

**RESOLUTION NO. 2885-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR, ACTING AS SUCCESSOR AGENCY TO THE FORMER WINDSOR REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171(j), ADOPTING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(a)(1)**

**WHEREAS**, pursuant to Health and Safety Code Section 34171(j) and Resolution no. 2869-12 adopted January 11, the Town Council of the Town of Windsor (“**Town**”) is the successor agency (“**Successor Agency**”) to the former Windsor Redevelopment Agency, which was dissolved as of February 1, 2012; and

**WHEREAS**, the liability of the Town acting as Successor Agency is limited pursuant to Health and Safety Code Section 34173(e) and other applicable law; and

**WHEREAS**, pursuant to Health and Safety Code Section 34169(g), on August 25, 2011, the Board of Directors of the Windsor Redevelopment Agency adopted Resolution No. 2831-11 adopting an Enforceable Obligation Payment Schedule (“**EOPS**”) listing enforceable obligations within the meaning of subdivision (d) of Section 34167 of the CRL, through December 31, 2011; and

**WHEREAS**, by Resolution No. 2880-12 adopted on January 18, 2012, the Windsor Redevelopment Agency amended the EOPS to list enforceable obligations through June 30, 2012; and

**WHEREAS**, in adopting the EOPS and the amendment thereto, the Windsor Redevelopment Agency complied with all applicable posting and notification requirements, including by posting the EOPS on the Town of Windsor website and providing notification of its adoption to the Department of Finance, the State Controller’s Office, and the Sonoma County Auditor-Controller; and

**WHEREAS**, Health and Safety Code Section 34177(a)(1) provides that the initial EOPS of a successor agency shall be the last schedule adopted by the former redevelopment agency, and further provides that the successor agency may amend the EOPS at any public meeting; and

**WHEREAS**, good cause appearing therefor, as set forth in the Staff Report accompanying this Resolution, the Town acting as the Successor Agency desires to further amend the EOPS to include additional enforceable obligations for which payments must be made pending approval of a Recognized Payment Obligation Schedule (“**ROPS**”) by an Oversight Board to be appointed pursuant to Health and Safety Code Section 34179; and

**WHEREAS**, an Amended EOPS, a copy of which is attached, has been presented to the Town, the Town is familiar with the contents thereof, and the Town Manager has recommended approval of the Amended EOPS, subject to the contingencies and reservation of rights set forth in this Resolution; and

**WHEREAS**, the Town, acting as the Successor Agency, reserves the right to challenge the legality of Assembly Bill x1 26 and/or any implementing regulations, and at a later time to rescind its acceptance of Successor Agency rights and obligations, and reserves any and all rights concerning Assembly Bill x1 26 pursuant to applicable law; and

**WHEREAS**, the Town, acting as the Successor Agency, reserves the right to further amend the Enforceable Obligation Payment Schedule pursuant to Health and Safety Code section 34169; and

**WHEREAS**, in adopting the Amended Enforceable Obligation Payment Schedule, the Town, acting as Successor Agency, does not intend to waive, nor shall the Town be deemed to have waived any rights the Town or its successor may have pursuant to or in connection with any obligation listed on such Amended Schedule, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Amended Schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINDSOR, ACTING AS SUCCESSOR AGENCY TO THE FORMER WINDSOR REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE 34171(j), that the Town Council hereby:**

1. Finds that the Recitals set forth above are true and correct, and are incorporated herein by reference.
2. Adopts the Amended Enforceable Obligation Payment Schedule attached hereto pursuant to Health and Safety Code section 34177(a)(1), subject to all reservations of rights and contingencies set forth above.
3. Authorizes and directs the Town Manager or designee to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution and the Amended Enforceable Obligation Payment Schedule on the Successor Agency's website, and the provision of notice of adoption of this Resolution and such Amended Schedule to the County Auditor-Controller, the State Controller and the State Department of Finance.

4. Declares that if any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.


**PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of February 2012, by the following vote:**

**AYES: COUNCILMEMBERS ALLEN, SALMON, SCHOLAR AND  
MAYOR FUDGE**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: VICE MAYOR GOBLE**

  
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**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**MARIA DE LA O, TOWN CLERK**

**Attachment:**

Exhibit "A" – Amended Enforceable Obligation Payment Schedule

Name of Redevelopment Agency of the Town of Windsor  
Project Area(s)

