

**COUNTY OF ALAMEDA COUNTYWIDE OVERSIGHT BOARD**

**RESOLUTION NUMBER NO. OB-2021 - 05**

**A RESOLUTION OF THE COUNTY OF ALAMEDA  
COUNTYWIDE OVERSIGHT BOARD**

**APPROVING THE ANNUAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY OF THE  
EMERYVILLE REDEVELOPEMENT AGENCY FOR  
THE PERIOD JULY 1, 2021- JUNE 30, 2022, PURSUANT TO SECTION 34177 OF  
THE CALIFORNIA HEALTH AND SAFETY CODE**

**WHEREAS**, the Redevelopment Dissolution Law (AB 1X 26, enacted June 28, 2011, as amended by AB 1484, enacted June 27, 2012 and SB 107, enacted on September 22, 2015) and Section 34177 of the Health and Safety Code (“HSC”) required the successor agencies, among other things, to expeditiously wind down affairs of each former redevelopment agency (“RDA”), while continuing to meet the former RDA’s enforceable obligations, and overseeing completion of redevelopment projects and disposing of the assets and properties of the former RDA, all as directed by the successor agencies’ oversight boards pursuant to HSC Section 34179(a); and

**WHEREAS**, HSC Section 34179(j) provided for the creation of the County of Alameda Countywide Oversight Board (“Oversight Board”) commencing on and after July 1, 2018; and

**WHEREAS**, Section 34177 (o) of the Health and Safety Code requires the Successor Agency of the Emeryville Redevelopment Agency (“Successor Agency”), following approval by the Oversight Board, to submit to the State Department of Finance (“DOF”), and to the Alameda County Auditor-Controller (“County Auditor”) for review, the Recognized Obligation Payment Schedules (“ROPS”) in the manner provided by DOF no later than February 1; and

**WHEREAS**, Section 34177 (l) (1) of the Health and Safety Code requires the Successor Agency of to prepare a ROPS listing the former RDA’s recognized enforceable obligations, payment sources, and related information for each one-year fiscal period; and

**WHEREAS**, commencing July 1, 2016, and for each fiscal year thereafter, the Successor Agency is entitled to an annual administrative cost allowance pursuant to Health and Safety Code Section 34171(b); and

**WHEREAS**, Section 34177 (j) of the Health and Safety Code requires the Successor Agency of the Emeryville Redevelopment Agency (“Successor Agency”), to prepare a proposed administrative budget (“Administrative Budget”) and submit it to the Oversight Board for approval; and

**WHEREAS**, the Successor Agency has prepared a draft of the ROPS and Administrative Budget for the period July 1, 2021 through June 30, 2022 for the ROPS 2021-2022 and Administrative Budget 2021-2022, respectively, and submitted to the Oversight Board for approval; and

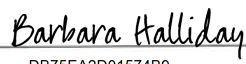
**WHEREAS**, the Oversight Board held a public meeting on January 20, 2021, and considered the ROPS 2021-2022 and Administrative Budget 2021-2022 following the notice required by law.


**NOW, THEREFORE, RESOLVED** that the Oversight Board hereby approves “Recognized Obligation Payment Schedule for the period July 1, 2021 through June 30, 2022” attached to this resolution as Exhibit A.

**FURTHER RESOLVED** that the Oversight Board hereby approves “Administrative Budget for the period July 1, 2021 through June 30, 2022” attached to this resolution as Exhibit B. The Successor Agency is authorized to re-allocate expenditures between line item categories shown in the Administrative Budget and/or to retain outside services as needed to carry out the Successor Agency’s administrative responsibilities, provided that the total amount of the Administrative Budget is not exceeded

**PASSED AND ADOPTED** at a regular meeting of the Oversight Board for the Successor Agency of the Emeryville Redevelopment Agency this 20th day of January, 2021 by the following vote:

