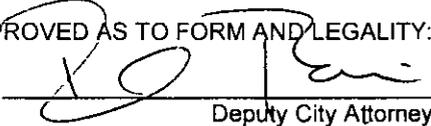


**REVISED**  
7-10-13

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 JUL 11 PM 4:02

APPROVED AS TO FORM AND LEGALITY:

BY:   
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION AMENDING THE CITY OF OAKLAND'S FY 2011-13 BIENNIAL BUDGET, WHICH WAS ADOPTED PURSUANT TO RESOLUTION NO. 83444 C.M.S. ON JUNE 30, 2011 AND AMENDED BY RESOLUTION 83943 C.M.S. ON JUNE 28, 2012, AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$2.1 MILLION, FROM GENERAL PURPOSE FUND UNDESIGNATED FUND BALANCE TO COVER GENERAL OAKLAND REDEVELOPMENT SUCCESSOR AGENCY STAFF AND OPERATING COSTS**

**WHEREAS**, redevelopment agencies were dissolved statewide effective February 1, 2012 and replaced with successor agencies charged with winding down the affairs and outstanding obligations of the former redevelopment agencies; and

**WHEREAS**, California Health and Safety Code Section 34177(l), as amended, requires that a Recognized Obligation Payment Schedule ("ROPS") be submitted to and approved by the oversight board, and submitted to the county administrator, the county auditor-controller, the State Controller, and the Department of Finance ("DOF") every six months; and

**WHEREAS**, California Health and Safety Code Section 34177(j) requires a successor agency to prepare a proposed administrative budget for submission to the oversight board for approval every six months; and

**WHEREAS**, the Oakland Redevelopment Successor Agency ("ORSA") prepared a proposed ROPS and administrative budget for January through June of 2013, and submitted said ROPS and administrative budget to the Oakland Oversight Board, the county auditor-controller, the State Controller, and the DOF; and

**WHEREAS**, in its final determination regarding the January – June 2013 ROPS following a meet and confer session with City and ORSA staff, the DOF raised a new objection to the inclusion on the ROPS of certain general administrative costs of ORSA that DOF claims exceed the statutory cap on administrative costs to be funded by distributions from the Redevelopment Property Tax Trust Fund; and

**WHEREAS**, the City and ORSA disagree with the **DOF's** determination that the funding of general administrative costs are not proper enforceable obligations of and expenditures by ORSA, and otherwise dispute the validity of the **DOF** actions; and

**WHEREAS**, funding of ORSA administrative costs is necessary for the City and ORSA to meet their remaining enforceable obligations, comply with their respective statutory obligations under the dissolution law, and effectively wind down the affairs of the former Redevelopment Agency; and

**WHEREAS**, appropriation of City funds to cover the costs of ORSA administration is needed in order to meet City and ORSA obligations from January 1, 2013 through June 30, 2013; now therefore be it

**RESOLVED:** That the City Council hereby appropriates from the General Purpose Fund (1010), undesignated fund balance funds to cover actual staff costs and operating expenditures for the period January 2013 through June 2013 totaling an amount not to exceed \$2,096,975 for various administrative and operating costs in various actual departments on ORSA-related activities, as set forth in the ORSA administrative budget; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to transfer an amount not to exceed \$2,096,975 from the General Purpose Fund (1010) to the Successor Redevelopment Agency Reimbursement Fund (1610); Successor Agency – Administration Project (A453210) based on actual expenditures between January 1, 2013 and June 30, 2013, less the administrative allowance amount totaling \$771,503; and be it

**FURTHER RESOLVED:** That the City reserves its right to challenge **DOF's** determinations on the ORSA funding issues, notwithstanding this appropriation; and be it

**FURTHER RESOLVED:** That the above actions with respect to appropriation of funds for ORSA administration are subject to the condition subsequent that ORSA will fund these items when and if ORSA's authority to fund these items is restored, and with the understanding that the City will be reimbursed by ORSA for costs incurred and funds expended by the City for these items should it be determined that these items are proper ORSA obligations; and be it

**FURTHER RESOLVED:** That the City Administrator and her designees are authorized and directed to take whatever action is necessary to validate these items as ORSA responsibilities and to obtain reimbursement of these costs from ORSA if possible; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

BY COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN,  
PRESIDENT KERNIGHAN, REID, SCHAAF

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk  
of the Oakland City Council