

OVERSIGHT BOARD RESOLUTION NUMBER OB-2012-4

A RESOLUTION OF THE OVERSIGHT BOARD FOR CITY OF
SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY
APPROVING THE THIRD AMENDED AND RESTATED
ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND
THE INITIAL DRAFT OF THE FIRST AND SECOND
RECOGNIZED OBLIGATION PAYMENT SCHEDULES.

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, AB 26 provides for the appointment of a seven-member oversight board (Oversight Board) with specific duties to approve and direct certain actions of the Successor Agency pursuant to California Health and Safety Code sections 34180 and 34181; and

WHEREAS, pursuant to Resolution No. R-307378 adopted effective April 12, 2012, the City Council, acting as the board of the Successor Agency, adopted all of the following documents: (i) the Third Amended and Restated Enforceable Obligation Payment Schedule (Third EOPS), which reflects payments toward enforceable obligations during the period of time from January 1, 2012 through June 30, 2012; (ii) an updated version of the initial draft of the first Recognized Obligation Payment Schedule (ROPS 1), which also reflects payments toward enforceable obligations during the period of time from January 1, 2012 through June 30, 2012, and describes the specific source of funding for all such payments; and (iii) a draft of the second

Recognized Obligation Payment Schedule (ROPS 2), which reflects payments toward enforceable obligations during the period of time from July 1, 2012 through December 31, 2012, and describes the specific source of funding for all such payments; and

WHEREAS, California Health and Safety Code section 34177(a)(1) requires the Oversight Board to approve the Third EOPS; and

WHEREAS, California Health and Safety Code section 34177(l)(2)(B) requires the Oversight Board to approve ROPS 1 and ROPS 2.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board as follows:

1. Subject to the reservation of rights in Paragraph 4 below, the Third EOPS is hereby approved. A copy of the Third EOPS shall be filed in the Oversight Board's records with the City Clerk for the City of San Diego (City Clerk) as Document No. D-_____.

2. Subject to the reservation of rights in Paragraph 4 below, ROPS 1 is hereby approved. A copy of ROPS 1 shall be filed in the Oversight Board's records with the City Clerk as Document No. D-_____.

3. Subject to the reservation of rights in Paragraph 4 below, ROPS 2 is hereby approved. A copy of ROPS 2 shall be filed in the Oversight Board's records with the City Clerk as Document No. D-_____.

4. The Oversight Board's approval of the Third EOPS, ROPS 1, and ROPS 2 is conditioned upon the following reservation of rights: The Oversight Board recognizes that it is being asked by the State Department of Finance to approve the payment schedules (i.e., the Third EOPS, ROPS 1, and ROPS 2) in a chronological sequence at odds with the process established in AB 26. For instance, the intent of AB 26 is that the Oversight Board will consider approval of ROPS 1 only after the contents of ROPS 1 have been certified in an independent audit performed

at the direction of the San Diego County Auditor-Controller. Given this unusual circumstance, the Oversight Board approves the payment schedules at this time, but reserves the right to revisit the content of the payment schedules in the future based on any objections or questions subsequently raised by the County Auditor-Controller, the State Department of Finance, members of the public, and members of the Oversight Board.

5. The Successor Agency shall cause written notification of the approval of the Third EOPS, ROPS 1, and ROPS 2 to be transmitted to the State Department of Finance, the State Controller's Office, and the San Diego County Auditor-Controller, and also shall post a copy of such documents on the Successor Agency's website.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on April 25, 2012, by a majority vote of 5 to 1, with Board Member Andra Donovan voting no, and Board Member Ron Roberts absent.



Chair, Oversight Board