

RESOLUTION NO. M-2013-06

A RESOLUTION OF THE OVERSIGHT BOARD TO THE MERCED DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MERCED, APPROVING A CONTRACT WITH VAN LANT & FANKHANEL, LLP FOR AUDIT SERVICES TO COMPLETE THE DUE DILIGENCE REVIEW AUDITS FOR LOW AND MODERATE INCOME HOUSING FUNDS AND THE OTHER FUNDS AND ASSETS AND THE ANNUAL AUDITS OF THE DESIGNATED LOCAL AUTHORITY AND AUTHORIZING MICHAEL AMABILE, OR HIS DESIGNEE, TO TAKE ALL NECESSARY ACTIONS WITH RESPECT THERETO ON BEHALF OF THE DESIGNATED AUTHORITY

WHEREAS, the Oversight Board of the Merced Designated Local Authority, as Successor Agency to the Redevelopment Agency of the City of Merced ("DLA"), has been established to take actions to wind down the affairs of the former Redevelopment Agency of the City of Merced in accordance with the California Health and Safety Code; and

WHEREAS, the Health and Safety Code requires the Successor Agency to perform any existing obligations of former Redevelopment Agency; and

WHEREAS, the Successor Agency is required to complete the Due Diligence Review Audits for Low and Moderate Income Housing Funds, the Due Diligence Review Audit for Other Funds and Assets and annual audits of the Successor Agency; and

WHEREAS, in order to fulfill its obligations with respect to the wind down of the affairs of the former Redevelopment Agency of the City of Merced and the completion of the Due Diligence Review Audits and Annual Audits, the DLA requires the assistance of audit services; and

WHEREAS, Section 34177(b) of the Health and Safety Code provides that a Successor Agency may create enforceable obligations to conduct wind down activities of the former Agency, including acquiring necessary professional staff; and

WHEREAS, the DLA desires to approve a contract/engagement letter between the DLA and Van Lant & Fankhanel, LLP to complete the due diligence review audits and the annual audits of the Designated Local Authority beginning August 1, 2013; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE OVERSIGHT BOARD TO THE DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MERCED, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The Oversight Board hereby approves the attached contract between the DLA and Van Lant & Fankhanel, LLP to complete the due diligence review audits and the annual audits of the

Designated Local Authority beginning August 1, 2013, subject to the terms and conditions set forth in the contract/engagement letter attached hereto. Pursuant to Health and Safety Code Section 34173, the Successor Agency's liability is limited to the total sum of property tax revenues it receives pursuant to Part 1.85 of AB X1 26.

SECTION 3. Michael Amabile, or his designee, is hereby authorized to enter into such Agreement for Audit Services on behalf of the DLA and take such other actions as may be required by the Health and Safety Code, and any other actions as may be necessary in furtherance of the foregoing contract in accordance with applicable law.

SECTION 4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The Designated Local Authority hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED at a special meeting of the Designated Local Authority, as Successor Agency to the Merced Redevelopment Agency, held this 1st day of August, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson, Designated Local Authority, as
Successor Agency to the Redevelopment Agency of
the City of Merced

ATTEST:

Secretary

Attachment: Agreement for Legal Services