

**OVERSIGHT BOARD RESOLUTION NO. 2017-05**

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO AFFIRMING SELECTION OF OFFICERS OF THE OVERSIGHT BOARD**

**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**, all 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**, by this Resolution the Oversight Board affirms its actions designating the Chair and Vice Chair of the Oversight Board; and

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

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

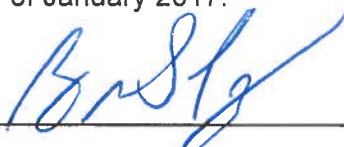
The Chair of the Oversight Board is Sherrri Butterfield.

The Vice Chair of the Oversight Board is Robert Breton.

This Resolution shall be effective the next regularly scheduled or special meeting.

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

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of January 2017.

  
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Brian Probolsky, Chairperson  
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

APPROVED AS TO FORM:

HARPER & BURNS LLP

  
\_\_\_\_\_  
John R. Harper, Esq.  
Oversight Board Counsel

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 held on the 26<sup>th</sup> day of January 2017, and that it was so adopted by the following vote:

AYES:            Chairperson Probolsky, Vice-Chair Butterfield, Board Member Breton,  
                    Board Member Dyas, Board Member Kelley and Board Member McCord

NOES:           None

ABSENT:         Board Member Hampton

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