

**RESOLUTION NO. 2016- 01 (OVERSIGHT BOARD)**

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY RELATING TO THE PREPAYMENT OF 2011 COOPERATION AND PREDEVELOPMENT FUNDING AGREEMENT DEBT**

**WHEREAS**, the California Legislature enacted Part 1.85 of the Health and Safety Code, Sections 34170 et seq. (the “Dissolution Law”) to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code section 33000 et seq.);

**WHEREAS**, pursuant to Health and Safety Code section 34173, the City Council of the City of Santa Clara (the “City Council”) declared that the City of Santa Clara, a charter city (the “City”), would act as successor agency (the “Successor Agency”) for the dissolved City of Santa Clara Redevelopment Agency (the “RDA”) effective February 1, 2012;

**WHEREAS**, on February 1, 2012, the RDA was dissolved pursuant to Health and Safety Code Section 34172;

**WHEREAS**, in 2011 the Santa Clara Redevelopment Agency entered into a Cooperation Agreement with the Santa Clara Stadium Authority and a Predevelopment Funding Agreement with the Santa Clara Stadium Authority and the Forty Niners Stadium, LLC (collectively the “2011 Cooperation and Predevelopment Funding Agreements”);

**WHEREAS**, on September 23, 2013 the Oversight Board approved certain amendments to the 2011 Cooperation and Predevelopment Funding Agreements in settlement of litigation that determined that the 2011 Cooperation and Predevelopment Funding Agreements were enforceable obligations (“Amended 2011 Cooperation and Predevelopment Funding Agreements”); and

**WHEREAS**, the Amended 2011 Cooperation and Predevelopment Funding Agreements allow for prepayment of the amounts owed at any time; and

**WHEREAS**, the Amended 2011 Cooperation and Predevelopment Funding Agreements are listed on the Successor Agency's State Department of Finance-approved Recognized Obligation Payment Schedule as Item 8; and,

**WHEREAS**, the Successor Agency has available funds in excess of the amounts needed to pay its current obligations on enforceable obligations sufficient to allow for full prepayment of the amounts owed on the Amended 2011 Cooperation and Predevelopment Funding Agreements; and,

**WHEREAS**, the Oversight Board finds that this Resolution would result in reduced liabilities, increased revenues, and is in the best interests of the affected taxing entities and that the prepayment of the Amended 2011 Cooperation and Predevelopment Funding Agreements will save the taxing entities about \$500,000 in interest;

**NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY AS FOLLOWS:**

SECTION 1. The Oversight Board hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff, Oversight Board members, and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

SECTION 2. The Oversight Board authorizes the Successor Agency to use available funds to fully repay the amounts owed on the Amended 2011 Cooperation and Predevelopment Funding Agreements in the amount of \$12,027,594 plus interest accrued to the date of prepayment.

SECTION 3. The implementation of this plan is consistent with Health and Safety Code Sections 34181(e) and 34171(d)(1)(E) and does reduce liabilities, increases revenues and is in the best interest of the taxing entities.

SECTION 4. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

SECTION 5. Severability. If any provision or clause of this Resolution or the application thereof is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or application; and to this end, the provisions of this Resolution are declared to be severable.

SECTION 6. Third Party Beneficiary Enforcement. All taxing entities as defined in Health and Safety Code Section 34171(k) affected by the RDA's dissolution are express third party beneficiaries of this Resolution. It is the intent of this Resolution to authorize such taxing entities to the fullest extent authorized under law to enforce this Resolution in a court of competent jurisdiction or otherwise.

CERTIFICATION

I HEREBY CERTIFY THE FORGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY AT A REGULAR MEETING THEREOF HELD ON 21<sup>ST</sup> DAY OF JANUARY 2016, BY THE FOLLOWING VOTE:


AYES: BOARD MEMBERS: Ameling, Cauble, Guthrie, Matthews, Tinsley and Chairperson Gage

NOES: BOARD MEMBERS: None

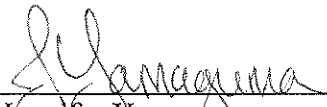
ABSTAIN: BOARD MEMBERS: None

ABSENT: BOARD MEMBERS: Maduli

APPROVE:

  
\_\_\_\_\_  
Donald F. Gage  
Chairperson

ATTEST:

  
\_\_\_\_\_  
Jennifer Yamaguma  
Clerk to the Oversight Board