

OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF PALMDALE

COUNTY OF LOS ANGELES, CALIFORNIA

RESOLUTION NO. OB 2015 -008

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALMDALE APPROVING THE LONG RANGE PROPERTY MANAGEMENT PLAN PREPARED PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34191.5.

WHEREAS, the Community Redevelopment Agency of the City of Palmdale, (“Redevelopment Agency”) was a redevelopment agency in the City of Palmdale (“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”); and

WHEREAS, the City Council of the City adopted redevelopment plans for the City’s redevelopment project areas, and from time to time, the City Council amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, Assembly Bill No. 1X 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 the California Health and Safety Code (“Health and Safety 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 Health and Safety Code; and

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 City of Palmdale’s 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 and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, On January 4, 2012 the City Council adopted Resolution No. CC 2012-002 declaring itself as the successor agency to the Community Redevelopment Agency of the City of Palmdale (“Successor Agency”) upon the dissolution of the Redevelopment Agency; and

WHEREAS, on April 4, 2012 the City Council, acting in its capacity as the Successor Agency, adopted Resolution No. CC 2012-041 SA naming itself the “Successor Agency to the Community Redevelopment Agency of the City of Palmdale”, the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85 of AB26, and establishing itself as a separate legal entity with rules and regulations that will apply to the governance and operations of the Successor Agency; and

WHEREAS, As part of the Fiscal Year 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 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, including the preparation of a Long Range Property Management Plan (AB 26 as amended by Ab 1484 is hereinafter referred to as the “Dissolution Act”); and

WHEREAS, Health and Safety Code Section 34179 of the Dissolution Act 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 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 the Dissolution Act; and

WHEREAS, On April 13, 2012, the first meeting of the Oversight Board of the Successor Agency took place and Oversight Board Members were duly sworn into office; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b) of the Dissolution Act, once the California Department of Finance (“DOF”) issues a Finding of completion to the Successor Agency pursuant to Health and Safety code Section 34179.7 of the Dissolution Act, the Successor Agency shall prepare a Long Range Property Management Plan (“LRPMP”) that addresses the disposition and use of certain real properties of the Redevelopment Agency. The LRPMP shall be submitted to the Oversight Board and the DOF for approval no later than 6 months following the issuance of the Finding of Completion to the Successor Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(a) of the Dissolution Act, upon the issuance of the Finding of Completion to the Successor Agency, a Community Redevelopment Property Trust Fund ("Trust") will be established to serve as the repository of the Redevelopment Agency's real properties identified in the Due Diligence Reviews ("DDR") by Health and safety Code Section 34179.5 (c)(5)(C) of the Dissolution Act (in accordance with Procedure 7 of the DOF Guidelines for preparation of the DDRs). The Trust shall be administered by the Successor Agency in accordance with the approved LRPMP; and

WHEREAS, pursuant to Health and Safety Code Section 34191.4(a) of the Dissolution Act, upon the approval of the LRPMP by DOF, all real property and interests in real property identified in the DDRs by Health and Safety Code Section 34179.5(c)(5)(C) of the Dissolution Act (in accordance with Procedure 7 of the DOF Guidelines for preparation of the DDRs) shall be transferred to the Trust, unless such a property is subject to the requirements of any existing enforceable obligation; and

WHEREAS, Health and Safety Code Section 34191.5(c) of the Dissolution Act requires that the LRPMP (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 the 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 the retention of such property for governmental use pursuant to Health and Safety Code Section 34181(a) of the Dissolution Act, the retention of such property for future development, the sale of such property, or the use of such property to fulfill an enforceable obligation; and

WHEREAS, Senate Bill 107, which was approved by the Governor on September 22, 2015 and became effective immediately as a bill related to the budget, provides that, unless the Successor Agency has, before January 1, 2016, either paid all of the funds determined through the DDRs to be available for distribution to the taxing agencies or has entered into an installment payment plan with the DOF, the Successor Agency will never receive a Finding of Completion; and

WHEREAS, Health and Safety Code section 34191.3 provides that, unless the Successor Agency has a LRPMP approved by the DOF before January 1, 2016, the properties held by the Successor Agency shall be disposed of under the provisions in Health and Safety Code sections 34177(e) and 34181(a); and

