

RESOLUTION NO. 2016 – 01

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION AS
THE NATIONAL CITY REDEVELOPMENT AGENCY ADOPTING
THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD
JULY 1, 2016 THROUGH JUNE 30, 2017 (ROPS 16-17)

WHEREAS, the City Council established the Redevelopment Agency of the City of National City (the "Redevelopment Agency") by Ordinance No. 1164, dated April 11, 1967; and

WHEREAS, the City Council established the Housing Authority of the City of National City (the "Housing Authority") by Ordinance No. 1484, dated October 14, 1975; and

WHEREAS, the City Council established the Community Development Commission of the City of National City (the "CDC") by Ordinance No. 1484, dated October 14, 1975, and vested the CDC with all of the powers, duties, and responsibilities of both the Redevelopment Agency and the Housing Authority, among other matters, for the purpose of enabling the CDC to operate and govern the Redevelopment Agency and the Housing Authority under a single board and as a single operating entity. The CDC acting in its capacity as the Redevelopment Agency of the City of National City is referred to herein as the "CDC-RDA"; and

WHEREAS, all California redevelopment agencies, including the Redevelopment Agency and the CDC-RDA, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, pursuant to AB 26, the City Council adopted Resolution No. 2012-15 on January 10, 2012, electing to be the Successor Agency to the CDC-RDA. The Successor Agency is a legal entity that exists separate and independent from the City. The Successor Agency formally named itself the "Successor Agency to the Community Development Commission as the National City Redevelopment Agency"; and

WHEREAS, on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings and equipment of the Redevelopment Agency and the CDC-RDA were transferred by operation of law to the control of the Successor Agency and all authority, rights, powers, duties, and obligations previously vested in the Redevelopment Agency and the CDC-RDA were vested in the Successor Agency, for administration pursuant to Part 1.85 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on issues that arose in the implementation of AB 26, AB 1484 imposed additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies; and

WHEREAS, the Successor Agency has been required to undertake several actions pursuant to Part 1.85 of AB 26 as amended by AB 1484, including submitting additional information with the ROPS and in a changed format as set by the Department of Finance; and

WHEREAS, under AB 26 as amended by AB 1484, each successor agency shall have an oversight board with fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property taxes and other revenues pursuant to Health and Safety Code Section 34188; and

WHEREAS, the oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of AB 26 as amended by AB 1484; and

WHEREAS, SB 107, a trailer bill to the Fiscal Year 2015-16 Budget for the State of California, extended the existence and operation of the Oversight Board, changed the ROPS preparation cycle from six month periods to annual periods, and required the preparation and approval by the Successor Agency, and the approval by the Oversight Board of a recognized obligation payment schedule for the period of July 1, 2016 through June 30, 2017 (ROPS 16-17) on or before February 1, 2016; and

WHEREAS, according to Health and Safety Code Section 34177(l)(1) of AB 26, for each recognized obligation, the ROPS shall identify one or more of the following sources of payment: (i) Low and Moderate Income Housing Funds, (ii) bond proceeds, (iii) reserve balances, (iv) administrative cost allowance, (v) the Redevelopment Property Tax Trust Fund, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provision of Part 1.85 of AB 26, and (vi) and other revenue sources; and

WHEREAS, it is the intent of AB 26 as amended by AB 1484 and SB 107 that the ROPS serve as the designated reporting mechanism for disclosing the Successor Agency's payment obligations by amount and source and, subsequent to the audit and approval of the ROPS as specified in AB 26, the County Auditor/Controller will be responsible for ensuring that the Successor Agency receives revenues sufficient to meet the requirements of the ROPS during each bi-annual period; and

WHEREAS, on January 19, 2016, the Successor Agency considered and approved ROPS 16-17, subject to the contingencies and reservations set forth therein; and

WHEREAS, the Successor Agency's approved ROPS 16-17, which is consistent with the requirements of the Health and Safety Code and other applicable law, is attached to and incorporated in this Resolution as Exhibit "A"; and

WHEREAS, the ROPS 16-17 has been submitted for review and approval to the Oversight Board for subsequent submittal to the County Auditor/Controller, State Department of Finance and State Controller; and

WHEREAS, on January 20, 2016 in the course of taking action on a properly agendaized item at a regular meeting, the Oversight Board considered the approval of the ROPS 16-17, and upon (i) further consideration of all information and documentation presented by staff, (ii) all public comment and Oversight Board deliberation, if any, and (iii) the recommendation of the Successor Agency's staff, did independently find and determine that the ROPS 16-17 should be approved; and

WHEREAS, the Department of Finance sometimes changes the format of reporting and the requirements, thus the Successor Agency staff may need to make changes to the ROPS 16-17 subsequent to the approval to have it compliant with the changing Department of Finance requirements; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines; and

WHEREAS, this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board to the Successor Agency to the Community Development Commission as the National City Redevelopment Agency, as follows:

- Section 1. The foregoing recitals are true and correct, and are a substantive part of this Resolution.
- Section 2. The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any rights the Successor Agency may have to challenge the effectiveness and/or legality of all or any portion of AB 26, AB 1484, or SB 107 through administrative or judicial proceedings.
- Section 3. The Successor Agency’s ROPS 16-17, which is attached hereto as Exhibit “A”, is approved and adopted.
- Section 4. The Executive Director, or designee, is hereby authorized and directed to:
 - (i) Take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Oversight Board; and
 - (ii) Take such other actions and execute such other documents as are necessary to effectuate the intent of AB 26, AB 1484, and SB 107 in regard to ROPS 16-17, including modifying and/or amending the ROPS 16-17 administratively to reflect the most up to date prior period actual cost or cash data, or conform to the direction, guidance, and/or requirements related to ROPS 16-17 by of the Department of Finance.
- Section 5. The Oversight Board confirms the Successor Agency’s determination (to the extent that it is required to do so) that neither the ROPS 16-17 nor this Resolution is a “project” for purposes of CEQA, as that term is defined by

Guidelines section 15378, because the ROPS 16-17 approved by this Resolution represents an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines.

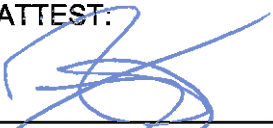
- Section 6. The Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution, and transmit notice of this Resolution, including ROPS 16-17 as approved, to the State of California Department of Finance and to the San Diego County auditor-controller by electronic means, and ROPS 16-17 shall be subject to review pursuant to California Health & Safety Code Section 34177(m).
- Section 7. Pursuant to California Health and Safety Code Section 34179(h)(2), the State of California Department of Finance may review Oversight Board action; therefore, this Resolution shall be effective on the date five (5) business days after its adoption, absent and pending any request for review by the State of California Department of Finance.

NOW, THEREFORE, BE IT RESOLVED that the foregoing resolution was duly and regularly adopted at a regular meeting of the Oversight Board for the Successor Agency to the Community Development Commission as the National City Redevelopment Agency held on the 20th day of January 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:




Ron Morrison, Chairman

ATTEST:


Brad Raulston, Executive Director
Secretary to the Oversight Board

APPROVED AS TO FORM:



Oversight Board Counsel
Edward Z. Kotkin, Esq.
Law Offices of Edward Z. Kotkin