



November 28, 2022

Consolidated Oversight Board for the County of Monterey
Office of the Auditor-Controller
168 West Alisal Street, Third Floor
Salinas, CA 93901

Re: Request to Dissolve the Successor Agency of the Redevelopment Agency of the City of Monterey

Dear Board Members:

The Successor Agency of the Redevelopment Agency of the City of Monterey requests approval to dissolve pursuant to Health and Safety Code section 34187(b). The Successor Agency has paid off all debts, disposed of all real property and there is no outstanding litigation.

Enclosed please find the following:

- Draft Consolidated Oversight Board Agenda Report
- Draft Consolidated Oversight Board Resolution
- Litigation search proving there is no litigation
- Last approved ROPS and ROPS determination letter
- Notice of Termination of the Compensation Agreement

A copy of this letter is being provided to the Monterey County Auditor-Controller.

Please direct any questions to Ms. Janna Aldrete, Property Manager for the City of Monterey. She may be contacted at aldrete@monterey.org or (831) 646-1743.

Sincerely,
DocuSigned by:

A handwritten signature in black ink that reads "Hans Usler".

Hans Usler

Executive Director
Successor Agency of the Redevelopment Agency of the City of Monterey

e: Jennifer Forsyth, County of Monterey Auditor-Controller Office

Attachments: 1. Draft Consolidated Oversight Board Agenda Report
2. Draft Consolidated Oversight Board Resolution

3. Litigation Search
4. Last Approved ROPS and Determination Letter
5. Notice of Termination of Compensation Agreement



TO: Consolidated Oversight Board for the County of Monterey Chair and Board Members

FROM: Hans Uslar, Executive Director, Successor Agency of the Redevelopment Agency of the City of Monterey

DATE: November 28, 2022

SUBJECT: Resolution of the Consolidated Oversight Board for the County of Monterey Approving the Dissolution of the Successor Agency of the Redevelopment Agency of the City of Monterey pursuant to Health and Safety Code Section 34187(b)

Background:

Pursuant to AB X1 26 and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), the Redevelopment Agency of the City of Monterey (the "Former Agency") was dissolved as of February 1, 2012, and the Successor Agency of the Redevelopment Agency of the City of Monterey (the "Successor Agency") was constituted. Pursuant to AB X1 26, the Successor Agency was formed to and charged with paying the enforceable obligations, disposing of the properties and other assets, and expeditiously unwinding the affairs of the dissolved Former Agency.

Health and Safety Code section 34179 provides for the appointment of a countywide oversight board (the "Countywide Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code section 34180 and to direct successor agencies in certain other actions pursuant to Health and Safety Code section 34181.

Under Health and Safety Code section 34187(b), "when all of the enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to section 34181 or 34191.4, and all outstanding litigation has been resolved, the successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board a request, with a copy of the request to the county auditor-controller, to formally dissolve the successor agency. The oversight board shall approve the request within 30 days and shall submit the request to the department."

On November 4, 2022, the City of Monterey accepted fee title to the Hotel Pacific, located at 300 Pacific Street, City of Monterey, County of Monterey, California (the "Property") from the Successor Agency in accordance with the State Department of Finance (the "Department") approved Long Range Property Management Plan ("LRPMP"). The Property was subject to the terms of that certain Compensation Agreement, which by its terms, terminated at such time as the Successor Agency transferred the Property to the City in fee.

According to Successor Agency staff, as of November 16, 2022, the Successor Agency has retired or paid off all of the enforceable obligations of the Former Agency and transferred all real property of the Former Agency pursuant to Health and Safety Code sections 34181 or 34191.4, and confirmed that the Successor Agency has no outstanding litigation; thereby satisfying all of the conditions to dissolve the Successor Agency under Health and Safety Code section 34187(b).

