RESOLUTION NO. 2070-07 RDA

A RESOLUTION OF THE WINDSOR REDEVELOPMENT AGENCY ADOPTING THE BUDGET AND WORK PLANS FOR FISCAL YEARS 2007-08 AND 2008-09, APPROVING A LOAN AGREEMENT AND ACCEPTING LOANS IN THE AGGREGATE AMOUNT OF $1,513,242 FROM THE TOWN OF WINDSOR TO THE AGENCY'S CAPITAL PROJECTS FUND, AND AUTHORIZING EXPENDITURES THEREFROM

WHEREAS, the proposed budgets (collectively, the "Budget") of the Town of Windsor Redevelopment Agency (the "Agency") for Fiscal Years 2007-08 and 2008-09 has been reviewed by the Board of Directors; and

WHEREAS, Annual Work Plans have been prepared which identify the Agency's accomplishments for Fiscal Year 2006-07 and describe the redevelopment activities to be undertaken by the Agency in the Windsor Redevelopment Project Area (the "Project Area") for Fiscal Years 2007-08 and 2008-09 (collectively, the "Work Plans"); and

WHEREAS, both the Budget and the Work Plans are consistent with the Windsor Redevelopment and Implementation Plans heretofore adopted by the Town Council; and

WHEREAS, Section 33445 of the California Health and Safety Code (the "Code") provides, in pertinent part, that an Agency may, with the consent of the Town Council, pay all or part of the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned, either within or without the Project Area, upon a determination by the Town Council that (i) such buildings, facilities, structures, or other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project Area is located, (ii) no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the community, and (iii) the payment of funds for the cost of such buildings, facilities, structures, or other improvements will assist in the elimination of one or more blighting conditions inside the project area or provide housing for low-or moderate-income persons; and

WHEREAS, the redevelopment activities to be undertaken by the Agency, as described in the Work Plans, will benefit the Project Area because the improvements will eliminate a blighting condition within the Project Area and improve the overall public health, safety and welfare of the community; and

WHEREAS, said Section 33601 of the Code authorizes the Agency to borrow funds from the Town for any redevelopment project within its area of operation; and

WHEREAS, the Agency desires to enter into loan agreements with the Town in order borrow funds to undertake the redevelopment activities set forth in the Work Plans;

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE TOWN OF WINDSOR REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. That the Budget is hereby adopted with appropriations and projected fund balances as follows:

FUND	APPROPRIATION		EST FUND BAL
	FY 2007-08	FY 2008-09	@ 6/30/09
Operating & Capital Projects	**$7,689,472**	**$2,442,385**	**$1,803,211**
Low/Moderate Housing	**$1,124,412**	**$1,158,280**	**$906,091**
Debt Service	**$1,428,747**	**$1,455,053**	**$7,121,363**
TOTAL	**$10,242,631**	**$5,055,718**	**$9,830,665**

Section 2. The Executive Director is hereby authorized and directed to take all necessary and proper steps to implement the Budget, including making expenditures in accordance with the Budget, with the exception of those expenditures which require prior approval of the Board of Directors as set forth in the Windsor Redevelopment Code and State Law.

The Executive Director shall notify the Board of Directors on a timely basis and prepare a budget adjustment when: (1) it appears an activity budget will be substantially exceeded; or (2) a fund balance will be substantially less than shown.

The Executive Director may authorize administrative budget adjustments to transfer appropriations from one line item to another within a departmental/activity budget.

Section 3. The Agency determines that it is appropriate to finance said public improvements, contingent only upon the Town Council of the Town of Windsor adopting its resolution finding that the improvements are of benefit to the Project Area, the surrounding neighborhoods in which the Project Area is located and the entire community of the Town of Windsor, that there are no other reasonable means of financing such improvements, and said improvements will assist in the elimination of one or more blighting conditions inside the Project Area or provide housing for low-or moderate-income persons.

