

OVERSIGHT BOARD RESOLUTION NUMBER OB-2014-67

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE PROFESSIONAL SERVICES AGREEMENT WITH BRIAN F. SMITH & ASSOCIATES.

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 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, the DOF issued a letter dated November 8, 2013 (November 2013 Letter) rejecting the Authorization for Bond-Funded Contracts in connection with expenditures during the ROPS 13-14 time period (January through June 2014); and

WHEREAS, the November 2013 Letter effectively requires the Oversight Board and the DOF to approve all new 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 new contract is the Professional Services Agreement between Civic San Diego and Brian F. Smith & Associates (Agreement), which involves the expenditure of ROPS-approved bond proceeds in an amount not to exceed \$13,200 for archeological and paleontological services for the proposed Fire Station No. 2 Bayside Project involving the construction of a new fire station on property owned by the Former RDA in the Centre City Redevelopment Project Area; and

WHEREAS, the Successor Agency, or Civic San Diego as the contracting agent on its behalf, will pay for the services performed under the Agreement utilizing the funding sources shown in line item 587 of the ROPS.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board that the Agreement, a copy of which is attached as Exhibit A to the Staff Report dated July 1, 2014 accompanying this item, is hereby approved.

**PASSED AND ADOPTED** by the Oversight Board at a duly noticed meeting of the Oversight Board held on July 9, 2014.



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Chair, Oversight Board