

RESOLUTION NO. 2013-01

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 JULY 1, 2013 THROUGH DECEMBER 31, 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 ("AB x1 26") chaptered and effective on June 27, 2011 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code and which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Matosantos Decision"), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 ("AB 1484") that was chaptered and effective on June 27, 2012 (together AB x1 26, the Matosantos Decision, and AB 1484 are referred to as the "Dissolution Act"); and

WHEREAS, as of 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, the Successor Agency is a public entity corporate and politic, organized and operating under Part 1.85 of Division 24 of the Dissolution Act; and

WHEREAS, as of, on and after February 1, 2012, the Successor Agency 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 is engaged in activities necessary and appropriate to wind down the activities of the dissolved

Agency's Anaheim Merged Redevelopment Project that was originally adopted and amended by ordinances of the City Council, and otherwise unwind the former 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, the Dissolution Act requires Successor Agencies to prepare Recognized Obligation Payment Schedules before each six-month fiscal period in accordance with the requirements of the Dissolution Act. The first Recognized Obligation Payment Schedule submitted by the Successor Agency to the California Department of Finance ("DOF"), the California State Controller ("Controller") and the Orange County Auditor-Controller ("A-C") covered the period of January 1, 2012 to June 30, 2012; and

WHEREAS, pursuant to subparagraph (2) of subdivision (l) of Section 34177 and subdivision (g) of Section 34180 of the Dissolution Act, the actions of the Successor 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 review and to the A-C and the Controller, and posted on the Successor Agency's Internet Web site; and

WHEREAS, by Resolution No. 2012-105, adopted at a regular meeting of its members held on August 21, 2012, the Successor Agency authorized its Executive Director (herein referred to as the "Executive Director") to take certain action on behalf of the Successor Agency under the Dissolution Act, subject to approval of the Oversight Board. Pursuant to the authority conferred upon him, the Executive Director has prepared and submitted to this Oversight Board for its approval pursuant to Section 34180 of the Dissolution Act a Recognized Obligation Payment Schedule for the period of July 1, 2013 through December 31, 2013 (herein referred to as "ROPS IV"). At the same time, a copy of the ROPS IV was concurrently submitted to the Orange County Administrative Officer, the A-C and the DOF; 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 ROPS IV in the form submitted to it by the Executive Director, acting on behalf of the Successor 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 (or his designee) 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 ROPS IV, in the form submitted to it by the Executive Director, 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, the Executive Director, acting on behalf of the Successor Agency, is hereby authorized and directed to submit copies of this Resolution and the approved ROPS IV on behalf of this Oversight Board and the Successor Agency to A-C, the Controller and the DOF, and to post it on the City's Internet Web site immediately following adoption of this Resolution.

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 ROPS IV 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, including the negotiation and resolution of any dispute involving the ROPS IV, and in compliance in all respects with the requirements of the Dissolution Act.

THE FOREGOING RESOLUTION IS APPROVED AND ADOPTED BY THE
OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY THIS 21ST DAY OF FEBRUARY, 2013, BY THE
FOLLOWING ROLL CALL VOTE:

AYES: CLAUDETTE DAIN, MITCH CALDWELL, RICK HEMINGWAY AND KRIS MURRAY

NOES: NONE

ABSENT: DIANNE POORE AND GAIL EASTMAN

ABSTAIN: NONE

OVERSIGHT BOARD OF THE CITY OF
ANAHEIM



CHAIRMAN 2-21-13

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