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Remaining Amount Due During Fiscal Year	Payments by month						Total	
					Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012		
1) 1998 Tax Allocation Bonds	U.S. Bank	Bond issue to construct Town Green	1,370,926.25	26,618.75		26,618.75						\$ 26,618.75
2) 2004C Wastewater Refunding Bonds	Union Bank	Bond issue to fund public capital improvements	222,310.00	3,655.00		3,655.00						\$ 3,655.00
3) 2004 Tax Allocation Bonds	U.S. Bank	Bond issue to fund redevelopment activities	5,058,351.25	73,263.75		73,263.75						\$ 73,263.75
4) 2008 Fire Station Agreement	Town of Windsor	Base Rental Payments for Fire Station	9,637,320.71	969,521.26		969,521.26						\$ 969,521.26
5) Cal HFA Loan No. HELP-082506-07	Cal HFA	Residential Development Loan Program	1,300,000.00	0.00								\$ -
6) Cal HFA Loan No. RDLP-091007-04	Cal HFA	Residential Development Loan Program	2,725,468.32	2,725,468.32								\$ 2,725,468.32
7) Windsor Redwoods Project	Burbank Housing	Return CalHFA Proceeds to Burbank Housing	944,082.09	944,082.09								\$ 944,082.09
8) Burbank Help Loan	Burbank Housing	Return CalHFA Proceeds to Burbank Housing	1,308,396.90	1,308,396.90								\$ 1,308,396.90
9) Windsor Redwoods Project	Burbank Housing	Permanent loan - Windsor Redwoods	900,000.00	900,000.00								\$ -
10) Windsor Redwoods Project	Burbank Housing	Gap financing commitment	1,000,000.00	1,000,000.00								\$ -
11) Manzanita Self Help Project	Burbank Housing	Funding commitment - Manzanita Self Help	1,500,000.00	750,000.00								\$ 750,000.00
12) Advance due to General Fund	Town of Windsor	Advance fr. General Fund (Jun 2002)	400,000.00	400,000.00								\$ 400,000.00
13) Advance due to Water Reclamation Fund	Town of Windsor	Advance fr. Water Reclamation Fund (Jun 2003)	913,000.00	913,000.00								\$ 913,000.00
14) Staffing & Administrative Expenses	Town employees/vendors	Staffing & Administrative Expenses - Capital	1,587,120.00	388,680.00	64,780.00	64,780.00	64,780.00	64,780.00	64,780.00	64,780.00	64,780.00	\$ 388,680.00
15) Staffing & Administrative Expenses	Town employees/vendors	Staffing & Administrative Expenses - Housing	792,137.00	192,630.52	30,438.42	30,438.42	30,438.42	30,438.42	30,438.42	30,438.42	30,438.42	\$ 192,630.52
16) Fiscal Agent Fees	U.S. Bank/Wildan Firm	Fiscal Agent Fees paid	19,650.00	8,920.00	1,835.00	1,835.00	5,250.00					\$ 8,920.00
17) Town Green Improvements - Lighting	Republic ITS	Town Green Improvements - Lighting (0038)	83,000.00	14,900.00	2,483.34	2,483.34	2,483.34	2,483.34	2,483.34	2,483.34	2,483.34	\$ 14,900.00
18) Streetscape Improvement Program	Quadrada Landscape	Streetscape Improvement Program (0340)	11,331.25	11,331.25	1,888.55	1,888.55	1,888.55	1,888.55	1,888.55	1,888.55	1,888.55	\$ 11,331.25
19) Streetscape Improvement Program	Wiemeyer Ecological Sci	Streetscape Improvement Program (0340)	800.00	800.00	133.34	133.34	133.34	133.34	133.34	133.34	133.34	\$ 800.00
20) Wayfinding Signage	Graphic Solutions	Wayfinding Signage (0377)	4,644.50	4,342.50	723.75	723.75	723.75	723.75	723.75	723.75	723.75	\$ 4,342.50
21) Wayfinding Signage	Republic ITS	Wayfinding Signage (0377)	13,700.00	13,700.00	2,283.34	2,283.34	2,283.34	2,283.34	2,283.34	2,283.34	2,283.34	\$ 13,700.00
22) Wayfinding Signage	Arrow Sign	Wayfinding Signage (0377)	45,000.00	45,000.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	\$ 45,000.00
23) ORH Pedestrian Safety Improvements	Green Valley Consulting	ORH Pedestrian Safety Improvements (0421)	13,320.00	13,320.00	2,220.00	2,220.00	2,220.00	2,220.00	2,220.00	2,220.00	2,220.00	\$ 13,320.00
24) ORH Utility Infrastructure Study	Winzler & Kelley	ORH Utility Infrastructure Study (0424)	8,862.52	2,815.77	469.30	469.30	469.30	469.30	469.30	469.30	469.30	\$ 2,815.77
25) Fire Station Construction	HMC Architects	Fire Station Construction (0430)	3,686.94	3,686.94	614.99	614.99	614.99	614.99	614.99	614.99	614.99	\$ 3,686.94
26) Fire Station Construction	W. Stephens	Fire Station Construction (0430)	33,864.00	33,864.00	5,644.00	5,644.00	5,644.00	5,644.00	5,644.00	5,644.00	5,644.00	\$ 33,864.00
27) Fire Station Construction	Summit Technology	Fire Station Construction (0430)	4,165.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
28) Windsor River Road Develop	Bjelje & Race	Windsor River Road Development (0435)	2,303.21	1,588.21	261.37	261.37	261.37	261.37	261.37	261.37	261.37	\$ 1,588.21
29) Railroad Crossing Arm	Green Valley Consulting	Railroad Crossing Arm WRRWR (0539)	8,730.10	3,527.80	587.94	587.94	587.94	587.94	587.94	587.94	587.94	\$ 3,527.80
30) Wall-Street Improvements (0370)	Fidelity/Naft Title	Easement Purchase	11,079.41	0.00								\$ -
Totals - This Page			\$ 29,873,243.39	\$ 3,632,433.62	\$ 121,863.34	\$ 2,762,048.13	\$ 1,436,683.34	\$ 1,202,028.34	\$ 1,202,028.34	\$ 1,202,028.34	\$ 1,202,028.34	\$ 8,063,065.86
Totals - Page 2			\$ 247,697.05	\$ 188,012.80	\$ 22,190.37	\$ 62,789.57	\$ 22,164.57	\$ 22,164.57	\$ 22,164.57	\$ 22,164.57	\$ 22,164.57	\$ 198,012.80
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ 13,738,225.04	\$ 1,964,110.54	\$ 327,674.19	\$ 327,674.17	\$ 328,042.94	\$ 327,674.19	\$ 327,674.19	\$ 327,674.19	\$ 327,674.19	\$ 1,964,110.54
Grand total - All Pages			\$ 43,859,165.48	\$ 12,905,206.20	\$ 3,882,298.18	\$ 512,327.08	\$ 3,112,256.64	\$ 1,786,522.10	\$ 1,469,867.10	\$ 1,469,867.10	\$ 1,469,867.10	\$ 10,285,209.20