<b>Board Members</b>	<b>Carson</b> County Board of Supervisors	<b>Halliday</b> City Selection Committee	<b>Sethy</b> Ind. Special District Committee	<b>Mack-Rose</b> County Office of Education	<b>Dela Rosa</b> Chancellor of the CA Comm. College	<b>O’Connell</b> County Board of Supervisors (Public)	<b>Katz Mulvey</b> Recognized Employee Organization
AYES:	✓	✓	✓	✓		✓	✓
NOES:							
ABSENT:					✓		
ABSTAIN							

DocuSigned by:  
  
 DB75EA2D01574B9...  
 Chairperson, Barbara Halliday

ATTEST:  
  
 Secretary of the Countywide Oversight Board  
 of the County of Alameda

**Attachment 1 – Exhibit A to Resolution**

**Recognized Obligation Payment Schedule July 1, 2021  
through June 30, 2022 (ROPS 21-22)**

**Recognized Obligation Payment Schedule (ROPS 21-22) - Summary**  
**Filed for the July 1, 2021 through June 30, 2022 Period**

**Successor Agency:** Emeryville  
**County:** Alameda

<b>Current Period Requested Funding for Enforceable Obligations (ROPS Detail)</b>	<b>21-22A Total (July - December)</b>	<b>21-22B Total (January - June)</b>	<b>ROPS 21-22 Total</b>
<b>A Enforceable Obligations Funded as Follows (B+C+D)</b>	<b>\$ 60,650</b>	<b>\$ 2,268,778</b>	<b>\$ 2,329,428</b>
B Bond Proceeds	-	-	-
C Reserve Balance	-	82,297	82,297
D Other Funds	60,650	2,186,481	2,247,131
<b>E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)</b>	<b>\$ 3,344,000</b>	<b>\$ 12,154,819</b>	<b>\$ 15,498,819</b>
F RPTTF	3,100,000	11,912,288	15,012,288
G Administrative RPTTF	244,000	242,531	486,531
<b>H Current Period Enforceable Obligations (A+E)</b>	<b>\$ 3,404,650</b>	<b>\$ 14,423,597</b>	<b>\$ 17,828,247</b>

**Certification of Oversight Board Chairman:**

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

*Barbara Halliday, Chairperson*  
 Name Title

DocuSigned by:  
 /s/ *Barbara Halliday*  
 Signature Date

**Emeryville**  
**Recognized Obligation Payment Schedule (ROPS 21-22) - ROPS Detail**  
**July 1, 2021 through June 30, 2022**

A Item #	B Project Name	C Obligation Type	D Agreement Execution Date	E Agreement Termination Date	F Payee	G Description	H Project Area	I Total Outstanding Obligation	J Retired	K ROPS 21-22 Total	L M N O P			Q R S T U V			W 21-22B Total							
											ROPS 21-22A (Jul - Dec)			ROPS 21-22B (Jan - Jun)				21-22A Total	Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	21-22B Total
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	Bond Proceeds								
1	Administrative Cost Allowance Per HSC 34177	Admin Costs	07/01/2020	06/30/2022	City of Emeryville	ADM-Finance Administrative Cost Allowance Per HSC 34177	Both	\$84,171,086		\$17,828,247	\$-	\$-	\$50,650	\$3,100,000	\$244,000	\$3,404,650	\$-	\$82,297	\$2,186,481	\$11,912,288	\$242,531	\$14,423,597		
39	Professional Services Agreement (September 1, 2010)	Litigation	09/01/2010	06/30/2022	Cox Castle Nicholson	ENV-Bay Street Recovery Site environmental cost recovery litigation	Emeryville	50,000	N	\$50,000	\$-	\$-	25,000	-	-	\$25,000	-	-	25,000	-	-	\$25,000		
40	Settlements w/ Chevron, Adams, Koecritz, Robinson, UPRR (July 23, 2010); Agency v. Robinson et.al., Alameda County Sup Ct. Case No. RG06-267594	Remediation	07/23/2010	06/30/2022	EK1, California EPA - DTSC, Cleanwater & other vendors	ENV-Bay Street Site B Groundwater Remediation Costs to remediate groundwater beneath Site B from on-site and off-site sources	Emeryville	-	N	\$-	\$-	\$-	-	-	-	\$-	-	-	-	-	-	\$-		
41	Professional Services Agreement (10/6/04) and Amendments: 12/2/05; 5/19/06; 2/16/07; 2/19/07; 6/9/08; 12/16/08; 4/21/09; 7/21/09; 5/2/10; 9/21/10; 4/5/11; 6/18/13; 1/20/15; 6/16/15; 1/1/16	Remediation	10/06/2004	06/30/2022	Erier & Kalinowski (EKI)	ENV-Bay Street Site B Groundwater Remediation Environmental engineer re-on-going groundwater remediation at Site B	Emeryville	836,667	N	\$400,000	\$-	\$-	200,000	-	-	\$200,000	-	-	200,000	-	-	-	\$200,000	
44	Professional Services Agreement PSA (3/31/2003), 1st	Remediation	03/31/2003	12/31/2022	Erier & Kalinowski (EKI)	ENV-Bay Street Shellmound Site - A Groundwater Monitoring Environmental	Shellmound	383,118	N	\$30,000	\$-	\$-	15,000	-	-	\$15,000	-	-	15,000	-	-	-	\$15,000	



Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 21-22 Total	ROPS 21-22A (Jul - Dec)				ROPS 21-22B (Jan - Jun)				21-22B Total				
											L	M	N	O	P	Q	Fund Sources			Fund Sources			
																	Bond Proceeds	Reserve Balance		Other Funds	Bond Proceeds	Reserve Balance	Other Funds
	Agreement (September 1, 2010)					Yard Remediation Legal services relating to recovery of remediation costs																	
62	Contract for services	Professional Services	03/01/2020	06/30/2024	Certified Public Accountants	F-Finance Audit Services	Both	18,000	N	\$18,000	-	10,000	-	-	-	8,000	-	-	-	-	-	\$8,000	
63	Bank account	Fees	08/01/2019	06/30/2023	Mechanics Bank	F-Finance Bank fees	Both	2,800	N	\$2,800	-	1,400	-	-	-	1,400	-	-	-	-	-	\$1,400	
64	Bond Trustee Fees	Fees	09/01/1995	09/01/2034	Bank of New York Mellon	F-Finance Bond Trustee services	Both	7,500	N	\$7,500	-	7,500	-	-	-	-	-	-	-	-	-	\$-	
67	Contract for services	Professional Services	01/12/1990	12/31/2023	MuniServices	F-Finance Property Tax Audit Services	Both	-	N	\$-	-	-	-	-	-	-	-	-	-	-	-	\$-	
103	Tax Allocation Revenue Bond covenants	Professional Services	07/01/2014	06/30/2023	Wildan Financial	F-Finance Annual Continuing Disclosure reporting	Both	3,500	N	\$3,500	-	-	-	-	-	3,500	-	-	-	-	-	\$3,500	
104	Tax Allocation Revenue Bond covenants	Professional Services	07/01/2014	06/30/2023	PFM Group	F-Finance Arbitrage/ Rebate calculations	Both	2,750	N	\$2,750	-	2,750	-	-	-	-	-	-	-	-	-	\$-	
116	Tax Allocation Refunding Bonds, 2014A Debt Service Payment	Refunding Bonds Issued After 6/27/12	09/03/2014	09/01/2034	Bank of New York Mellon	Full annual debt service for calendar year per bond docs. Interest payable March 1 and Sept 1, principal payable Sept 1	Both	77,302,750	N	\$9,760,750	-	-	-	-	-	82,297	2,173,581	7,504,872	-	-	-	\$9,760,750	
117	Tax Allocation Refunding Bonds, 2014B Debt Service Payment	Refunding Bonds Issued After 6/27/12	09/03/2014	09/01/2031	Bank of New York Mellon	Full annual debt service for calendar year per bond docs. Interest payable March 1 and Sept 1, principal payable Sept 1	Both	9,158,480	N	\$1,352,416	-	-	-	-	-	-	-	1,352,416	-	-	-	\$1,352,416	
121	Environmental Oversight Agreement	Remediation	01/15/2019	06/30/2021	California EPA - DTSC	Env - South Bayfront Site B Groundwater Remediation		50,000	N	\$50,000	-	-	25,000	-	-	-	-	-	-	-	25,000	\$25,000	









