

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/04/2012 by the following vote:

AYES: ☒ 5 **John Gioia**
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2012/454

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA APPROVING THE FIRST AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR THE PLEASANT HILL BART LEASING AUTHORITY

WHEREAS, the Pleasant Hill BART Station Leasing Authority (the "Authority") is a joint powers authority of Contra Costa County (the "County"), the Redevelopment Agency of Contra Costa County (the "Dissolved RDA"), and San Francisco Bay Area Rapid Transit District ("BART"). The Authority was created to facilitate the development of a mixed-use community of residential, employment, and retail uses around the Pleasant Hill Bay Area Rapid Transit Station; and

WHEREAS, the Joint Exercise of Powers Agreement for the Pleasant Hill BART Station Leasing Authority dated July 2, 2004, amended by the First Amendment to Joint Powers Agreement, dated June 14, 2005, and further amended by the Second Amendment to Joint Powers Agreement, dated February 25, 2008 (collectively, the "JEPA"), governs the activities and structure of the Authority; and

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, on January 17, 2012, and pursuant to Health and Safety Code Section 34173, the Board of Supervisors of the County of Contra Costa (the "Board of Supervisors") declared that the County would act as successor agency (the "Successor Agency") for the Dissolved RDA effective February 1, 2012; and

WHEREAS, pursuant to Assembly Bill 1484, enacted June 27, 2012 to amend various provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal entity from the County; and

WHEREAS, the amended Dissolution Act requires the Successor Agency to wind down the affairs of the Dissolved RDA and limits the power of the Successor Agency to facilitate development of property adjacent to the Pleasant Hill Bay Area Rapid Transit Station and Health and Safety Code Section 34171(d)(1)(E) authorizes the Successor Agency to terminate any existing contracts of the Dissolved RDA; and

WHEREAS, the County and BART desire to amend the terms of the JEPA pursuant to the First Amended and Restated Joint Exercise of Powers Agreement for the Pleasant Hill BART Station Leasing Authority (the "Restated JEPA"), the form of which is on file with the County, as a means of complying with the amended Dissolution Act, by causing the removal of the Dissolved RDA (through the Successor Agency); and

WHEREAS, in connection with the County's consideration of this resolution, staff has provided to the County a detailed staff report and attached materials, evidencing that the removal of the Dissolved RDA from the Authority is revenue neutral because it neither changes the revenue due to the Successor Agency, nor does it change payment obligations of the Successor Agency; and

WHEREAS, amendments to the JEPA require the consent of all members of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds and determines that the foregoing recitals are true and correct, and, together with information provided by staff and the public, form the basis for the approvals, findings,

and determinations set forth below.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the execution of the Restated JEPA, subject to those reasonable modifications made by the Director, Contra Costa County Department of Conservation and Development (the "Director") or any designee of the Director, approved by legal counsel to the County, and subject to the approval of the BART governing board, and subject to any approvals required under the Dissolution Act.

BE IT FURTHER RESOLVED, that the Director, or in the absence or unavailability of the Director, any officer of the County Board, acting alone, shall be authorized and directed to execute the Restated JEPA and any and all necessary agreements, certificates or documents necessary to perform and complete any activities contemplated in this resolution and the Restated JEPA.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby declares its intent that the Restated JEPA Agreement shall amend, replace, and supersede the original JEPA.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Contact: MaureenToms, 925 674-674-7878

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 4, 2012

David J. Twa, County Administrator and Clerk of the Board of Supervisors



By: Carrie Del Bonta, Deputy

cc: