

SUCCESSOR AGENCY RESOLUTION NO. 14-6

A RESOLUTION OF THE MEMBERS OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING AMENDMENT OF THE 2013-2015 BIENNIAL BUDGET LINE ITEM DEED RESTRICTED/AREA T

WHEREAS, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for the Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan sets forth a plan for redevelopment of the Merged Project Area (the "Project Area"); and

WHEREAS, the former Richmond Community Redevelopment Agency (the "former Agency") was responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including installation of public improvements consistent with the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to make certain payments; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

WHEREAS, on December 29, 2011 the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, AB 1X 26 provides that successor agencies be designated as successor entities to the former redevelopment agencies, and provides that, with certain exceptions, all authorities, rights, powers, duties and obligations previously vested with the former redevelopment agencies, under the California Redevelopment Law, are vested in the successor agencies; and

WHEREAS, in accordance with Health and Safety Code ("HSC") Section 34173, the Successor Agency to the Richmond Community Redevelopment Agency ("Successor Agency") was created on January 24, 2012; and

WHEREAS, the obligation to perform Marina Bay environmental remediation and monitoring work (the "Project") is included in the approved Recognized Obligation Payment Schedules ("ROPS" 13-14A) for the periods July 2013 to December 2013 and ("ROPS" 13-14B) for the periods January 2014 to June 2014 as line item No. 88, approved by the Oversight Board of the Successor Agency at its meetings of February 21, 2013 and September 26, 2013, respectively, and in compliance with HSC 34177 (I); and

WHEREAS, ROPS 13-14A was approved by the California State Department of Finance on April 14, 2013 and ROPS 13-14B was approved by the California State Department of Finance on November 10, 2013; and

WHEREAS, HSC 34177 (a) requires that the Successor Agency make payments on debts and obligations listed on the approved ROPS; and

WHEREAS, on July 13, 2004 the former Community Redevelopment Agency Board approved Resolution number 04-25 with Department of Toxic Substances Control ("DTSC") for deed covenants to restrict use of certain Marina Bay parcels and on October 15 and November

19, 2013, the Successor Agency Board awarded contracts with PES Environmental, Inc. (“PES”) for implementation of the Project; and

WHEREAS, on June 25, 2013 the City Council and Successor Agency Board adopted the 2013-2015 Biennial Budget (“Budget”); and

WHEREAS, the Budget provided for Project expenditures in Fiscal Year 2013-2014; and

WHEREAS, due to additional costs from soil gas evaluation work near the southwest portion of Shimada Friendship Park and the eastern portion of Peninsula Drive (“Shimada Park and Peninsula Drive”) and a breach of the cap at the Regatta Boulevard deed restricted location during street improvement work, as well certain additional work to ensure proper documentation and public health and safety processes as necessitated by DTSC at Shimada Park and Peninsula Drive (collectively the “Additional Work”), the Fiscal Year 2013-2014 budget amount for this work under Line Item Deed Restricted/Area T has been exhausted; and

WHEREAS, the Additional Work related to Shimada Park and Peninsula Drive Area is complete and has been submitted to and accepted by DTSC. The Additional Work related to Regatta Boulevard is continuing and will require continued work by PES and monitoring by DTSC; and

WHEREAS, by the agenda report accompanying this Resolution (“Agenda Report”) the Successor Agency Board has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Successor Agency Board finds the above recitals are true and correct and have served, together with the Agenda Report, as the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency Board hereby authorize the amendment of the Budget line item Deed Restricted/Area T, to increase Fiscal Year 2013-2014 expenditures for this line item by \$185,000.00 to be funded by the Real Property Tax Trust Fund for Fiscal Year 2013-2014.

BE IT FURTHER RESOLVED that the Successor Agency designates the City Clerk as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

I certify that the foregoing Resolution was passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency Board at a regular meeting held on May 20, 2014 by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the Successor Agency

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Successor Agency Board Chair

Approved as to form:

BRUCE GOODMILLER
Successor Agency Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 14-6**, finally passed and adopted by the Successor Agency to the Richmond Community Redevelopment Agency Board at a regular meeting held on May 20, 2014.