Section 4. That the form of Loan Agreements attached to this Resolution ("Loan Agreements") are hereby approved. The Executive Director of the Agency is authorized to execute the Loan Agreements for loans from the Town of Windsor in the amount of $746,208 for FY 2007-08 and $767,034 for FY 2008-09, to be appropriated to the Agency Capital Projects Fund as set forth in the Budget. The Agency acknowledges that said loans constitutes indebtedness of the Agency within the meaning of Article 6, Chapter 6, of the Code.

PASSED, APPROVED AND ADOPTED this 6th day of June 2007, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, GOBLE AND MAYOR PARKER**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**

CHAIR
WINDSOR REDEVELOPMENT AGENCY

ATTEST:

SECRETARY
WINDSOR REDEVELOPMENT AGENCY

Attachments:
Loan Agreements

FISCAL YEAR 2007-08

LOAN AGREEMENT

THIS AGREEMENT is entered into this 6th day of June, 2007, by and between the Town of Windsor, (the "Town"), and the Windsor Redevelopment Agency, (the "Agency").

RECITALS

WHEREAS, the Agency has a need for assistance in funding certain redevelopment activities in the Windsor Project Area, and

WHEREAS. Section 33600 et seq. of the California Community Redevelopment Law authorizes the Agency to borrow money or accept financial or other assistance from the Town; and

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties hereto agree as follows:

COVENANTS

Section 1. Amount of Loan. The Town agrees to loan the Agency an amount not to exceed $746,208.

Section 2. Disbursement of Funds. The Town agrees to disburse loan proceeds to the Agency upon receipts of a request from the Agency. The Agency agrees to use such proceeds only for the purposes provided for in the adopted budget of the Agency for Fiscal Year 2007-08.

Section 3. Interest. The Agency agrees to pay the Town five percent (5%) interest per annum on the funds borrowed at the time of repayment of the loan.

Section 4. Repayment. The Agency agrees to repay all funds borrowed by fiscal year end June 30, 2008.

Section 5. Obligation Constitutes Indebtedness. This Loan Agreement shall constitute an obligation and debt of the Agency to use all available Tax Increment revenue to repay the Town. Such indebtedness shall be subordinate to any and all other Agency indebtedness incurred by Agency, including indebtedness incurred through the issuance of Tax Allocation Notes or Bonds or any other bonds of the Agency.

IN WITNESS WHEREOF, the Town and Agency have executed this Agreement as of the date first above written.

TOWN OF WINDSOR

J. Matthew Mullan
Town Manager

Recommended for Approval:

Christa Johnson
Assistant Town Manager

WINDSOR REDEVELOPMENT AGENCY

J. Matthew Mullan
Executive Director

Recommended for Approval:

Christa Johnson
Assistant Town Manager

FISCAL YEAR 2008-09

LOAN AGREEMENT

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RECITALS

WHEREAS, the Agency has a need for assistance in funding certain redevelopment activities in the Windsor Project Area, and

WHEREAS. Section 33600 et seq. of the California Community Redevelopment Law authorizes the Agency to borrow money or accept financial or other assistance from the Town; and

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties hereto agree as follows:

COVENANTS

Section 1. Amount of Loan. The Town agrees to loan the Agency an amount not to exceed $767,034.

Section 2. Disbursement of Funds. The Town agrees to disburse loan proceeds to the Agency upon receipts of a request from the Agency. The Agency agrees to use such proceeds only for the purposes provided for in the adopted budget of the Agency for Fiscal Year 2008-09.

Section 3. Interest. The Agency agrees to pay the Town five percent (5%) interest per annum on the funds borrowed at the time of repayment of the loan.

Section 4. Repayment. The Agency agrees to repay all funds borrowed by fiscal year end June 30, 2009.

Section 5. Obligation Constitutes Indebtedness. This Loan Agreement shall constitute an obligation and debt of the Agency to use all available Tax Increment revenue to repay the Town. Such indebtedness shall be subordinate to any and all other Agency indebtedness incurred by Agency, including indebtedness incurred through the issuance of Tax Allocation Notes or Bonds or any other bonds of the Agency.

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