

RESOLUTION NO. SA02-21

Resolution Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Approving And Adopting The Administrative Budget And Recognized Obligation Payment Schedule For The Period Of July 1, 2021 Through June 30, 2022 (Rops 21-22) Pursuant To Section 34177 Of The California Health And Safety Code

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

WHEREAS, on January 17, 2012 and pursuant to Health and Safety Code Section 34173, the City Council of the City of the City of Emeryville elected to have the City of Emeryville ("City") serve as successor agency ("Successor Agency") for the dissolved Emeryville Redevelopment Agency ("Redevelopment Agency") effective February 1, 2012; and

WHEREAS, on February 1, 2012, the former Redevelopment Agency was dissolved pursuant to Health and Safety Code Section 34172; and

WHEREAS, the Successor Agency is responsible for implementing the Dissolution Act, including the preparation of an administrative budget and the recognized obligation payment schedule (ROPS) pursuant to California Health and Safety Code Section 34177; and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act provides for the appointment of an Oversight Board with specific duties to approve certain Successor Agency actions, including the approval of the Administrative Budget and the ROPS pursuant to Health and Safety Code Section 34177(j) and 34180(g), respectively; and

WHEREAS, the Successor Agency has reviewed and duly considered the staff report dated January 19, 2021, the documentation provided in support of the staff report, the testimony provided during the public meeting, the Administrative Budget, attached hereto as Exhibit A, and the Recognized Obligation Payment Schedule for the period of July 1, 2021 through June 30, 2022, attached hereto as Exhibit B; now, therefore, be it

RESOLVED, in accordance with Health and Safety Code Section 34177, the Successor Agency hereby approves and adopts the Administrative Budget, attached hereto as Exhibit A, and the Recognized Obligation Payment Schedule for the period July 1, 2021 through June 30, 2022, attached hereto as Exhibit B; and, be it, further

RESOLVED, that the Successor Agency hereby authorizes and directs the City Manager and Finance Director or their designees to file a copy of this Resolution and the Administrative Budget, attached hereto as Exhibit A, and the Recognized Obligation Payment Schedule for the period July 1, 2021 through June 30, 2022, attached hereto as Exhibit B, with the Alameda County Oversight Board, and to provide a copy thereof at the same time to the Department of Finance, the State Controller's Office, the Alameda County Administrative Officer, and the Alameda County Auditor-Controller; and, be it further

Resolution No. SA02-21
 ROPS 21-22
 Successor Agency | January 19, 2021
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RESOLVED, that the Successor Agency hereby authorizes the City Manager, City Attorney and the Finance Director to initiate and engage in the meet and confer process with the Department of Finance in accordance with Section 34177(o) in the event any line item on the Recognized Obligation Payment Schedule for the period July 1, 2021 through June 30, 2022, is denied or rejected by the Department of Finance.

ADOPTED, by the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, January 19, 2021, by the following vote.

		Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters, Medina, and Patz
AYES:	5	
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

DocuSigned by:

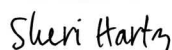


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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

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

Successor Agency: Emeryville

County: Alameda

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

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.

Name Title

/s/ _____
Signature Date

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

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
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)					21-22A Total	ROPS 21-22B (Jan - Jun)					21-22B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$94,171,096		\$17,828,247	\$-	\$-	\$60,650	\$3,100,000	\$244,000	\$3,404,650	\$-	\$82,297	\$2,186,481	\$11,912,288	\$242,531	\$14,423,597
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	486,531	N	\$486,531	-	-	-	-	244,000	\$244,000	-	-	-	-	242,531	\$242,531
39	Professional Services Agreement (September 1, 2010)	Litigation	09/01/2010	06/30/2022	Cox Castle NicholSEN	ENV-Bay Street - Site B Cost Recovery Site B environmental cost recovery litigation	Emeryville	50,000	N	\$50,000	-	-	-	25,000	-	\$25,000	-	-	-	25,000	-	\$25,000
40	Settlements w/ Chevron, Adams, Koeckritz, 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	EKI, California EPA - DTSC, Clearwater & 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	06/30/2023	Erler & 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	Erler & Kalinowski (EKI)	ENV-Bay Street Site - A Groundwater Monitoring Environmental	Shellmound	383,118	N	\$30,000	-	-	-	15,000	-	\$15,000	-	-	-	15,000	-	\$15,000

