMI VALLEY
MEMORANDUM**

April 23, 2012

TO: City Council

FROM: Office of the City Manager

SUBJECT: REORGANIZATION OF THE HOUSING AND SPECIAL PROJECTS DIVISION WITHIN THE DEPARTMENT OF ENVIRONMENTAL SERVICES

RECOMMENDATION

It is recommended that the City Council:

1. Approve merging the Housing and Special Projects Division with the Planning Division within the Department of Environmental Services;
2. Approve continuing the housing programs described on pages 3-5 of this staff report;
3. Delete the following four full-time regular positions assigned to the Department of Environmental Services Housing and Special Projects Division effective June 30, 2012: one Deputy Director/Housing and Special Projects position (Filled), two Associate Planner positions (Filled), and one Management Analyst position (Vacant);
4. Instruct staff, to the extent possible, to place those City employees being displaced due to the elimination of filled positions into vacant City positions.

BACKGROUND AND OVERVIEW

Recent adoption of State legislation and subsequent court action required the dissolution of all redevelopment agencies in California, including the dissolution of the Simi Valley Community Development Agency (CDA). The loss of future redevelopment funds earmarked for housing programs in the City has necessitated a review of the programs currently managed by the Housing and Special Projects Division within the Department of Environmental Services and the staffing levels required to manage the limited amount of housing activities going forward. In consideration of the loss of redevelopment funds for housing and the limited amount of funds for housing programs going forward, staff is recommending that the City Council approve reorganization of housing functions within the Department of Environmental Services, approve those housing programs to be continued, and delete four full-time regular positions, three of which are currently filled.

Prior to the adoption of State legislation resulting in the dissolution of the Community Redevelopment Agency, State law required that 20% of tax increment funding received by the Agency each year be set aside for housing programs. Over the past five years, the annual set

aside averaged \$4,031,000. Beginning in FY 2012-13, the City will no longer receive tax increment revenue set aside for housing programs.

Pursuant to the State legislation ending redevelopment, the Housing Set Aside Fund balance of \$12.4 million can only be used for contractual obligations in place when the legislation went into effect or returned to the Ventura County Auditor for redistribution to the taxing entities. It is anticipated that the entire balance in the Housing Set Aside Fund will be needed for such commitments as executed affordable housing agreements, contracts in place for audit and legal services, and staff salaries and benefits associated with management of these activities. It should be noted that State legislation is being considered that would allow the City to retain any unexpended funds for new housing activities. Staff is closely monitoring the status of this legislation, which at the time of preparation of this staff report, has passed the State Assembly and is being forwarded to the State Senate.

Going forward, the only new sources of revenue that can be used to provide staff and ancillary expenses for housing programs will be generated from interest income, repayment of housing loans, and miscellaneous receipts estimated at \$283,400 for FY 2012-13. Additionally, the City owns six affordable dwelling units to be sold that are expected to generate one-time funds in the approximate amount of \$1,310,000. These one-time funds are considered program income and all or a portion of them could be used to offset the cost of managing housing programs.

The City will also receive approximately \$85,300 in FY 2012-13 from the Community Development Block Grant (CDBG) Program to partially offset the cost of managing that program.

It should be noted that the Local Housing Fund had an uncommitted balance of \$3.2 million at the beginning of the current fiscal year. In keeping with the City Council's policy of not using fund balance for ongoing expenses, staff is not recommending that the Local Housing Fund balance be used for ongoing housing programs. However, consideration should be given to using the funds to support economic development by providing senior or low- and moderate-income housing subsidies for future mixed-use projects on a project-by-project basis.

FINDINGS AND ALTERNATIVES

Beginning in FY 2012-13, the City will no longer receive tax increment revenue to fund housing programs and the nine full-time regular positions that manage those programs beyond what is needed to manage current housing obligations as listed in the Recognized Obligations Payment Schedule (ROPS) approved by the City Council and currently being reviewed by the State Department of Finance. The total obligations from previously approved affordable housing agreements, if they all go forward, are expected to utilize the entire balance in the Housing Set Aside Fund.

The projected FY 2012-13 annual cost of salaries and benefits for the nine full-time regular positions formerly paid from redevelopment tax increment revenue allocated for housing programs is \$1,130,900. The revenue reduction expected to fund City housing programs in FY 2012-13 and future years necessitates a corresponding reduction in housing programs that

can be provided to the public. Additionally, it is clear that the remaining housing programs will not provide sufficient workload for nine full-time positions.

Staff has identified all of the activities currently managed by the Department of Environmental Services Housing Division and the recommended staffing for each beginning in FY 2012-13 on the following chart. A detailed description of each program is provided following the chart.

