

OVERSIGHT BOARD RESOLUTION NO. 2017-06

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO AUTHORIZING THE SUCCESSOR AGENCY TO AMEND AGREEMENT FOR CONSULTANT SERVICES (HDL COREN & CONE)

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 chaptered and effective on June 27, 2011 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 chaptered and effective on June 27, 2012 (together, the “Dissolution Act”); and

WHEREAS, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Community Development Agency of the City of Mission Viejo (“Successor Agency”); and

WHEREAS, the Successor Agency administers the enforceable obligations of the former Agency and otherwise unwinds the Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); 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, 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, Section 34171(d)(1)(F) defines “enforceable obligation” to include: “Contracts or agreements necessary for the administration or operation of the successor agency, in accordance with this part,...”; and

WHEREAS, the Successor Agency desires to amend certain *Agreement for Consultant Services (HdL Coren & Cone)* for debt service calculations related to the 1999 Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project); and

WHEREAS, the Oversight Board has reviewed the Amendment (Attachment 1) to the HdL Coren & Cone Agreement and desires to authorize the Successor Agency to enter into the First Amendment and subject to approval of such contract by the Successor Agency to cause posting of this Resolution on the Successor Agency website, and to direct transmittal thereof with a copy of the First Amendment to the Department of Finance (“DOF”); and

WHEREAS, pursuant to Section 34179(h) as amended by Assembly Bill 1484, written notice and information about all actions taken by the Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF’s choosing, and an Oversight Board’s

action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO 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. Pursuant to the Dissolution Act, the Oversight Board authorizes the Successor Agency to enter into the *Amendment to Agreement for Consultant (HdL Coren & Cone)* which is incorporated herein by this reference. (Attachment 1)

Section 3. The Oversight Board authorizes transmittal of the First Amendment to the DOF.

Section 4. The City Treasury Manager of the Successor Agency or an authorized designee is directed to post this Resolution on the Successor Agency website pursuant to the Dissolution Act.

Section 5. Pursuant to Section 34179(h) as amended by Assembly Bill 1484, written notice and information about all actions taken by the Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF's choosing. An Oversight Board's action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 4th day of May 2017.


Sherri Butterfield, Chairperson
Oversight Board of the Successor Agency to the
Community Development Agency of the City of Mission
Viejo

ATTEST

Sherry Merrifield

Sherry Merrifield, Secretary
Oversight Board of the Successor Agency
to 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 of the Successor Agency to 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 4th day of May 2017, and that it was so adopted by the following vote:

- AYES: Chairperson Sherri Butterfield, Vice-Chairperson Robert Breton, Board Member Cheryl Dyas and Board Member Kim McCord
- NOES: None
- ABSENT: Board Member Clark Hampton, Board Member Trish Kelley and Board Member Brian Probolsky

Sherry Merrifield

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

**SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MISSION VIEJO**

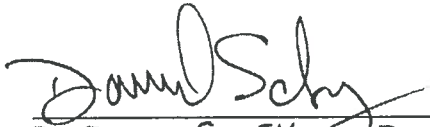
FIRST AMENDMENT TO AGREEMENT WITH HdL COREN & CONE

THIS FIRST AMENDMENT TO CONSULTANT AGREEMENT (hereafter "Amendment") is made and effective as of July 1, 2017, by and between the SUCCESSOR AGENCY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MISSION VIEJO, a public body corporate and politic, (hereafter "Successor Agency") and HdL (hereafter "Consultant"). In consideration of the mutual promises and covenants contained herein, the parties hereto mutually agree as follows:

1. This Amendment is made and entered into with respect to the following facts:
 - a. ~~On July 1, 2014, the Successor Agency and Consultant entered into that certain agreement entitled "Successor Agency of the Community Development Agency of the City of Mission Viejo Agreement for Consultant Services with HdL Coren & Cone" in which the Consultant agreed to provide certain services for the Successor Agency (hereafter "Agreement"). The California Department of Finance approved this Agreement in a letter dated August 19, 2014.~~
 - b. Successor Agency and Consultant desire to make certain modifications to the Agreement as set forth in this Amendment.
2. Section 1 (Term), and 4 (Payment) of the Agreement is hereby amended to read as follows:
 1. Term. This Agreement shall commence on July 1, 2014 and shall remain and continue in effect until tasks described herein (Debt Service calculations related to Mission Viejo Community Development Financing Authority Variable Rate Demand Revenue Bonds (Mission Viejo Mall Improvement Project) 1999 Series A) are completed, but in no event later than June 30, 2018, unless sooner terminated pursuant to the provisions of this Agreement. This Agreement is subject to California State Department of Finance approval.
 4. Payment. Subject to the Dissolution Act, the Successor Agency agrees to pay Consultant quarterly, in accordance with the payment rates and terms and the Compensation schedule set forth in Exhibit B attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the tasks described in Exhibit A. This amount shall not exceed Sixteen Thousand Five Hundred Dollars (\$16,500.00) for each twelve-month fiscal year (July through June) of the four-year term of this Agreement, a maximum of Sixty-six Thousand Dollars (\$66,000.00) unless additional payment is approved as provided in this Agreement. Any terms or conditions set for on Exhibit A or Exhibit B that do not describe the work to be performed, the payment rates and terms, or the payment schedule have not been agreed to by the Successor Agency and shall not be deemed a part of this Agreement.
3. Except as otherwise specifically provided in this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.

Consultant:

Successor Agency to the Community
Development Agency of the City of
Mission Viejo



By: DAVID SCHEY Date 5-3-2017
Title: VICE PRESIDENT
Attest:

 5/4/17

By: _____ Date
Title:

 5/4/17

Karen Hamman Date
City Clerk
On behalf of the Successor Agency