



City of Needles, California Request for City Council Action

☒ CITY COUNCIL ☐ NPUA

☒ Regular ☐ Special

Meeting Date: November 14, 2023

Title: Resolution No. 11-14-23-SARDA
Resolution of the Successor Agency to the Redevelopment Agency of the City of Needles, declaring the Successor Agency's completion of its responsibilities with respect to winding down the affairs of the former Redevelopment Agency of the City of Needles and requesting dissolution pursuant to California Health and Safety Code Section 34187 (b), and taking related actions.

Background:

Pursuant to California Health and Safety Code (the "HSC") § 34172 (a) (1), the Redevelopment Agency of the City of Needles was dissolved on February 1, 2012. Consistent with the provisions of the HSC, the City Council of the City of Needles previously elected to serve in the capacity of the Successor Agency to the Redevelopment Agency of the City of Needles (the "SARDA"). Pursuant to HSC § 34179, the SARDA previously established the Needles Oversight Board to assist in the wind-down of the former redevelopment agency through June 30, 2018, at which time it was dissolved by operation of law. Consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino.

Per HSC § 34187 (b), when all of a successor agency's enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to HSC § 34181 or 34191.4, and all outstanding litigation has been resolved, a successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board applicable to a successor agency a request, with a copy of the request to the county auditor-controller, to formally dissolve a successor agency. The oversight board shall approve the request within 30 days, and shall submit the request to the California Department of Finance (the "DOF").

As of August 15, 2022, SARDA made its final payment on its 1992 Series A Tax Allocation Bonds, which retired and paid off its last third-party enforceable obligation. As of June 30, 2023, SARDA completed its final Recognized Obligation Payment Schedule, which completed its administrative enforceable obligations. Effective with the October 12, 2023 recordation of its quitclaim deed (i.e., Assessor's DOC # 2023-0252596) transferring the parcel identified as APN 0186-222-10-0000 (SARDA's last remaining Long Range Property Management Plan real property asset) to the Needles Public Utilities Authority for public purposes. Pursuant to the foregoing, SARDA no longer has any real property or monetary assets.

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Review and Approval Process:

Consistent with HSC § 34187 (b), it is appropriate that SARDA be dissolved and request that the CWOB and DOF approve such dissolution. Approval of the attached resolution will confirm SARDA's request to dissolve and authorize the City Manager/Executive Director, or designee, to transmit SARDA's request for dissolution to the CWOB and, if approved by the CWOB, thereafter to the DOF.

Once approved by DOF, SARDA's dissolution shall be governed by the procedures described in HSC § 34187 (e), which requires that once DOF has approved a request to formally dissolve a successor agency, a successor agency shall take both of the following steps within 100 days of the DOF's notification: i) dispose of all remaining assets as directed by the oversight board and any proceeds from the disposition of assets shall be transferred to the county auditor-controller for distribution to the affected taxing entities pursuant to HSC § 34183; and ii) notify the oversight board that it has complied with the foregoing process.

The attached Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "CEQA Guidelines"), and the City's environmental guidelines. The attached Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Resolution is an administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the CEQA Guidelines.

Fiscal Impact: None.

Recommended Action: Approve Resolution No.11-14-23-SARDA declaring SARDA's completion of its responsibilities with respect to winding down the affairs of the former Redevelopment Agency of the City of Needles and requesting dissolution pursuant to California HSC § 34187 (b), and taking related actions.

