



**ALBANY OVERSIGHT BOARD SPECIAL MEETING FOR THE  
SUCCESSOR AGENCY TO THE  
ALBANY COMMUNITY REINVESTMENT AGENCY**

Albany City Hall, Council Chambers  
1000 San Pablo Avenue, Albany CA  
NOVEMBER 2, 2016  
TIME 5:00 p.m.

**1. CALL TO ORDER/ROLL CALL**

**2. APPROVAL OF MINUTES: January 20, 2016**

**3. PUBLIC COMMENT**

For persons desiring to address the Board on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Board's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

**4. BUSINESS ITEMS**

- a. Action Item: Adoption of Oversight Board Resolution No. 2016-2 approving the dissolution of the Successor Agency to the Albany Community Reinvestment Agency effective on December 31, 2016

**5. ADJOURNMENT**

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.



**ALBANY OVERSIGHT BOARD SPECIAL MEETING FOR THE  
SUCCESSOR AGENCY TO THE  
ALBANY COMMUNITY REINVESTMENT AGENCY**

Albany City Hall, Council Chambers  
1000 San Pablo Avenue, Albany CA 94706  
JANUARY 20, 2016  
TIME 4:45 p.m.

**1. CALL TO ORDER/ROLL CALL**

The meeting was called to order by Chair Lieber at 4:45 p.m.

Members present: Brown, Leach Williams Lieber. Members absent: McQuaid, Little, Peeples.

**2. APPROVAL OF MINUTES: NOVEMBER 30, 2015**

Moved by Leach, seconded by Brown to approve the minutes. Unanimously approved.

**3. PUBLIC COMMENT**

None.

**4. BUSINESS ITEMS**

- a. Action Item: Adoption of Oversight Board Resolution No. OB 2016-1, approving Recognized Obligation Payment Schedule (ROPS) No. 16-17 and the Administrative Budget of the Successor Agency to the Albany Community Reinvestment Agency

Motion: Moved by Leach, seconded by Brown to adopt Oversight Board Resolution No. OB 2016-1, approving ROPS No. 16-17, and the administrative budget of the Successor Agency

**5. ADJOURNMENT**

The meeting was adjourned at 4:47 p.m.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.

**ALBANY OVERSIGHT BOARD  
BOARD AGENDA STAFF REPORT**

Agenda Date: November 2, 2016

**SUBJECT:** Adoption of Oversight Board Resolution No. OB 2016-2 approving dissolution of the Successor Agency to the Albany Community Reinvestment Agency effective December 31, 2016

**REPORT BY:** Craig Labadie, City Attorney and Legal Counsel to Successor Agency

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**STAFF RECOMMENDATION**

Staff recommends that the Albany Oversight Board adopt Resolution No. OB 2016-2 as the final step to implement the Settlement Agreement between Albany and the State of California arising out of the redevelopment dissolution process and conclude the wind-down process for the former Albany Community Reinvestment Agency.

**BACKGROUND AND DISCUSSION**

In 2011, the State Legislature enacted the Redevelopment Dissolution Law, which mandated that all California redevelopment agencies cease operations effective February 1, 2012. Successor Agencies were created to wind down the affairs of the former redevelopment agencies, including payment of enforceable obligations and disposition of assets, under the supervision of local oversight boards and the State Department of Finance ("DOF"). The City of Albany elected to serve as the Successor Agency to the Albany Community Reinvestment Agency ("Former RDA").

During the dissolution process, a dispute arose between Albany and the State concerning (1) funds previously transferred from the Former RDA to the City as part of the purchase price for the Pierce Street Park site, and (2) repayment of certain loans previously made by the City to the Former RDA to fund its redevelopment activities. The parties resolved their differences in a Settlement Agreement entered into on October 14, 2015. Among other provisions, the Settlement Agreement required the Successor Agency to formally dissolve no later than December 31, 2016. By Resolution No. OB 2015-06 (attached), the Oversight Board authorized the Successor Agency to take all actions necessary to dissolve itself by that date, including disposition of all remaining assets and distribution of residual funds to the Alameda County Auditor-Controller ("Auditor-Controller"). By letter dated December 31, 2015 (attached), DOF approved the Oversight Board action. To prepare for dissolution, the Successor Agency was required to dispose of all remaining redevelopment assets as directed by the Oversight Board no later than October 23, 2016. The Successor Agency was allowed to retain certain funds to pay for its administrative costs, including attorney's fees. Any remaining funds were required to be transferred to the Auditor-Controller for distribution to local taxing entities in proportion to their respective shares of the property tax. After completing the asset disposition, the Successor Agency was required to request the Oversight Board to meet no later than December 1, 2016 to adopt a final resolution of dissolution.

