

RESOLUTION NUMBER R- **314567**DATE OF FINAL PASSAGE **JAN 13 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, (i) APPROVING THE SEVENTEENTH RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2023, THROUGH JUNE 30, 2024 (ROPS 17), (ii) APPROVING AN ADMINISTRATIVE BUDGET FOR THE ROPS 17 FISCAL YEAR, AND (iii) AUTHORIZING THE MAYOR AND CHIEF FINANCIAL OFFICER TO CARRY OUT CERTAIN RELATED ACTIONS.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, the Former RDA dissolved as of February 1, 2012, upon the deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in *California Redevelopment Assn. v. Matosantos*, 53 Cal. 4th 231 (2011); and

WHEREAS, under San Diego Resolution R-307238 adopted by the City Council effective January 12, 2012, the City, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), elected to serve as the successor agency to the Former RDA, and the City also elected to serve as housing successor to the Former RDA in order to retain housing assets and assume housing responsibilities; and

WHEREAS, at the time of the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's operations in accordance with AB 26, enacted on June 28, 2011, Assembly Bill 1484, enacted on June 27, 2012, and subsequent related legislation (collectively, Dissolution Laws); and

WHEREAS, as required by California Health and Safety Code (Code) section 34179(j), the Countywide Redevelopment Successor Agency Oversight Board for the County of San Diego (Oversight Board) was formed in July 2018 to oversee certain actions and decisions of the Successor Agency and other local successor agencies under the Dissolution Laws; and

WHEREAS, the San Diego County Auditor-Controller (County Auditor), the State Controller, and the State Department of Finance (State DOF) also possess certain rights and obligations under the Dissolution Laws with respect to the Successor Agency's administration of winding down the Former RDA's operations; and

WHEREAS, under Code section 34177(o), Successor Agency staff must prepare a Recognized Obligation Payment Schedule (ROPS) on a forward-looking basis, showing the payments to be made toward "enforceable obligations" as defined in Code section 34171(d) and the funding sources for the payments during the upcoming fiscal year; and

WHEREAS, Successor Agency staff has prepared the proposed seventeenth ROPS covering the fiscal year beginning July 1, 2023, and ending June 30, 2024 (ROPS 17), also

known as ROPS 23-24, a copy of which is included as Attachment A to the staff report accompanying this Resolution (Staff Report); and

WHEREAS, the State DOF is requiring use of an updated electronic template for submission of ROPS 17, but the State DOF did not provide the Successor Agency with access to this updated template until early December 2022; and

WHEREAS, Successor Agency staff has prepared ROPS 17 using the State DOF's updated ROPS template, but may need to update certain factual information and correspondingly adjust the Notes spreadsheet for various line items in ROPS 17; and

WHEREAS, Code section 34177(o) requires the Successor Agency to obtain the Oversight Board's approval of ROPS 17 and submit ROPS 17 to the State DOF by February 1, 2023, and subjects both the City and the Successor Agency to specified civil penalties in the event that ROPS 17 is not timely submitted to the State DOF; and

WHEREAS, the anticipated dates for the County Auditor's semi-annual distributions of property taxes generated in the redevelopment project areas to the Successor Agency and local taxing entities with respect to ROPS 17 are the first business day in June 2023 and the first business day in January 2024 (each, a ROPS 17 Distribution Date); and

WHEREAS, Code section 34177(o)(1) requires the State DOF to review ROPS 17 and make a determination of enforceable obligations and proposed funding sources in ROPS 17 no later than April 15, 2023; and

WHEREAS, Code section 34177(o)(1) further provides that the Successor Agency may, within five business days after the State DOF's initial determination on ROPS 17, request additional review by the State DOF and an opportunity to meet and confer with the State DOF on

disputed items in ROPS 17, and the State DOF must notify the Successor Agency and the County Auditor regarding the outcome of its additional review at least 15 days before the first ROPS 17 Distribution Date; and

WHEREAS, Code section 34182.5 enables the County Auditor to deliver written notice, at least 60 days before the first ROPS 17 Distribution Date, objecting to the inclusion of any items in ROPS 17 that are not demonstrated to be enforceable obligations, and further enables the Oversight Board, in response to any such County Auditor objection, to refer any disputed ROPS 17 item to the State DOF for a determination of what will be approved for inclusion in ROPS 17; and

WHEREAS, Code section 34177(j) requires the Successor Agency to prepare, and submit to the Oversight Board for approval, an administrative budget for each six-month fiscal period, estimating the administrative costs to be expended during the applicable six-month fiscal period, identifying the proposed sources of payment for such administrative costs, and identifying proposed arrangements for administrative and operations services provided by the City or any other entity; and

