

# Orange Countywide Oversight Board

Agenda Item No. 8a

Date: 9/20/2022

From: Successor Agency to the Anaheim Redevelopment Agency

Subject: Resolution of the Countywide Oversight Board Approving Amendment to the Recognized Obligation Payment Schedule (ROPS)

Recommended Action:

Approve resolution approving amendment to FY 2022-23B ROPS for the Anaheim Successor Agency

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The Anaheim Successor Agency requests approval of the Amended Recognized Obligation Payment Schedule (ROPS) 22-23B for the second half of Fiscal Year 2022-23. The amendment would request additional RPTTF funds (ROPS Line-Item 151- Westgate Remediation) to repair non-routine maintenance issues in the amount of \$13,171,276.

Line-Item 151 in the ROPS is for ongoing environmental remediation costs to fulfill obligations imposed by various regulatory agencies that hold jurisdiction over the Westgate Property landfill (“LRPMP Property #16” or “Property”) and to fulfill a State approved Remedial Action Plan related to operations, monitoring, and maintenance activities at the subject Property.

The request for additional funds is to fund non-routine work required to address an onsite methane release at LRPMP Property #16 and to prevent future methane releases at the subject Property. The non-routine work would include the creation of a Clean Closure Plan, temporary abandonment of landfill gas and groundwater monitoring elements, Clean Closure construction elements, reconstruction of landfill gas and groundwater monitoring elements, and a Construction Completion Report.

The Agency has sufficient contract authority available to complete these repairs and, if approved, intends to utilize the requested additional RPTTF funds in the ROPS 22-23B period to immediately address the methane release and associated operations, monitoring and maintenance activities at the subject Property.

Impact on Taxing Entities

The proposed ROPS Amendment will reduce residual RPTTF to the taxing entities from the January 2, 2023 distribution by \$13,171,276.

Staff Contact(s)

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Attachments

1. Resolution
2. Amended ROPS FY 22-23B
3. Tetra Tech BAS Scope of Work

**RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD  
RESOLUTION NO. 22-033**

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD APPROVING AN *AMENDED RECOGNIZED OBLIGATION PAYMENT* FOR THE FY2022-23 FISCAL PERIOD OF JULY 1, 2022 TO JUNE 30, 2023, FOR THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, SUBJECT TO SUBMITTAL TO, AND REVIEW BY, THE STATE DEPARTMENT OF FINANCE [DOF] UNDER CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

**WHEREAS**, the former Anaheim Redevelopment Agency (“Former Agency”) previously was a community redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Anaheim (“City”); and

**WHEREAS**, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and wind down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 and by other subsequent legislation (“Dissolution Law”); and

**WHEREAS**, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Law, and as a separate public entity, corporate and policy the Successor Agency to the Anaheim Redevelopment Agency (“Successor Agency”) administers the enforcement obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs; and

**WHEREAS**, prior to July 1, 2018 under the Dissolution Law, in particular Sections 34179 and 34180, all actions of the Successor Agency were subject to the review and approval by a local seven-member oversight board, which oversaw and administered the Successor Agency’s activities during the period from dissolution until June 30, 2018; and

**WHEREAS**, as of, on and after July 1, 2018, under the Dissolution Law, in particular Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Orange; and

**WHEREAS**, as of, on and after July 1, 2018, the Orange Countywide Oversight Board (“Oversight Board”) was established through the Orange County Auditor-Controller in compliance with Section 34179(j), which serves as the oversight board to the 25 successor

agencies existing and operating in Orange County, including Successor Agency and all other successor agencies in Orange County; and

**WHEREAS**, every oversight board, both the prior local oversight board and this newly established Orange Countywide Oversight Board, have fiduciary responsibilities to the holders of enforceable obligations and to the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of the Dissolution Law; and

**WHEREAS**, Section 34177(m), 34177(o) and 34179 provide that each ROPS is submitted to, review and approved by the Successor Agency and then reviewed and approved by the Oversight Board final review and approval by the State Department of Finance (“DOF”); and

