

RESOLUTION NO. 32 (SAS) Oversight Board

A RESOLUTION OF THE SANTA MONICA SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE LETTER TO THE DEPARTMENT OF FINANCE INDICATING NO PROPERTIES TO REPORT ON A LONG RANGE PROPERTY MANAGEMENT PLAN AND TAKING CERTAIN RELATED ACTIONS

RECITALS:

WHEREAS, on January 17, 1994, the "Northridge Earthquake" occurred in Southern California and President Clinton declared the Northridge Earthquake a major disaster under federal law; and

WHEREAS, pursuant to the California Community Redevelopment Financial Assistance and Disaster Project Law (Health and Safety Code Section 34000 et seq.) (the "Disaster Law"), the City Council of the City of Santa Monica (the "Council") adopted the Redevelopment Plan for the Earthquake Recovery Redevelopment Project Area by Ordinance No. 1747 (CCS) on June 21, 1994, a copy of which is on file in the Office of the City Clerk; and

WHEREAS, the purpose of the Earthquake Recovery Redevelopment Project Area was to provide disaster assistance to the City due to the Northridge Earthquake in the form of tax increment which would allow the City to acquire, demolish, remove, relocate, repair, restore, rehabilitate, or replace buildings, low- and moderate-income housing, facilities, structures, or other improvements within the Project Area, in accordance with Health and Safety Code section 34007; and

WHEREAS, the California Legislature adopted, and the Governor signed,

Assembly Bill Nos. 26 and 27 (2011-2012 1st Ex. Sess.) enacted as Stats. 2011, 1st Ex. Sess. 2011-2012, chs. 5-6 (hereinafter AB 261x 26 and AB1x 27) into law; and

WHEREAS, in July 2011, *California Redevelopment Agency v. Matosantos* was filed in the California Supreme Court, challenging the constitutionality of AB1x 26 and AB1x 27, and on December 29, 2011, the Supreme Court issued its opinion in *Matosantos*, upholding AB1x 26 and exercising its power of reformation to revise and extend each effective date or deadline for performance of an obligation in part 1.85 of division 24 of the Redevelopment Law, and invalidating AB1x 27; and

WHEREAS, for purposes of implementing AB 261x and subsequent amendments thereto and in accordance with Health and Safety Code section 34167.10, the definition of "city" includes any legal entities controlled by the "city"; and

WHEREAS, effective on February 1, 2012, the City of Santa Monica ("City") became the designated Successor Agency of the Redevelopment Agency of the City of Santa Monica, within the meaning of AB1x 26; and

WHEREAS, Health and Safety Code section 34191.4 provides that a Successor Agency that has been issued a finding of completion by the Department of Finance shall list the real properties and interests in real properties of the former Redevelopment Agency (collectively "Properties") on a long-range property management plan, unless the Properties are subject to the requirements of any existing enforceable obligation; and

WHEREAS, in accordance with Health and Safety Code section 34179.7, the Successor Agency received its finding of completion from the Department of Finance on January 16, 2015, a copy of which is attached hereto and incorporated by reference herein as [Exhibit "A"](#); and

WHEREAS, the Successor Agency does not have any Properties to list on a long-range property management plan because the Properties were transferred to the

appropriate public jurisdiction for governmental purpose, or to the City as the housing successor agency, or were retained by the City because subject to the requirements of an existing enforceable obligation, as confirmed by the final audit report of the State Controller pursuant to Health and Safety Code sections 34167.5 and 34178.8, a copy of which is attached hereto and incorporated by reference herein as [Exhibit "B"](#); and

WHEREAS, the Successor Agency has, in e-mail correspondence, disclosed to the Department of Finance that the Properties have been transferred to the appropriate public jurisdiction for governmental purpose, or to the City as the housing successor agency, or were retained by the City because subject to the requirements of an existing enforceable obligation, and a copy of the e-mail correspondence is attached hereto and incorporated by reference herein as [Exhibit "C"](#); and

WHEREAS, the Oversight Board has reviewed the attached exhibits and oral presentations made at the public meeting of the Oversight Board on September 21, 2015 and determined that the Successor Agency does not have any Properties to list on a long-range property management plan; and

WHEREAS, the Department of Finance has requested that the Successor Agency send a letter to the Department of Finance indicating that there are no properties to report on a long-range property management plan after approval of the letter by the Oversight Board;

NOW, THEREFORE, THE OVERSIGHT BOARD DOES RESOLVE AS FOLLOWS:

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

SECTION 2. The Oversight Board hereby makes a finding that the Successor Agency does not have any Properties to list on a long-range property management plan because the Properties were transferred to the

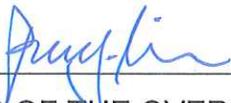
appropriate public jurisdiction for governmental purpose, or to the City as the housing successor agency, or were retained by the City because subject to the requirements of an existing enforceable.

SECTION 3. The staff of the Successor Agency is hereby directed to transmit a letter to the Department of Finance in the form attached hereto and incorporated by reference herein as [Exhibit "D"](#), indicating that there are no Properties to list on a long-range property management plan.

SECTION 4. The Oversight Board authorizes the Successor Agency's Chief Administrative Officer or his designee to take such actions and execute such documents as are necessary or appropriate to effectuate the intent of this Resolution on behalf of the Oversight Board and any such actions previously taken are hereby ratified.

SECTION 5. The Secretary of the Oversight Board shall certify the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect in accordance with applicable law.

APPROVED BY A MAJORITY OF THE TOTAL MEMBERSHIP OF THE OVERSIGHT BOARD:



CHAIR OF THE OVERSIGHT BOARD

EXHIBITS:

[Exhibit A: Finding of Completion](#)

[Exhibit B: State Controller Report](#)

[Exhibit C: E-mail correspondence to the Department of Finance A](#)

[Exhibit D: Letter to the Department of Finance](#)

Adopted and approved this 21st day of September, 2015.



Paul Silvern, Chair
Successor Agency Oversight Board

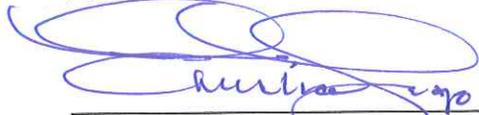
I, Denise Anderson-Warren, Secretary to the Successor Agency Oversight Board, do hereby certify that the foregoing Resolution No. 32 (SAS-Oversight Board) was duly adopted at a meeting of the Oversight Board meeting held on the 21st day of September, 2015, by the following vote:

AYES: Board Members Dijkstra, Kanschat, Maez, Varon
Vice-Chair Moran, Chair Silvern

NOES: None

ABSENT: Board Member Girard

ATTEST:



Esterlina Lugo, Secretary
Successor Agency Oversight Board