

## RESOLUTION NO. OB13-007

### **A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR THE PERIOD FROM JULY 1, 2013 THROUGH DECEMBER 31, 2013, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177**

The Oversight Board of the Successor Agency to the West Hollywood Community Development Commission (“Oversight Board”) does resolve as follows:

Section 1. The Board finds and declares that:

- A. Pursuant to Health & Safety Code §§ 34177 and 34180, on May 21, 2012, the Oversight Board approved an Initial Recognized Obligation Payment Schedule (“ROPS”) for the period from February 1, 2012 through June 30, 2012 and a ROPS for the period from July 1, 2012 through December 31, 2012, and submitted the Recognized Obligation Payment Schedules to the State Department of Finance (“DOF”) and State Controller;
- B. On May 31, 2012, DOF approved both the February – June 2012 ROPS and July – December 2012 ROPS;
- C. On June 27, 2012, the State Legislature enacted AB 1484 to “clean up” the prior redevelopment dissolution legislation (AB x1 26), which imposes additional Successor Agency auditing requirements;
- D. On August 23, 2012, the Oversight Board approved the ROPS for the period from January 1, 2013 through June 30, 2013, and transmitted the approved ROPS to DOF;
- E. On October 15, 2012, DOF issued a determination letter on the third ROPS, objecting to six enforceable obligations, including a permanent financing loan in the amount of \$3.5 million for the Courtyard at La Brea affordable housing project, \$27 million in funding for the Plummer Park project, \$1.8 million in funding for disabled access improvements to West Hollywood Community Housing Corporation buildings, and funding for employee oversight costs for the Janet L. Witkin Center affordable housing project, Courtyard at La Brea affordable housing project, and Plummer Park project. After a meet and confer with the Successor Agency, DOF issued a final determination letter reasserting its denial of the six disputed enforceable obligations;
- F. To comply with DOF requirements, the Oversight Board desires to adopt this ROPS without the disputed items; however, the Successor Agency and Oversight Board continue to claim that each of the six disputed obligations represents an enforceable obligation that should be included on the ROPS.

Section 2. *Recognized Obligation Payment Schedule and Administrative Budget.* The Oversight Board hereby adopts the Recognized Obligation Payment Schedule for the period from July 1, 2013 through December 31, 2013, attached as Exhibit A to this Resolution, and Successor Agency Administrative Budget for the period from July 1, 2013 through December 31, 2013, attached as Exhibit B to this Resolution.

Section 3. *Adoption Under Protest.* The Oversight Board determines that it must approve a ROPS to avoid imposition of potential penalties and fines to the City of West Hollywood (“City”) or the Successor Agency by DOF. Neither the adoption of this Resolution nor the performance of actions under or pursuant to this Resolution is intended by the Oversight Board, City, or Successor Agency to waive any right any of them may have to challenge DOF’s previous denial of disputed enforceable obligations included on the January – June 2013 ROPS, their inclusion on this ROPS, and/or the legality of all or any portion of AB X1 26, AB 1484, or the ROPS process, through administrative or judicial proceedings.

Section 4. *Authorization.* The officers and staff of the Oversight Board are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including but not limited to providing documents associated with the ROPS and Administrative Budget to the County Auditor-Controller, State Controller, and DOF.

Section 5. *Amendment.* The ROPS and Administrative Budget may be amended from time to time at any public meeting of the Oversight Board.

Section 6. *Environmental Determination.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).


Section 7. *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Oversight Board and applicable law. The findings and determinations constitute the independent findings and determinations of the Oversight Board in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Section 8. *Summaries of Information.* All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the Oversight Board. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.


Section 9. The Oversight Board Secretary is directed to certify the adoption of this Resolution; record this Resolution in the book of the Oversight Board's original resolutions; and make a minute of the adoption of the Resolution in the Oversight Board's records and the minutes of this meeting.

Section 10. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, AND ADOPTED this 28th day of February, 2013.

  
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RODERICK BURNLEY, Chairperson

ATTEST:

  
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Ivonne Evelyn Umana, Deputy Clerk  
Los Angeles County Board of Supervisors  
Acting as Secretary for the Oversight Board  
Of the Successor Agency to the  
West Hollywood Community Development Commission

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Oversight Board of the Successor Agency to the West Hollywood Community Development Commission at its regular meeting held on the 28th day of February, 2013, by the following vote, to wit:

MADELINE ROACHELL,  
PAUL AREVALO, DAVID FLAKS, TSILAH BURMAN, MARTIN ZIMMERMAN AND  
AYES; RODERIC BURNLEY  
NOES; NONE  
ABSENT: MEGAN REILLY

RESOLUTION NO. SA 13-11

A RESOLUTION OF THE SUCCESSOR AGENCY  
TO THE WEST HOLLYWOOD COMMUNITY  
DEVELOPMENT COMMISSION APPROVING A  
RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
AND ADMINISTRATIVE BUDGET FOR THE  
PERIOD JULY 1, 2013 THROUGH DECEMBER 31,  
2013 PURSUANT TO HEALTH AND SAFETY CODE  
SECTION 34177

