

RESOLUTION NO. OB 2015-007

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LA MESA COMMUNITY REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN PREPARED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34191.5 AND APPROVING RELATED ACTIONS (LA MESA BLVD. MUNICIPAL PARKING LOT; APNS: 470-582-13, 470-582-14, AND 470-582-15)

WHEREAS, the La Mesa Community Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of La Mesa ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law");

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code;

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies, expeditiously winding down the business and fiscal affairs of the former redevelopment agencies, and disposing of assets of the former redevelopment agencies;

WHEREAS, the City Council of the City adopted Resolution No. 2012-005 on January 10, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 ("Successor Agency"), and electing for the City to retain the responsibility for performing housing functions of the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 ("Successor Housing Entity");

WHEREAS, on February 1, 2012, the Redevelopment Agency was dissolved by operation of law and the Successor Agency and Successor Housing Entity were established pursuant to AB 26;

WHEREAS, AB 26 has since been amended by various assembly and senate bills enacted by the California Legislature and signed by the Governor (AB 26 as amended is hereinafter referred to as the "Dissolution Laws");

WHEREAS, H&S Code Section 34179 of the Dissolution Laws establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." 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 H&S Code Section 34179 of the Dissolution Laws. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Laws;

WHEREAS, pursuant to H&S Code Section 34191.5(b) of the Dissolution Laws, once the California Department of Finance ("DOF") issues a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Laws, the Successor Agency shall prepare a Long Range Property Management Plan ("Plan") that addresses the disposition and use of certain real properties of the former Redevelopment Agency. The Plan shall be submitted to the Oversight Board and the DOF for approval no later than six (6) months following the issuance of the Finding of Completion to the Successor Agency;

WHEREAS, the Dissolution Laws specifies that if the DOF has not approved the Plan by January 1, 2016, then H&S Code Sections 34177(e) and 34181(a) provide for the Oversight Board to direct the Successor Agency to dispose of assets and distribute proceeds to the taxing entities;

WHEREAS, H&S Code Section 34191.5(a) of the Dissolution Laws provides for the establishment of a Community Redevelopment Property Trust Fund ("Trust") to be administered by the Successor Agency which serves as the repository of real property of the former Redevelopment Agency identified in the Due Diligence Review ("DDR") prepared pursuant to H&S Code Section 34179.5(c)(5)(C) of the Dissolution Laws (i.e., Procedure 7 of the DOF's Guidelines for the DDR);

WHEREAS, pursuant to H&S Code Section 34191.4(a) of the Dissolution Laws, upon the approval of the Plan by the DOF, all real property and interests in real property identified in the DDR by H&S Code Section 34179.5(c)(5)(C) of the Dissolution Laws shall be transferred to the Trust, unless such a property is subject to the requirements of any existing enforceable obligation;

WHEREAS, H&S Code Section 34191.5(c) of the Dissolution Laws requires that the Plan (1) include an inventory of all properties in the Trust, which inventory shall consist of specific information relating to each such property including, without limitation, the date of and purpose for acquisition, value of property, applicable zoning, any property revenues and contractual requirements for disposition of same, history of environmental issues and any related studies and remediation efforts, potential for transit-oriented development and advancement of planning objectives of the Successor Agency, and history of previous development proposals and activity; and (2) address the use or disposition of all properties in the Trust, including (i) the retention of such property for governmental use pursuant to H&S Code Section 34181(a) of the Dissolution Laws, (ii) the retention of such property for future development, (iii) the sale of such property, or (iv) the use of such property to fulfill an enforceable obligation;

WHEREAS, three (3) legal parcels comprising the "La Mesa Blvd. Municipal Parking Lot" previously owned by the former Redevelopment Agency, located in the City and referenced by Assessor Parcel Numbers: 470-582-13, 470-582-14, and 470-582-15, were identified in the Non-Housing DDR prepared pursuant to H&S Code Section 34179.5(c)(5)(C) of the Dissolution Laws (i.e. Procedure 7 of the DOF's Guidelines for the DDR) at a collective value of \$160,000. No real property assets were identified in the Housing DDR prepared pursuant to H&S Code Section 34179.5(c)(5)(C) of the Dissolution Laws;

WHEREAS, on July 16, 2013, the Successor Agency was issued its Finding of Completion by the DOF. In accordance with the Dissolution Laws, the Successor Agency prepared its initial Plan, which was approved by the Oversight Board on January 2, 2014 ("Initial Plan"), for the use and disposition of the La Mesa Blvd. Municipal Parking Lot. The Initial Plan was submitted to DOF for its review in accordance with the Dissolution Laws, but not approved by the DOF. The DOF, by letter dated April 16, 2014, stated that the Initial Plan cannot be

approved at that time, identified certain modifications necessary, and advised that once a revised Oversight Board-approved Plan is submitted, the DOF would complete its review;

WHEREAS, subsequent to the DOF's letter dated April 16, 2014, Senate Bill No. 107 ("SB 107") was enacted by the California Legislature and signed by the Governor on September 22, 2015. SB 107 revises subdivisions (a) (1) & (2) of H&S Section 34181 of the Dissolution Laws to expand authorization of the Oversight Board to direct the Successor Agency to transfer to the appropriate public jurisdiction (such as the City) ownership of assets constructed and used for a governmental purpose including parking facilities and lots dedicated solely to public parking that do not generate revenues in excess of reasonable maintenance costs of the properties;