WHEREAS, Successor Agency staff has prepared a proposed Annual Administrative and Project Management Budget for the Successor Agency, comprised of two six-month budgets for July 1, 2023, through December 31, 2023, and January 1, 2024, through June 30, 2024, respectively, covering the entire ROPS 17 time period (collectively, the ROPS 17 Administrative Budget), a copy of which is included as Attachment B to the Staff Report; and

WHEREAS, the ROPS 17 Administrative Budget shows the total amount of administrative and project management costs during the ROPS 17 time period, to be paid using a combination of the three percent administrative cost allowance permitted under the Dissolution

Laws and other, non-ROPS funding sources, consisting of rent and lease payments received by the City with respect to certain Former RDA properties; and

WHEREAS, the ROPS 17 Administrative Budget contemplates the Successor Agency's payment of funds to the City in exchange for the provision of certain services by the City and its consultant, Civic San Diego, related to winding down the Former RDA's operations; and

WHEREAS, Code section 34179(p) states that decisions made by the Oversight Board, within its purview, will supersede decisions made by the Successor Agency or its staff; and

WHEREAS, the Oversight Board's decision regarding approval of ROPS 17 will not become effective until after the decision has been approved or deemed approved by the State DOF in accordance with Code sections 34177(o) and 34179(h); and

WHEREAS, it is thus assumed for purposes of this Resolution that any modifications to ROPS 17 made by the Oversight Board or the State DOF will be binding on the Successor Agency, subject to the outcome of any meet-and-confer process on disputed items in ROPS 17 initiated by Successor Agency staff with the State DOF; and

WHEREAS, under Code section 34179(h)(1)(B), the Oversight Board's decision with respect to the ROPS 17 Administrative Budget will become effective immediately, without any need for review by the State DOF; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

1. The Successor Agency approves ROPS 17, covering the fiscal year beginning July 1, 2023, and ending June 30, 2024, which shall be placed on file in the Office of the City Clerk as Document No. RR- 314567-1
2. The Mayor, or designee, is authorized and directed, on the Successor Agency's behalf, to take all actions necessary and appropriate to carry out and implement the purposes of this Resolution and to fulfill the Successor Agency's statutory obligations with respect to ROPS 17, including, but not limited to: (a) submitting ROPS 17 to the Oversight Board, the County Administrative Officer, the County Auditor, the State Controller, and the State DOF; (b) posting ROPS 17 on the Successor Agency's internet website; (c) making any necessary adjustments and adding factual information to ROPS 17, including the Notes spreadsheet, to conform to the State DOF's updated mandatory ROPS template, provided that the substantive content of ROPS 17 remains substantially the same as approved by the Successor Agency; and (d) requesting additional review by the State DOF of disputed items in ROPS 17, after receipt of the State DOF's initial determination on ROPS 17, and engaging in a meet-and-confer process with the State DOF on disputed items in ROPS 17, as may be deemed by the Mayor, or designee, to be in the best interests of the Successor Agency or the City, or both.
3. The Chief Financial Officer is authorized to appropriate and expend funds as needed in accordance with ROPS 17, contingent upon approval of ROPS 17 by the Oversight Board and the State DOF.
4. The Successor Agency adopts the ROPS 17 Administrative Budget, which shall be placed on file in the Office of the City Clerk as Document No. RR- 314567-2

5. The Mayor, or designee, is authorized and directed, on the Successor Agency's behalf, to take all actions necessary and appropriate to fulfill the Successor Agency's statutory obligations with respect to the ROPS 17 Administrative Budget.

6. The Chief Financial Officer is authorized to appropriate and expend funds as needed in accordance with the ROPS 17 Administrative Budget, utilizing the funding sources identified therein, contingent upon approval of the ROPS 17 Administrative Budget by the Oversight Board.

7. The Successor Agency and the City reserve all legal rights and remedies with respect to the approval and implementation of ROPS 17 and the ROPS 17 Administrative Budget. The actions taken in this Resolution are not intended as, and shall not constitute, a waiver by the Successor Agency or the City of any of their rights to challenge the validity or effectiveness of all or any portion of the Dissolution Laws through administrative or judicial proceedings.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Kevin Reisch
Kevin Reisch
Senior Chief Deputy City Attorney

KJR:sc
12/16/2022
Or.Dept: Econ. Dev.
CC No.: N/A
Doc. No. 3168215

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 10 2023

ELIZABETH S. MALAND
City Clerk

By Kristen Medina
Deputy City Clerk

Approved: 1/13/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 10 2023, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 13 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314567