The City Council, acting on behalf of the Successor Agency to the West Hollywood Community Development Commission ("Successor Agency") does resolve as follows:

SECTION 1. The City Council finds and declares that:

- a) On February 21, 2012, the Successor Agency adopted an Initial Recognized Obligation Payment Schedule covering February 1, 2012 through June 30, 2012, which describes the dates and amounts of scheduled payments for each enforceable obligation of the Successor Agency for the identified time period and identifies the funding source to pay each obligation;
- b) On May 7, 2012, the Successor Agency adopted a Recognized Obligation Payment Schedule covering the period of July 1, 2012 through December 31, 2012;
- c) Pursuant to Health & Safety Code § 34180, on May 21, 2012, the Oversight Board for the Successor Agency ("Oversight Board") approved an Initial Recognized Obligation Payment Schedule for the period from February 1, 2012 through June 30, 2012 and a Recognized Obligation Payment Schedule for the period from July 1, 2012 through December 31, 2012, and submitted the Recognized Obligation Payment Schedules to the Department of Finance ("DOF") and State Controller;
- d) On May 31, 2012, DOF approved both the February – June 2012 ROPS and July – December 2012 ROPS;
- e) On June 27, 2012, the State Legislature enacted AB 1484 to "clean up" the prior redevelopment dissolution legislation (AB x1 26), which imposes additional Successor Agency auditing requirements;
- f) By its Resolution No. SA-12-007, adopted on August 7, 2012, the Successor Agency adopted a ROPS for the period from January 1, 2013 through June 30, 2013;

- g) On August 23, 2012, the Oversight Board approved the ROPS for the period from January 1, 2013 through June 30, 2013, and transmitted the approved ROPS to DOF;
- h) On October 15, 2012, DOF issued a determination letter on the third ROPS, objecting to six enforceable obligations, including a permanent financing loan in the amount of \$3.5 million for the Courtyard at La Brea affordable housing project, \$27 million in funding for the Plummer Park project, \$1.8 million in funding for disabled access improvements to West Hollywood Community Housing Corporation buildings, and funding for employee oversight costs for the Janet L. Witkin affordable housing project, Courtyard at La Brea affordable housing project, and Plummer Park project. After a meet and confer with the Successor Agency, DOF issued a final determination letter reasserting its denial of the six disputed enforceable obligations;
- i) To comply with DOF requirements, the Successor Agency desires to adopt this ROPS without the disputed items; however, the Successor Agency continues to claim that each of the six disputed obligations represents an enforceable obligation that should be included on the ROPS.

*SECTION 2. Recognized Obligation Payment Schedule and Administrative Budget.* The Successor Agency hereby adopts the Recognized Obligation Payment Schedule for the period from July 1, 2013 through December 31, 2013, attached as Exhibit A to this Resolution, and Successor Agency Administrative Budget for the period from July 1, 2013 through December 31, 2013, attached as Exhibit B to this Resolution.

*SECTION 3. Adoption Under Protest.* The City Council determines that the Successor Agency must approve a ROPS to avoid imposition of potential penalties and fines by DOF. Neither the adoption of this Resolution nor the performance of actions under or pursuant to this Resolution is intended by the City or Successor Agency to waive any right either may have to challenge DOF's previous denial of disputed enforceable obligations included on the January – June 2013 ROPS, their inclusion on this ROPS, and/or the legality of all or any portion of AB X1 26, AB 1484, or the ROPS process, through administrative or judicial proceedings.

*SECTION 4. Authorization.* The officers and staff of the Successor Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including but not limited to posting the ROPS on the Successor Agency's website and submitting the ROPS to the county administrative officer, county auditor-controller, DOF, and State Controller's Office in the manner required by Health & Safety Code Section 34177.

SECTION 5. *Amendment.* The ROPS may be amended from time to time at any public meeting of the Successor Agency upon subsequent approval by the Oversight Board.

SECTION 6. *Environmental Determination.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 7. *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Successor Agency and applicable law. The findings and determinations constitute the independent findings and determinations of the Successor Agency in all respects and are fully and completely supported by substantial evidence in the record as a whole.


SECTION 8. *Summaries of Information.* All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the Successor Agency. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9. The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the Successor Agency's original resolutions; and make a minute of the adoption of the Resolution in the Successor Agency's records and the minutes of this meeting.

SECTION 10. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED AND ADOPTED by the Successor Agency of the West Hollywood Community Development Commission at a regular meeting held this 19<sup>th</sup> day of February, 2013 by the following vote:

AYES:	Board Member:	D'Amico, Duran, Heilman, Vice Chair Land and Chair Prang.
NOES:	Board Member:	None.
ABSENT:	Board Member:	None.
ABSTAIN:	Board Member:	None.

  
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JEFFREY PRANG, CHAIR

ATTEST:

  
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COREY SCHAFFER, SECRETARY