The Successor Agency has an obligation to, within 30 days of meeting the criteria for dissolution under Health and Safety Code Section 34187(b), submit to the Consolidated Oversight Board a request, with a copy of the request sent to the County Auditor-Controller, to formally dissolve the Successor Agency. Such request was submitted to the Consolidated Oversight Board and the County Auditor-Controller on November 18, 2022.

The Oversight Board is required to approve the request within 30 days and shall submit the request to the Department for final approval. The Successor Agency requests the adoption of the attached resolution approving the dissolution of the Successor Agency. If approved, the Consolidated Oversight Board shall be responsible for notifying the Department of Finance.

Financial Impact:

If the Oversight Board adopts the attached resolution, the Successor Agency will cease to exist and be dissolved in accordance with Health and Safety Code section 34187(b). When the Successor Agency is dissolved, all statutory and contractual pass-through obligations will cease, no funds will be deposited into the Redevelopment Property Tax Trust Fund, and all property tax revenues will be distributed as required by the United States Department of Housing and Urban Development, which requires that all revenue from lease payments and any proceeds from any future sale of the Property be treated as restricted Community Development Block Grant (“CDBG”) program income and must continue to be transferred to the City of Monterey's CDBG program and spent in accordance with the CDBG program requirements.

Environmental Impact

Based upon a review of the evidence and information presented on the matter as it relates to the dissolution of the Successor Agency, the Consolidated Oversight Board has determined that such approval is exempt from the California Environmental Quality Act (CEQA) Section 15061(b)(3) as it can be seen with certainty that there is no possibility that this proposal will have a significant impact on the environment.

Recommended Action:

Staff recommends that the Consolidated Oversight Board adopt the attached resolution to approve the dissolution of the Successor Agency and to make determinations that such approval is exempt from the California Environmental Quality Act (CEQA) Section 15061(b)(3).

Attachments:

Draft Consolidated Oversight Board Resolution
Successor Agency Resolution No. 867
Notice of Request to Dissolve under Health and Safety Code Section 34187(b)

**Before the Consolidated Oversight Board
Successor Agency for the
City of Monterey, State of California**

Resolution No.

Approve the Dissolution of the Successor Agency of the Redevelopment)
Agency of the City of Monterey Pursuant to Health and Safety Code)
Section 34187(b), Making Related Findings and Declarations and Taking)
Related Actions in Connection Therewith)

WHEREAS, the California state legislature enacted Assembly Bill X1 26 (as amended by AB 1484, the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, the Redevelopment Agency of the City of Monterey (the "Former Agency") was dissolved as of February 1, 2012, and the Successor Agency of the Redevelopment Agency of the City of Monterey (the "Successor Agency") was constituted; and

WHEREAS, the Successor Agency was formed to and charged with paying the enforceable obligations, disposing of the properties and other assets, and expeditiously unwinding the affairs of the dissolved Former Agency; and

WHEREAS, Health and Safety Code section 34179 provides for the appointment of a consolidated oversight board (the "Consolidated Oversight Board"), as of July 1, 2018, with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code section 34180 and to direct successor agencies in certain other actions pursuant to Health and Safety Code section 34181; and

WHEREAS, pursuant to Health and Safety Code section 34187(b), "when all of the [successor agency's] enforceable obligations have been retired or paid off, all real property has been disposed of pursuant to section 34181 or 34191.4, and all outstanding litigation has been resolved, the successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board a request, with a copy of the request to the county auditor-controller, to formally dissolve the successor agency."; and

WHEREAS, the Consolidated Oversight Board shall approve the request within 30 days, and shall submit the request to the Department of Finance; and

WHEREAS, on November 18, 2022, the Successor Agency submitted a request to the Consolidated Oversight Board and the County Auditor-Controller to formally dissolve the Successor Agency pursuant to Health and Safety Code section 34187(b) and confirming that the Successor Agency has retired or paid off all of the enforceable obligations of the Former Agency, transferred all real property of the Former Agency pursuant to Health and Safety Code sections 34181 or 34191.4, and confirming that the Successor Agency has no outstanding litigation and has thereby satisfied all of the conditions to dissolve the Successor Agency under Health and Safety Code section 34187(b); and

WHEREAS, the accompanying staff report, and attachments, attached hereto and incorporated herein by this reference, provide the supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Consolidated Oversight Board hereby finds 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.

