

Memo

To: Albany Reinvestment Agency Oversight Review Board

From: Paul S. Rankin, Regional Government Services Authority – Finance Advisor

Cc: Nicole, Almaguer, OB Secretary; Craig Labadie OB Legal Counsel; Karen Tiedermann, OB Special Legal Counsel; David Glasser, Finance Director

Date: October 28, 2015

Re: Technical Corrections To Resolutions (OB 2015-04 and OB 2015-05)

As part of the State Department of Finance (DOF) review of actions taken by the Oversight Board at its meeting on September 21, 2015, legal counsel suggested technical corrections be made to two of the Resolutions.

Craig Labadie, Legal Counsel reviewed the corrections and considered them to non-substantive technical clarifications. Therefore, Staff administratively made the adjustments as shown in the attached redline versions to each of the following Resolutions:

Resolution OB 2015-04: Resolution addressed the lack of property ownership and responsibility for completing a Long Range Property Management Plan.

Resolution OB 2015-05: Resolution approved dissolution no later than December 31, 2016.

On October 27, 2015, Karen Tiedermann, Special Legal Counsel who has been in discussions directly with DOF, filed a letter withdrawing the two resolutions. In addition the letter withdrew Resolution OB 2015-03 Approving the Settlement Agreement, as this was a companion to the two resolutions. No changes were necessary to Resolution OB 2015-03.

On October 28, 2015 Staff re-filed with DOF all three Resolutions. The two Resolutions with the clarifications were renumbered to include the letter "A" after the Resolution number. Staff will post a copy of this memorandum as well as the corrected resolutions to the City website.

If there are any questions, it may be easiest to communicate directly with Penelope Leach, City Manager pleach@albanyca.org , or Craig Labadie, Agency Counsel clabadie@albanyca.org .

Attachments:

1. Redline showing changes made to Resolution OB 2015-04
2. Redline showing changes made to Resolution OB 2015-05

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY
REINVESTMENT AGENCY
RESOLUTION NO. OB 2015-04A

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY OF THE ALBANY COMMUNITY REINVESTMENT AGENCY
FINDING THAT THE SUCCESSOR AGENCY HAS NO REAL PROPERTY
ASSETS TO INCLUDE IN A LONG-RANGE PROPERTY MANAGEMENT
PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5
AND APPROVING A LETTER FROM THE SUCCESSOR AGENCY TO THE
DEPARTMENT OF FINANCE TO THAT EFFECT

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Law"), the Albany Community Reinvestment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Albany, acting in a separate limited capacity and known as the Successor Agency of the Albany Community Reinvestment Agency, has elected to serve as the successor agency (the "Successor Agency") of the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Albany (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, at the time of dissolution the Dissolved RDA did not own any real property; and

~~WHEREAS, the Successor Agency expects to receive "Finding of Completion" from the California Department of Finance (the "DOF") pursuant to Health and Safety Code Section 34179.7, confirming that the Successor Agency had made specified required payments under the Dissolution Law upon full approval of a Settlement Agreement settling litigation between the Successor Agency and the DOF; and~~

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), ~~upon receipt of the Finding of Completion~~ the Successor Agency will be entitled to prepare and submit a Long-Range Property Management Plan (the "PMP") to the Oversight Board and the DOF; and

WHEREAS, the Successor Agency has informed the Oversight Board that the Dissolved RDA did not own any real property assets at the time of dissolution and therefore the Successor Agency is not holding any Dissolved RDA real property assets that would be the subject of a long range property management plan; and

WHEREAS, the Successor Agency has prepared a letter to the DOF stating that the Successor Agency does not have any real property assets that would be the subject of a long range property management plan.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff and the public, form the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED that the Oversight Board hereby finds that the Dissolved RDA was not holding any real property assets at the time of dissolution and therefore the Successor Agency did not receive any real property assets from the Dissolved RDA to be considered in a long range property management plan.

BE IT FURTHER RESOLVED, that the Oversight Board hereby approves the letter to the DOF stating that the Successor Agency does not have any real property assets that would be the subject of long range property management plan or in the alternative, if required by the DOF, the submission of a long range property management plan in a form to be determined by the Successor Agency that indicates that the Successor Agency does not have any real property assets.

BE IT FURTHER RESOLVED, the Oversight Board hereby directs its Designated Contact Official, or the Designated Contact Official's designee, to provide written notice and information about this Resolution to the California Department of Finance in accordance with Health and Safety Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).

ALBANY, CALIFORNIA, September 21, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST:

Secretary of the Oversight Board to
the Albany Successor Agency

OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY
REINVESTMENT AGENCY
RESOLUTION NO. OB 2015-05A

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE
ALBANY COMMUNITY REINVESTMENT AGENCY APPROVING DISSOLUTION OF
THE SUCCESSOR AGENCY NO LATER THAN DECEMBER 31, 2016

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Law"), the Albany Community Reinvestment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Albany, acting in a separate limited capacity and known as the Successor Agency of the Albany Community Reinvestment Agency, has elected to serve as the successor agency (the "Successor Agency") of the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Albany (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, the Successor Agency intends to enter into a Settlement Agreement with the Department of Finance ("DOF") resolving litigation between the Successor Agency and the DOF regarding the Other Funds Due Diligence Review; and

WHEREAS, upon execution of the Settlement Agreement, the Successor Agency intends, no later than December 31, 2016, to dissolve ~~by taking the following actions~~ in accordance with the Dissolution Law (with particular reference to Health and Safety Code Section 34187(b)); ~~including, without limitation;~~

- ~~1. fully repaying and retiring all debt of the Dissolved RDA;~~
 - ~~2. fully performing, assigning or terminating all contracts and other obligations of the Dissolved RDA;~~
 - ~~3. fully disposing of all remaining assets of the Dissolved RDA;~~
 - ~~4. remitting to the Alameda County Auditor Controller, for distribution to the affected taxing entities, all remaining funds in the possession of the Successor Agency; and~~
- WHEREAS, the Successor Agency has informed the Oversight Board that the (1) the Successor Agency has no outstanding amounts owed for any enforceable obligations as defined by Health and Safety Code Section 34171, (2) all of the debt of the Successor Agency has been retired or paid off; and (3) the Successor Agency has no assets or if the Successor Agency has any assets, such assets shall be disposed of and the proceeds of the disposition of such assets shall be transferred to the Auditor-Controller for distribution to the affected taxing entities pursuant to Health and Safety Code Section 34183

~~5. submitting to the California Department of Finance (the "DOF") all documentation required by the DOF evidencing the Successor Agency's eligibility and intent to terminate its existence;~~

WHEREAS, the Oversight Board has determined that dissolution of the Successor Agency is in the best interest of the taxing entities.

NOW, THEREFORE BE IT RESOLVED, that the Oversight Board of the Successor Agency hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff and the public, form the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Oversight Board hereby authorizes the Successor Agency to take any and all actions necessary to dissolve the Successor Agency no later than December 31, 2016, including disposition of all remaining assets of the Dissolved Redevelopment Agency and the distribution to the Alameda County-Auditor Controller of all remaining funds for distribution to the taxing entities.

BE IT FURTHER RESOLVED, the Oversight Board hereby directs its Designated Contact Official, or the Designated Contact Official's designee, to provide written notice and information about this Resolution to the California Department of Finance in accordance with Health and Safety Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).

ALBANY, CALIFORNIA, September 21, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST:

Secretary of the Oversight Board to
the Albany Successor Agency