

RESOLUTION OBSA-022

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SOLANA BEACH REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE SUCCESSOR AGENCY'S EXECUTION AND IMPLEMENTATION OF THE FIRST AMENDMENT TO THE PUBLIC IMPROVEMENT AGREEMENT FOR THE HIGHWAY 101 CORRIDOR IMPROVEMENT PROJECT AND THE LA COLONIA PARK AND RECREATION CENTER IMPROVEMENT PROJECT

WHEREAS, pursuant to Assembly Bill No. X1 26 enacted into California law in June of 2011 ("AB 26"), and as AB 26 has since been amended by various assembly and senate bills enacted into California law, collectively referred to herein as the "Dissolution Laws", the Solana Beach Redevelopment Agency ("Dissolved RDA") was dissolved as of February 1, 2012, and the City of Solana Beach ("City") has elected to serve as the successor agency and successor-in-interest to the Dissolved RDA pursuant to the Dissolution Laws and is known as the Successor Agency to the Solana Beach Redevelopment Agency ("Successor Agency"); and

WHEREAS, pursuant to California Health and Safety ("H&S") Code Section 34173(g) of the Dissolution Laws, the Successor Agency is a separate legal entity from the City; and

WHEREAS, the City Council ("City Council") of the City serves in a separate capacity as the governing board of directors of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets (including the Remaining 2006 Bond Proceeds as defined and described below), and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency ("Oversight Board") has been formed and is functioning in accordance with H&S Code Section 34179 of the Dissolution Laws. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Laws; and

WHEREAS, on May 1, 2006, the Dissolved RDA issued Tax Allocation Bonds, Series 2006 in the principal amount of \$3,555,000 ("2006 Bonds") for the purpose of funding certain public improvements; and

WHEREAS, as of the dissolution of the Dissolved RDA, there remained \$648,308 of unencumbered net proceeds of the 2006 Bonds ("Remaining 2006 Bond Proceeds"); and

WHEREAS, the City and the Successor Agency had entered into a Public Improvement Agreement for the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project on September 25, 2013 ("Agreement") for the purpose of transferring the Remaining 2006 Bond Proceeds from

the Successor Agency to the City to pay for City's services and third party costs to construct the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project in accordance with the Agreement; and

WHEREAS, the Agreement was approved by the Oversight Board on September 26, 2013 and by the California Department of Finance ("Department of Finance") by letter dated November 6, 2013; and

WHEREAS, the Agreement stated that the amount of the Remaining 2006 Bond Proceeds equaled \$638,308, but upon further review, the City and Successor Agency have determined that the Remaining 2006 Bond Proceeds total \$648,308, and that the amount of \$638,308 cited in the Agreement was not correct; and

WHEREAS, the Successor Agency, the Oversight Board, and the Department of Finance each approved the Successor Agency's expenditure of \$638,308 of Remaining 2006 Bond Proceeds pursuant to the Agreement on the Recognized Obligation Payment Schedule for the period January 1, 2014 through June 30, 2014 ("ROPS 13-14B"). Thereafter, in accordance with the aforementioned approval by the Department of Finance, the Successor Agency transferred the \$638,308 of Remaining 2006 Bond Proceeds to the City during the ROPS 13-14B period for use and expenditure pursuant to the Agreement; and

WHEREAS, by resolution of August 27, 2014 the Successor Agency's governing board of directors approved the First Amendment to the Agreement to reflect the correct amount of the Remaining 2006 Bond Proceeds ("Amendment"), conditioned on subsequent approval by the Oversight Board, and formally requested that the Oversight Board approve the First Amendment in accordance with H&S Code Section 34180(h); and

WHEREAS, consequently, the Amendment will become effective only upon approval of the Oversight Board and certain other actions pursuant to the Dissolution Laws, as referenced in Section 5 of the Amendment; and

WHEREAS, the staff report accompanying this Resolution, the Amendment, and documents attached thereto (collectively, "Supporting Documents") have been presented to and considered by the Oversight Board in support of the approvals set forth in this Resolution; are hereby incorporated by reference in this Resolution; and, together with the above recitals ("Recitals") and any public testimony received at the Oversight Board meeting on this matter, form the basis for reaching the ultimate conclusions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency hereby resolves and determines as follows:

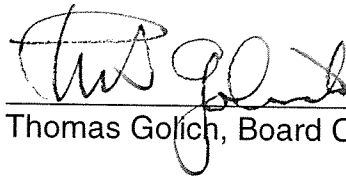
Section 1. Recitals Correct. The Oversight Board determines that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the approvals set forth below.

Section 2. Approval of Amendment. Pursuant to H&S Code Section 34180(h) of the Dissolution Laws, the Oversight Board hereby approves the entry by the Successor Agency into the Amendment with the City, and the execution of the Amendment by the Successor Agency's Executive Director or designee, on behalf of the Successor Agency, substantially in the form presented to the Oversight Board and on file with the Successor Agency's Secretary.

Section 3. Notice to DOF. The Oversight Board hereby directs the Successor Agency's Secretary to provide written notice and information about this Resolution and the related Oversight Board approvals to the Department of Finance (DOF) in accordance with H&S Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with H&S Code 34179(h).

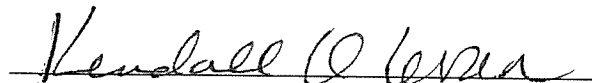
PASSED AND ADOPTED this 11th day of September, 2014, at a regular meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency by the following vote:

AYES: Board Member - Golich, Armstrong, Deaver, Ott
NOES: Board Member - None
ABSENT: Board Member - Sheres, Estrella
ABSTAIN: Board Member - None

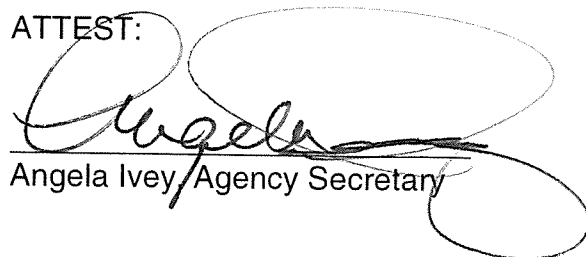


Thomas Golich, Board Chair

APPROVED AS TO FORM:


Kendall D. Levan, General Counsel

ATTEST:



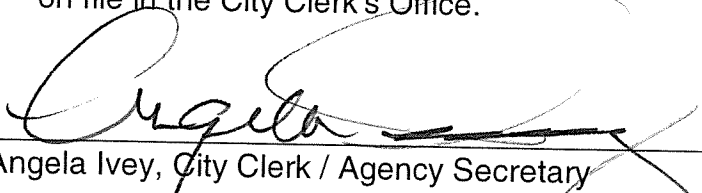
Angela Ivey, Agency Secretary



CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.
CITY OF SOLANA BEACH)

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, and Secretary of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution OBSA-022** *approving the Successor Agency's execution and implementation of the first amendment to the public improvement agreement for the Highway 101 Corridor Improvement Project and the La Colonia Park and Recreation Center Improvement Project*, as duly passed and adopted at a Regular Meeting of the Oversight Board of the Successor Agency for the Solana Beach Redevelopment Agency held on the 11th day of September 2014 and the original is on file in the City Clerk's Office.



Angela Ivey, City Clerk / Agency Secretary

Date of this Certification: 9-11-2014