

OVERSIGHT BOARD RESOLUTION NUMBER OB-2012-30

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY AUTHORIZING THE SUCCESSOR AGENCY TO ENTER INTO CONTRACTS OR AMEND EXISTING CONTRACTS WHEN REQUIRED BY AN ENFORCEABLE OBLIGATION THAT IS INCLUDED IN AN APPROVED ROPS

WHEREAS, the former Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, in accordance with Assembly Bill x1 26 (AB 26), the Former RDA dissolved as of February 1, 2012, at which time the City of San Diego, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), assumed the Former RDA's assets and obligations; and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, as amended by Assembly Bill 1484 (AB 1484), enacted on June 27, 2012 (collectively, the Dissolution Laws); and

WHEREAS, the Oversight Board has been formed to oversee certain actions and decisions of the Successor Agency in accordance with the Dissolution Laws; and

WHEREAS, pursuant to California Health and Safety Code Section 34177(l), Successor Agency staff must prepare a Recognized Obligation Payment Schedule (ROPS) on a forward-looking basis for each six-month fiscal period, showing the payments to be made toward enforceable obligations and the funding source for the payments; and

WHEREAS, certain enforceable obligations of the Successor Agency require the Successor Agency to enter into contracts, or to amend existing contracts, but do not provide a form or specific terms for that purpose, leaving some discretion to the Successor Agency in negotiating the new contract or amendment;

WHEREAS, the Dissolution Laws are unclear as to whether the Successor Agency can enter into or amend such contracts without the approval of the Oversight Board; and

WHEREAS, in an abundance of caution, the Successor Agency has requested that the Oversight Board authorize the Successor Agency to enter into contracts or amendments to existing contracts under these circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board that the Successor Agency is authorized to enter into contracts or amend existing contracts when required by an enforceable obligation that is included in an approved ROPS, so long as the Successor Agency's performance of such new or amended contract will not result in the expenditure of funds in excess of the total payments identified in the approved ROPS documents.

**PASSED AND ADOPTED** by the Oversight Board at a duly noticed meeting of the Oversight Board held on September 18 2012.

  
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Chair, Oversight Board