



Special Meeting A G E N D A

**IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
HOUSING AUTHORITY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY**



THURSDAY, JANUARY 5, 2012 – 6:00 P.M.

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY.

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

SPECIAL MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PUBLIC COMMENT

REPORTS

1. RESOLUTION OF ELECTION BY CITY OF IMPERIAL BEACH TO SERVE AS SUCCESSOR AGENCY TO THE IMPERIAL BEACH REDEVELOPMENT AGENCY PURSUANT TO AB 26; TRANSFER OF AGENCY HOUSING ASSETS TO THE IMPERIAL HOUSING AUTHORITY PURSUANT TO AB 26. (0412-95 & 0640-05)

City Manager's Recommendation: That the City Council consider the report and proposed resolutions. If Council chooses:

1. Adopt Resolution No. 2012-7136.
2. Adopt Resolution No. 2012-7137.

2. RESOLUTION PURSUANT TO AB 26 FOR APPROVAL OF TRANSFER OF AGENCY HOUSING ASSETS TO THE IMPERIAL HOUSING AUTHORITY. (0412-95 & 0640-05)

City Manager's Recommendation: That the Chairman and Housing Authority consider the report and proposed resolution and choose to adopt:

1. Adopt Resolution No. HA-12-06.

ADJOURNMENT

_____/s/
Jacqueline M. Hald, MMC
City Clerk

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Housing Authority/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: January 5, 2012

ORIGINATING DEPT.: Susan Cola, Agency Special Counsel
Jennifer Lyon, City Attorney
Greg Wade, Community Development Director
Mike McGrane, Finance Director

SUBJECT: Resolution of Election by City of Imperial Beach to Serve as Successor Agency to the Imperial Beach Redevelopment Agency Pursuant to AB 26; Transfer of Agency Housing Assets to the Imperial Housing Authority Pursuant to AB 26.

BACKGROUND:

On December 29, 2011, the California Supreme Court ("Court") issued its final opinion in the redevelopment related litigation action, California Redevelopment Association et al. v. Ana Matosantas et al. ("CRA Litigation"). Specifically, the Court upheld as constitutional Assembly Bill 1X 26 ("AB 26"), the legislation that freezes redevelopment activities and dissolves community redevelopment agencies throughout the State, and struck down as unconstitutional Assembly Bill 1X 27 ("AB 27"), the legislation that would have allowed cities and counties to continue to operate their redevelopment agencies by voluntarily making continuation payments to the State, counties, school districts and other local government bodies.

DISCUSSION:

As part of the Court's ruling, the Court extended certain dates and deadlines for performance of obligations listed in Part 1.85 (§§ 34170-34191) of AB 26. Based on the Court's ruling and reformation of the dates and deadlines in Part 1.85 of AB 26 to dissolve redevelopment agencies, special counsel recommends certain routine actions, including that (i) the City Council elects the City of Imperial Beach to be designated as the successor agency to the Redevelopment Agency and implement duties under AB 26; and (ii) the City Council ratify the transfer of the Agency's housing assets to the Imperial Beach Housing Authority, as authorized under AB 26; both subject to an express reservation of rights, as applicable.

PROPOSED ACTIONS:

1. Adopt Resolution No. 2012-7136 whereby the City Council elects to have the City of Imperial Beach designated as successor agency to the Imperial Beach Redevelopment Agency and implement the duties under AB 26, subject to certain reservation of rights.
2. Adopt Resolution No. 2012-7137 whereby the City Council ratifies the transfer of the Agency's housing assets to the Imperial Beach Housing Authority pursuant to AB 26, subject to certain reservation of rights.

ENVIRONMENTAL DETERMINATION:

Pursuant to Title 14 of the California Code of Regulations, section 15378(b)(4), this item is not subject to California Environmental Quality Act ("CEQA") review pursuant to CEQA Guidelines Section because such approvals are not considered a project, are government funding mechanisms and fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Mayor and City Council consider this report and the attached resolutions. If Council chooses:

1. Adopt Resolution No. 2012-7136.
2. Adopt Resolution No. 2012-7137.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7136.
2. Resolution No. 2012-7137.

RESOLUTION NO. 2012-7136

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DESIGNATING THE CITY OF IMPERIAL BEACH AS THE SUCCESSOR AGENCY UNDER PART 1.85 OF THE HEALTH AND SAFETY CODE SUBJECT TO RESERVATIONS HEREIN STATED

THE CITY OF IMPERIAL BEACH HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Whereas, the City of Imperial Beach formed the Imperial Beach Redevelopment Agency ("Agency"), which has continuously engaged in redevelopment activities under the Community Redevelopment Law (Health and Safety Code sections 33000 et seq.); and

Section 2. Whereas, by enactment of Part 1.85 of the Health and Safety Code, subject to all reservations herein stated, the Agency is subject to dissolution on February 1, 2012 such that the Agency shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

Section 3. Whereas, Health and Safety Code section 34173(a) designates successor agencies as successor entities to former redevelopment agencies; and

Section 4. Whereas, the City Council of the City of Imperial Beach desires to declare itself as the successor agency upon the dissolution of the Agency, subject to all reservations herein stated; and