**WHEREAS**, Section 34177(o)(1)(E) of the Dissolution Law authorizes that “[o]nce per period, and no later than October 1, a successor agency may submit one amendment to the [ROPS] approved by the department pursuant to this subdivision, if the oversight board makes a finding that a revision is necessary for the payment of approved enforceable obligations during the second one-half of the [ROPS] period, which shall be defined as January 1 to June 30, inclusive. A successor agency may only amend the amount requested for payment of approved enforceable obligations. The revised [ROPS] shall be approved by the oversight board and submitted to the department by electronic means in a manner of the department’s choosing. The department shall notify the successor agency and the county auditor-controller as to the outcome of the department’s review at least 15 days before the date of the property tax distribution”; and

**WHEREAS**, the Successor Agency has submitted to the Orange Countywide Oversight Board an amendment to ROPS FY 2022-2023 reflecting additional payments for non-routine maintenance, remediation and related project costs, to enable the Successor Agency to pay costs necessary to address current remediation needs at 2951 West Lincoln Avenue (LRPMP Property #16) and other projects; and

**WHEREAS**, the objective of this Orange Countywide Oversight Board resolution is to authorize, make findings, and approve the Successor Agency’s amendment of ROPS FY22-23 to correct and increase line item 151 as reflected on the amendment to the Successor Agency’s ROPS FY 2022-23 attached as Attachment No. 1 to this resolution and fully incorporated herein by this reference; and

**WHEREAS**, the Orange Countywide Oversight Board has reviewed and considered the Successor Agency’s amendment of ROPS FY22-23, and desires to make certain findings, including: (i) amendment is necessary to pay a DOF-approved enforceable obligation on ROPS FY 2022-2023 during the “B” fiscal period, (ii) ROPS FY 2022-23, as amended, is approved, (iii) the Successor Agency or City staff are authorized to post ROPS FY 2022-23, as amended,

on the City's website, and (iv) staff is directed to transmit ROPS FY 2022-23, as amended, to the DOF, pursuant to the Dissolution Law;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

**SECTION 1.** The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

**SECTION 2.** The Orange Countywide Oversight Board hereby finds the revision set forth in amended ROPS FY 2022-2023 for funds to be distributed from the Redevelopment Property Tax Trust Fund (RPTTF) for the fiscal period January 1, 2023 to June 30, 2023 is necessary to pay DOF-approved enforceable obligations for such ROPS FY 2022-2023B period; in particular, the amendment is to correct and increase the RPTTF authorized for disbursement to the Successor Agency and payment by the Successor Agency for line items 151.

**SECTION 3.** Under the Dissolution Law, the Orange Countywide Oversight Board approves the ROPS FY 2022-23, as amended, (Attachment No. 1); provided however, that the ROPS FY 2022-2023, as amended, is approved subject to the condition that such ROPS, as amended, is to be submitted to and reviewed by the DOF. Further, the Executive Director of the Successor Agency and his authorized designees, in consultation with legal counsel, shall be authorized to discuss this matter with the DOF and make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

**SECTION 4.** The Orange Countywide Oversight Board authorizes transmittal of ROPS FY 2022-2023, as amended, to the DOF.

**SECTION 5.** The Executive Director of the Successor Agency and his authorized designees directed to post this Resolution, including the ROPS FY 2022-2023, as amended, on the City's website.

**SECTION 6.** The approval of the amendment to the ROPS through this Resolution does not commit the Orange Countywide Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

**SECTION 7.** Under Section 34179(h) written notice and information about certain actions taken by the Orange Countywide Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF's choosing. The Orange Countywide Oversight

Board's action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review.

