

**RESOLUTION NO. 2012-05**

**A RESOLUTION OF THE OVERSIGHT BOARD FOR SUCCESSOR AGENCY TO THE  
FORMER LEMOORE REDEVELOPMENT AGENCY APPROVING THE  
RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD  
JULY 1, 2012 TO DECEMBER 31, 2012**

**WHEREAS**, AB X1 26 (“AB 26”) and AB X1 27 (“AB 27”) were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

**WHEREAS**, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

**WHEREAS**, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB 26 and AB 27 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011; and

**WHEREAS**, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26 as a proper exercise of the legislative power and striking down AB 27 as unconstitutional, eliminating all redevelopment agencies effective February 1, 2012; and

**WHEREAS**, the Supreme Court’s ruling modified the deadlines set forth in AB 26, in most cases extending them by four (4) months; and

**WHEREAS**, Health and Safety Code Section 34177 (l) requires the Successor Agency to prepare a ROPS before each six-month fiscal period; and

**WHEREAS**, on April 26, 2012, the Successor Agency adopted a draft ROPS for the period July 1, 2012 through December 31, 2012; and

**WHEREAS**, Health and Safety Code Section 34180 requires the actions of the Successor Agency shall first be approved by the Oversight Board; and

**WHEREAS**, on April 26, 2012, the Oversight Board adopted Resolution No. 2012-03 approving the Successor Agency’s ROPS as required by Health and Safety Code Section 34180(g); and

**WHEREAS**, on May 11, 2012, the Successor Agency received a letter from the California Department of Finance (DOF) denying certain items listed on the ROPS; and

**WHEREAS**, the Successor Agency has presented the Oversight Board with a modified ROPS excluding the denied items as required by the DOF; and

**WHEREAS**, until a ROPS becomes operative, only payments on the adopted Enforceable Obligation Payment Schedule (EOPS) will be made; and

**WHEREAS**, Health and Safety Code Section 34179 (d) provides Oversight Board Members with personal immunity from suit for their actions taken within the scope of their responsibilities as Oversight Board Members.

**WHEREAS**, Health and Safety Code Section 34173(e) expressly limits the City's liability for actions taken in its capacity as Successor Agency; and

**NOW, THEREFORE, BE IT RESOLVED** that the Oversight Board for Successor Agency to the Former Lemoore Redevelopment Agency hereby adopts the Modified Recognized Obligation Payment Schedule for the period July 1, 2012 to December 31, 2012, attached hereto and incorporated by reference herein pursuant to Health and Safety Code Section 34177, subject to reserving the Successor Agency's right as to any disputed or excluded items.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Lemoore, the Successor Agency to the Former Lemoore Redevelopment Agency, or designee, is hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Oversight Board for Successor Agency to the Former Lemoore Redevelopment Agency at a regular meeting this 24<sup>th</sup> day of May 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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John Plourde, Chairperson

ATTEST:

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Nanci C. O. Lima, MMC  
City Clerk