Consistent with its obligations under the Settlement Agreement, Successor Agency staff prepared a final accounting of the remaining funds held by the Successor Agency for administrative costs relating to the redevelopment dissolution process (attached). The unexpended portion of these funds (\$163,522.17) was transmitted to the Auditor-Controller prior to September 30, 2016 for distribution to the local taxing entities. On October 3, 2016, the Successor Agency adopted a final resolution approving the dissolution of the Successor Agency effective on December 31, 2016 (attached).

## **FINANCIAL IMPACT**

The Successor Agency has fulfilled its obligations under the Redevelopment Dissolution Law and the Settlement Agreement. Residual funds have been transmitted to the Auditor-Controller, and the Successor Agency has concluded its operations.

## **Attachments**

1. Oversight Board Resolution No. OB 2015-06, dated November 30, 2015.
2. DOF letter approving OB Resolution, dated December 31, 2015.
3. Unaudited Final Accounting of Successor Agency Funds, dated October 3, 2016.
4. Resolution No. SA 2016-1 -- A resolution of the Successor Agency to the Albany Community Reinvestment Agency approving the dissolution of the Successor Agency effective on December 31, 2016, adopted on October 3, 2016.
5. Proposed Resolution No. OB 2016-2 – A Resolution of the Oversight Board for the Successor Agency to the Albany Community Reinvestment Agency approving the dissolution of the Successor Agency effective on December 31, 2016.

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY  
REINVESTMENT AGENCY  
RESOLUTION NO. 2015-06

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE  
ALBANY COMMUNITY REINVESTMENT AGENCY APPROVING DISSOLUTION OF  
THE SUCCESSOR AGENCY NO LATER THAN DECEMBER 31, 2016

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Law"), the Albany Community Reinvestment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Albany, acting in a separate limited capacity and known as the Successor Agency of the Albany Community Reinvestment Agency, has elected to serve as the successor agency (the "Successor Agency") of the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Albany (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, the Successor Agency has entered into a Settlement Agreement with the Department of Finance ("DOF") resolving litigation between the Successor Agency and the DOF regarding the Other Funds Due Diligence Review; and

WHEREAS, in accordance with the Settlement Agreement, the Successor Agency intends, no later than December 31, 2016, to dissolve in accordance with the Dissolution Law (with particular reference to Health and Safety Code Section 34187(b)),

WHEREAS, the Successor Agency has informed the Oversight Board that (1) the Successor Agency has no outstanding amounts owed for any enforceable obligations as defined by Health and Safety Code Section 34171; (2) all of the debt of the Successor Agency has been retired or paid off; and (3) the Successor Agency has no assets or if the Successor Agency has any assets, such assets shall be disposed of and the proceeds of the disposition of such assets shall be transferred to the Auditor-Controller for distribution to the affected taxing entities pursuant to Health and Safety Code Section 34183

WHEREAS, the Oversight Board has determined that dissolution of the Successor Agency is in the best interest of the taxing entities.

WHEREAS, on September 21, 2015 the Oversight Board adopted Resolution No OB 2015-05, which upon review by the California Department of Finance (DOF) State Officials requested adjustments to language included in certain sections; and

WHEREAS, this Resolution incorporates changes intended to reflect the adjustments desired by DOF.

NOW, THEREFORE BE IT RESOLVED, that the Oversight Board of the Successor Agency hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff and the public, form the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Oversight Board hereby authorizes the Successor Agency to take any and all actions necessary to dissolve the Successor Agency no later than December 31, 2016, including disposition of all remaining assets and the distribution to the Alameda County-Auditor Controller of all remaining funds for distribution to the taxing entities.

