

**RESOLUTION NO. 2013-5**

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SOUTH TAHOE REDEVELOPMENT AGENCY APPROVING THE USE OF ALTERNATE SOURCES OF FUNDS FOR ROPS 13-14A ENFORCEABLE OBLIGATIONS AND AUTHORIZING AND DIRECTING CERTAIN RELATED ACTIONS**

Recitals

A. Pursuant to Section 34177(l) of the Health and Safety Code (“HSC”), the Successor Agency to the South Tahoe Redevelopment Agency (the “Successor Agency”) must prepare a Recognized Obligation Payment Schedule (“ROPS”) for each six-month fiscal period (commencing each January 1 and July 1), listing the estimated payment amounts for enforceable obligations and the source of funds for such payments during such fiscal period.

B. Each ROPS must be submitted to the Oversight Board and the State of Department of Finance (the “DOF”) for approval.

C. The Successor Agency previously prepared a ROPS (“ROPS 13-14A”) for the period from July 1, 2013 to December 31, 2013 (the “ROPS 13-14A Period”) and submitted ROPS 13-14A to the Oversight Board and the DOF for approval.

D. The DOF issued its letter, dated April 13, 2013, informing the Successor Agency that the Successor Agency’s ROPS 13-14A has been approved, subject to the modifications required by the DOF as set forth in the April 13, 2013 letter.

E. For the ROPS 13-14A Period, the DOF approved the disbursement of \$3,987,285 by the County Auditor-Controller from the Successor Agency’s Redevelopment Property Tax Trust Fund (the “RPTTF”) to the Successor Agency for payment of enforceable obligations (including outstanding bonded indebtedness of the former South Tahoe Redevelopment Agency) and administrative costs allowance.

F. On May 31, 2013, the County Auditor-Controller informed the DOF and the Successor Agency that only \$1,901,310 was available for disbursement from the RPTTF to the Successor Agency for the ROPS 13-14A Period, and subsequently disbursed \$1,901,310 to the Successor Agency from the RPTTF (the “ROPS 13-14A RPTTF Disbursement”).

G. In light of the insufficiency of the ROPS 13-14A RPTTF Disbursement to cover the enforceable obligation payments approved by the DOF for the ROPS 13-14A Period, the Successor Agency will need to use funds from sources other than the RPTTF, to the extent available, to the pay for the enforceable obligations approved by the DOF for ROPS 13-14A, to avoid defaulting on such enforceable obligations.

H. HSC Section 34177(a)(4) provides that the Successor Agency may, with the prior approval of the Oversight Board, make payments on enforceable obligations from sources other than those listed in the ROPS.

I. Pursuant to HSC Sections 34179.5 and 34179.6, the Successor Agency is required to submit two due diligence review reports, including one report (the “DDR”) for the Successor Agency’s funds and accounts other than the Low and Moderate Income Housing Fund (the “OFA”) to determine the unobligated OFA balance available for disbursement to taxing entities (the “DDR Remittance Amount”).

J. Pursuant to HSC 34177(a), the DDR shall be in the form of either a report prepared by a licensed accountant approved by the County Auditor-Controller or an audit report provided by the County Auditor-Controller.

K. From prior communication between the Successor Agency and the County Auditor-Controller, the County Auditor-Controller indicated that it was prepared to provide an audit report for the Successor Agency’s DDR.

L. As of the date of this Resolution, the DDR has not been completed.

M. The South Tahoe Redevelopment Successor Agency has \$1,305,360.14 in Unobligated Monies that have remained in two South Tahoe Redevelopment Successor Agency accounts (Redevelopment Agency Fund Balance of \$810,988.14 and Redevelopment Project Fund Balance of \$494,372.00) since the date of dissolution (February 1, 2012).

N. The Board of Directors of the Successor Agency adopted its Resolution No. ~~2013-4~~, requesting the Oversight Board to (i) approve the Successor Agency’s use of funds from sources other than the RPTTF, to the extent available to the Successor Agency, including but not limited to any remaining unobligated monies in the Successor Agency accounts (the “Unobligated Monies”), to pay any enforceable obligation approved by the DOF for ROPS 13-14A, and (ii) authorize and approve that, to the extent that the Unobligated Monies are used for payment of enforceable obligations approved by the DOF for ROPS 13-14A, the amount of the Unobligated Monies so used shall be recognized in the Successor Agency’s DDR as an adjustment (*i.e.*, a deduction) to the DDR Remittance Amount.

**NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SOUTH TAHOE REDEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. The foregoing recitals, and each of them, are true and correct.

Section 2. This Oversight Board hereby approves the use by the Successor Agency of funds from sources other than RPTTF, to the extent available to the Successor Agency (including but not limited to any Unobligated Monies) for payment of any enforceable obligation approved by the DOF for ROPS 13-14A.

Section 3. This Oversight Board hereby authorizes and approves that, to the extent that the Unobligated Monies are used for payment of enforceable obligations approved by the DOF for ROPS 13-14A, the amount of the Unobligated Monies so used shall be recognized in

the Successor Agency's DDR as an adjustment (*i.e.*, a deduction) to the DDR Remittance Amount.

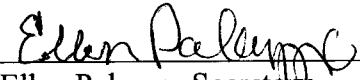
Section 4. The members of this Oversight Board and the officers of the Successor Agency are hereby authorized, jointly and severally, to do such things, including the execution and delivery of written instruments, which they may deem necessary or proper to effectuate the purposes of this Resolution.

PASSED AND ADOPTED by the Oversight Board of the Successor Agency to the South Tahoe Redevelopment Agency at a duly noticed meeting held on July 2, 2013, by the following vote:

- AYES: Board Member(s) COLE, KERRY, MIKULACO, MEYERS & VOGELGESANG
- NOES: Board Member(s) \_\_\_\_\_
- ABSENT: Board Member(s) BAUGH & MURILLO
- ABSTAIN: Board Member(s) \_\_\_\_\_

  
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Hal Cole, Chair

ATTEST:

  
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Ellen Palazzo, Secretary