

## Orange Countywide Oversight Board

Date: 1/22/2019 Agenda Item No. 3A

From: Successor Agency to the Orange Redevelopment Agency

Subject: Amendment No. 2 to Cooperative Agreement No. C-9-0901 between the Successor Agency to the Orange Redevelopment Agency, the City of Orange and the Orange County Transportation Authority for expansion of parking capacity at the Orange Santa Fe Depot

### Recommended Action:

Approve the executed agreement and submission to the Department of Finance for final approval.

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Cooperative Agreement No. C-9-0901 was executed May 3, 2010, and provided for reimbursement by the Orange County Transportation Authority (OCTA) of the initial design costs for the Metrolink Parking Structure project, including project management for the design phase, preparation of conceptual designs, community outreach, preparation of plans and specifications, and architect project support costs through the completion of the construction phase. OCTA reimburses the City 73% of project related costs up to \$1,650,000. The remaining portion of project related costs was to be borne by the Orange Redevelopment Agency. As such, the Successor Agency to the Orange Redevelopment Agency (SAORA) is a party to the cooperative agreement. All obligations for SAORA have been drawn down through the ROPS process, so no further funding will be sought through future ROPS. However, in order for the agreement to be considered fully executed, approval by the Oversight Board and Department of Finance is necessary.

The purpose of the contract amendment is to extend the agreement through December 31, 2020 to allow sufficient time to complete the scope of work and submit for reimbursement by OCTA. There are not changes to the amount or other terms of the original agreement.

### Impact on Taxing Entities:

None.

### Attachments:

Attachment 1 – Proposed Oversight Board Resolution to Approve Amendment No. 2 to Cooperative Agreement No. C-9-0901

Resolution No. 19-\_\_\_\_\_

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD  
WITH OVERSIGHT OF THE SUCCESSOR AGENCY TO THE ORANGE  
REDEVELOPMENT AGENCY APPROVING AN AMENDMENT TO A  
COOPERATIVE AGREEMENT WITH THE CITY OF ORANGE AND THE  
ORANGE COUNTY TRANSPORTATION AGENCY

WHEREAS, the Orange Redevelopment Agency (the “Former Agency”) entered into a cooperative agreement with the City of Orange (the “City”) and the Orange County Transportation Authority (“OCTA”) on May 3, 2010, to provide for reimbursement of the initial design costs for the Metrolink Parking Structure project (the “Structure”); and

WHEREAS, the Successor Agency to the Orange Redevelopment Agency (the “Successor Agency”) is tasked with winding down the Former Agency’s affairs; and

WHEREAS, the original cooperative agreement has expired prior to the completion of the Structure; and

WHEREAS, the Successor Agency Board of Directors, along with the City and OCTA, have approved an amendment to the cooperative agreement to extend the agreement through December 31, 2020; and

WHEREAS, in order for the amendment to be fully executed it is necessary for the Countywide Oversight Board and the State of California Department of Finance to approve the agreement; and

WHEREAS, the approval of the amendment has no fiscal impact on the taxing entities as it does not change the total cost of the agreement and all costs associated with the cooperative agreement have been drawn through the Recognized Obligation Payment Schedule process;

NOW, THEREFORE, BE IT RESOLVED THAT THE ORANGE COUNTYWIDE OVERSIGHT BOARD does hereby resolve as follows:

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

Section 2. The Oversight Board hereby approves the cooperative agreement amendment, substantially in the form attached as Exhibit A.

Section 3. The members of this Oversight Board and the staff of the Successor Agency are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution.

EXHIBIT A

AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO. C-9-0901



1           **NOW, THEREFORE**, it is mutually understood and agreed by the AUTHORITY, CITY, and  
2 SUCCESSOR AGENCY that Agreement No. C-9-0901 is hereby amended in the following particulars  
3 only:

4           1.     Amend **ARTICLE 5. TERM OF AGREEMENT**, page 4 of 10, line 22, as last changed by  
5 Amendment No. 1 dated December 9, 2015 to delete "December 31, 2017" as the expiration date of the  
6 Agreement and in lieu thereof insert "December 31, 2020."

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1 The balance of Agreement No. C-9-0901 remains unchanged.

2 This Amendment No. 2 is effective January 1, 2018.

3 **IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 2 to Agreement  
4 No. C-9-0901 to be executed on the date first above written.

5 **CITY OF ORANGE**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

6  
7 By:  \_\_\_\_\_

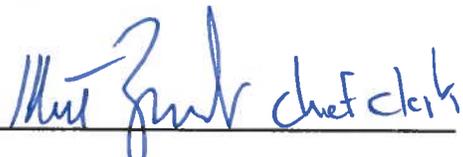
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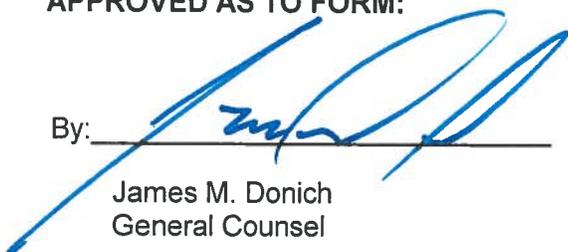
8 Rick Otto  
9 City Manager

Meena Katakia  
Manager, Capital Projects

10 **ATTEST:**

**APPROVED AS TO FORM:**

11  
12 By:  \_\_\_\_\_

By:  \_\_\_\_\_

13 Mary E. Murphy  
14 City Clerk

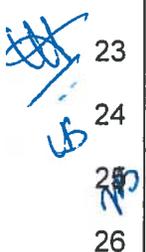
James M. Donich  
General Counsel

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16 **APPROVED AS TO FORM:**

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18 By:  \_\_\_\_\_

19 Wayne W. Winthers  
20 City Attorney

21 Date: 8/15/18

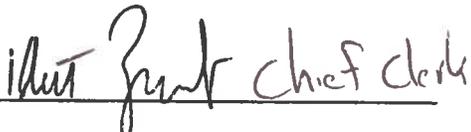
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1           **IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 2 to Cooperative  
2 Agreement No. C-9-0901 to be executed on the date first above written.

3 **SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY**

4  
5 By:   
6           Teresa E. Smith  
7           Chairperson

8 **ATTEST:**

9  
10 By:   
11           Mary E. Murphy  
12           Successor Agency Clerk

13 **APPROVED AS TO FORM:**

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15 By:   
16           Wayne W. Winthers  
17           Successor Agency General Counsel

18 Date: 8/15/18

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