Section 5. Whereas, the City Council of the City of Imperial Beach hereby desires to adopt this Resolution, subject to the express reservation of rights of the City of Imperial Beach and Agency under law and/or equity, including without limitation the effectiveness of Assembly Bill No. 26 (2011-2012 1st Ex. Sess.) ("AB 1x 26"), collectively, "Laws"; and

Section 6. Whereas, the City Council does not intend, by adoption of this resolution, to waive any constitutional and/or legal rights under law and/or equity, including without limitation the effectiveness of AB 1x 26, by virtue of the adoption of this Resolution and, therefore, reserves all of its rights under Laws to challenge the applicability of AB 1x 26 to the Agency and/or the City of Imperial Beach in any administrative or judicial proceeding; and

Section 7. All other legal prerequisites to the adoption of this Resolution have occurred.

Section 8. The City Council of the City of Imperial Beach hereby finds and determines that the foregoing recitals are true and correct.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

1. Subject to all reservations herein stated, the City of Imperial Beach hereby elects to become the successor agency under Health and

Safety Code section 34173(a) and implement all duties of successor agencies under Part 1.85 of the Health and Safety Code.

2. The City Manager is hereby authorized to administer the responsibilities of the City of Imperial Beach under Part 1.85 of the Health and Safety Code.
3. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this 5th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Janney, Mayor

ATTEST:

Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

Jennifer Lyon, City Attorney

RESOLUTION NO. 2012-7137**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH UNDER PART 1.85 OF DIVISION 24 OF THE HEALTH AND SAFETY CODE DESIGNATING THE IMPERIAL BEACH HOUSING AUTHORITY TO PERFORM THE HOUSING FUNCTIONS PREVIOUSLY PERFORMED BY THE AGENCY SUBJECT TO RESERVATIONS HEREIN STATED**

THE CITY OF IMPERIAL BEACH HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Whereas, the City of Imperial Beach formed the City of Imperial Beach Redevelopment Agency ("Agency"), which has continuously engaged in redevelopment activities under the Community Redevelopment Law (Health and Safety Code sections 33000 et seq.)(“CRL”); and

Section 2. Whereas, Sections 33334.2 and 33334.3 of the Community Redevelopment Law require the Agency to use not less than 20 percent of taxes allocated to the Agency pursuant to Section 33670 of the CRL for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing ("Low and Moderate Income Housing Fund"); and

Section 3. Whereas, the Agency has continuously utilized its Low and Moderate Income Housing Fund for the purpose of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing cost; and

Section 4. Whereas, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations herein stated, the Agency is subject to dissolution on February 1, 2012 such that the Agency shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

Section 5. Whereas, subject to all reservations herein stated and pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the City Council of the City of Imperial Beach desires to designate Imperial Beach Housing Authority ("Authority") to receive the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the CRL, including, but not limited to, Section 33418; and

Section 6. Whereas, the City Council of the City of Imperial Beach hereby desires to adopt this Resolution, subject to the express reservation of rights of the City of Imperial Beach, Agency and Authority under law and/or equity, including without limitation the effectiveness of Assembly Bill No. 26 (2011-2012 1st Ex. Sess.) ("AB 1x 26") (collectively, "Laws"); and

Section 7. Whereas, the City Council does not intend, by adoption of this resolution, to waive any constitutional and/or legal rights under law and/or equity, including without limitation the effectiveness of AB 1x 26, by virtue of the adoption of

this Resolution and, therefore, reserves all of its rights under Laws to challenge the applicability of AB 1x 26 to the Agency and/or the City of Imperial Beach and/or Authority in any administrative or judicial proceeding; and

Section 8. All other legal prerequisites to the adoption of this Resolution have occurred.

Section 9. The City Council of the City of Imperial Beach hereby finds and determines that the foregoing recitals are true and correct.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

1. Subject to all reservations herein stated and pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the City of Imperial Beach hereby designates the Authority to receive the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418.
2. The designation of Authority under this Resolution is expressly contingent upon Authority being duly authorized to take, and taking, such actions as are needed to effectuate the transfer described in the immediately preceding paragraph.
3. The City Manager is hereby authorized to make all notifications of such designation as deemed necessary under Part 1.85 of Division 24 of the Health and Safety Code and to execute all documents and take all actions necessary and convenient to carry out and implement the designation of the Authority to receive the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418.
4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this 5th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Janney, Mayor

ATTEST:

Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

Jennifer Lyon, City Attorney



**STAFF REPORT
IMPERIAL BEACH HOUSING AUTHORITY**

TO: CHAIR AND MEMBERS OF THE HOUSING AUTHORITY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: JANUARY 5, 2012

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
GERARD E. SELBY, REDEVELOPMENT COORDINATOR

SUBJECT: Resolution Pursuant to AB 26 for Approval of Transfer of Agency Housing Assets to the Imperial Housing Authority

BACKGROUND:

On December 29, 2011, the California Supreme Court ("Court") issued its final opinion in the redevelopment related litigation action, California Redevelopment Association et al. v. Ana Matosantas et al. ("CRA Litigation"). Specifically, the Court upheld as constitutional Assembly Bill 1X 26 ("AB 26"), the legislation that freezes redevelopment activities and dissolves community redevelopment agencies throughout the State, and struck down as unconstitutional Assembly Bill 1X 27 ("AB 27"), the legislation that would have allowed cities and counties to continue to operate their redevelopment agencies by voluntarily making continuation payments to the State, counties, school districts and other local government bodies.

