

OVERSIGHT BOARD RESOLUTION NUMBER OB-2014-4

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH ATKINS NORTH AMERICA, INC.

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) enacted on June 28, 2011, 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 required to administer the winding down of the Former RDA's operations and to ensure compliance with the Former RDA's obligations in accordance with AB 26, as subsequently amended (collectively, the Dissolution Laws); and

WHEREAS, the Dissolution Laws specify that the Oversight Board and the California Department of Finance (DOF) must review and approve certain actions and decisions of the Successor Agency, including the Successor Agency's approval of each Recognized Obligation Payment Schedule (ROPS); and

WHEREAS, among other things, each ROPS shows the estimated payments owed by the Successor Agency to third parties for enforceable obligations during the upcoming six-month period and identifies the funding sources that will be used to make such payments; and

WHEREAS, the Oversight Board's adopted resolution approving prior ROPS included language that authorized the Successor Agency to enter into services contracts, management

contracts and similar contracts, and amendments to existing contracts of that nature, for items that are budgeted in the approved ROPS (Authorization for Services Contracts), consistent with California Health and Safety Code (HSC) sections 34171(d)(1)(F) and 34177.3(b); and

WHEREAS, the Oversight Board's adopted resolution approving ROPS 13-14B included language that authorized the Successor Agency to enter into contracts, and amendments thereto, for the expenditure of excess non-housing bond proceeds that are budgeted in the approved ROPS 13-14B (Authorization for Bond-Funded Contracts), as permitted by California Health and Safety Code (HSC) section 34191.4(c), upon the Successor Agency's receipt of a finding of completion pursuant to HSC section 34179.7; and

WHEREAS, although the DOF had approved the Oversight Board's Authorization for Services Contracts with respect to prior ROPS time periods through ROPS 13-14A, the DOF issued a letter dated November 8, 2013 (November 2013 Letter) rejecting the Authorization for Services Contracts for the first time in connection with expenditures during the ROPS 13-14B time period (January through June 2014); and

WHEREAS, the November 2013 Letter also rejected the Authorization for Bond-Funded Contracts in connection with expenditures during the ROPS 13-14B time period (January through June 2014); and

WHEREAS, the November 2013 Letter effectively requires the Oversight Board and the DOF to approve all post-AB 26 services contracts, management contracts and similar contracts, contracts required to perform obligations pursuant to any enforceable obligation, and post-AB 26 amendments to existing contracts of that nature, that will involve the Successor Agency's expenditure of funds in the ROPS 13-14B time period and beyond; and

WHEREAS, the November 2013 Letter also effectively requires the Oversight Board and the DOF to approve all new contracts and amendments to existing contracts that will involve the

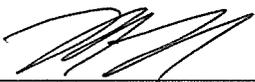
Successor Agency's expenditure of excess non-housing bond proceeds in the ROPS 13-14B time period and beyond; and

WHEREAS, one such amendment to an existing contract is the First Amendment to the Agreement for Professional Services with Atkins North America, Inc. (Amendment), which involves the expenditure of excess non-housing bond proceeds and other funds in an amount not to exceed \$29,210 for design, engineering and construction support for the Beta Street Alley Project providing storm water improvements reducing pollutants to Las Chollas Creek as well as providing missing infrastructure improvements in the Southcrest Neighborhood of Southeastern San Diego pursuant to an Owner Participation Agreement between the Former RDA and San Diego Gas & Electric Company, as amended; and

WHEREAS, the Successor Agency, or Civic San Diego as the contracting agent on its behalf, will pay for the services performed under the Amendment utilizing the funding sources shown in line item 219 of the ROPS, as well as additional bond proceeds to be included in a future ROPS.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board that the Amendment, to be executed in substantially the same form as the template attached as Exhibit B to the February 11, 2014 Staff Report accompanying this item, is hereby approved.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on February 18, 2014.



Chair, Oversight Board

