

RESOLUTION NO. M - 2013-03

A RESOLUTION OF THE MERCED DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MERCED, APPROVING AN AMENDED AND RESTATED RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND AUTHORIZING MARK PERSICO, 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, Health and Safety Code Section 34169 requires the Successor Agency to prepare and adopt a "Recognized Obligation Payment Schedule" that lists all obligations of the former redevelopment agency that are enforceable within the meaning of subdivision (d) of Section 34167 for six month periods including January 1, 2013 through June 30, 2013; and

WHEREAS, on August 22, 2012, the Oversight Board adopted Resolution NO. OB 2012-03 approving a Recognized Obligation Payment Schedule for the period of January 1, 2013 through June 30, 2013 ("ROPS III"); and

WHEREAS, on October 11, 2012, the California Department of Finance ("DOF") issued a letter disallowing a large number of items listed on the ROPS III, amending certain others and recalculating the DLA's allowable administrative costs; and

WHEREAS, the DLA filed a Meet and Confer Request to challenge certain items denied by DOF and met with DOF on November 28, 2012; and

WHEREAS, on December 18, 2012, DOF issued a letter declining or accepting certain matters discussed at the meet and Confer, resulting in further changes to the ROPS III; 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; and

WHEREAS, the DLA has approved various enforceable obligations to conduct wind-down activities of the former Agency beginning as of January 1, 2013 which are not reflected on the ROPS III; and

WHEREAS, Section 34179(h) of the Health and Safety Code provides that the DOF may agree to an amendment to a ROPS to reflect resolution of a disputed item, though such approval will not affect a past allocation of property tax; and

WHEREAS, the DLA desires to amend and restate the ROPS III to reflect the various items denied or amended by DOF and to add those enforceable obligations entered into to conduct wind-down activities of the former Agency 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 the Amended and Restated Recognized Obligation Payment Schedule for January 1, 2013 through June 30, 2013 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. Mark Persico, or his designee, is hereby authorized to 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 regular 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: Amended and Restated ROPS III