

REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HAYWARD  
RESOLUTION NO. RSA 18-

Introduced by Agency Member \_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD, ACTING AS THE GOVERNING BOARD OF THE HAYWARD SUCCESSOR AGENCY, A SEPARATE LEGAL ENTITY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2019 THROUGH JUNE 30, 2020 (“ROPS 19-20”) AND THE ADMINISTRATIVE BUDGET FOR THE 2019-20 FISCAL YEAR, AND DIRECTING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE REQUIREMENTS ASSOCIATED WITH THIS APPROVAL

WHEREAS, Pursuant to ABx1 26 (as amended by AB 1484, the “Dissolution Act”), the separate legal entity known as the Hayward Successor Agency (the “Successor Agency”) must prepare “Recognized Obligation Payment Schedules” (“ROPS”) that enumerate the enforceable obligations and expenses of the Successor Agency for each successive twelve-month fiscal period until the wind down and disposition of assets of the dissolved Redevelopment Agency of the City of Hayward (the “Dissolved RDA”) has been completed; and

WHEREAS, The Successor Agency staff has prepared a ROPS for the twelve-month fiscal period commencing on July 1, 2019 and continuing through June 30, 2020 (“ROPS 19-20”); and

WHEREAS, The Successor Agency staff has prepared an administrative budget for the fiscal period commencing on July 1, 2019 and continuing through June 30, 2020 (“FY 19-20 Administrative Budget”); and

WHEREAS, The Successor Agency is entitled to an administrative cost allowance (the “Administrative Cost Allowance”) pursuant to Health and Safety Code Sections 34201(b) and 34203(a)(3) in the approximate amount of \$250,000 for the 2019-20 fiscal year of which approximately \$125,000 will be disbursed during the ROPS 19-20A and ROPS 19-20B periods; and

WHEREAS, Under the Dissolution Act, ROPS 19-20 and the FY 19-20 Administrative Budget must be approved by the Successor Agency's oversight board (the “Oversight Board”) to enable the Successor Agency to continue to make payments on enforceable obligations and to pay for administrative costs of the Successor Agency; and

WHEREAS, The City Council, acting as the Governing Board of the Successor Agency, has considered and desires to approve the following documents, copies of which are on file with the City Clerk (acting as the Secretary of the Successor Agency):

1. The ROPS 19-20; and
2. The FY 19-20 Administrative Budget; and

WHEREAS, The ROPS 19-20 and the FY 19-20 Administrative Budget will be submitted by the Successor Agency to the Alameda County Oversight Board for the Oversight Board's approval in accordance with Health and Safety Code Sections 34207 and 34200(g); and

WHEREAS, The ROPS 19-20 and the FY 19-20 Administrative Budget will also be submitted by the Successor Agency to the Alameda County Administrative Officer, the Alameda County Auditor-Controller, and the State Department of Finance in accordance with Health and Safety Code Section 34209.6; and

WHEREAS, As allowed under Health and Safety Code Section 34178(a) the Successor Agency and the City, reentered into that certain Reentered Repayment Agreement with the City of Hayward (the "Reentered Agreement") approved by the Hayward Successor Agency Oversight Board on May 21, 2012. The City and the Successor Agency filed a petition for Writ of Mandate in *City of Hayward v. Department of Finance*, Sacramento Superior Court Action No. 34-2018-80002804, challenging the Department of Finance's determination related to the total outstanding obligation due under the Reentered Agreement.

WHEREAS, Under the Order attached hereto as Exhibit A, incorporated herein by this reference, Sacramento Superior Court Judge Richard Sueyoshi issued a ruling in the City and Successor Agency's favor. In the Order, Judge Sueyoshi grants the Petition for Writ of Mandate, ordering that a peremptory writ issue remanding the proceedings to the Department of Finance, and ordering that the Department of Finance set aside its determination that the amount owed to the City pursuant to the terms of the Reentered Agreement is limited to \$7,789,843. To implement the Court's order, the ROPS 19-20 includes a repayment of the \$2.22 million owed plus accrued interest to the City pursuant to the terms of the Reentered Agreement.

WHEREAS, Health & Safety Code Section 34171(d)(1)(F)(ii) allows a sponsoring community to advance funds to a successor agency to pay legal expenses related to writ proceedings challenging acts taken pursuant to Part 1.85 and 1.8 of the Health and Safety Code. The funds advanced by the sponsoring community for legal expenses related to successful causes of action pled by the successor agency shall be deemed an enforceable obligation for repayment under the terms set forth in Health and Safety Code Section 34171(d).

WHEREAS, The City of Hayward advanced the sum of \$150,000 to the Successor Agency to fund the writ proceedings challenging acts taken by the Department of Finance relating to the Reentered Agreement. As allowed under Health & Safety Code Section 34171(d)(1)(F)(ii), the ROPS 19-20 includes a new enforceable obligation with an outstanding total balance of \$136,000 to be paid to the City of Hayward on July 1, 2019.

WHEREAS, The Successor Agency's governing board represents and warrants that it examined all of the items on the ROPS 2019-20 and finds that each of them is necessary for the continued maintenance and preservation of property owned by the Successor Agency until disposition in accordance with the Dissolution Act, the continued administration of the ongoing enforceable obligations, or the expeditious wind-down of the affairs of the Former Agency by the Successor Agency; and

WHEREAS, The accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the City Council, acting as the Governing Board of the Successor Agency and in accordance with the Dissolution Act, hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED that the City Council hereby approves the ROPS 19-20 and the FY 19-20 Administrative Budget, in the respective forms on file with the City Clerk (acting as the Secretary of the Successor Agency).

BE IT FURTHER RESOLVED that the Successor Agency is authorized and directed to enter into any agreements and amendments to agreements consistent with the Dissolution Act and necessary to memorialize and implement the agreements and obligations in ROPS 19-20 and the FY 19-20 Administrative Budget as herein approved by the Successor Agency.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with the approval of the ROPS 19-20 and the FY 19-20 Administrative Budget, and to take any other administrative actions necessary to ensure the validity of the ROPS 19-20 and the validity of any enforceable obligation listed thereon and the validity of the FY 19-20 Administrative Budget and corresponding Administrative Cost Allowance. In addition, the City Council authorizes and directs the Successor Agency staff to make such non-substantive revisions to ROPS 19-20 as may be necessary to submit ROPS 19-20 in any modified form required by the DOF, and ROPS 19-20 as so modified shall thereupon constitute ROPS 19-20 as approved by the City Council pursuant to this Resolution.

BE IT FURTHER RESOLVED that, subject to the Alameda County Oversight Board approval, the City Council hereby authorizes and directs the City Manager, acting on behalf of the Successor Agency, to execute the documents and instruments as are appropriate, in consultation with the City Attorney, acting in the capacity of counsel to the Successor Agency, to effectuate and implement the terms of this Resolution.

BE IT FURTHER RESOLVED that nothing in this Resolution shall abrogate, waive, impair or in any other manner affect the right or ability of the City, as a charter city, to initiate and prosecute any litigation with respect to any agreement or other arrangement of the Dissolved RDA, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34209(h).

HAYWARD, CALIFORNIA, December 18, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES:	BOARD MEMBERS:
	CHAIR:
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

ATTEST:

\_\_\_\_\_  
Secretary of the Successor Agency  
of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the Successor Agency  
of the City of Hayward

EXHIBIT A  
ORDER (TO BE ADDED LATER)