WHEREAS, Palmdale's Successor Agency is in negotiations with DOF on the terms of an installment payment plan but will not receive its Finding of Completion in sufficient time to thereafter obtain Oversight Board and DOF approval of its LRPMP before January 1, 2016 and thus desires to submit its LRPMP to DOF in advance of receiving its Finding of Completion; and

WHEREAS, the proposed LRPMP is now being submitted to the Oversight Board for review and approval in accordance with Health and Safety Code Section 34191.5(b) of the Dissolution Act; and

WHEREAS, the proposed LRPMP includes twenty-nine (29) real properties ("Properties") that were identified in the Non-Housing DDR by Health and Safety Code Section 34179.5 (c)(5)(C) of the Dissolution Act (in accordance with Procedure 7 of the DOF Guidelines for preparation of the DDRs). These Properties are all located in the City of Palmdale, County of Los Angeles, State of California, and are described in detail in the LRPMP under four (4) separate categories: (i) Properties to be retained for governmental use (ii) Properties to be retained for future development; (iii) Properties to be sold; and (iv) Properties to be used to fulfill enforceable obligations; and

WHEREAS, for each of the properties, the LRPMP includes all of the information required by Health and Safety code Section 34191.5(c) of the Dissolution Act; and

WHEREAS, as required by Health and Safety Code Section 34179(f) of the Dissolution Act, all notices required by law for proposed actions of the Oversight Board have been posted on the Successor Agency's internet website or the Oversight Board's internet website; and

WHEREAS, pursuant to Health and Safety Code Section 34179(h) of the Dissolution Act, the Successor Agency is required to provide written notice and information about all actions taken by the Oversight Board, including the proposed approval of the LRPMP to the DOF by electronic means and in the manner of the DOF's choosing; and

WHEREAS, pursuant to Health and Safety Code Section 34191.3 of the Dissolution Act, once the Successor Agency has received its Finding of Completion and the LRPMP is approved by the DOF pursuant to Health and Safety Code 34191.5(b) of the Dissolution Act, the LRPMP shall govern, and supersede all other provisions of the Dissolution Act relating to, the disposition and use of the Properties; and

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. Such 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 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 AS FOLLOWS by the Oversight Board of the Successor Agency to the Community Redevelopment Agency of the City of Palmdale that:

Section 1. The Oversight Board hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Oversight Board hereby directs the Successor Agency to submit copies of the LRPMP approved by this Resolution as required under the Dissolution Act, in the method required, and in a manner to avoid a late submission. In this regard, the Oversight Board hereby authorizes and directs the Executive Director, or designee, of the Successor Agency to; (i) submit the LRPMP, as approved by the Oversight Board, and written notice of the Oversight Board’s approval of the LRPMP, to the DOF (electronically in PDF format) and the County Auditor-Controller; (ii) post a copy of the LRPMP, as approved by the Oversight Board, on the successor Agency’s internet website; and (iii) revise the LRPMP and make such changes and amendments as necessary, before official submittal of the LRPMP to the DOF, in order to complete the LRPMP in the manner provided by the DOF and to conform the LRPMP to the form or format as prescribed by the DOF; and (iv) 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.

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

Section 4. 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 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 5. The Oversight Board may direct staff of the Successor Agency to perform work in furtherance of the Oversight Board's duties and responsibilities under the Dissolution Bills.

Section 6. This Resolution shall take effect immediately upon its adoption.

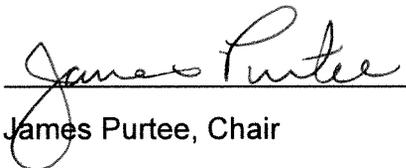
Section 7. The Board Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 28th day of October, 2015 by the following vote:

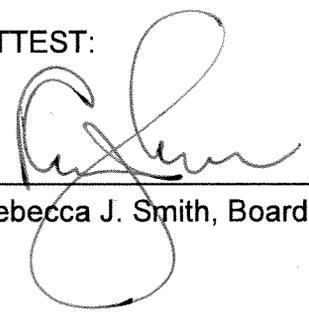
AYES: Purtee, Blackburn, Knudson, and McElroy

NOES: Blalock

ABSTAIN: None
_____ ABSENT: Walker and Scott



James Purtee, Chair

ATTEST:


Rebecca J. Smith, Board Clerk