

OVERSIGHT BOARD RESOLUTION NO. 2012-02

A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO APPROVING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85; AUTHORIZE POSTING AND TRANSMITTAL THEREOF

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

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies (“Dissolution Act”); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby (“Supreme Court Decision”); and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the successor agency to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the “Successor Agency” and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, pursuant to Section 34179 the Successor Agency’s Oversight Board has been formed and the initial meeting has occurred on March 29, 2012; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, by resolution on August 15, 2011, the former Agency adopted an enforceable obligation payment schedule (“EOPS”) pursuant to Section 34169(g) of the Dissolution Act; and

WHEREAS, by resolution on January 25, 2012 the former Agency adopted an initial recognized obligation payment schedule (“IROPS”) pursuant to Section 34169(h) of the Dissolution Act and submitted such IROPS to the City, as Successor Agency; and

WHEREAS, by resolution on February 20, 2012 the Successor Agency adopted the initial recognized obligation payment schedule (“ROPS”) pursuant to Section 34177 of the Dissolution Act and has submitted such ROPS to the Oversight Board; and

WHEREAS, Sections 34177 and 34182 provide that a ROPS is not deemed valid until certain conditions are met, including that the draft ROPS be reviewed in accordance with agreed upon procedures, as to its accuracy, by an external auditor selected by the County Auditor-Controller; and

WHEREAS, Sections 34177(k)(2)(B), 34179 and 34182 provide that the certified ROPS is submitted to and duly approved by the Oversight Board; and

WHEREAS, the State Department of Finance (“DOF”) has requested that successor agencies prepare and approve and oversight boards review and approve the draft ROPS and provide the draft ROPS to the County Auditor-Controller (“CCA”), the State Controller’s Office (“SCO”), and to DOF prior to April 15, 2012 even if the draft ROPS has not yet been reviewed by the external auditor selected by the CAC in accordance with the agreed upon procedures; and

WHEREAS, due to the timing requested by the DOF for submittal, review and approval of the ROPS, the Oversight Board has reviewed the draft ROPS presented by the Successor Agency and desires to approve both the EOPS and the draft ROPS and to authorize the Successor Agency, to cause posting of the EOPS and draft ROPS on the City/Successor Agency website, and to direct transmittal of the EOPS and draft ROPS to the CAC, SCO and DOF; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for three (3) business days pending any request for review by the DOF, and if the DOF requests review hereof, DOF will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO:

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

Section 2. Pursuant to the Dissolution Act, the Oversight Board approves the EOPS submitted herewith as Attachment 1 and the draft ROPS submitted herewith as Attachment 2, which schedules are incorporated herein by this reference;

provided however, that the draft ROPS is approved subject to the condition that such ROPS is to be reviewed by the external auditor selected by the CAC in accordance with the agreed upon procedures and then re-submitted to the DOF.

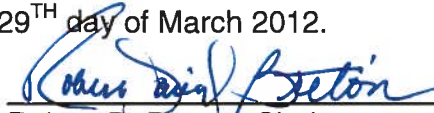
Section 3. The Oversight Board authorizes the Successor Agency to transmit the draft ROPS to the County Auditor-Controller, the State Department of Finance, and the State Controller's Office.

Section 4. The City Manager of the Successor Agency or his authorized designee is directed to post the EOPS and draft ROPS on the City/Successor Agency website pursuant to the Dissolution Act.

Section 5. This Resolution shall be effective after transmittal of this Resolution with the ROPS attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 29TH day of March 2012.



Robert D. Breton, Chair
Oversight Board to the Successor Agency
of the Community Development Agency of
the City of Mission Viejo

ATTEST:



Sherry Merrifield, Secretary
Oversight Board to the Successor Agency
of the Community Development Agency of the City of Mission Viejo

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Sherry Merrifield, Secretary of the Oversight Board to the to the Successor Agency of the Community Development Agency of the City of Mission Viejo, hereby certify that the foregoing resolution was duly adopted by the Oversight Board at a special meeting held on the 29TH day of March 2012, and that it was so adopted by the following vote:

AYES: Breton, Dyas, Fitzsimons, Imburgia, Probalsky & Ury

NOES: None

ABSENT: Pappalardo



Sherry Merrifield, Secretary
Oversight Board to the Successor Agency
of the Community Development Agency of
the City of Mission Viejo