

RESOLUTION NO. 2012-06

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT TO SECTIONS 34179 AND 34180 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

WHEREAS, prior to February 1, 2012, the Anaheim Redevelopment Agency (herein referred to interchangeably as the "Agency" or the "dissolved Agency") was a community redevelopment agency duly organized and existing under the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), and was authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Anaheim ("City"); and

WHEREAS, Assembly Bill x1 26, which was passed by the California State Legislature, approved by the Governor on June 28, 2011, and chaptered by the Secretary of State on June 29, 2011, added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws caused the dissolution and wind down of all redevelopment agencies (herein referred to as the "Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, the California Supreme Court upheld the Dissolution Act, which had the effect of dissolving all redevelopment agencies in California as of and on February 1, 2012; and

WHEREAS, as of, on and after February 1, 2012, the Agency became a dissolved community redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution No. 2012-001, considered and approved by the City Council at an open public meeting on January 10, 2012, the City Council elected to have the City serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act, thereby assuming all authority, rights, powers, duties and obligations previously vested with the Agency under the California Community Redevelopment Law, effective upon dissolution of the Agency on February 1, 2012; and

WHEREAS, as of, on and after February 1, 2012, the City began to perform and will continue to perform its functions as the Successor Agency to the dissolved 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" formed thereunder; and

WHEREAS, the Oversight Board of the Successor Agency to the Anaheim Redevelopment Agency (herein referred to as the "Oversight Board") has been duly organized and is exercising the powers of an Oversight Board pursuant to the Dissolution Act, having held its first organizational meeting on April 10, 2012; and

WHEREAS, as part of the Fiscal Year 2012-13 State budget package, on June 27, 2012, the California State Legislature passed, and the Governor signed, Assembly Bill 1484 ("AB 1484"), the primary purpose of which was to make technical and substantive amendments to the Dissolution Act based upon experience to-date at the state and local level in implementing the Dissolution Act. As a budget trailer bill, AB 1484 took immediate effect upon signature by the Governor; and

WHEREAS, AB 1484 establishes a schedule for adoption of a Recognized Obligation Payment Schedule for the period from January 1, 2013 through June 30, 2013 (herein referred to as the "Third ROPS") and all subsequent Recognized Obligation Payment Schedules; and

WHEREAS, Successor Agencies are required by AB 1484 to submit to the California Department of Finance ("DOF"), the California State Controller ("Controller") and the Orange County Auditor-Controller ("A-C") the Third ROPS, approved by the Oversight Board, no later than September 1, 2012; and

WHEREAS, AB 1484 expanded the review period and authority of the DOF to review and approve Recognized Obligation Payment Schedules and to make its determination "of the enforceable obligations and the amounts of funding sources of the enforceable obligations" listed thereon, including the authority to eliminate or modify any item on Recognized Obligation Payment Schedules prior to its approval; and

WHEREAS, pursuant to subparagraph (2) of subdivision (l) of Section 34177 and subdivision (g) of Section 34180 of the California Health and Safety Code, the actions of the City Council, acting as, and on behalf of, the Successor Agency to the dissolved Agency, approving Recognized Obligation Payment Schedules must be approved by the Oversight Board and, thereafter, submitted by the Successor Agency to the DOF for its potential review and to the A-C and the Controller; and

WHEREAS, by resolution adopted at a regular meeting of its members held on August 21, 2012, the City Council, acting as, and on behalf of, the Successor Agency to the dissolved Agency, approved the Third ROPS and, thereafter, submitted it to this Oversight Board for its approval pursuant to Section 34180 of the California Health and Safety Code; and

WHEREAS, the DOF is authorized by subdivision (h) of Section 34179 of the California Health and Safety Code to review all actions of the Oversight Board; and

WHEREAS, by this Resolution, the Oversight Board of the City desires to approve the Third ROPS in the form submitted to it by the City Council, acting as, and on behalf of the Successor Agency to the dissolved Agency, together with such amendments or changes therein (if any) as the Oversight Board may determine necessary and appropriate, and to authorize and direct the Executive Director of the Community Development Department (or his designee)

(herein referred to as the "Executive Director") to take certain actions in connection therewith and in the manner hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, AS FOLLOWS:

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

Section 2. The Third ROPS, in the form submitted to it by the City Council, acting as, and on behalf of, the Successor Agency to the dissolved Agency, together with such amendments or changes therein (if any) as this Oversight Board may determine necessary and appropriate, is approved.

Section 3. Pursuant to the authority delegated to the Executive Director by the City Council, acting as, and on behalf of, the Successor Agency to the dissolved Agency, the Executive Director is hereby authorized and directed to submit copies of this Resolution and the approved Third ROPS on behalf of this Oversight Board and the City, as Successor Agency, to A-C, the DOF and the Controller, and to post it on the City's Internet Web site immediately following adoption of this Resolution but not, in any event, later than September 1, 2012.

Section 4. Unless the DOF requests to review the action taken by this Oversight Board, as evidenced by the adoption of this Resolution, within five (5) business days of its receipt of copies of the approved Third ROPS and this Resolution, the action taken by the Oversight Board shall become and thereafter be effective. If, on the other hand, the DOF timely submits a request to review the action taken by the Oversight Board, the DOF shall have forty (40) days from the date of its request to approve the Oversight Board's action or return it to the Oversight Board for reconsideration, in which event the action of the Oversight Board shall not be effective until approved by the DOF. In the event that the DOF returns the Oversight Board action to the Oversight Board for reconsideration, the Oversight Board shall resubmit the modified action for DOF approval and the modified Oversight Board action shall not become effective until approved by the DOF.

Section 5. The Executive Director is hereby authorized and directed for and on behalf of this Oversight Board to take any and all actions and execute and deliver any and all documents and instruments which he may deem necessary and advisable to effectuate the purposes of this Resolution and in compliance in all respects with the requirements of the Dissolution Act, as amended by AB 1484.

THE FOREGOING RESOLUTION IS APPROVED AND ADOPTED BY THE
OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY THIS 23RD DAY OF AUGUST, 2012, BY THE
FOLLOWING ROLL CALL VOTE:

AYES: *caldwell, Eastman, Dain, Hemingway, Poore*

NOES: *None*

ABSENT: *Murray, Shively*

ABSTAIN: *None*

OVERSIGHT BOARD OF THE CITY OF
ANAHEIM

M. Caldwell

CHAIRMAN

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