PROPOSED HOUSING DIVISION PROGRAMS AND STAFFING

	Full-Time	
	Equivalent	
Housing Program	Positions	Staffing
Affordable/Senior Housing	0.00	Planning Division to absorb duties
Senior Rent Subsidy Program	0.03	Senior Planner
Senior Mobile Home Rent Subsidy Program	0.06	Senior Planner
Affordable Unit Monitoring	0.50	Senior Planner
Home Rehabilitation Program	1.00	Home Rehabilitation Coordinator
First Time Homebuyer Assistance Program	0.00	Eliminate Program
Permit Allocation System	0.00	Planning Division to absorb duties
Public Assistance	0.38	Senior Planner
Mobile Home Rent Mediation Board	0.03	Senior Planner
Community Development Block Grant	1.00	Senior Planner
Housing Administration	0.00	Planning Division to absorb duties
Housing Element	0.00	Planning Division to absorb duties
Other Tasks	0.00	Planning Division to absorb duties
Financial Support	1.00	Management Analyst
Clerical Support	1.00	Secretary
Total	5.00	

Affordable/Senior Housing Program

Offers incentives to developers to provide affordable rental and ownership units. Incentives can be in the form of density bonuses, zoning concessions, and financial incentives. Some of these agreements provide down-payment assistance to eligible homebuyers, subject to review and approval by City staff. Each Affordable Housing Agreement is approved by the City Council. There are currently eight pending Affordable Housing Agreements, as listed in the ROPS, to which the City has committed \$13,308,007 in Set-Aside housing funds. Going forward, the Program will be limited to those Affordable Housing Agreements currently in place. The Agreements will be managed by the case planner in the Planning Division assigned to that development project, rather than Housing and Special Projects Division staff.

Senior Rent Subsidy Program

Provides rental assistance to seniors awaiting placement onto Federal Section 8 housing assistance. The Area Housing Authority of Ventura County administers the Program on behalf of the City. City staff time consists of verification of rents charged, audit of monthly invoices, and eligibility verification of new applicants to the Program. The contract with the Area

Housing Authority renews automatically every December 16; termination requires a 30-day written notice. Depending on the amount of housing program income in future years, this Program could continue in its current form or be phased out as participants move from the City's program to Federal Section 8 housing assistance. The staff time required to oversee this program is minimal because the Area Housing Authority is the administering agency.

Senior Mobile Home Rent Subsidy Program

Provides rental assistance to seniors residing in mobile homes. The Program is proposed to continue in its current form. It is administered by City staff and consists of income verification of new applicants, preparing contracts for new clients, processing payments, and on-going income verification. The Program was authorized by City Council and Community Development Agency Resolutions adopted on August 21, 2000. Depending on the amount of housing program income in future years, this Program could continue in its current form or be phased out as participants leave the program and are not replaced.

Affordable Unit Monitoring

Maintaining the affordable loan portfolio includes preparing subordination agreements, qualifying new applicants for resale units, determining payoff calculations, foreclosure tracking, and monitoring completed affordable developments for compliance Affordable Housing Agreements. State redevelopment law requires that the City monitor compliance with the terms of the Agreements. This affordable unit monitoring activity will assure that the City remains in compliance.

Home Rehabilitation Program - Provides financial assistance to low-income homeowners in the form of a loan to provide home improvements that address health and safety issues, code violations, or provide energy efficiency enhancements. A Federal Energy Efficiency and Conservation Block Grant (EECBG) and a State CalHome grant provide funding for these loans. The EECBG grant funds are nearly expended. A State CalHome grant in the amount of \$900,000 for the Home Rehabilitation Program and/or First Time Homebuyer Assistance Program is scheduled to expire on September 2012, although staff is planning to request a one-year time extension. To date, \$50,000 of the grant has been expended for Home Rehabilitation Program activities. The funds cannot be used at this time for the First Time Homebuyer Assistance Program because the program manual has not yet been approved by the State. It should be noted that the CalHome grant provides no funds for administration of either program. Staff proposes to continue to utilize these funds for the Home Rehabilitation Program with the understanding that the Home Rehabilitation Coordinator position will be deleted at such time as the grant funds have been expended or expire. Staffing for this program is recommended to remain at the current level of one full-time equivalent position. Depending on currently available grant funding, the Program could be phased out as early as the middle of FY 2012-13 or as late as FY 2014-15.

First Time Homebuyer Assistance Program - Provides financial assistance to low-income first time homebuyers. This gap financing reduces the purchase price to an affordable level and offers home rehabilitation assistance to ensure that the unit complies with the City's housing quality standards. Restrictive covenants are recorded against the property to ensure its affordability for a term of 55 years. In consideration of the lack of funding for staff, the cost

to administer this labor-intensive program and the time required to complete each first time homebuyer loan, staff is recommending that this program be discontinued.

Permit Allocation System

Provides a methodology for awarding allocation grants to developers for residential building permits. The process is being streamlined with implementation anticipated in FY 2013-14.

Public Assistance

Provides the community with housing referral services. It is anticipated that this activity will be reduced in FY 2012-13 and FY 2013-14 as a result of fewer City-operated housing programs.