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
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)					21-22A Total	ROPS 21-22B (Jan - Jun)					21-22B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
	Amendment to PSA (04/20/2004); 2nd Amendment to PSA (10/5/2011)					engineer re on-going groundwater monitoring at Bay Street/Site A																
45	Environmental Oversight Agreement (Amended 3/13/07)	Remediation	03/13/2007	06/30/2022	California EPA - DTSC	ENV-Bay Street Site - A Groundwater Monitoring Regulatory Oversight 7/20/98 12/31/22	Shellmound	20,000	N	\$20,000	-	-	-	10,000	-	\$10,000	-	-	-	10,000	-	\$10,000
46	Settlement Agreement & Order (Feb 23, 2001) - Agency v Elementis; US District Ct, Case No. C99-03719 WHA	Remediation	02/23/2001	06/30/2021	Sherwin Williams	ENV-Bay Street Site - A Groundwater Monitoring Reimbursement of Groundwater Monitoring/ Remediation Costs w/credit for sums paid to EKI	Shellmound	-	N	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-
47	Disposition and Development Agreement (Section 212) - Long Term Risk Management Plan	Remediation	09/23/1999	06/30/2021	5616 Bay Street Investors LLC	ENV-Bay Street Site - A Groundwater Monitoring Responsible for costs of groundwater monitoring and remediation as between Agency and property owners	Shellmound	-	Y	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-
48	City/Agency Purchase & Sale Agreement (June 4, 2009) - Corp Yard/Jan 27, 2012 Claim of City of Emeryville-California Tort Claim Act	Remediation	06/04/2009	06/30/2018	City of Emeryville as Indemnatee	ENV-Corporation Yard Remediation Indemnification of City for costs of remediation and monitoring of soil and groundwater contamination	Emeryville	-	N	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-
49	Professional Services	Legal	09/01/2010	06/30/2022	Cox Castle Nicholsen	ENV-Corporation	Emeryville	2,750,000	N	\$2,750,000	-	-	-	1,375,000	-	\$1,375,000	-	-	-	1,375,000	-	\$1,375,000

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
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)					21-22A Total	ROPS 21-22B (Jan - Jun)					21-22B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
	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	-	-	\$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	-	-	\$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	-	-	\$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	-	-	\$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	-	\$25,000

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
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)					21-22A Total	ROPS 21-22B (Jan - Jun)					21-22B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
						Oversight																
122	Imminent & Substantial Endagerment Order	Remediation	01/15/2019	06/30/2021	California EPA - DTSC	Environmental - Corporation Yard Remediation Enforcement/ Oversight		100,000	N	\$100,000	-	-	-	50,000	-	\$50,000	-	-	-	50,000	-	\$50,000
123	Professional Services Agreement	Remediation	01/15/2019	06/30/2021	Erler & Kalinowski (EKI)	Environmental -Corporation Yard - Remediation of soil and groundwater contamination pursuant to DTSC Imminent & Substantial Endangerment Order. Obligation is \$39,000 plus LAIF interest \$1,000 = \$40,000		39,000	N	\$39,000	-	-	39,000	-	-	\$39,000	-	-	-	-	-	\$-
124	Environmental Insurance Policy	Remediation	07/01/2019	06/30/2020	Integro Insurance Brokers	ENV - Site B - Environmental Pollution Legal Liability Insurance Policy		-	Y	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-
125	Loan Agreement - City and Successor Agency	Remediation	12/15/2020	06/30/2022	City of Emeryville	Environmental -Corporation Yard - City/ Successor Agency Loan for Costs of EKI item 123	Corporation Yard	250,000	N	\$45,000	-	-	-	45,000	-	\$45,000	-	-	-	-	-	\$-
126	Professional Services Agreement	Remediation	07/01/2021	06/30/2022	Erler & Kalinowski (EKI)	126 - On January 19, 2021, the Successor Agency approved a contract with EKI Environment & Water in the amount of \$3,500,000 to undertake	Corporation Yard	2,710,000	N	\$2,710,000	-	-	-	1,355,000	-	\$1,355,000	-	-	-	1,355,000	-	\$1,355,000

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Emeryville
Recognized Obligation Payment Schedule (ROPS 21-22) - Report of Cash Balances
July 1, 2018 through June 30, 2019
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.							
A	B	C	D	E	F	G	H
	ROPS 18-19 Cash Balances (07/01/18 - 06/30/19)	Fund Sources					Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	Beginning Available Cash Balance (Actual 07/01/18) RPTTF amount should exclude "A" period distribution amount.	-	-	223,301	2,543,944	-	Last Year's Ending Balance
2	Revenue/Income (Actual 06/30/19) RPTTF amount should tie to the ROPS 18-19 total distribution from the County Auditor-Controller	-	-	-	604,001	13,801,187	Other Funds - Interest income
3	Expenditures for ROPS 18-19 Enforceable Obligations (Actual 06/30/19)	-	-	-	-	13,424,474	
4	Retention of Available Cash Balance (Actual 06/30/19) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	(376,713)	376,713	Balance of FPTTF not spend in CY moved to Other Funds for future costs
5	ROPS 18-19 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 18-19 PPA form submitted to the CAC		No entry required			-	
6	Ending Actual Available Cash Balance (06/30/19) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$-	\$223,301	\$3,524,658	\$-	

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.

Successor Agency (SA) Administrative Budgets**Exhibit B****Administrative Allowance Charges****Departments/Functions**

City Manager

City Clerk

City Attorney

Administrative Services

Public Works

**General Operating Costs (rent,
insurance, equipment, etc.)****Total**

21-22A Total (July - December)	21-22B Total (January - June)	ROPS 21-22 Total
\$ 4,854	\$ 4,854	\$ 9,708
3,910	3,910	7,820
26,207	26,206	52,413
160,842	160,842	321,684
13,231	13,231	26,462
34,221	34,222	68,443
\$ 243,265	\$ 243,266	\$ 486,531

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