

RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD

FOR THE COUNTY OF CONTRA COSTA

Adopted this Resolution on 09/23/2019 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution: 2019/51

In the Matter of: RESOLUTION NO. 19-51

Adoption of a Countywide Oversight Board Resolution Approving a Cooperative Funding Agreement Between The East Bay Regional Park District and the Successor Agency for the Redevelopment Agency of the City of Pittsburg,

The Countywide Oversight Board DOES RESOLVE as follows:

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 into an account where it will accrue interest. To date, the total amount of interest accrued on the Funding Obligation is \$77,943.73 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 propose to enter into a Cooperative Funding Agreement (the "Agreement") to ensure the completion of specific projects that the District and the City have collectively identified (the "Projects"), as listed in Exhibit A of the Agreement. The District and 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; and

WHEREAS, on January 28, 2019, by Resolution 2019/37, the Contra Costa County Oversight Board (the "Countywide Oversight Board") considered and approved the Agreement. Resolution 2019/37 was submitted to the DOF for consideration; and

WHEREAS, in a letter dated June 5, 2019, the DOF denied approval of Resolution 2019/137; and

WHEREAS, after much discussion and careful consideration by the DOF, DOF has instructed the Successor Agency to remove Section III from the Agreement and resubmit to the Countywide Oversight Board and DOF for consideration.

NOW, THEREFORE, the Countywide Oversight Board for the County of Contra Costa does hereby approve a Cooperative Funding Agreement between the East Bay Regional Park District and the **Pittsburg** Successor Agency.

PASSED AND ADOPTED this 23rd of September, 2019 by the following vote:

AYES: Glover, Gordon, Hild, Morgan and Murray; NOES: None; ABSENT: Lackey and Weir; ABSTAIN: None

ATTEST:



Maureen Toms, Oversight Board Secretary

Contact:

cc: Maria Aliotti , Maureen Toms