**SECTION 8.** This Resolution shall take effect immediately upon its adoption.

**SPARKS, ANDERSON & RAINS PITS AND DAVIS MUD PIT CLOSURES**

<b>Item</b>	<b>Cost</b>
<b>Phase I Closure Construction (Southern Portions of Sparks &amp; Anderson Pits)</b>	
<i>Phase I Cover Construction</i>	\$1,266,100
<b>SUB-TOTAL:</b>	<b>\$1,266,100</b>
<b>Phase II Closure (Southern Portions of Rains Pit)</b>	
<i>Civil Design</i>	\$25,000
<i>LFG System Design and Repairs</i>	\$770,596
<i>Parking Lot Repavement and Geogrid Installation</i>	\$1,519,580
<b>SUB-TOTAL:</b>	<b>\$2,315,176</b>
<b>Phase III Closure Construction (Wester Portions of Sparks &amp; Anderson Pits)</b>	
<i>Phase III LFG Modifications</i>	\$400,000
<i>Phase III CM / CQA</i>	\$80,000
<i>Phase III Cover Construction</i>	\$2,140,000
<i>Phase III Design/Grading</i>	\$100,000
<i>Phase III Waste Excavations, Removal, Disposal</i>	\$275,000
<i>Phase III Geogrid Installation</i>	\$460,000
<b>SUB-TOTAL:</b>	<b>\$3,455,000</b>
<b>DMP CLEAN CLOSURE</b>	
<b>Plans</b>	
<i>Final Clean Closure Plan</i>	\$160,000
<b>SUB-TOTAL:</b>	<b>\$160,000</b>
<b>Temporary abandonment of Sparks Anderson Rains Pit LFG and GW Elements</b>	
<i>Temp. abandonment of Sparks Anderson Rains Pit LFG Syst., LFG Probes, and GW Wells</i>	\$160,000
<b>SUB-TOTAL:</b>	<b>\$160,000</b>
<b>Clean Closure Construction Activites (Phase I Drive Aisle)</b>	
<i>DMP Waste Excavation and Disposal</i>	\$700,000
<i>Temporary Gas System Additional OM&amp;M</i>	\$30,000
<i>CQA/CM</i>	\$100,000
<b>SUB-TOTAL:</b>	<b>\$830,000</b>
<b>Clean Closure Construction Activites (Phase II Remainder of DMP Site)</b>	
<i>DMP Waste Excavation and Disposal</i>	\$4,200,000
<i>Temporary Gas System Additional OM&amp;M</i>	\$40,000
<i>CQA/CM</i>	\$200,000
<b>SUB-TOTAL:</b>	<b>\$4,440,000</b>
<b>Reconstruction of Sparks Anderson Rains Pit LFG System , LFG Probes, and GW Wells</b>	
<i>Reconstruction of Sparks Anderson Rains Pit LFG System , LFG Probes, and GW Wells</i>	\$485,000
<b>SUB-TOTAL:</b>	<b>\$485,000</b>
<b>Construction Completion Report</b>	
<i>Final As-Built Report</i>	\$60,000
<b>SUB-TOTAL:</b>	<b>\$60,000</b>
<b>SUB-TOTAL</b>	<b>\$6,135,000</b>

**GRAND TOTAL: \$13,171,276**

**Amended Recognized Obligation Payment Schedule (ROPS 22-23B) - Summary  
Filed for the January 1, 2023 through June 30, 2023 Period**

**Successor Agency:** Anaheim

**County:** Orange

<b>Current Period Requested Funding for Enforceable Obligations (ROPS Detail)</b>	<b>ROPS 22-23B Authorized Amounts</b>	<b>ROPS 22-23B Requested Adjustments</b>	<b>ROPS 22-23B Amended Total</b>
<b>A Enforceable Obligations Funded as Follows (B+C+D)</b>	<b>\$ 151,180</b>	<b>\$ -</b>	<b>\$ 151,180</b>
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	151,180	-	151,180
<b>E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)</b>	<b>\$ 12,497,932</b>	<b>\$ 13,171,276</b>	<b>\$ 25,669,208</b>
F RPTTF	12,262,932	13,171,276	25,434,208
G Administrative RPTTF	235,000	-	235,000
<b>H Current Period Enforceable Obligations (A+E)</b>	<b>\$ 12,649,112</b>	<b>\$ 13,171,276</b>	<b>\$ 25,820,388</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.