Section 1. The Consolidated Oversight Board hereby finds, resolves, and determines that the foregoing recitals are true and correct and are incorporated herein by reference, 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.

Section 2. Based upon a review of the evidence and information presented on the matter as it relates to the dissolution of the Successor Agency, the Consolidated Oversight Board finds that such approval is exempt from the California Environmental Quality Act (CEQA) Section 15061(b)(3) as it can be seen with certainty that there is no possibility that this proposal will have a significant impact on the environment.

Section 3. The Consolidated Oversight Board hereby finds that the dissolution of the Successor Agency is in the best interest of the taxing entities and hereby approves the dissolution of the Successor Agency based on the Successor Agency's representations that as of November 16, 2022, the Successor Agency has retired or paid off all of the enforceable obligations of the Former Agency and transferred all real property of the Former Agency pursuant to Health and Safety Code sections 34181 or 34191.4, and confirmed that the Successor Agency has no outstanding litigation and has thereby satisfied all of the conditions to dissolve the Successor agency under Health and Safety Code section 34187(b).

Section 4. The Consolidated Oversight Board hereby authorizes and directs the County Auditor-Controller staff and the Successor Agency Staff of the County of Monterey staff to take all actions necessary under the Dissolution Act 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 this Resolution and to within 30 days of its adoption notify the Department of Finance of this approval.

Section 5. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code section 34179(h).

PASSED AND ADOPTED this 20TH day of January 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

, Chair



NARROW:

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Judge

Select

Attorney

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Select

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Annotated Documents

- Highlighted
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Dockets (0)

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Participant Name: Successor /3 Agency /3 to /3 the /3 Former /3 City /3 of /3 Monterey /3 Redevelopment /3 Agency

No documents found



Party Search Request for Successor Agency

Show 10 entries

Search:

ID	Case Number	Case Style	Case Status	Case Type	Filing Date
No data available in table					

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[Previous](#) [Next](#)



November 6, 2017

Ms. Julie Porter, Assistant Finance Director
City of Monterey
735 Pacific Street
Monterey, CA 93940

Dear Ms. Porter:

Subject: Amended Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1) (E), the Monterey City Successor Agency (Agency) submitted an amended Recognized Obligation Payment Schedule for the period January 1, 2018 through June 30, 2018 (Amended ROPS 17-18B) to the California Department of Finance (Finance) on September 20, 2017. Finance has completed its review of the Amended ROPS 17-18B.

Based on our review, Finance is approving the adjustment of \$233,594 in Reserve Balances requested on the Amended ROPS 17-18B.

Since no adjustments were requested for Redevelopment Property Tax Trust Fund (RPTTF), the Agency's maximum approved RPTTF distribution for the ROPS 17-18B period remains zero as summarized in the Approved RPTTF Distribution table on Page 3 (see Attachment).

Please refer to the ROPS 17-18B schedule used to calculate the total RPTTF approved for distribution:

<http://www.dof.ca.gov/redevelopment/ROPS>

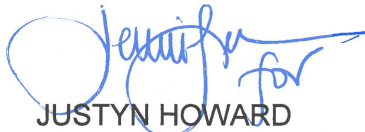
This is Finance's determination related to the funding of enforceable obligations reported on your Amended ROPS 17-18B. Please note there is no Meet and Confer option for the Amended ROPS process and Finance's determination is final. This determination is effective for this time period only and should not be conclusively relied upon for future ROPS periods. All items listed on a future ROPS are subject to review and may be denied even if not denied on this Amended ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of redevelopment dissolution law. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax is limited to the amount of funding available to the Agency in the RPTTF.