**Emeryville**  
**Recognized Obligation Payment Schedule (ROPS 21-22) - Notes**  
**July 1, 2021 through June 30, 2022**

Item #	Notes/Comments
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122	122 - On August 13, 2020, the California EPA, Department of Toxic Substances Control (DTSC), issued an Imminent and/or Substantial Endangerment Order and Remedial Action Order ("Order") to the Successor Agency to remediate hazardous substances contamination at 5679 Horton Street, Emeryville ("Corporation Yard Site"). The Order is an enforceable obligation pursuant to Health and Safety Code 34171(d)(1)(C).
123	123 - In order to respond to the DTSC Order per Item 122 at the earliest possible time, as opposed to waiting to July 1, 2021, the SA authorized a professional services agreement with EKI (Item 123) on December 15, 2020 in the amount of \$39,000. The SA intends on paying for EKI's services with a loan from the City of Emeryville, which the City will provide to the SA if the loan agreement is approved by the OS Board and DOF, and the loan agreement is approved on ROPS 21-22. If the OS Board and DOF approve the loan agreement and ROPS that includes the loan agreement, then the City will make loan proceeds available to the SA approx. April 15, 2021. Thereafter, the SA would authorize EKI to start their services, allowing the SA to commence its response to DTSC's Order approximately 2 1/2 months earlier. The funds extended by the City pursuant to the loan, approximating \$39,000, would then be repaid by the Successor Agency to the City of Emeryville in full during ROPS 21-22 with interest.
124	

**Emeryville**  
**Recognized Obligation Payment Schedule (ROPS 21-22) - Notes**  
**July 1, 2021 through June 30, 2022**

Item #	Notes/Comments
125	125 -In order to respond to the DTSC Order per Item 122 at the earliest possible time, as opposed to waiting to July 1, 2021, the SA authorized a professional services agreement with EKI (Item 123) on December 15, 2020 in the amount of \$39,000. The SA intends on paying for EKI's services with a loan from the City of Emeryville, which the City will provide to the SA if the loan agreement is approved by the OS Board and DOF, and the loan agreement is approved on ROPS 21-22. If the OS Board and DOF approve the loan agreement and ROPS that includes the loan agreement, then the City will make loan proceeds available to the SA approx. April 15, 2021. Thereafter, the SA would authorize EKI to start their services, allowing the SA to commence its response to DTSC's Order approximately 2 1/2 months earlier. The funds extended by the City pursuant to the loan, approximating \$39,000, would then be repaid by the Successor Agency to the City of Emeryville in full during ROPS 21-22 with interest.
126	Environmental engineering services to remediate hazardous substances contamination at 5679 Horton Street, Emeryville ("Corporation Yard Site") as directed by the DTSC Order described on line 122.

**Attachment 1 – Exhibit B to Resolution**

**Administrative Budget 21-22**

## Successor Agency (SA) Administrative Budgets

## Exhibit B

### Administrative Allowance Charges

	21-22A Total (July - December)	21-22B Total (January - June)	ROPS 21-22 Total
<b>Departments/Functions</b>			
City Manager	\$ 4,854	\$ 4,854	\$ 9,708
City Clerk	3,910	3,910	7,820
City Attorney	26,207	26,206	52,413
Administrative Services	160,842	160,842	321,684
Public Works	13,231	13,231	26,462
<b>General Operating Costs (rent, insurance, equipment, etc.)</b>	34,221	34,222	68,443
<b>Total</b>	<b>\$ 243,265</b>	<b>\$ 243,266</b>	<b>\$ 486,531</b>

### Tasks Include:

- Staff Meetings
- Staff Reports & Research
- Agendas & Minutes
- ROPS & Administrative Budget Preparation
- Overall SA Management
- Records Management & Website
- Maintenance of SA Property Information
- General Correspondence
- Attend Board Meetings
- Coordinate & Prepare SA Meetings
- Financial Management/Budgeting/Accounts Payable
- Annual Reporting