Name of Redevelopment Agency: Redevelopment Agency of the Town of Windsor  
 Project Area(s): All

**OTHER OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Remaining Amount Due During Fiscal Year	Payments by month						Total	
					Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012		
1) Cooperative Agreement	Town of Windsor	Public Infrastructure projects	8,950,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
2) AB 1290 Pass Throughs	County of Sonoma	AB 1290 Pass Throughs	2,086,224.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
3) Pueblo Viejo Park Improvements	Various Vendors	Approved Budget Capital Improvement	145,000.00	145,000.00	24,166.67	24,166.67	24,166.67	24,166.67	24,166.67	24,166.65	\$ 145,000.00	
4) Sutton Park Improvements	Various Vendors	Approved Budget Capital Improvement	154,500.00	39,500.00	6,583.34	6,583.34	6,583.34	6,583.34	6,583.34	6,583.30	\$ 39,500.00	
5) Streetscape Improvement Program	Various Vendors	Approved Budget Capital Improvement	12,868.75	368.75							\$ 368.75	
6) Town Green Loop Mixed Use Project	Various Vendors	Approved Budget Capital Improvement	75,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
7) Wayfinding Signage	Various Vendors	Approved Budget Capital Improvement	36,655.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
8) Windsor River Road Development Proj	Various Vendors	Approved Budget Capital Improvement	447,696.79	396,961.79	66,544.17	66,544.17	66,544.17	66,544.17	66,544.17	64,240.94	\$ 386,961.79	
9) ORH Improvement Project Ball Village	Various Vendors	Approved Budget Capital Improvement	465,000.00	465,000.00	77,500.00	77,500.00	77,500.00	77,500.00	77,500.00	77,500.00	\$ 465,000.00	
10) ORH @ Lakewood Bicycle & Ped Impr	Various Vendors	Approved Budget Capital Improvement	138,280.00	90,280.00	15,046.67	15,046.65	15,046.67	15,046.67	15,046.67	15,046.67	\$ 90,280.00	
11) North ORH Water Main Extension	Various Vendors	Approved Budget Capital Improvement	477,000.00	477,000.00	79,500.00	79,500.00	79,500.00	79,500.00	79,500.00	79,500.00	\$ 477,000.00	
12) New Library Project	Various Vendors	Approved Budget Capital Improvement	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
13) New Police Department Building Project	Various Vendors	Approved Budget Capital Improvement	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -	
14) East Shiloh Land Assembly Project	Various Vendors	Approved Budget Capital Improvement	500,000.00	250,000.00	41,666.67	41,666.67	41,666.67	41,666.67	41,666.67	41,666.65	\$ 250,000.00	
15) Tenant Improvement Loans	Various Vendors	Approved Budget Capital Improvement	200,000.00	100,000.00	16,666.67	16,666.67	16,666.67	16,666.67	16,666.67	16,666.65	\$ 100,000.00	
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28)											\$ -	
<b>Totals - Other Obligations</b>			<b>\$ 13,738,225.04</b>	<b>\$ 1,864,110.54</b>	<b>\$ 327,674.19</b>	<b>\$ 327,674.17</b>	<b>\$ 328,042.94</b>	<b>\$ 327,674.19</b>	<b>\$ 327,674.19</b>	<b>\$ 327,674.19</b>	<b>\$ 325,370.86</b>	<b>\$ 1,964,110.54</b>