

RESOLUTION NO. OB 2018-003

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LA MESA COMMUNITY REDEVELOPMENT AGENCY APPROVING THE TRANSFER TO THE CITY OF LA MESA IN ITS CAPACITY AS THE SUCCESSOR HOUSING ENTITY OF A CERTAIN HOUSING ASSET OF THE FORMER LA MESA COMMUNITY REDEVELOPMENT AGENCY PERTAINING TO 5915 LUBBOCK AVENUE, LA MESA, CALIFORNIA, THAT WAS INADVERTENTLY OMITTED FROM THE HOUSING ASSET TRANSFER FORM AND APPROVING RELATED ACTIONS.

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"); and

WHEREAS, in December of 2001, the Redevelopment Agency provided a down payment housing loan in the principal sum of \$75,000 with regard to the property located at 5915 Lubbock Avenue in the City of La Mesa, County of San Diego, State of California that was evidenced by a Promissory Note and secured by a Deed of Trust. The aforementioned loan and the Redevelopment Agency's right, title, and interest held therein are referred to herein as the "Housing Note"; and

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 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; 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 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, including disposing of housing assets; and

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 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 under AB 26 ("Successor Housing Entity"); and

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; and

WHEREAS, AB 26 has since been amended by various assembly and senate bills enacted and signed by the Governor. AB 26 as amended is hereinafter referred to as the "Dissolution Law"; and

WHEREAS, H&S Code Section 34179 of the Dissolution Law establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, 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. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Law; and

WHEREAS, pursuant to H&S Code Section 34175(b) of the Dissolution Law, on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings and equipment of the former Redevelopment Agency transferred by operation of law to the control of the Successor Agency for administration pursuant to Part 1.85 of the Dissolution Law; and

WHEREAS, pursuant to H&S Code Section 34176(a)(1) of the Dissolution Law, all rights, powers, duties, obligations, and housing assets as defined in Section 34176(e) (which includes down payment housing loans), excluding any amounts on deposit in the Low and Moderate Income Housing Fund and enforceable obligations retained by the Successor Agency, shall be transferred to the City in its capacity as the Successor Housing Entity; and

WHEREAS, H&S Code Section 34177(g) of the Dissolution Law requires the Successor Agency to effectuate the transfer of the housing functions and assets of the former Redevelopment Agency to the City as the Successor Housing Entity; and

WHEREAS, pursuant to H&S Code Section 34176(a)(2) of the Dissolution Law, the City as the Successor Housing Entity prepared the Housing Asset Transfer Form ("HAT") for the purpose of identifying the housing assets of the former Redevelopment Agency, and on July 31, 2012 submitted the HAT to the California Department of Finance ("Department of Finance") for its review; and

WHEREAS, by written correspondence dated August 30, 2012, the Department of Finance notified the Successor Housing Entity that it did not object to the transfer of the housing assets listed on Exhibits A through F of the HAT to the City as the Successor Housing Entity; and

WHEREAS, the Successor Agency staff has determined that the Housing Note were inadvertently omitted from the HAT that was approved by the Department of Finance; and

WHEREAS, on July 16, 2013, the Department of Finance issued a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Law; and

WHEREAS, pursuant to H&S Code Section 34181(c) of the Dissolution Law, the Oversight Board shall direct the Successor Agency to transfer housing assets pursuant to Section 34176 of the Dissolution Law; and

WHEREAS, in accordance with the Dissolution Law and to facilitate transactions relating to the Housing Note and housing functions of the former Redevelopment Agency, the Oversight Board desires to approve the transfer of the Housing Note and all of the Successor Agency's right, title, and interest held or at any time hereafter acquired in and to the Housing Note, including without limitation the right to receive repayments under the Housing Note, as a housing asset from the Successor Agency to the City as the Successor Housing Entity, consistent with the transfers of housing assets pursuant to the Dissolution Law; and

WHEREAS, public notice of the proposed Oversight Board actions for consideration at this meeting pursuant to this Resolution was duly and timely published as required by H&S Code Section 34181(f) of the Dissolution Law.

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.

Section 2. All legal prerequisites to the adoption of this Resolution have occurred.

Section 3. The Oversight Board approves the transfer of, and directs the Successor Agency to transfer, the Housing Note and all of the Successor Agency's right, title, and interest held or at any time hereafter acquired in and to the Housing Note, including without limitation the right to receive repayments under the Housing Note, as a housing asset defined under H&S Code Section 34176(e) of the Dissolution Law, from the Successor Agency to the City as the Successor Housing Entity, pursuant to and in accordance with the Dissolution Law.

Section 4. The Oversight Board adopts, approves, ratifies and confirms all actions taken by the former Redevelopment Agency, the Successor Agency, and their staff to implement and carry out the transfer from the Successor Agency to the City as the Successor Housing Entity of all of the former Redevelopment Agency's and Successor Agency's right, title and interest held in and to the Housing Note, including without limitation the right to receive repayments under the Housing Note.

Section 5. The Oversight Board authorizes the Successor Agency Executive Director or designee to take all reasonable and necessary actions and execute such instruments and documents as are reasonable, appropriate, and necessary or desirable to confirm, ratify, implement, carry out and effectuate the transfer of the Housing Note and all of the Successor Agency's right, title, and interest held or at any time hereafter acquired in and to the Housing Note, including without limitation the right to receive repayments under the Housing Note, as a housing asset from the Successor Agency to the City as the Successor Housing Entity, including without limitation executing an assignment and assumption agreement, first approved in form by the Successor Agency's legal counsel, and to effectuate the intent of this Resolution.

Section 6. 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 7. This Resolution shall take effect immediately and is subject to review by the Department of Finance in accordance with H&S Code Sections 34179(h) and 34181(f) of the Dissolution Law.

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 25th day of January, 2018, by the following vote, to wit:

AYES: Mr. Ayres, Mr. Fazio, Mr. Gonzales, Mr. Patterson, Mr. South
NOES: None
ABSENT: Mr. Adams, Ms. Rearic

CERTIFICATE OF SECRETARY

I, SARAH WALLER-BULLOCK, 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 2018-03, 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.



SARAH WALLER-BULLOCK, Secretary

(SEAL OF CITY)