

RESOLUTION NO. 16-04

A RESOLUTION OF OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE SUCCESSOR AGENCY TO ENTER INTO AGREEMENT NO. 16-22, A CONSULTANT AGREEMENT FOR AUDITING SERVICES BETWEEN VAN LANT & FANKHANEL, LLP, CERTIFIED PUBLIC ACCOUNTANTS AND THE CITY OF MONTCLAIR AS SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY RELATING TO BOND TRANSACTIONS

WHEREAS, Assembly Bill 1X 26 ("AB 26") was signed by the Governor on June 28, 2011 and upheld as constitutional by the California Supreme Court. On June 27, 2012, the Governor signed Assembly Bill 1484 ("AB 1484"), and on September 22, 2015 the Governor signed Senate Bill 107 ("SB 107"). AB 26, AB 1484 and SB 107 (together called the "Dissolution Bills") eliminated California redevelopment agencies statewide, established successor agencies to pay, perform, and effectuate the enforceable obligations of the former redevelopment agencies and to wind down the affairs of the former redevelopment agencies; and

WHEREAS, the City of Montclair Redevelopment Agency ("Agency") is now a dissolved redevelopment agency pursuant to the Dissolution Bills; and

WHEREAS, by Resolution considered and approved by the City Council of the City of Montclair 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, 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, pursuant to Section 34179 of the Health and Safety Code, the Successor Agency's Oversight Board was formed and the initial meeting occurred on April 25, 2012; and

WHEREAS, pursuant to DOF's interpretation of Section 34177(n) which requires an annual "post audit" of Successor Agency operations, DOF indicated that a more focused audit could be done as part of a separate audit required by bond covenants.

WHEREAS, the Successor Agency has been accomplishing separate focused audits of bonding transactions under an annual engagement contract with Van Lant & Fankhanel, LLP, Certified Public Accountants which DOF now feels needs to be documented in a separate contract; and

WHEREAS, the Successor Agency has approved Agreement Number 16-22 for professional services with Van Lant & Fankhanel, LLP, Certified Public Accountants to meet DOF's requirement; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Successor Agency must be approved by the Oversight Board; and

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for five (5) business days pending any request for review by DOF; and if DOF requests review hereof, it will have sixty 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, would not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

Section 1. The above recitals are true and correct and are a substantive part of the Resolution.

Section 2. At its meeting of March 7, 2016, the Successor Agency authorized the services of Van Lant & Fankhanel, LLP, Certified Public Accountants to provide auditing services to the Successor Agency relating to bond transactions and entered into agreement number 16-22, attached, to continue those services.

Section 3. The Oversight Board approves the actions of the Successor Agency in retaining the services of Van Lant & Fankhanel, LLP, Certified Public Accountants to provide auditing services and in authorizing a professional services agreement to be executed.

Section 4. The Oversight Board hereby directs the Successor Agency Executive Director or his designee to take any and all action necessary to carry out the purposes of this Resolution and comply with applicable law.

Section 5. The approval of this Resolution does not result in any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

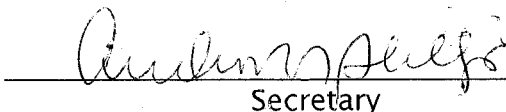
Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution and shall maintain this Resolution on file as a public record as approved hereby.

Section 7. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance; therefore, this Resolution shall become effective five (5) business days after its adoption, pending a request for review by the State of California Department of Finance. The period for this review may be extended by up to sixty (60) days pursuant to Health and Safety Code Section 34181(f).

APPROVED AND ADOPTED this 9th day of March, 2016.



Chairman

ATTEST:


Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 16-04 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the 9th day of March, 2016, and that it was adopted by the following vote, to-wit:

AYES: Richardson, Kulbeck, Hillman, Catlin, Ruh
NOES: None
ABSTAIN: None
ABSENT: Erickson, Johnson


Andrea M. Phillips
Secretary