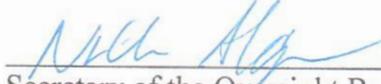
BE IT FURTHER RESOLVED, the Oversight Board hereby directs its Designated Contact Official, or the Designated Contact Official's designee, to provide written notice and information about this Resolution to the California Department of Finance in accordance with Health and Safety Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).

ALBANY, CALIFORNIA, November 30, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: 5	BOARD MEMBERS: Leach, Little, McQuaid, Peoples, Chair Lieber
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT: 2	BOARD MEMBERS: Brown, Williams

ATTEST:

  
Secretary of the Oversight Board to  
the Albany Successor Agency



December 31, 2015

Ms. Penelope Leach, City Manager  
City of Albany  
1000 San Pablo Avenue  
Albany, CA 94706

Dear Ms. Leach:

Subject: Approval of Redevelopment Successor Agency Dissolution

The City of Albany Successor Agency (Agency) notified the California Department of Finance (Finance) of its November 30, 2015 Oversight Board (OB) resolution on December 2, 2015 requesting to dissolve the Agency. Pursuant to Health and Safety Code (HSC) section 34187 (d), Finance has completed its review of the OB action.

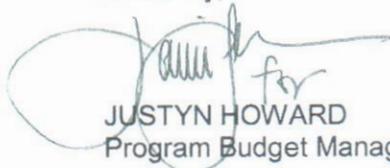
Based on our review and application of the law, OB Resolution 2015-06 approving the dissolution of the Agency, is approved. It is our understanding the Agency has met the conditions per HSC section 34187 (b) as follows:

- All of the enforceable obligations that had been identified in the Recognized Obligation Payment Schedule have been retired or paid off.
- All real property has been disposed of pursuant to HSC section 34181 or 34191.4.
- All outstanding litigation has been resolved.

As noted in the resolution, Finance expects the Agency to take all actions necessary to dissolve the Agency no later than December 31, 2016.

Please direct inquiries to Cindie Lor, Supervisor, or Todd Vermillion, Lead Analyst, at (916) 445-1546.

Sincerely,



JUSTYN HOWARD  
Program Budget Manager

cc: Mr. Paul Rankin, Finance Advisor - Regional Government Services, City of Albany  
Ms. Carol S. Orth, Tax Analysis, Division Chief, Alameda County

**REPORT SUMMARIZING FINAL ACCOUNTING FOR SUCCESSOR AGENCY**

Agenda Date: October 3, 2016

**TO:** Successor Agency to the Albany Community Reinvestment Agency  
**FROM:** David Glasser, Finance & Administrative Services Director  
Paul Rankin, Finance Advisor – Regional Government Services  
**SUBJECT:** Unaudited Final Accounting of Administrative Funds

Under the Redevelopment Dissolution Law, the Successor Agency is responsible for winding down the affairs of the dissolved Albany Community Reinvestment Agency ("Former RDA"). This includes satisfying all "enforceable obligations" of the Former RDA, paying administrative costs for the dissolution process, and disposing of any remaining assets by transferring them to the Alameda County Auditor-Controller for distribution to the local taxing entities. The Successor Agency has previously satisfied all its "enforceable obligations." Its current assets consist of a total of \$78,500 which was distributed to the Successor Agency from the Real Property Tax Trust Fund for administrative costs, but has not yet been expended. The purpose of this report is to present a final accounting of the Administration Funds held in trust by the City.

The Redevelopment dissolution process included both Oversight Board and Department of Finance approval of bi-annual Recognized Obligation Payment Schedules ("ROPS"), including administrative budgets and expenses. Funding for these expenses was distributed to the Successor Agency from the Redevelopment Property Tax Trust Fund (RPTTF) for payment of eligible costs. This fund is administered by the Alameda County Auditor-Controller.

As part of the Settlement Agreement with the Department of Finance, the Successor Agency agreed to limit its allowable administrative costs. Section 1(f)(4) of the Agreement provided that the Successor Agency was entitled to retain the estimated amount of its reasonable and necessary administrative costs, including attorney's fees, up to the date the Successor Agency is dissolved. However, the amount retained shall not exceed the amounts approved as administrative costs in ROPS 14-15B (\$46,000) and ROPS 15-16A (\$32,500). The remaining funds must be transferred to the Auditor-Controller not later than October 23, 2016 for distribution to the local taxing entities. The following table summarizes the status of the Successor Agency's administrative costs, which did not exceed the authorized amount.

