

RESOLUTION NO. SA 13-012

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 JANUARY 1, 2014 THROUGH JUNE 30, 2014 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177

The City Council, acting as the Governing Board 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. Pursuant to Health and Safety Code section 34173(d), the City of West Hollywood ("City") is the Successor Agency to the dissolved West Hollywood Community Development Commission, confirmed by Resolution No. 11-4219;
- B. Health and Safety Code section 34177 requires the Successor Agency to prepare a Recognized Obligation Payment Schedule ("ROPS") that shall be forward looking to the next six months, along with an Administrative Budget;
- C. On February 21, 2012, the Successor Agency adopted ROPS No. 1 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;
- D. On May 7, 2012, the Successor Agency adopted ROPS No. 2 covering the period of July 1, 2012 through December 31, 2012;
- E. Pursuant to Health and Safety Code section 34180, on May 21, 2012, the Oversight Board for the Successor Agency ("Oversight Board") approved ROPS No. 1 for the period from February 1, 2012 through June 30, 2012 and ROPS No. 2 for the period from July 1, 2012 through December 31, 2012, and submitted ROPS Nos. 1 and 2 to the Department of Finance ("DOF") and State Controller;
- F. On May 31, 2012, DOF approved both the February – June 2012 ROPS and July – December 2012 ROPS;

- G. 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;
- H. By its Resolution No. SA-12-007, adopted on August 7, 2012, the Successor Agency adopted ROPS No. 3 for the period from January 1, 2013 through June 30, 2013;
- I. On August 23, 2012, the Oversight Board approved ROPS No. 3 for the period from January 1, 2013 through June 30, 2013, and transmitted the approved ROPS to DOF;
- J. On October 15, 2012, DOF issued a determination letter on ROPS No. 3, 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;
- K. By its Resolution No. SA-13-011, adopted on February 19, 2013, the Successor Agency adopted ROPS No. 4 for the period from July 1, 2013 through December 31, 2013;
- L. On February 28, 2013, the Oversight Board approved ROPS No. 4 for the period from July 1, 2013 through December 31, 2013, and transmitted the approved ROPS to DOF;
- M. On April 15, 2013, DOF approved the July - December 2013 ROPS;
- N. To comply with DOF requirements, the Successor Agency did not place the disputed items from ROPS No. 3 on ROPS No. 4; 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;
- O. To comply with DOF requirements, the Successor Agency desires to adopt this ROPS No. 5 (January 1, 2014 through June 30, 2014); the Successor Agency further states that it would have included the disputed items from ROPS No. 3 on this ROPS if the ROPS form required to be submitted by DOF would have allowed it to do so; the Successor Agency continues to claim that each of the six

disputed obligations represents an enforceable obligation that should be included on past, present and future ROPS.

SECTION 2. *Recognized Obligation Payment Schedule and Administrative Budget.* The Successor Agency hereby adopts the Recognized Obligation Payment Schedule for the period from January 1, 2014 through June 30, 2014, attached as Exhibit A to this Resolution, and Successor Agency Administrative Budget for the period from January 1, 2014 through June 30, 2014, 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, the approval of this ROPS, 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 exclusion from 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 and 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 Secretary 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 19th day of August, 2013 by the following vote:

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



ABBE LAND, CHAIR

ATTEST:



COREY SCHAFFER, SECRETARY

RESOLUTION NO. 0813-009

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 JANUARY 1, 2014 THROUGH JUNE 30, 2014, 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 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 ROPS No. 3, 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. On February 28, 2013, the Oversight Board approved the ROPS for the period from July 1, 2013 through December 31, 2013 (ROPS 13-14A or ROPS No. 4), without the six disputed enforceable obligations and transmitted the approved ROPS to DOF; however, as part of the resolution approving that ROPS the

Successor Agency and Oversight Board affirmed their claim that each of the six disputed obligations represents an enforceable obligation that should be included on ROPS No.4;

- G. On April 15, 2013, DOF approved the ROPS for the period from July 1, 2013 through December 31, 2013; and
- H. To comply with DOF requirements, the Oversight Board desires to adopt this ROPS (ROPS 13-14B or ROPS No. 5) without the disputed items from ROPS No. 3; 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 ROPS No. 5. The Successor Agency asserts that it would have entered a payment amount for the disputed items, but that the ROPS 13-14B form required to be used by DOF prevented it from doing so.

Section 2. *Recognized Obligation Payment Schedule and Administrative Budget.* The Oversight Board hereby adopts the Recognized Obligation Payment Schedule for the period from January 1, 2014 through June 30, 2014 (ROPS No. 5), attached as Exhibit A to this Resolution, and Successor Agency Administrative Budget for the period from January 1, 2014 through June 30, 2014, 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, the approval of this ROPS, 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 exclusion 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 Department of Finance.

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.

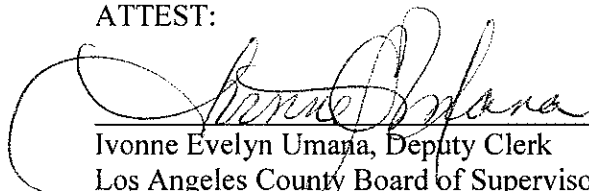
Section 9. The Oversight Board secretary is directed to certify the adoption of this Resolution; record this Resolution in the book of the Oversight Board's original resolutions; and make a minute of the adoption of the Resolution in the Oversight Board's records and the minutes of this meeting.

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

PASSED, APPROVED, AND ADOPTED this 18th day of September, 2013.


Martin Zimmerman, Chairperson

ATTEST:


Ivonne Evelyn Umara, 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 18th day of September, 2013, by the following vote, to wit:

AYES; PAUL ARNALDO, TSILAH BURMAN, MADELINE ROACHELL, YVONNE QUARKER
AND MARTIN ZIMMERMAN

NOES; NONE

ABSENT: DAVID FLAKS AND MEGAN REILLY