

RESOLUTION NO. 2012 – 13

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION AS
THE NATIONAL CITY REDEVELOPMENT AGENCY APPROVING
THE SUCCESSOR AGENCY'S WAIVING
THE BID PROCESS AND AUTHORIZING THE SUCCESSOR AGENCY PURCHASE
OF FOUR PRE-FABRICATED RESTROOMS, TWO FOR KIMBALL PARK
AND TWO FOR LAS PALMAS PARK, FROM OREGON ROMTEC, INC.,
FOR THE NOT TO EXCEED AMOUNT OF \$665,036.40,
PLUS UP TO \$26,601.46 (4%) FOR REQUIRED PERFORMANCE,
LABOR, AND MATERIAL BONDS, THROUGH A COOPERATIVE PURCHASE
PROGRAM UNDER THE CALIFORNIA MULTIPLE AWARDS SCHEDULE
OF THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES

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 Community Development Commission of the City of National City acting in its capacity as the Redevelopment Agency of the City of National City is referred to herein as the "CDC-RDA"; and

WHEREAS, pursuant to Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) signed by the California Governor on June 28, 2011 ("AB 26"), as modified by the California Supreme Court on December 29, 2011 pursuant to its decision in *California Redevelopment Association v. Matosantos*, which amended, among other statutes, the California Community Redevelopment Law (Health & Safety Code §§ 33000 *et seq.*) (the "CRL"), 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 of the City 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 is to make technical and substantive amendments to AB 26 based on issues that have arisen in the implementation of AB 26, AB 1484 imposes 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 is required to undertake several actions pursuant to Part 1.85 of AB 26 as amended by AB 1484, including, without limitation, to expeditiously wind down the business and fiscal affairs of the Redevelopment Agency and the CDC-RDA pursuant to Health and Safety Code Section 34177(h) of AB 1484; 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, though not exclusively, set forth in Health and Safety Code Sections 34179 through 34181 of AB 26 as amended by AB 1484; and

WHEREAS, in accordance with and pursuant to the CRL, the CDC-RDA issued its 2011 Tax Allocation Bonds in March 2011 ("Bonds"). The Bonds contain use of proceeds requirements and tax-exempt compliance matters. The Bonds provide specifically call out the Las Palmas Park Facilities Plan Phase I also allows for similar types of projects such as the Kimball Park improvements (collectively, the "Project") for which the proceeds of the Bonds ("Bond Proceeds") are to be expended. The Project will provide accessibility improvements at the restrooms in the parks; and

WHEREAS, the Bonds provide that the Bond Proceeds are to be used for the Project and it is in the best interests of the taxing entities and the City and for the common benefit of residents, employees, business tenants and property owners within the City for the Project to be developed and constructed; and

WHEREAS, to upgrade the restroom facilities at Kimball and Las Palmas Parks, the Successor Agency desires to purchase and have installed four pre-fabricated restrooms (two in each park) through a cooperative purchase program under the California Multiple Awards Schedule ("CMAS") of the State of California, Department of General Services, which is a qualified program and pre-approved alternative from formally bidding or gathering three competitive quotes for public purchases of materials, equipment, or services; and

WHEREAS, the Successor Agency has determined that Oregon Romtec, Inc., is a member of CMAS and is qualified by experience and ability to perform the services desired by the Successor Agency, and Oregon Romtec, Inc., is willing to perform such services for the not

to exceed amount of \$665,036.40, which includes demolition of the existing structures, deliver, installation, and utility hook-up for each restroom; and

WHEREAS, Section 2.60.260 of the National City Municipal Code provides buying directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined to be in substantial compliance with National City's procurement procedures, and the Successor Agency has made such a determination in this case. The Successor Agency has determined that the purchase of two pre-fabricated restrooms be made without complying with the competitive bidding procedure set forth in the Municipal Code, and award the contract to Oregon Romtec, Inc., for the not to exceed amount of \$665,036.40 for the purchase and installation of four pre-fabricated restrooms, plus up to \$26,601.46 (4%) for required performance, labor, and material bonds.

WHEREAS, on August 14, 2012 the Successor Agency adopted a resolution (i) affirming the State of California procurement procedures are in substantial compliance with National City's procedures and authorized waiver of the bidding process and (ii) approving the purchase of the restrooms for the not to exceed amount of \$665,036.40 plus up to \$26,601.46 (4%).

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board as follows:

1. The Oversight Board has received and heard all oral and written objections to matters pertaining to this transaction, and all such oral and written objections are hereby overruled.
2. The Oversight Board hereby finds and determines that the foregoing recitals are true and correct and are incorporated herein. The Oversight Board finds that the work is consistent with the Successor Agency's obligations and duties pursuant to Health and Safety Code Sections 34177(h), 34177(i) and is beneficial to the holders of enforceable obligations and the taxing entities.
3. The Oversight Board hereby approves the Successor Agency's purchase of the restrooms for the not to exceed amount of \$665,036.40, plus up to \$26,601.46 (4%) for required performance, labor, and material bonds.
4. The Executive Director, or his/her designee, of the Successor Agency is hereby authorized and directed to execute the Agreement on behalf of the Successor Agency and to sign all other necessary documents, on behalf of the Successor Agency, first approved in writing by the Successor Agency General Counsel and to take all other actions necessary to implement and carry out the purposes of the Agreement and this Resolution.
5. Notice of this Resolution shall be transmitted to the Department of Finance by electronic means and shall take effect at the time provided in Health and Safety Code Section 34179(h).
6. The obligations of the Successor Agency shall, if and when required by law, be included in the Successor Agency's future Recognized Obligations Payment Schedules.

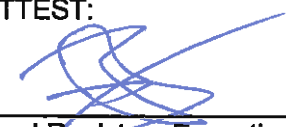
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PASSED and ADOPTED this 15th day of August, 2012.



Ron Morrison, Chairman

ATTEST:



Brad Raulston, Executive Director
Secretary to the Oversight Board

APPROVED AS TO FORM:



Oversight Board Counsel
Michael Houston, Esq.
Cummins & White, LLP