Mobile Home Rent Mediation Board

Mediates rental rate disputes between mobile home park owners and tenants. Tenants can petition the Board to review rents against a "fair and just return for owners' investments." The Board has not mediated a dispute since 2004.

Community Development Block Grant Program

Beginning in FY 2012-13, the cost of managing the CDBG program will be a responsibility of the General Fund. The CDBG Program was formerly managed by a Management Analyst position that is now vacant due to a retirement. Staff proposes that this responsibility be assumed by a Senior Planner position with assistance from other Planning Division staff as needed during the busy application review period. At other times of the year, when program responsibilities are less demanding, this position would undertake and/or supervise other planning functions. The FY 2012-13 General Fund cost to fund the Senior Planner position, above and beyond the allowable funds for program administration provided in the grant, is approximately \$60,000.

Housing Administration

Includes preparation of the annual apartment monitoring survey, City Council correspondence, case file management, desktop computer assistance, research of housing matters, City website maintenance, staff report review, records retention, and general office administration.

Housing Element Update

Update of the City's Housing Element in concert with the General Plan Update.

Other Tasks

Includes census research, management of the identity theft prevention program, special projects, regional housing needs assessment, and trust fund disposition research.

Financial Support

Prepares contracts and contract amendments, tracks contract expiration dates, oversees the payment process for housing matters, prepares and manages the annual Housing Division budget, prepares grant applications and accompanying staff reports, and monitors grant performance.

Clerical Support

Performs a wide variety of clerical, secretarial and basic clerical accounting work in support of housing programs including typing, proofreading, filing, and maintenance of a variety of documents and correspondence. Excluding the Secretary assigned to the Housing Division, there are currently nine clerical positions authorized in the Environmental Services Department, four of which are vacant and/or frozen. Due to clerical workload issues, it is proposed to maintain the Housing Division Secretary position until such time as an additional filled clerical position becomes vacant through attrition, at which time funding will be eliminated for that newly vacant position.

Should the City Council approve the recommendations contained in this staff report, the FY 2012-13 proposed operating budget for housing programs, excluding committed fund balance and grants to be disbursed over a period of time for housing programs, is shown below. This information will be submitted to the City Council for approval on June 18, 2012 as part of the FY 2012-13 Preliminary Base Budget.

PROPOSED HOUSING PROGRAMS OPERATING BUDGET

PROJECTED REVENUE	
Interest on Investments	\$113,400
Housing Program Revenue	170,000
Proceeds from Sale of Property in FY 2011-12 *	224,300
Total	\$507,700
PROPOSED EXPENDITURES	
Salaries and Benefits (four positions) **	\$452,100
Current Expenses	28,300
Post-Retirement Benefit	27,300
Total	\$507,700

* Total anticipated proceeds are \$330,000.

** Excludes the Senior Planner Position responsible for the CDBG Program.

In order to continue funding housing programs without impacting the General Fund, it will be necessary to reduce staffing in the Housing and Special Projects Division by four full-time regular positions, three of which are filled, effective June 30, 2012. The four positions recommended to be eliminated are:

- 1 - Deputy Director/Housing and Special Projects (Filled)
- 2 - Associate Planner (Filled)
- 1 - Management Analyst (Vacant)

It should be noted that the individuals in the positions to be deleted would not necessarily be displaced from their job classifications, as displacement is based on seniority and "bumping rights." In past instances when filled positions have been eliminated, the Human Resources Division has made every effort to place those City employees whose actual employment is being terminated into vacant City positions for which they are qualified. Such an effort will also be made in this instance.

The following alternatives are available to the City Council:

1. Approve merging the Housing and Special Projects Division with the Planning Division within the Department of Environmental Services;
2. Approve continuing the housing programs described on pages 3-5 of this staff report;
3. Delete the following four full-time regular positions assigned to the Environmental Services Housing and Special Projects Division effective June 30, 2012: one Deputy Director/Housing and Special Projects position (Filled), two Associate Planner positions (Filled), and one Management Analyst position (Vacant);
4. Instruct staff, to the extent possible, to place those City employees being displaced due to the elimination of filled positions into vacant City positions;
5. Maintain the current level of staffing in the Housing and Special Projects Division and utilize General Fund balance to finance the cost of four full-time regular positions;
6. Provide other direction to staff.

Staff recommends Alternative Nos. 1-4.

SUMMARY

The dissolution of the Simi Valley Community Development Agency due to recent State legislation and court action has resulted in the loss of future redevelopment funds earmarked for housing programs in the City. This action has necessitated a review of the programs currently managed by the Housing and Special Projects Division within the Department of Environmental Services and the staffing levels required to manage the limited amount of housing activities going forward. In consideration of the loss of redevelopment funds for housing and the limited amount of funds for housing programs going forward, staff is recommending that the City Council approve merging the Housing and Special Projects Division into the Planning Division, approve those housing programs to be continued, and delete four full-time regular positions, three of which are currently filled in the Housing and Special Projects Division.



Mike Sedell
City Manager