

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-03861
ADOPTED ON NOVEMBER 30, 2004

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO INITIATE ACTIONS AS APPROPRIATE PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33459 ET SEQ. [POLANCO REDEVELOPMENT ACT].

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to eliminate blight by implementing various redevelopment plans adopted for areas throughout the City of San Diego; and

WHEREAS, the environmental condition of many properties is a factor that contributes to blight, and investigation and mitigation of these contamination impacts is often a critical and necessary step in the redevelopment of these properties; and

WHEREAS, adequate environmental information is often nonexistent, yet the environmental concerns require prompt and effective action to minimize impediments to the redevelopment process; and

WHEREAS, authority has been granted to the Agency to take such prompt and effective action in Article 12.5, Division 24 of the California Health and Safety Code, section 33459 *et seq.* [Polanco Redevelopment Act or Act]; and

WHEREAS, the Executive Director and staff of the Agency have further recommended that authority be delegated to the Executive Director, or their designee, to exercise the authority granted the Agency by the Act, and to take all actions contemplated in the Act, or necessary to accomplish the purposes of the Act; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, that it delegates authority to the Executive Director of the Agency, or designee, to take any and all actions necessary as authorized by the Polanco Redevelopment Act and other supportive statutes; to obtain and review sufficient information about the condition of properties, whether by requesting existing information of property owners or by obtaining the information by direct investigations using the Agency's authority to seek access to property as provided by the Act and other supporting law; to identify and name responsible parties as may be necessary and appropriate, including issuing sixty-day notices pursuant to the Polanco Redevelopment Act; to initiate legal actions under the Polanco Redevelopment Act; and to take any and all other actions as appropriate and as authorized by the Polanco Redevelopment Act.

BE IT FURTHER RESOLVED, that the Executive Director of the Agency, or designee, is authorized to use the following Polanco Procurement Policy when entering into contracts for work that may be required as result of these activities. In such instances, the Agency or its designees may enter into contracts as follows:

- a) contracts with environmental contractors and consultants on the Agency's or the public corporations' approved list of on-call contractors;
- b) contracts with owner(s) of properties upon which Polanco activities are required, or with environmental consultants who have contracted with or are preferred by owners

or the proposed developers of properties where Polanco Act activities are required or desired;

c) contracts with consultants or contractors that are under contract with the federal government, the State of California, the City of San Diego or any other political subdivision or special district, for similar work, when it is practical and efficient for the Agency or its designee to have the work accomplished by that same contractor;

d) contracts with other public agencies for the oversight of environmental activities or assistance in investigation or mitigation activities;

e) when sufficient funds are available through:

(1) Agency or public Corporation approved and budgeted funding sources; or

(2) funds designated for the acquisition of properties or funds that either the Agency or one of the public Corporations that act in its name has withheld from its deposits with the court in connection with a condemnation action; or

(3) funds that are properly available from other third parties, property developers, grant proceeds, gifts or donations as may be available.

BE IT FURTHER RESOLVED, that for any contract entered into pursuant to this procurement policy, the Agency is authorized to include only the amount of Agency (or public corporation) funds paid under such authorized contracts when calculating contract amount limits under Agency or corporate policies for use of funds, and to specifically exempt funds received from owners, or other legally obligated third parties, when calculating such contract limits. The Agency here finds and determines that any contracts procured in any of the situations described above, or variants that may be cost effective and efficient when exercising Polanco authority, are

in compliance with the Agency's procurement policy and that of any of the public corporations which act in its name and for its benefit.

APPROVED: CASEY GWINN, General Counsel

By _____
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Deputy Counsel

DKH:ai
11/16/04
Or.Dept:REDV
Aud.Cert:n/a
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Council:n/a