Submitted By: Patrick Martinez, City Manager

City Management Review: Pat J. My **Date:** 11-9-2023

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|------------------------------------|--|----------------------------------|---------------------------------|
| Approved: <input type="checkbox"/> | Not Approved: <input type="checkbox"/> | Tabled: <input type="checkbox"/> | Other: <input type="checkbox"/> |
| Agenda Item: <u>5</u> | | | |

RESOLUTION NO. 11-14-23-SARDA

RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF NEEDLES, DECLARING THE COMPLETION OF ITS RESPONSIBILITIES WITH RESPECT TO WINDING DOWN THE AFFAIRS OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF NEEDLES AND REQUESTING DISSOLUTION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34187 (b), AND TAKING RELATED ACTIONS

WHEREAS, pursuant to California Health and Safety Code (the "HSC") § 34172 (a) (1), the Redevelopment Agency of the City of Needles was dissolved on February 1, 2012; and

WHEREAS, consistent with the provisions of the HSC, the City Council of the City of Needles previously elected to serve in the capacity of the Successor Agency to the Redevelopment Agency of the City of Needles (the "SARDA"); and

WHEREAS, pursuant to HSC § 34179, the SARDA previously established the Needles Oversight Board to assist in the wind-down of the former redevelopment agency through June 30, 2018, at which time it was dissolved by operation of law; and

WHEREAS, consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino; and

WHEREAS, per HSC § 34187 (b), when all of a successor agency's enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to HSC § 34181 or 34191.4, and all outstanding litigation has been resolved, a successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board applicable to a successor agency a request, with a copy of the request to the county auditor-controller, to formally dissolve a successor agency. The oversight board shall approve the request within 30 days, and shall submit the request to the California Department of Finance (the "DOF"); and

WHEREAS, as of August 15, 2022, SARDA made its final payment on its 1992 Series A Tax Allocation Bonds, which retired and paid off its last third-party enforceable obligation; and

WHEREAS, as of June 30, 2023, SARDA completed its final Recognized Obligation Payment Schedule, which completed its administrative enforceable obligations; and

WHEREAS, effective with the October 12, 2023 recordation of its quitclaim deed (i.e., Assessor's DOC # 2023-0252596) transferring the parcel identified as APN 0186-222-10-0000 (SARDA's last remaining Long Range Property Management Plan real property asset) to the Needles Public Utilities Authority for public purposes; and

WHEREAS, pursuant to the foregoing, SARDA no longer has any real property or monetary assets; and

WHEREAS, consistent with HSC § 34187 (b), it is, therefore, appropriate that SARDA be dissolved and request that the CWOB and DOF approve such dissolution; and

WHEREAS, approval of this Resolution will confirm SARDA's request to dissolve and authorize the City Manager/Executive Director, or designee, to transmit SARDA's request for dissolution to the CWOB and, if approved by the CWOB, thereafter to the DOF; and

WHEREAS, once approved by DOF, SARDA's dissolution shall be governed by the procedures described in HSC § 34187 (e), which requires that once DOF has approved a request to formally dissolve a successor agency, a successor agency shall take both of the following steps within 100 days of the DOF's notification: i) dispose of all remaining assets as directed by the oversight board and any proceeds from the disposition of assets shall be transferred to the county auditor-controller for distribution to the affected taxing entities pursuant to HSC § 34183; and ii) notify the oversight board that it has complied with the foregoing process; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "CEQA Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Resolution is an administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the CEQA Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the Redevelopment Agency of the City of Needles, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** As confirmed in this Resolution, SARDA has fully completed its responsibilities to wind-down the affairs of the former Redevelopment Agency of the City of Needles and thus is entitled to and should be dissolved consistent with the provisions of HSC § 34187 (b).
- Section 3.** Consistent with the foregoing, it is herewith requested that the CWOB and DOF approve SARDA's dissolution.
- Section 4.** The City Manager/Executive Director, or designee, is authorized and directed to transmit SARDA's declaration of intent to dissolve and request for approval by the CWOB and the DOF.
- Section 5.** Subject to approval by the CWOB and the DOF, the City Manager/Executive Director, or designee, is authorized to take all necessary steps to dissolve SARDA consistent with the provisions of HSC § 34187 (e).
- Section 6.** This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "CEQA Guidelines"), and the City's environmental guidelines. This Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Resolution is an

administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the CEQA Guidelines.

Section 7. This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED this 14th day of November, 2023 by the Successor Agency to the Redevelopment Agency of the City of Needles.