\_\_\_\_\_  
Name Title

/s/ \_\_\_\_\_  
Signature Date

**Anaheim**  
**Amended Recognized Obligation Payment Schedule (ROPS 22-23B) - ROPS Detail**  
**January 1, 2023 through June 30, 2023**

Item #	Project Name	Obligation Type	Total Outstanding Obligation	Authorized Amounts					Total	Requested Adjustments					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
			\$216,667,544	\$-	\$-	\$151,180	\$12,262,932	\$235,000	\$12,649,112	\$-	\$-	\$-	\$13,171,276	\$-	\$13,171,276	
50	Tax Allocation Refunding Bonds	Bonds Issued On or Before 12/31/10	\$44,695,207	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
54	Fiscal agent/arbitrage svcs	Fees	\$506,317	-	-	-	14,000	-	\$14,000	-	-	-	-	-	\$-	
56	HUD 108 Loan-Capital Projects	CDBG/HUD Repayment to City/County	\$3,922,037	-	-	-	61,972	-	\$61,972	-	-	-	-	-	\$-	
58	HUD 108 Loan-Westgate	CDBG/HUD Repayment to City/County	\$1,798,805	-	-	-	21,791	-	\$21,791	-	-	-	-	-	\$-	
63	External Project Costs	Professional Services	\$459,998	-	-	-	20,000	-	\$20,000	-	-	-	-	-	\$-	
66	River Valley Redev. Proj. Area	OPA/DDA/ Construction	\$3,354,098	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
68	Anaheim Westgate Center Proj.	Miscellaneous	\$5,965,936	-	-	-	114,347	-	\$114,347	-	-	-	-	-	\$-	
70	8.9-acre SoCal Edison	Miscellaneous	\$14,501,035	-	-	-	285,288	-	\$285,288	-	-	-	-	-	\$-	
71	Shoe City lease	Miscellaneous	\$1,683,377	-	-	-	18,708	-	\$18,708	-	-	-	-	-	\$-	
75	External Project Costs	Professional Services	\$511,666	-	-	-	3,600	-	\$3,600	-	-	-	-	-	\$-	
103	External Project Costs	Professional Services	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
114	Avon Dakota Revitalization	Miscellaneous	\$3,084,533	-	-	-	1,542,267	-	\$1,542,267	-	-	-	-	-	\$-	
115	Avon Dakota Revitalization	Miscellaneous	\$600,000	-	-	-	300,000	-	\$300,000	-	-	-	-	-	\$-	
116	Project Management	Project Management Costs	\$65,000	-	-	-	32,500	-	\$32,500	-	-	-	-	-	\$-	
117	External Project Costs	Professional Services	\$150,000	-	-	-	75,000	-	\$75,000	-	-	-	-	-	\$-	
135	Administrative Cost Allowance	Admin Costs	\$470,000	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
137	Coop. Agr. - Reimb of Costs	Unfunded Liabilities	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
151	Westgate Remediation (Previous ROPS Line 100)	Remediation	\$15,246,669	-	-	-	272,209	-	\$272,209	-	-	-	13,171,276	-	\$13,171,276	
185	Administrative Cost Allowance to Housing Successor Per AB 471 (Previous ROPS Line 156)	Housing Entity Admin Cost	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
186	Administrative Cost Allowance to Housing Successor Per	Housing Entity	\$-	-	-	-	-	-	\$-	-	-	-	-	-	\$-	



Item #	Project Name	Obligation Type	Total Outstanding Obligation	Authorized Amounts					Total	Requested Adjustments					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
	AB 471 (Retroactive Disallowed Allowance) - Previous ROPS Line 156	Admin Cost														
187	Domain Project Area Remediation	Remediation	\$302,360	-	-	151,180	-	-	\$151,180	-	-	-	-	-		\$-
191	Insurance for Westgate LandFill (Related to Line 151)	Remediation	\$-	-	-	-	-	-	\$-	-	-	-	-	-		\$-
192	Overreported "Other Funds" From Cash Balance Form	Miscellaneous	\$-	-	-	-	-	-	\$-	-	-	-	-	-		\$-
193	2018 Refunding Bonds Series A	Bonds Issued On or Before 12/31/10	\$118,889,500	-	-	-	9,481,250	-	\$9,481,250	-	-	-	-	-		\$-
195	Westgate Remediation - Water Control Board	Remediation	\$461,006	-	-	-	20,000	-	\$20,000	-	-	-	-	-		\$-