

RESOLUTION NO. M-2013-02

A RESOLUTION OF THE MERCED DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MERCED, APPROVING A CONTRACT WITH LEIBOLD MCCLENDON & MANN, PC FOR LEGAL SERVICES AND AUTHORIZING MICHAEL AMABILE, OR HIS DESIGNEE, TO TAKE ALL NECESSARY ACTIONS WITH RESPECT THERETO ON BEHALF OF THE DESIGNATED LOCAL AUTHORITY

WHEREAS, 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, from its formation through December 31, 2012, the California Department of Finance has contracted with Kosmont Companies to provide staffing for the DLA; and

WHEREAS, Leibold McClendon & Mann, PC has been acting as General Counsel to the DLA in its capacity as a sub-consultant to Kosmont Companies since the formation of the DLA; and

WHEREAS, as of January 1, 2013, the California Department of Finance will no longer provide staffing for the DLA; and

WHEREAS, in order to fulfill its obligations with respect to the wind down the affairs of the former Redevelopment Agency of the City of Merced, the Designated Local Authority requires the assistance of legal counsel; 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 with Leibold McClendon & Mann, PC to perform the duties of the office of General Counsel beginning as of January 1, 2013; and

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

NOW, THEREFORE, THE DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY OF 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 DLA hereby approves a contract with Leibold McClendon & Mann, PC to perform the duties of the office of General Counsel beginning as of January 1, 2013, subject to the terms and conditions set forth in the Agreement for Legal Services attached hereto. Pursuant to Health & 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 Legal Services on behalf of the DLA and take such other actions as may be required by the Health & 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 DLA 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.

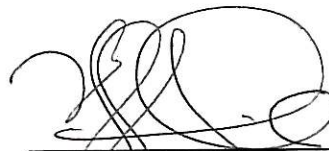
PASSED, APPROVED AND ADOPTED at a special meeting of the Designated Local Authority, as Successor Agency to the Merced Redevelopment Agency, held this 17th day of January, 2013 by the following vote:

AYES: Amabile and Michael

NOES: None

ABSENT: Viveros

ABSTAIN: None



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

ATTEST:



Secretary

Attachment: Agreement for Legal Services