Janet Jernigan, Mayor/Chair

ATTEST:

Dale Jones, CMC, City Clerk

CERTIFICATION:

I, Dale Jones, CMC, City Clerk of the City of Needles, hereby certify that the foregoing resolution was adopted by the Successor Agency to the Redevelopment Agency of the City of Needles at a regular meeting thereof held on the 14th day November, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dale Jones, CMC, City Clerk

**REPORT/RECOMMENDATION TO THE SAN BERNARDINO COUNTYWIDE
OVERSIGHT BOARD AND RECORD OF ACTION**

February __, 2024

FROM

PATRICK MARTINEZ, City Manager, City of Needles

SUBJECT

Resolution approving the Successor Agency to the Redevelopment Agency of the City of Needles' request to dissolve consistent with California Health and Safety Code § 34187 (b).

RECOMMENDATION(S)

Adopt a resolution approving the Successor Agency to the Redevelopment Agency of the City of Needles' request to dissolve consistent with California Health and Safety Code § 34187 (b).
(Presenter: Steven H. Dukett, Consultant to the City of Needles, (909) 967-8205)

BACKGROUND INFORMATION

Pursuant to California Health and Safety Code (the "HSC") § 34172 (a) (1), the Redevelopment Agency of the City of Needles was dissolved on February 1, 2012. Consistent with the provisions of the HSC, the City Council of the City of Needles previously elected to serve in the capacity of the Successor Agency to the Redevelopment Agency of the City of Needles (the "SARDA"). Pursuant to HSC § 34179, the SARDA previously established the Needles Oversight Board to assist in the wind-down of the former redevelopment agency through June 30, 2018, at which time it was dissolved by operation of law. Consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino.

Per HSC § 34187 (b), when all of a successor agency's enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to HSC § 34181 or 34191.4, and all outstanding litigation has been resolved, a successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board applicable to a successor agency a request, with a copy of the request to the county auditor-controller, to formally dissolve a successor agency. The oversight board shall approve the request within 30 days, and shall submit the request to the California Department of Finance (the "DOF").

As of August 15, 2022, SARDA made its final payment on its 1992 Series A Tax Allocation Bonds, which retired and paid off its last third-party enforceable obligation. As of June 30, 2023, SARDA completed its final Recognized Obligation Payment Schedule, which completed its administrative enforceable obligations. Effective with the October 12, 2023 recordation of its quitclaim deed (i.e., Assessor's DOC # 2023-0252596) transferring the parcel identified as APN 0186-222-10-0000 (SARDA's last remaining Long Range Property Management Plan real property asset) to the Needles Public Utilities Authority for public purposes. Pursuant to the foregoing, SARDA no longer has any real property or monetary assets. Therefore, on November 14, 2023, SARDA adopted its Resolution No.11-14-23-SARDA requesting that the CWOB and DOF approve SARDA's dissolution consistent with HSC § 34187 (b). Approval of the attached resolution will approve SARDA's request to dissolve. Once approved by the CWOB, SARDA's request to dissolve will be transmitted to DOF for its review.

Once approved by DOF, SARDA's dissolution shall be governed by the procedures described in HSC § 34187 (e), which requires that once DOF has approved a request to formally dissolve a successor agency, a successor agency shall take both of the following steps within 100 days of the DOF's notification: i) dispose of all remaining assets as directed by the oversight board and any proceeds from the disposition of assets shall be transferred to the county auditor-controller

for distribution to the affected taxing entities pursuant to HSC § 34183; and ii) notify the oversight board that it has complied with the foregoing process.

The SARDA recommends that the CWOB approve the attached Resolution.

ATTACHMENTS

Attachment A - Resolution No.11-14-23-SARDA

Attachment B – CWOB Resolution

REVIEW BY OTHERS

This item has been reviewed by Auditor-Controller/Treasurer/Tax Collector on Month DD, YYYY and San Bernardino Countywide Oversight Board Legal Counsel on Month DD, YYYY.