WHEREAS, the La Mesa Blvd. Municipal Parking Lot was constructed and is used to serve the public's parking needs with affordable parking and does not generate any revenues in excess of reasonable maintenance, operations, and necessary repair and replacement improvements costs of such facilities. Therefore, the La Mesa Blvd. Municipal Parking Lot qualifies as an asset used for a governmental purpose under H&S Code Sections 34181(a)(1) and (2) of the Dissolution Laws;

WHEREAS, the Successor Agency prepared the proposed amended Plan ("Amended Plan") for consideration by the Successor Agency and then for consideration by the Oversight Board and the DOF. The Amended Plan, under the "Use or Disposition of the Property" section on Page 7, provides for the transfer of the La Mesa Blvd. Municipal Parking Lot to the City as an asset to continue to be used for a governmental purpose as a public parking lot pursuant to H&S Section 34181(a)(1) of the Dissolution Laws, in accordance with H&S Code Section 34191.5(c)(2) of the Dissolution Laws;

WHEREAS, on October 13, 2015, the Successor Agency approved the Amended Plan and the related actions in connection with the use and disposition of the La Mesa Blvd. Municipal Parking Lot to the City as a governmental purpose asset. The Amended Plan is included in the agenda packet for this Oversight Board meeting and is presented to the Oversight Board for review and approval. The Amended Plan includes all of the information required by H&S Code Section 34191.5(c) of the Dissolution Laws and the use and disposition of the La Mesa Blvd. Municipal Parking Lot is in accordance with the Dissolution Laws;

WHEREAS, the proposed use and disposition of the La Mesa Blvd. Municipal Parking Lot as set forth in the Amended Plan and the provisions of the Amended Plan further the planning objectives and interests of the Successor Agency and the City to provide the public, businesses and employees with affordable parking;

WHEREAS, if the Amended Plan is approved by the Oversight Board, the Amended Plan shall thereafter be submitted to the DOF for review and approval pursuant to H&S Code Section 34191.5(b) of the Dissolution laws;

WHEREAS, pursuant to H&S Code Section 34191.3 of the Dissolution Laws, once the Amended Plan is approved by the DOF, the Amended Plan shall govern and supersede all other provisions of the Dissolution Laws relating to the disposition and use of the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot;

WHEREAS, pursuant to H&S Code Section 34180(j) of the Dissolution Laws, the Successor Agency submitted a copy of the Amended Plan to the San Diego County Administrative Officer, the San Diego County Auditor-Controller, and the DOF at the same time that the Successor Agency submitted it to the Oversight Board for approval;

WHEREAS, the activity proposed for approval by 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;

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by 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, public notice of the proposed Oversight Board actions pursuant to this Resolution was duly and timely provided;

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

NOW, THEREFORE, the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency does hereby resolve as follows:

Section 1. The Oversight Board determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. In accordance with H&S Code Sections 34181(a)(1) and (2), the Oversight Board determines that the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot was owned by the former Redevelopment Agency and was constructed and used for a governmental purpose.

Section 3. The Oversight Board approves the Amended Long Range Property Management Plan ("Amended Plan"), substantially in the form included in the agenda packet for this Oversight Board meeting.

Section 4. The Oversight Board determines that the proposed use and disposition of the La Mesa Blvd. Municipal Parking Lot as set forth in the Amended Plan and the provisions of the Amended Plan further the planning objectives and interests of the Successor Agency and the City.

Section 5. The Successor Agency Executive Director, or designee, is authorized and directed to: (i) submit the Amended Plan, as approved by the Oversight Board, to the DOF (electronically in PDF format) and to the San Diego County Auditor-Controller; (ii) post a copy of the Amended Plan, as approved by the Oversight Board, on the Successor Agency's internet website; (iii) revise the Amended Plan and make such changes and amendments as necessary in order to complete the Amended Plan in the manner provided by the DOF and to conform the Amended Plan to the form or format as prescribed by the DOF; (iv) make non-substantive changes and amendments to the Amended Plan deemed necessary and as approved by the Successor Agency Executive Director and its legal counsel; and (v) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency and the Oversight Board.

Section 6. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by 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.

Section 7. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.


Section 8. This Resolution shall take effect upon the date of its adoption and is subject to review by the DOF in accordance with H&S Code Section 34191.5(b) of the Dissolution Laws.

PASSED AND ADOPTED at a duly noticed public meeting of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency held the 5th day of November, 2015, by the following vote, to wit:

AYES:
NOES:
ABSENT:

CERTIFICATE OF SECRETARY

I, CHRIS JACOBS, Secretary of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency, do hereby certify the foregoing to be a true and exact copy of Resolution No. OB 2015-007, duly passed and adopted by the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency on the date and by the vote therein recited.



CHRIS JACOBS
Secretary
Oversight Board of the Successor Agency to the
La Mesa Community Redevelopment Agency

11-5-15
Date