DISCUSSION:

As part of the Court's ruling, the Court extended certain dates and deadlines for performance of obligations listed in Part 1.85 (§§ 34170-34191) of AB 26. Based on the Court's ruling and reformation of the dates and deadlines in Part 1.85 of AB 26 to dissolve redevelopment agencies, special counsel recommends certain routine actions, including that the Housing Authority ratify the transfer of the Agency's housing assets to the Housing Authority, as authorized under AB 26, subject to an express reservation of rights, as applicable.

PROPOSED ACTIONS:

1. Adopt Resolution No. HA-12-06 whereby the Housing Authority ratifies the

transfer of the Agency's housing assets to the Housing Authority as authorized under AB 26, subject to certain reservation of rights.

ENVIRONMENTAL DETERMINATION:

Pursuant to Title 14 of the California Code of Regulations, section 15378(b)(4), this item is not subject to California Environmental Quality Act ("CEQA") review pursuant to CEQA Guidelines Section because such approvals are not considered a project, are government funding mechanisms and fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Chairman and Housing Authority consider this report and the attached resolution and choose to adopt:

1. Adopt Resolution No. HA-12-06.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department Recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution No. HA-12-06

RESOLUTION NO. HA-12-06

RESOLUTION OF THE IMPERIAL BEACH HOUSING AUTHORITY ACCEPTING THE TRANSFER OF THE HOUSING ASSETS AND FUNCTIONS OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY UNDER PART 1.85 OF DIVISION 24 OF THE HEALTH AND SAFETY CODE SUBJECT TO RESERVATIONS HEREIN STATED

THE IMPERIAL BEACH HOUSING AUTHORITY HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Whereas, the City of Imperial Beach formed the Imperial Beach Redevelopment Agency ("Agency"), which has continuously engaged in redevelopment activities under the Community Redevelopment Law (Health and Safety Code sections 33000 et seq.)(“CRL”); and

Section 2. Whereas, Sections 33334.2 and 33334.3 of the CRL require the Agency to use not less than 20 percent of taxes allocated to the Agency pursuant to Section 33670 of the CRL for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing ("Low and Moderate Income Housing Fund"); and

Section 3. Whereas, the Agency has continuously utilized its Low and Moderate Income Housing Fund for the purpose of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing cost; and

Section 4. Whereas, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations herein stated, the Agency is subject to dissolution on February 1, 2012 such that the Agency shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

Section 5. Whereas, pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the City Council of the City of Imperial Beach has duly adopted Resolution No. 2012-7136 ("Resolution"), subject to all reservations therein stated, designating that the Authority receive a transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418; and

Section 6. Whereas, the City Council of the City of Imperial Beach adopted the Resolution, subject to the express reservation of rights of the City of Imperial Beach, Agency and Authority under law and/or equity, including without limitation the effectiveness of Assembly Bill No. 26 (2011-2012 1st Ex. Sess.) ("AB 1x 26") (collectively, "Laws"); and

Section 7. Whereas, subject to all reservations herein stated and pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the Authority desires to

accept the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency, including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418; and

Section 8. Whereas, the Authority does not intend, by adoption of this resolution, to waive any constitutional and/or legal rights by virtue of the adoption of this resolution and, therefore, reserves all of its rights under Laws to challenge the applicability of AB 1x 26 to the City of Imperial Beach, Agency and Authority in any administrative or judicial proceeding; and

Section 9. All other legal prerequisites to the adoption of this resolution have occurred.

Section 10. The Authority hereby finds and determines that the foregoing recitals are true and correct.

NOW, THEREFORE, BE IT RESOLVED BY THE AUTHORITY AS FOLLOWS:

1. Subject to all reservations herein stated and pursuant to Part 1.85 of Division 24 of the Health and Safety Code, the Authority accepts the transfer of, without limitation, all of the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the Agency upon the dissolution of the Agency , including enforcement of affordability covenants and performance of related activities pursuant to applicable provisions of the Community Redevelopment Law (Part 1, commencing with Section 33000), including, but not limited to, Section 33418.
2. The Executive Director is hereby authorized to make all notifications of such acceptance, as deemed necessary under Part 1.85 of Division 24 of the Health and Safety Code and to execute all documents and take all actions necessary and convenient to carry out and implement the transfer to the Authority of the rights, powers, assets, duties and obligations associated with the housing activities of the Agency and to administer the Authority's obligations, responsibilities and duties to be performed thereunder.
3. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this 5th day of January, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Janney, Chairperson

ATTEST:

Jacqueline Hald, Authority Secretary

APPROVED AS TO FORM:

Jennifer Lyon, Authority General Counsel