RESOLUTION NO. 20 -

**RESOLUTION OF THE SAN BERNARDINO COUNTYWIDE OVERSIGHT
BOARD APPROVING THE DISSOLUTION OF THE SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF
NEEDLES'S PURSUANT TO CALIFORNIA HEALTH AND SAFETY
CODE SECTION 34187 (b), AND TAKING RELATED ACTIONS**

On ____ day of _____ 2024 on motion of San Bernardino Countywide Oversight Board Member _____, duly seconded by San Bernardino Countywide Oversight Board Member _____ and carried, the following resolution is adopted by the San Bernardino Countywide Oversight Board, State of California.

WHEREAS, pursuant to California Health and Safety Code (the "HSC") § 34172 (a) (1), the Redevelopment Agency of the City of Needles was dissolved on February 1, 2012; and

WHEREAS, consistent with the provisions of the HSC, the City Council of the City of Needles previously elected to serve in the capacity of the Successor Agency to the Redevelopment Agency of the City of Needles (the "SARDA"); and

WHEREAS, pursuant to HSC § 34179, the SARDA previously established the Needles Oversight Board to assist in the wind-down of the former redevelopment agency through June 30, 2018, at which time it was dissolved by operation of law; and

WHEREAS, consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino; and

WHEREAS, per HSC § 34187 (b), when all of a successor agency's enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to HSC § 34181 or 34191.4, and all outstanding litigation has been resolved, a successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board applicable to a successor agency a request, with a copy of the request to the county auditor-controller, to formally dissolve a successor agency. The oversight board shall approve the request within 30 days, and shall submit the request to the California Department of Finance (the "DOF"); and

WHEREAS, as of August 15, 2022, SARDA made its final payment on its 1992 Series A Tax Allocation Bonds, which retired and paid off its last third-party enforceable obligation; and

WHEREAS, as of June 30, 2023, SARDA completed its final Recognized Obligation Payment Schedule, which completed its administrative enforceable obligations; and

WHEREAS, effective with the October 12, 2023 recordation of its quitclaim deed (i.e., Assessor's DOC # 2023-0252596) transferring the parcel identified as APN 0186-222-10-0000 (SARDA's last remaining Long Range Property Management Plan real property asset) to the Needles Public Utilities Authority for public purposes; and

WHEREAS, pursuant to the foregoing, SARDA no longer has any real property or monetary assets; and

WHEREAS, on November 14, 2023, SARDA approved its Resolution No. 11-14-23 - SARDA requesting its dissolution pursuant to HSC § 34187 (b,) subject to the CWOB and DOF approving such dissolution; and

WHEREAS, approval of this Resolution will approve SARDA's request to dissolve and authorize the submission of the request to DOF for its review; and

WHEREAS, once approved by DOF, SARDA's dissolution shall be governed by the procedures described in HSC § 34187 (e), which requires that once DOF has approved a request to formally dissolve a successor agency, a successor agency shall take both of the following steps within 100 days of the DOF's notification: i) dispose of all remaining assets as directed by the oversight board and any proceeds from the disposition of assets shall be transferred to the county auditor-controller for distribution to the affected taxing entities pursuant to HSC § 34183; and ii) notify the oversight board that it has complied with the foregoing process; and

WHEREAS, all the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, the San Bernardino Countywide Oversight Board hereby resolves, determines and orders as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. Consistent with HSC § 34187 (b), SARDA's request to dissolve is approved subject to DOF's separate approval.

Section 3. This resolution shall take effect from and after the date of its passage and adoption.

PASSED AND ADOPTED by the San Bernardino Countywide Oversight Board, State of California, by the following vote:

AYES: OVERSIGHT BOARD MEMBER:

NOES: OVERSIGHT BOARD MEMBER:

ABSENT: OVERSIGHT BOARD MEMBER:

* * * * *

STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Secretary to the San Bernardino Countywide Oversight Board, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Countywide Oversight Board, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of February __, 2024.

LYNNA MONELL
Secretary to the San Bernardino Countywide
Oversight Board

By _____
Deputy