

2009 APR 30 PM 6:37

\_\_\_\_\_  
Agency Counsel

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

Resolution No. \_\_\_\_\_ C.M.S.

---

**AGENCY RESOLUTION AMENDING RESOLUTION NUMBER 01-85 C.M.S. TO DECREASE THE REDEVELOPMENT AGENCY'S CONTRIBUTION OF AN ADDITIONAL 5% TO THE LOW AND MODERATE INCOME HOUSING FUND BY AN AMOUNT SUFFICIENT TO PROVIDE A PROPORTIONAL SHARE OF THE AMOUNT REQUIRED TO BE PAID TO THE EDUCATIONAL REVENUE AUGMENTATION FUND (ERAF) IN FY 2008-09, AND IN FY 2009-10 AND FY 2010-11 IF A PAYMENT TO THE ERAF IS REQUIRED, AND REALLOCATING \$2,504,000 IN FY 2008-09 ERAF PAYMENTS TO NON-HOUSING REDEVELOPMENT FUNDS**

**WHEREAS**, on December 11, 2001, the Redevelopment Agency adopted Resolution Number 01-85 C.M.S. to require the deposit annually into the Low and Moderate Income Housing Fund of an additional amount equal to five percent of the gross tax increment revenues from all redevelopment project areas, if certain conditions are met; and

**WHEREAS**, redevelopment law requires redevelopment agencies to make payments to the Educational Revenue Augmentation Fund (ERAF) for Fiscal Year 2008-09; and

**WHEREAS**, the Redevelopment Agency's required ERAF payment for Fiscal Year 2008-09 is approximately \$8.5 million; and

**WHEREAS**, it is uncertain whether additional such payments will be required in Fiscal Years 2009-10 and 2010-11; and

**WHEREAS**, the amended Agency Budget for Fiscal Year 2008-09 specifies that \$2,504,000 of this amount shall come from the Low and Moderate Income Housing Fund (LMIHF); and

**WHEREAS**, California Redevelopment Law does not permit ERAF payments directly from the Agency's Low and Moderate Income Housing Fund unless such payments are reimbursed by the Agency within ten years; and

**WHEREAS**, payment of the entire ERAF payment from non-housing Agency funds would jeopardize the Agency's ability to carry out other priority redevelopment activities; now, therefore, be it

**RESOLVED:** That the Redevelopment Agency hereby amends Resolution Number 01-85 C.M.S. to reduce the Agency's additional contribution of funds to the LMIHF for Fiscal Year 2008-09 by \$2,504,000 in order to allow this amount to be used to pay a portion of the ERAF; and be it

**FURTHER RESOLVED:** That the Redevelopment Agency further amends Resolution Number 01-85 to permit a reduction of the Agency's additional contribution of funds to the LMIHF for Fiscal Years 2009-10 and 2010-11 by an amount equal to (a) the LMIHF's percentage share of tax increment received by the Agency net of any pass-through requirements times (b) the amount of the total ERAF payment, should such payments be required; and be it

**FURTHER RESOLVED:** That the Agency's budget for FY 2008-09 is hereby amended in accordance with the foregoing provisions to reallocate \$2,504,000 of ERAF payments from the LMIHF to non-housing Agency funds; and be it

**FURTHER RESOLVED:** That this reduction in the LMIHF, which is authorized solely for the purpose of making the state-required ERAF payment, in no way changes the Oakland Redevelopment Agency's commitment to its policy of voluntarily contributing an additional 5% of gross tax increment to the LMIHF in subsequent years when ERAF payments are not required, and that any necessary reductions for FY 2009-10 or FY 2010-11 may be made solely for this purpose; and be it

**FURTHER RESOLVED:** That the Agency Administrator is hereby authorized to take all necessary actions with regard to such payments consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California