**AMOUNT AVAILABLE PER LIMITATIONS IN SETTLEMENT AGREEMENT AND SUBSEQUENT ROPS AUTHORIZATIONS**

<b>ROPS PERIOD</b>	<b>AUTHORIZED ROPS \$</b>	<b>ACTUAL / EXPENSES</b>
2014-15B (Jan – June 2015)	46,000	\$ 16,560
2015-16A (July – Dec 2015)	32,500	10,201
2015-16B (Jan – June 2016)		3,201
<b>TOTAL</b>	<b>\$ 78,500</b>	<b>\$ 29,962</b>
Estimated Final Reporting (Legal & RGS Administrative Costs)		<b>2,330</b>

<b>Total Use Authorized ROPS</b>	<b>\$ 78,500</b>	<b>\$32,292</b>
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As shown above, the Successor Agency administrative expenses through closure are \$46,208 less than what was originally authorized as part of the ROPS process. The lower level of expenditures reflects that the litigation was resolved in an efficient manner.

In addition to the authorized ROPS funds for administrative expenses, the Successor Agency Trust Fund held additional amounts previously distributed from the RPPTF. In accordance with the Settlement Agreement, all residual funds must be distributed to the Alameda County Auditor-Controller. The following summarizes the funds to be transferred to the Auditor-Controller:

**REPORT OF RPPTF FUNDS HELD BY ALBANY (TRUST FUND #653)  
July 1, 2015 – September 30, 2016**

ITEM	BALANCE
Cash Balance 6/30/2015 (Net of General AP)	\$ 178,536.03
Expenses FY 2015/2016	(13,401.97)
<b>Balance Prior To Interest Accrual</b>	<b>165,134.06</b>
Allocation of Accrued Interest FY 2015/16	718.11
Withholding For Final Legal / Accounting (Sept 2016)	(2,330)
<b>Net Cash Transferred Alameda County Auditor Controller To Close Albany RPPTF Trust Fund #653</b>	<b>\$ 163,522.17</b>

The City has complied with its obligations under the Settlement Agreement by transferring the residual funds in the amount of \$163,522.17 to the Auditor-Controller prior to September 20, 2016.







1 including attorney's fees, to the County Auditor-Controller for distribution to the local  
2 taxing entities; and

3 **WHEREAS**, the Successor Agency finds and determines that the final accounting  
4 of Successor Agency assets attached to the staff report accompanying this Resolution is  
5 true and correct; and

6 **WHEREAS**, on September 29, 2016, the Successor Agency fulfilled its obligations  
7 under Section 1(f)(4) of the Settlement Agreement by transferring the residual sum of  
8 \$163,522.17, as determined pursuant to the final accounting for the Successor Agency, to  
9 the Alameda County Auditor-Controller for distribution to the local taxing entities; and

10 **WHEREAS**, on October 3, 2016, the Successor Agency adopted Resolution No.  
11 SA 2016-1 approving the dissolution of the Successor Agency effective on December 31,  
12 2016; and

13 **WHEREAS**, on or before October 10, 2016, the Successor Agency submitted for  
14 approval this final Resolution of dissolution to the Oversight Board; and

15 **WHEREAS**, on November 2, 2016, the Oversight Board met to consider approval  
16 of this Resolution.

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Oversight Board for the  
18 Successor Agency to the Albany Community Reinvestment Agency hereby finds that the  
19 Successor Agency has complied with Section 1(f)(4) of the Settlement Agreement and  
20 approves the dissolution of the Successor Agency effective on December 31, 2016.

21 **BE IT FURTHER RESOLVED**, that the City Attorney and City Manager  
22 are hereby authorized to take all actions and execute further documents as  
23 necessary to implement this Resolution, including but not limited to providing notice  
24 of this final Resolution of dissolution to the Department of Finance and the Alameda  
25 County Auditor-Controller.

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ROBERT LIEBER, CHAIR