Ms. Julie Porter
November 6, 2017
Page 2

Please direct inquiries to Kylie Oltmann, Supervisor, or Brian Dunham, Lead Analyst, at (916) 322-2985.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justyn Howard', with a stylized flourish extending to the right.

JUSTYN HOWARD
Program Budget Manager

cc: Mr. Rick Marvin, Housing and Property Manager, Monterey City
Ms. Julie Aguero, Auditor-Controller Analyst II, Monterey County

Attachment

Approved RPTTF Distribution For the period of January 2018 through June 2018		
Authorized RPTTF on ROPS 17-18B	\$	0
Authorized Administrative RPTTF on ROPS 17-18B		0
Total Authorized RPTTF on ROPS 17-18B		0

Amended Recognized Obligation Payment Schedule (ROPS 17-18B) - Summary

Filed for the January 1, 2018 through June 30, 2018 Period

Successor Agency: Monterey City
 County: Monterey

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 17-18B Authorized Amounts	ROPS 17-18B Requested Adjustments	ROPS 17-18B Amended Total
A Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ 233,594	\$ 233,594
B Bond Proceeds	-	-	-
C Reserve Balance	-	233,594	233,594
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ -	\$ -	\$ -
F RPTTF	-	-	-
G Administrative RPTTF	-	-	-
H Current Period Enforceable Obligations (A+E):	\$ -	\$ 233,594	\$ 233,594

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (o) of the Health and Safety
 code, I hereby certify that the above is a true and accurate
 Recognized Obligation Payment Schedule for the above
 named successor agency.

 Name Title
 /s/ _____
 Signature Date

SA/RDA RESOLUTION NO. 867

A RESOLUTION OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MONTEREY

DISSOLVING THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MONTEREY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34187(b)

WHEREAS, the Redevelopment Agency for the City of Monterey (the "Former Agency") was formed, existed and exercised its powers pursuant to the Community Redevelopment law (California Health and Safety Code section 33000 et seq. the "CRL");

WHEREAS, the California state legislature enacted Assembly Bill 1x 26, as modified by Assembly Bill No. 1484 enacted on June 27, 2012, as further modified by Senate Bill No. 107 enacted on September 22, 2015, as such may be further amended (collectively, the "Dissolution Act"), adding or amending Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code, to dissolve redevelopment agencies formed under the CRL;

WHEREAS, pursuant to Section 34173 of the Health and Safety Code, effective February 1, 2012, the Successor Agency of the Redevelopment Agency of the City of Monterey, a separate legal entity (the "Successor Agency") was formed to, and charged with, paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the dissolved Former Agency;

WHEREAS, upon dissolution of the Former Agency, all authority, rights, powers, duties and obligations previously vested with the Former Agency (except for the Former Agency's housing assets and functions) under the CRL, vested in the Successor Agency, which was declared a separate legal entity effective June 27, 2012;

WHEREAS, Section 34179 (j) of the Health and Safety Code provides for the appointment of a countywide oversight board (the "Countywide Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Section 34180 of the Health and Safety Code and to direct the Successor Agency in certain other actions pursuant to Section 34181 of the Health and Safety Code;

WHEREAS, under Health and Safety Code Section 34187(b), "when *all of the enforceable obligations have been retired* or paid off, *all real property has been disposed of pursuant to section 34181 or 34191.4*, and all outstanding litigation has been resolved, the successor agency shall, within 30 days of meeting the aforementioned criteria, submit to the oversight board a request, with a copy of the request to the county auditor-controller, to formally dissolve the Successor Agency;

WHEREAS, on November 1, 2022, the City of Monterey adopted Resolution 22-146 and accepted the transfer of fee title to the Hotel Pacific, located at 300 Pacific Street, City of Monterey, County of Monterey, California (the "Property") from the Successor Agency in accordance with the State Department of Finance (the "Department") approved Long Range Property Management Plan ("LRPMP");

WHEREAS, the deed to the Property was signed and delivered on November 4, 2022, and recorded on November 7, 2022 as reflected in Monterey County Recorder document number 2022047660;

WHEREAS, the Property was subject to the terms of that certain Compensation Agreement, which by its terms, terminates at such time as the Successor Agency transfers the Property to the City in fee.

