

OVERSIGHT BOARD
FOR THE SUCCESSOR AGENCY TO THE
PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY

BOARD REPORT

MEETING DATE: September 23, 2014

NEW BUSINESS

TITLE: AMENDMENT TO JOINT POWERS AGREEMENT

INITIATED: Department of Community & Economic Development

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY EXECUTION AND DELIVERY OF SECOND AMENDMENT TO JOINT POWERS AGREEMENT"

BACKGROUND AND ANALYSIS:

The City of Palm Springs Financing Authority was formed in 1991, pursuant to a Joint Exercise of Powers Agreement (JPA Agreement) between the City and the Community Redevelopment Agency of the City of Palm Springs (RDA). The RDA was succeeded by the Successor Agency to the Palm Springs Community Redevelopment Agency (Successor Agency) as a party to the JPA Agreement.

The Financing Authority assists the City in its various financings. Due to the dissolution of redevelopment, the Successor Agency must be dissolved within 12 months following payment in full of all debt of the Successor Agency. The Successor Agency expects to be dissolved by September 2035. In order to use the Financing Authority to assist the City in its future financings and continue its useful life, the City, the Successor Agency and the City's Housing Authority approved an amendment to the JPA Agreement on July 2, 2014 to add the Housing Authority as a party to the JPA Agreement and remove the Successor Agency.

The Oversight Board's approval of the Successor Agency's action to be removed as a party to the JPA Agreement as provided in the amendment to the JPA Agreement is required. The State Department of Finance will review the Oversight Board approval. Staff does not expect any concerns by the Department of Finance to this ministerial action.

RESOLUTION NO. _____

A RESOLUTION OF THE OVERSIGHT BOARD
OF THE SUCCESSOR AGENCY TO THE PALM
SPRINGS COMMUNITY REDEVELOPMENT
AGENCY APPROVING THE SUCCESSOR
AGENCY EXECUTION AND DELIVERY OF
SECOND AMENDMENT TO JOINT POWERS
AGREEMENT

WHEREAS, the City of Palm Springs (the "City") and the Community Redevelopment Agency of the City of Palm Springs (the "Former Agency") entered into a Joint Exercise of Powers Agreement dated as of February 1, 1991 (the "Joint Powers Agreement") forming the City of Palm Springs Financing Authority (the "Authority") as a separate public agency under the laws of the State of California; and

WHEREAS, the Former Agency has been dissolved under the provisions of Assembly Bill X1 26, which became effective on June 29, 2011 (the "Dissolution Act"), and under the Dissolution Act all of the authority, rights, powers, duties and obligations of the Former Agency have been vested in the City Council of the City of Palm Springs, as successor agency to the Former Agency (the "Successor Agency"); and

WHEREAS, in order to ensure the continuing existence of the Authority, the City and the Successor Agency proposed to add the Housing Authority of the City of Palm Springs (the "Housing Authority") as an additional member of the Authority and to remove the Successor Agency as a member of the Authority;

WHEREAS, the City, the Successor Agency and the Housing Authority each adopted resolutions on July 2, 2014, each authorizing the execution of a Second Amendment to Joint Powers Agreement among the City, the Successor Agency and the Housing Authority, pursuant to which the Successor Agency withdrew as a member of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS AS FOLLOWS:

Section 1. The Oversight Board hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Successor Agency's action to authorize the execution and delivery of the Second Amendment by the Successor Agency, as above described, is hereby approved.

Section 3. This Resolution shall take effect three days upon its adoption.

OVERSIGHT BOARD CHAIR

ATTEST:

JAMES THOMPSON
OVERSIGHT BOARD SECRETARY

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
)

I, James Thompson, Secretary of the Oversight Board of the Successor Agency of the Palm Springs Community Redevelopment Agency hereby certify that Resolution No. _____ was adopted by the Oversight Board at a Special Meeting held on the 23rd of September, 2014, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAMES THOMPSON
OVERSIGHT BOARD SECRETARY

SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT

CITY OF PALM SPRINGS FINANCING AUTHORITY

This SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT (this "Second Amendment") is dated as of July 1, 2014, among the CITY OF PALM SPRINGS, a charter city and municipal corporation duly organized and existing under the Constitution and laws of the State of California (the "City"), the SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, a public entity duly organized and existing under the laws of the State of California (the "Successor Agency"), and the HOUSING AUTHORITY OF THE CITY OF PALM SPRINGS, a public entity duly organized and existing under the laws of the State of California (the "Housing Authority");

BACKGROUND:

1. The City and the Community Redevelopment Agency of the City of Palm Springs (the "Former Agency") entered into a Joint Exercise of Powers Agreement dated as of February 1, 1991 (the "Joint Powers Agreement") forming the City of Palm Springs Financing Authority (the "Authority") as a separate public agency under the laws of the State of California.

2. The Joint Powers Agreement was amended by the Amendment to Joint Exercise Agreement, dated as of July 5, 2001.

3. The Former Agency has been dissolved under the provisions of Assembly Bill X1 26, which became effective on June 29, 2011 (the "Dissolution Act"), and under the Dissolution Act all of the authority, rights, powers, duties and obligations of the Former Agency have been vested in the City Council of the City of Palm Springs, as the Successor Agency.

4. The Housing Authority was activated by the City Council of the City as a public entity duly organized and existing under the laws of the State of California and its officers and staff were designated pursuant to Resolution No. 1, adopted by the Housing Authority on July 3, 1985.

5. In order to ensure the continuing existence of the Authority, the City and the Successor Agency have proposed to add the Housing Authority of the City of Palm Springs (the "Housing Authority") as an additional member.

AGREEMENT:

In consideration of the premises and the material covenants contained herein, the City, the Successor Agency and the Housing Authority hereby agree as follows:

Section 1. Amendment to Add Housing Authority as Additional Member.
The Joint Powers Agreement is hereby amended by adding the Housing Authority as an additional party thereto. By its execution of this Second Amendment, the Housing Authority shall become a member of the Authority for all purposes thereof, and shall be

deemed to be a signatory to the Joint Powers Agreement. All references in the Joint Powers Agreement jointly to the City and the Agency shall be deemed to include the Housing Authority.

Section 2. Technical Amendments.

(a) Section 1 of the Joint Powers Agreement is hereby amended to add the following definition:

Housing Authority

The term "Housing Authority " means the Housing Authority of the City of Palm Springs.

(b) Section 17 of the Joint Powers Agreement is hereby amended to add the following sentence to the end of the Section:

"Whenever in this Agreement an approval of the Housing Authority is required, it shall be given by resolution duly adopted by the Commissioners of the Housing Authority."

(c) Section 18 of the Joint Powers Agreement is hereby amended to read to add the following sentence to the end of the Section:

"Notices to the Housing Authority hereunder shall be sufficient if delivered to Secretary of the Housing Authority"

Section 3. Effect of Amendment. The Joint Powers Agreement shall remain in effect, and the Authority shall continue its existence as a joint exercise of powers agency under the laws of the State of California, at all times following the execution and delivery of this Second Amendment, notwithstanding the dissolution of the Former Agency and any subsequent dissolution of the Successor Agency.

Section 4. Effective Date. This Second Amendment shall take effect immediately upon the execution and delivery hereof by the City, the Successor Agency and the Housing Authority.

Section 5. Execution in Counterparts. This Second Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 6. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

CITY OF PALM SPRINGS

By: _____
David H. Ready, City Manager

ATTEST:

By: _____
James Thompson, City Clerk

APPROVED AS TO FORM:

By: _____
Douglas Holland, City Attorney

**SUCCESSOR AGENCY TO THE PALM
SPRINGS COMMUNITY
REDEVELOPMENT AGENCY**

By: _____
Palm Springs City Manager as
Chief Administrative Officer
Successor Agency to the City of Palm
Springs Community Redevelopment Agency

ATTEST:

By: _____
Palm Springs City Clerk as
Secretary
Successor Agency to the City of Palm
Springs Community Redevelopment
Agency

APPROVED AS TO FORM:

By: _____
General Counsel

**HOUSING AUTHORITY OF THE CITY OF
PALM SPRINGS**

By: _____
Executive Director

ATTEST:

By: _____
Secretary

APPROVED AS TO FORM:

By: _____
General Counsel