

OVERSIGHT BOARD RESOLUTION NO. 2012-05

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY AUTHORIZING THE SUCCESSOR AGENCY AUTHORIZING CHANGE ORDER NOS. 2 AND 3 TO THE DAVIS FIELD PROJECT; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Costa Mesa Redevelopment Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Costa Mesa ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, pursuant to Section 34179 the Successor Agency's Oversight Board has been formed and the initial meeting has occurred on April 19, 2012; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, on June 21, 2011 the City awarded a construction contract in the amount of \$309,066.25 to RMF Contracting, Inc., dba R&M Electrical Contracting ("R&M"),

for the Lions Park (Davis Field) Sports Lighting Project at 570 West 18th Street, Costa Mesa, City Project No 11-06 ("Davis Field Project"); and

WHEREAS, prior to enactment of the Dissolution Act on March 8, 2011, the Agency and City entered into a Cooperation Agreement that authorized redevelopment tax increment funding of certain public improvements, including the Davis Field Project; and

WHEREAS, the scope of improvements and public works included installation of new energy-efficient sports field lighting, a new outfield fence, and new baseball netting along first and third bases; and

WHEREAS, the construction work has been completed and the Davis Field Project is in the close-out and acceptance phase; and

WHEREAS, during construction of the Davis Field Project, change orders have been necessary to address actual field conditions: (i) Change Order No. 2 was issued to add a midrail to the 15-ft high fencing to prevent sagging of the fabric, and (ii) Change Order No. 3 includes repair of existing improvements affected by the construction of the project and final quantity adjustments to reflect measured field quantities; and

WHEREAS, by Resolution adopted on April 10, 2012, the Successor Agency approved Change Order Nos. 2 and 3 and requests that the Oversight Board review and authorize such Change Order Nos. 2 and 3 and thereby close out the Davis Field Project; and

WHEREAS, the Oversight Board has reviewed the requested Change Order Nos. 2 and 3 and desires to authorize the Successor Agency to implement such change orders to the Davis Field Project; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for three (3) business days pending any request for review by the DOF, and if the DOF requests review hereof, DOF will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY:

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. Pursuant to the Dissolution Act, the Oversight Board approves Change Order Nos. 2 and 3 and authorizes the Successor Agency to pay Change Order Nos. 2 and 3 to the Davis Field Project as set forth in Attachment 1 to this Resolution and incorporated by this reference.

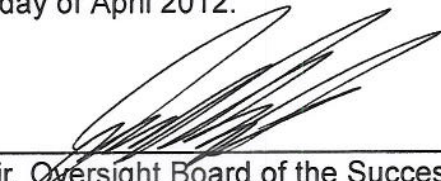
Section 3. The Oversight Board authorizes the Successor Agency to transmit this Resolution regarding Change Order Nos. 2 and 3 to the County Auditor-Controller ("CAC"), the State Department of Finance ("DOF"), and the State Controller's Office ("SCO").

Section 4. The Assistant Finance Director of the Successor Agency or her authorized designee is directed to post this Resolution and the approved Change Order Nos. 2 and 3 on the City/Successor Agency website.

Section 5. This Resolution shall be effective after transmittal of this Resolution with the Change Order Nos. 2 and 3 attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

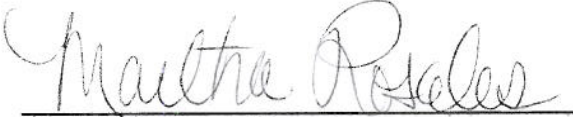
APPROVED AND ADOPTED this 19th day of April 2012.



Chair, Oversight Board of the Successor Agency
to the Costa Mesa Redevelopment Agency

(SEAL)

ATTEST:



Martha Rosales, Secretary
Oversight Board of the Successor Agency
to the Costa Mesa Redevelopment Agency

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF COSTA MESA)

I, Martha Rosales, Secretary of the Oversight Board of the Successor Agency to the Costa Mesa Redevelopment Agency, hereby certify that the foregoing Resolution No. 2012-05 was duly adopted by the Oversight Board at a special meeting held on the 19th day of April 2012, and that it was so adopted by the following vote:

AYES: Members Righeimer, Trader, Hatch, Francis, Baker, Dunn

NOES: None

ABSENT: Member Monahan



Martha Rosales, Secretary
Oversight Board of the Successor Agency to the
Costa Mesa Redevelopment Agency

(SEAL)