

**RESOLUTION NO. M-2013-04**

**A RESOLUTION OF THE OVERSIGHT BOARD FOR 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 Oversight Board for the Merced Designated Local Authority, as Successor Agency to the Redevelopment Agency of the City of Merced ("DLA"), has been established to direct the DLA 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**, Section 34179(h) of the Health and Safety Code provides that the Department of Finance ("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**, 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**, in December 2012, DOF notified the DLA it would no longer provide staffing and legal counsel for the DLA, and that, commencing January 1, 2013, the DLA would be required to provide for its own staffing, legal and professional 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; and

**WHEREAS**, the Oversight Board has approved various enforceable obligations of the DLA to conduct wind-down activities of the former Agency beginning as of January 1, 2013 which include those services previously provided by DOF; and

**WHEREAS**, the Oversight Board desires to amend and restate the ROPS III to reflect the resolution of 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 OVERSIGHT BOARD FOR 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 Oversight Board 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.** Chris Jicha, 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 in accordance with applicable law, including submission thereof to DOF.

**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 Oversight Board 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 Oversight Board of the Designated Local Authority, as Successor Agency to the Merced Redevelopment Agency, held this 24th day of January, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



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

ATTEST:



Secretary

Attachment: Amended and Restated ROPS III