WHEREAS, the Successor Agency has retired or paid off all of the enforceable obligations of the Former Agency and all real property has been disposed of pursuant to Health and Safety Code Sections 34181 or 34191.4, and no litigation is outstanding, thereby satisfying the conditions of Health and Safety Code Section 34187(b);

WHEREAS, the dissolution of the Successor Agency is for the benefit of the taxing entities and will result in no further property taxes being allocated to the Redevelopment Property Tax Trust Fund, and pass-through payments will cease and result in the expeditious wind-down of the Successor Agency;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), based upon a review of the evidence and information presented on the matter as it relates to the dissolution of the Successor Agency, the Successor Agency has determined that such approval is exempt from the California Environmental Quality Act (CEQA) Section 15061(b)(3) as it can be seen with certainty that there is no possibility that this proposal will have a significant impact on the environment;

WHEREAS, within 30 days of meeting the criteria for dissolution under Health and Safety Code Section 34187(b) the Successor Agency must submit to the Consolidated Oversight Board, with a copy to the County Auditor-Controller for the County of Monterey, a request to formally dissolve the Successor Agency;

WHEREAS, the Consolidated Oversight Board must approve the request within 30 days, and shall submit the request to the Department of Finance for final approval.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MONTEREY that it hereby finds, resolves, and determines that the foregoing recitals are true and correct and are incorporated herein by reference, and together with information provided by the City and Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below:

1. Pursuant to the California Environmental Quality Act (CEQA), based upon a review of the evidence and information presented on the matter as it relates to the dissolution of the Successor Agency, the Successor Agency's governing board has determined that approval of this Resolution will not result in a direct or indirect physical change in the environment, per CEQA Guideline Section 15378 (b)(5) of the and is exempt under Section 15061 (b)(3).
2. The Successor Agency's governing board hereby finds that it is in the best interest of the taxing entities to dissolve the Successor Agency and that all the conditions set forth in Health and Safety Code Section 34187(b) have been satisfied.


3. The Successor Agency's governing board hereby approves the dissolution of the Successor Agency, in the manner specified herein, and hereby authorizes and directs the Executive Director of the Successor Agency, or the Successor Agency Executive Director's designees, to take all actions and sign any and all documents necessary to implement and effectuate the actions approved by this Resolution as determined necessary by the Successor Agency's Executive Director, or the Successor Agency's Executive Director's designee.
4. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency's governing board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
5. The Successor Agency's governing board hereby authorizes and directs the Successor Agency staff to take all actions necessary under the Dissolution Act 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 this Resolution.
6. In accordance with Health and Safety Code Section 34187(b), the Successor Agency staff is directed to submit to the Countywide Oversight Board and to the County Auditor-Controller for the County of Monterey a copy of this Resolution, which notice shall serve as the formal request to dissolve the Successor Agency.

PASSED AND ADOPTED BY THE BOARD OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MONTEREY this 16th day of November 2022, by the following vote:


AYES:	3	AGENCY MEMBERS:	Haffa, Smith, Roberson
NOES:	0	AGENCY MEMBERS:	None
ABSENT:	0	AGENCY MEMBERS:	None
ABSTAIN:	0	AGENCY MEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

FA1981217DEE4FB

 Chair of the Successor Agency of the
 Redevelopment Agency
 of the City of Monterey, California

DocuSigned by:

ED8453A4E62C4AA

 Secretary of the Successor Agency of the
 Redevelopment Agency
 of the City of Monterey, California