

RESOLUTION NO. HHA 2020-02

A RESOLUTION OF THE HESPERIA HOUSING AUTHORITY (HHA) OF THE CITY OF HESPERIA, CALIFORNIA (I) APPROVING A PURCHASE AND SALE AGREEMENT (PSA) BY AND BETWEEN HHA AND ZAB LLC; (II) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE PSA AND ALL DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF THIS RESOLUTION; AND (III) MAKING THE APPROPRIATE FINDINGS HERewith

WHEREAS, the City of Hesperia (City), is a municipal corporation duly organized under the laws and Constitution of the State of California; and

WHEREAS, the Hesperia Community Redevelopment Agency (HCRA) was a public body, corporate and politic, organized and existing under Community Redevelopment Law (Health & Safety Code § 33000, *et seq.*) (CRL) responsible for the administration of redevelopment activities within the City of Hesperia; and

WHEREAS, the City Council of the City of Hesperia was recognized as the legislative body of the HCRA that authorized its creation based upon the need for it to transact business and exercise any powers in the community; and

WHEREAS, on June 28, 2011 Governor Jerry Brown signed into law ABx1 26 (Law) abolishing redevelopment in California and thereby setting forth the “winding down” of redevelopment agencies, the designation of successor agencies, and oversight boards; and

WHEREAS, the Law (a) amends, modifies, supplements, or eliminates Parts 1, 1.5, 1.6, and 1.7 of Division 24 of California Health & Safety Code, wherein redevelopment agencies were effectively dissolved February 1, 2012; and (b) established H&SC §34173 which sets forth the requirements for the designation and declaration of “successor agencies” which shall be vested with all the authority, rights, powers, duties and obligations of the former redevelopment agency and be obligated to discharge those functions set out in the amended laws and statutes created by the Law; and

WHEREAS, on April 5, 2011 & January 17, 2012 the City Council of the City of Hesperia adopted Resolution No. 2011-021 electing to serve as the successor agency of the HCRA and its low and moderate income housing functions and pursuant to H&SC §§ 34173 & 34176(a); and

WHEREAS, the City Council after making certain findings adopted Resolution No. 2011-022 established a housing authority to transact business and exercise powers in the City of Hesperia pursuant to California Housing Authorities Law hereinafter “Hesperia Housing Authority” or “HHA;” and

WHEREAS, incorporated within Resolution No 2011-022 the City, as Successor Agency to the HCRA ceded all of the housing activities, functions, powers, and obligations it assumed when it elected to become the Successor Agency of the HCRA plus all assets, including real and personal property, cash and cash equivalents, bond proceeds, and all amounts in the HCRA’s and VVEDA’s Low and Moderate Income Housing Funds (LMIHF), of the HCRA and VVEDA to the HHA; and

WHEREAS, the HHA obtained all rights, title and interest to a specific parcel of real property within the HCRA's Project Area specifically Assessor's Parcel Number 0407-261-20 (Property) as a function of the "wind down" of redevelopment pursuant to ABx1 26; and

WHEREAS, the HHA holds said Property as an investment as allowed under H&SC §§ 34315 and 34316; respectively; and

WHEREAS, the Property was included on the Oversight Board-approved Housing Asset form as required by H&SC §34176(a)(2) and not objected to by the Department of Finance (Finance) thus it was deemed a "housing asset" as defined in H&SC §34176(a)(1) and therefore no longer was under the purview of the Oversight Board of the Successor Agency nor Finance; and

WHEREAS, ZAB, LLC (Buyer) has expressed interest in purchasing the Property to develop for a mixed-use project, and HHA desires to sell Property to the Buyer pursuant to its powers under Housing Authorities Law.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HESPERIA HOUSING AUTHORITY AS FOLLOWS:

- Section 1. The facts set forth above in this Resolution are true and correct.
- Section 2. Housing Authorities Law (H&SC §§ 34000 *et seq.*), specifically Section 34315(e) authorizes a housing authority, in this case the HHA, to sell or dispose of any real property or interest in it.
- Section 3. That the Property is held by the HHA for the purpose of exchange and therefore is not subject to the Surplus Property Land Act, Government Code §§ 54220 *et seq.* nor H&SC §34315.7.
- Section 4. That the sale of the Property is exempt from H&SC §33433 inasmuch as its conveyance is not in furtherance of the redevelopment plan or implementation plan (H&SC §33490) of the dissolved HCRA, in part due to the findings in Sections 2 and 3 of this Resolution.
- Section 5. That the Property is held for investment purposes pursuant to H&SC §34316(a). Furthermore, the redevelopment plan and implementation plan of the HCRA cannot be amended with the addition of H&SC §34164 to California Redevelopment Law.
- Section 6. That the Property was listed on the HCRA Oversight Board-approved Housing Asset Transfer (HAT) form, approved by Finance pursuant to H&SC §34176(a)(2) and not required to be included on the HCRA Successor Agency's Long Range Property Management Plan (LRPMP) set forth in H&SC §34191.5(b).
- Section 7. As promulgated by H&SC §34320 no other laws, including SB 470 and SB 341) concerning disposition of property by other public bodies is applicable to a housing authority unless specifically so stated by the

Legislature. Therefore, the Commissioners of the HHA find that they have the authority and desire, without reservation to dispose of the property in their sole and absolute discretion.

- Section 8. The HHA hereby approves the Purchase and Sale Agreement (PSA) for sale of Property to ZAB, LLC and hereby authorizes the City Manager/Executive Director, or his designee, to execute PSA on behalf of the HHA.
- Section 9. That the proceeds of the sale of the Property shall be expended in compliance with H&SC §§ 34315.3 & 34176.1 or any other laws governing the use of housing assets transferred to the HHA as a result of the chaptering of ABx1 26 & AB 1484.
- Section 10. The City Manager/Executive Director, or their designee, is hereby authorized and directed to take any appropriate action consistent with the purposes of this Resolution and the PSA approved hereby to carry out the PSA and any subsequent amendments thereto on behalf of the HHA.
- Section 11. If any section, sentence, clause or phrase of this resolution is determined to be invalid, void or unconstitutional by a decision or order of a court of competent jurisdiction, then such decision or order shall not affect the validity or enforceability of the remaining portions of this resolution, and this HHA hereby declares that it would have passed the remainder of this resolution if such invalid portion thereof had been declared invalid or unconstitutional.
- Section 12. This activity is not a "project" and therefore exempt from CEQA pursuant to CEQA Guidelines §15060(c)(3).
- Section 13. This Resolution shall go into effect immediately upon its adoption.
- Section 14. The City Clerk shall certify to the passage and adoption hereof and enter it into the book of official resolutions for the HHA.

ADOPTED AND APPROVED this 21st day of January, 2020 by the following vote:

Larry Bird, Chair

ATTEST:

Melinda Sayre, City Clerk