

C. 112

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/04/2012 by the following vote:

AYES: ☒ 5 **John Gioia**
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/490

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF THE COUNTY OF CONTRA COSTA, APPROVING A SECOND AMENDMENT TO PUBLIC IMPROVEMENTS AGREEMENT FOR RODEO MARINA SEWER EXPANSION PROJECT WITH THE RODEO SANITARY DISTRICT

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, on January 17, 2012 and pursuant to Health and Safety Code Section 34173, the Board of Supervisors of the County of Contra Costa (the "Board of Supervisors") declared that the County of Contra Costa, a political subdivision of the State of California (the "County"), would act as successor agency (the "Successor Agency") for the Contra Costa County Redevelopment Agency (the "Dissolved RDA"); and

WHEREAS, on February 1, 2012, the Dissolved RDA, along with all redevelopment agencies in the State of California, was dissolved, and all assets and obligations of the Dissolved RDA were transferred by operation of law to the Successor Agency; and

WHEREAS, pursuant to Assembly Bill 1484, enacted by the California state legislature on June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the County, and

WHEREAS, the Dissolved RDA and the Rodeo Sanitary District (the "District") entered into that certain Public Improvements Agreement for Rodeo Marina Sewer Expansion Project, dated as of December 14, 2010, as amended by that certain First Amendment to Public Improvements Agreement for Rodeo Marina Sewer Expansion Project, dated as of May 23, 2012, (collectively the "Public Improvements Agreement"); and

WHEREAS, the Public Improvements Agreement evidences an infrastructure grant to the District in an amount not to exceed One Million Five Hundred Fifty Nine Thousand Dollars (\$1,559,000) to pay for the costs of designing and constructing the sewer improvements and to complete the project; and

WHEREAS, the budget for the project must be further revised to reflect an increase of construction costs of approximately One Hundred Seventy-Five Thousand Dollars (\$175,000) to fund additional construction work resulting from the discovery of adverse conditions during excavation and construction of the project. The revised total budget for the project is now estimated to be One Million Seven Hundred Thirty-Four Thousand Dollars (\$1,734,000) (the "Revised Budget"); and

WHEREAS, the Successor Agency and District now desire to amend the Public Improvements Agreement to increase the amount of the infrastructure grant to a reflect the Revised Budget amount, and to extend the completion deadline to reflect the additional work that must now be completed, which was not anticipated in the previous project schedule, this Second Amendment to the Public Improvements Agreement (the "Second Amendment").

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors, acting as the Governing Board of the Successor Agency, and in accordance with the Dissolution Act, hereby approves the Second Amendment in the respective form on file with the Clerk of the Board of Supervisors acting on behalf of the Successor Agency.

BE IT FURTHER RESOLVED that the Board of Supervisors, acting as the Governing Board of the Successor Agency, hereby authorizes and directs the Director, Contra Costa County Department of Conservation and Development, (the "Director") or her designee, acting on behalf of the Successor Agency, to execute the Second Amendment.

BE IT FURTHER RESOLVED that this Resolution shall take effect subject to the Successor Agency receiving all necessary approvals required under the amended Dissolution Act.

Contact: Maureen Toms, 674-7878

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 4, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: