

RESOLUTION 2019/37

RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD

FOR THE COUNTY OF CONTRA COSTA

A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD APPROVING A COOPERATIVE AGREEMENT BETWEEN THE EAST BAY REGIONAL PARKS DISTRICT AND THE PITTSBURG SUCCESSOR AGENCY

WHEREAS, the East Bay Regional Park District (the “District”) and the former Redevelopment Agency of the City of Pittsburg (the “Agency”) entered into a Fiscal Agreement dated September 7, 1993, in connection with an amendment to the Los Medanos Community Development Project (the “1993 Fiscal Agreement”); and

WHEREAS, pursuant to Section 2.4 of the 1993 Fiscal Agreement, the Agency agreed to provide financial assistance to the District in the amount of \$500,000.00 (the “Funding Obligation”) for improvements of regional facilities within Pittsburg or within the vicinity of Pittsburg; and

WHEREAS, under the terms of the 1993 Fiscal Agreement, the Agency and the District were required to enter into a separate agreement related to the improvements of regional facilities and funding for such improvements; and

WHEREAS, pursuant to Section 2.4 of the 1993 Fiscal Agreement, if an agreement was not executed by the District and Agency by June 30, 2004, the Agency was required to deposit the Funding Obligation in account where it will accrue interest. To date, the total amount of interest accrued on the Funding Obligation is \$47,668.85 and will continue to accrue interest quarterly at the Local Agency Investment Fund rate until paid; and

WHEREAS, the California Legislature adopted, the Governor signed, and the California Supreme Court, in *California Redevelopment Association, et al. v. Matosantos*, (2012) 53 Cal.4th 231, upheld, Assembly Bill x1 26 (“AB 26”). Pursuant to AB 26, all California redevelopment agencies were dissolved effective February 1, 2012; and

WHEREAS, as added by AB 26, California Health and Safety Code Section 34173(b) provides that the authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies are vested in the successor agencies. Assembly Bill 1484, enacted June 27, 2012, modified AB 26 (“AB 1484” and together with AB 26 the “Dissolution Law”); and

WHEREAS, pursuant to Section 34177.3(a) the Successor Agency may not create new Enforceable Obligations (as defined in Section 34171(d)(1) of the Dissolution Law) except in compliance with an Enforceable Obligation that existed prior to June 28, 2011; and

WHEREAS, the 1993 Fiscal Agreement is an Enforceable Obligation that existed prior to June 28, 2011; and

WHEREAS, the District and the Successor Agency intend that the Agreement will constitute the separate agreement regarding the improvements to regional facilities and funding for such improvements pursuant to Section 2.4 of the 1993 Fiscal Agreement.

NOW, THEREFORE, the Countywide Oversight Board for the County of Contra Costa does hereby resolve as follows:

Section 1.

All the recitals above are true and correct and incorporated herein.

Section 2.

The Countywide Oversight Board hereby adopts the Resolution approving the Agreement.

Section 3.

The Interim Executive Director is hereby authorized to execute the Agreement and to execute such other documents and take such further actions as may be necessary or appropriate to carry out the Countywide Oversight Board's obligations pursuant to this Resolution.

Section 4.

The Oversight Board Secretary shall certify to the adoption of this Resolution.

Section 5.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 28th of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Oversight Board Secretary

Attachments

Pittsburg Staff Report
Cooperative Funding Agreement
1993 Agreement
