

OVERSIGHT BOARD RESOLUTION NO. 2012-01

A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO AFFIRMING SELECTION OFFICERS, DESIGNATION OF SECRETARY, AND DESIGNATION OF POINTS OF CONTACT FOR DOF REVIEW REQUESTS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179

WHEREAS, the Community Development Agency of the City of Mission Viejo (“Agency”) was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* (“CRL”), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Mission Viejo (“City”); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies (“Dissolution Act”); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby (“Supreme Court Decision”); and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the successor agency to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the “Successor Agency” and will perform its functions as the successor 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 (“Oversight Board”); and

WHEREAS, Section 34179 of the Dissolution Act provides that the Successor Agency shall have an Oversight Board composed of seven members; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34179 the Successor Agency’s Oversight Board has been formed and the initial meeting has occurred on March 29, 2012; and

WHEREAS, at its initial meeting the Oversight Board members have been sworn in as public officials and the Chair and Vice Chair have been selected by a majority vote of the Oversight Board; and

WHEREAS, the Oversight Board desires to designate its Secretary, who is a member of the Successor Agency staff, specifically Sherry Merrifield of the City's Administrative Services Department, or in her absence the City Clerk or her authorized designee; and

WHEREAS, by this Resolution the Oversight Board affirms its actions designating the Chair and Vice Chair of the Oversight Board and designation of the Secretary; and

WHEREAS, the names of these officers and all members of the Oversight Board will be posted on the City's Internet Web site relating to the Successor Agency; and

WHEREAS, by this Resolution the Oversight Board desires to designate the identified point of contact for Department of Finance ("DOF") review requests.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO:

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

Section 2. The Chair of the Oversight Board is Robert Breton.

Section 3. The Vice Chair of the Oversight Board is Brian Probolsky.

Section 4. The Secretary of the Oversight Board is Sherry Merrifield of the City's Administrative Services Department, or in her absence the City Clerk or her authorized designee.

Section 5. The Oversight Board hereby designates the City Manager Dennis Wilberg, and as an alternate City Treasury Manager Josephine Julian as the points of contact for the Department of Finance with regard to requests for review of or questions regarding the Oversight Board's and/or the Successor Agency's actions, the enforceable obligations, ROPS, and other matters related to the Dissolution Act; further, and in this regard, the City Manager, as point of contact, and City Treasury Manager, as alternate point of contact, are directed to keep the Oversight Board apprised of the request(s) for review from the Department of Finance.

Section 6. The City Manager of the Successor Agency or his authorized designee shall cause this Resolution to be forwarded to the following: Orange County Auditor-Controller, Department of Finance, and State Controller's Office.

Section 7. The City Manager of the Successor Agency or his authorized designee shall cause information about the Oversight Board's appointments to be posted on the City's website relating to Successor Agency notices.

Section 8. This Resolution shall be effective immediately upon adoption.

Section 9. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 29th day of March 2012.



Robert D. Breton, Chair
Oversight Board to the Successor Agency
of the Community Development Agency of
the City of Mission Viejo

ATTEST:



Sherry Merrifield, Secretary
Oversight Board to the Successor Agency
of the Community Development Agency of the City of Mission Viejo

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Sherry Merrifield, Secretary of the Oversight Board to the to the Successor Agency of the Community Development Agency of the City of Mission Viejo, hereby certify that the foregoing resolution was duly adopted by the Oversight Board at a special meeting held on the 29th day of March 2012, and that it was so adopted by the following vote:

AYES: Breton, Dyas, Fitzsimons, Imburgia, Probalsky & Ury

NOES: None

ABSENT: Pappalardo



Sherry Merrifield, Secretary
Oversight Board to the Successor Agency
of the Community Development Agency of
the City of Mission Viejo