

Orange Countywide Oversight Board

Agenda Item No. 5

Date: 10/19/2022

From: Successor Agency to the Anaheim Redevelopment Agency

Subject: Resolution of the Countywide Oversight Board Approving First Amendment to Joint Exercise of Powers Agreement Relating to the Anaheim Public Financing Authority

Recommended Action:

Approve resolution approving First Amendment to the Joint Exercise of Powers Agreement relating to the Anaheim Public Financing Authority

The Anaheim Successor Agency requests approval of the First Amendment of the Joint Exercise of Powers Agreement dated January 28, 1992, by and between the City of Anaheim (City) and the Successor to the Redevelopment Agency forming the Anaheim Public Financing Authority (APFA).

The City utilizes Joint Powers Authorities (JPAs) to issue public debt, including the APFA. The recommended action is a technical clean-up of the APFA related to the expansion of the City Council as the City transitioned to by-district elections. APFA's board is made up of the City Council, however, there is a reference to five board members in the current Joint Exercise of Powers Agreement where the City now has seven members of the City Council. The amendment simply removes the reference to five board members and leaves the City Council in its entirety as the governing board of the APFA, leaving flexibility should the number of council members change in the future.

Impact on Taxing Entities

None

Staff Contact(s)

Sergio Ramirez, Economic Development Director
sramirez@anaheim.net

Attachments

1. Resolution
2. Successor Agency Resolution No. 2022-002
3. First Amendment to Joint Exercise of Powers Agreement

**RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD
RESOLUTION NO. 22-038**

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD APPROVING
FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT BY AND
BETWEEN THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT
AGENCY AND THE CITY OF ANAHEIM RELATING TO THE ANAHEIM PUBLIC
FINANCE AUTHORITY

WHEREAS, the former Anaheim Redevelopment Agency (“Former Agency”) previously was a community redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Anaheim (“City”); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and wind down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 and by other subsequent legislation (“Dissolution Law”); and

WHEREAS, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Law, and as a separate public entity, corporate and policy the Successor Agency to the Anaheim Redevelopment Agency (“Successor Agency”) administers the enforcement obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs; and

WHEREAS, prior to July 1, 2018 under the Dissolution Law, in particular Sections 34179 and 34180, all actions of the Successor Agency were subject to the review and approval by a local seven-member oversight board, which oversaw and administered the Successor Agency’s activities during the period from dissolution until June 30, 2018; and

WHEREAS, as of, on and after July 1, 2018, under the Dissolution Law, in particular Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Orange; and

WHEREAS, as of, on and after July 1, 2018, the Orange Countywide Oversight Board (“Oversight Board”) was established through the Orange County Auditor-Controller in compliance with Section 34179(j), which serves as the oversight board to the 25 successor agencies existing and operating in Orange County, including Successor Agency and all other successor agencies in Orange County; and

WHEREAS, the City and the former Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 28, 1992 (the “**Joint Powers Agreement**”), which created and established the Anaheim Public Financing Authority (the “**Authority**”) for the purpose, among others, of issuing its bonds to be used to provide financial assistance to the City to finance and refinance public capital improvements;

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency desire to amend the Joint Powers Agreement as set forth in a First Amendment to Joint Exercise of Powers Agreement (the “**First Amendment**”) to provide that the City Council as constituted will serve as the Board of Directors of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

SECTION 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2. The Orange Countywide Oversight Board hereby approves the First Amendment and the execution thereof by the Successor Agency.

SECTION 3. Under Section 34179(h) written notice and information about certain actions taken by the Orange Countywide Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF’s choosing. The Orange Countywide Oversight Board’s action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. SA-2022-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, AS THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, AUTHORIZING THE EXECUTION AND DELIVERY BY THE SUCCESSOR AGENCY OF A FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT WITH THE CITY OF ANAHEIM RELATING TO THE ANAHEIM PUBLIC FINANCING AUTHORITY

WHEREAS, the City of Anaheim (the “City”) and the Anaheim Redevelopment Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 28, 1992 (the “**Joint Powers Agreement**”), which created and established the Anaheim Public Financing Authority (the “**Authority**”) for the purpose, among others, of issuing its bonds to be used to provide financial assistance to the City to finance and refinance public capital improvements;

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency to the Anaheim Redevelopment Agency, as successor to the Anaheim Redevelopment Agency (the “**Successor Agency**”) desire to amend the Joint Powers Agreement as set forth in a First Amendment to Joint Exercise of Powers Agreement (the “**First Amendment**”) to provide that the City Council as constituted will serve as the Board of Directors of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, SERVING AS AND ON BEHALF OF THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. The form of the First Amendment, on file with the Secretary of the Successor Agency, is hereby approved. Each of the Chair of the Successor Agency, the Vice Chair of the Successor Agency, and the City Manager of the City (the “**Authorized Officers**”) is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the First Amendment in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the First Amendment by such Authorized Officer.

Section 3. This Resolution shall take effect immediately upon its adoption,

THE FOREGOING RESOLUTION was approved and adopted by the City Council of the City of Anaheim, serving as and on behalf of the Successor Agency to the Anaheim Redevelopment Agency, at a regular meeting of said City Council held on the 27th day of September, 2022, by the following vote:

AYES: Vice-Chairman O'Neil and Agency Members Diaz, Ma'ae, Moreno, Valencia and Faessel

NOES: None

ABSENT: None

ABSTAIN: None

[Chairperson vacancy]

CITY OF ANAHEIM



VICE CHAIR, CITY OF ANAHEIM, AS
THE SUCCESSOR AGENCY TO THE
ANAHEIM REDEVELOPMENT AGENCY

ATTEST



SECRETARY
CITY OF ANAHEIM, AS THE SUCCESSOR
AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY

SECRETARY'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, THERESA BASS, Secretary of the Successor Agency to the Anaheim Redevelopment Agency, do hereby certify that the foregoing is the original Resolution No. SA-2022-002 adopted at a regular meeting provided by law, of the Successor Agency to the Anaheim Redevelopment Agency held on the 27th day of September, 2022, by the following vote of the members thereof:

AYES: Vice-Chairman O'Neil and Agency Members Diaz, Ma'ae, Moreno, Valencia, and Faessel

NOES: None

ABSTAIN: None

ABSENT: None
[Chairperson vacancy]

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of September, 2022.



SECRETARY OF THE SUCESSOR AGENCY TO THE
ANAHEIM REDEVELOPMENT AGENCY

(SEAL)

**ANAHEIM PUBLIC FINANCING AUTHORITY
FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT**

This First Amendment to Joint Exercise of Powers Agreement (the “First Amendment”), dated September 27, 2022, is by and between the City of Anaheim, a municipal corporation and charter law duly organized and existing under and by virtue of the Constitution and laws of the State of California (the “City”), and the Successor Agency to the Anaheim Redevelopment Agency (the “Successor Agency”), as successor to the Anaheim Redevelopment Agency, and amends the Joint Exercise of Powers Agreement dated January 28, 1992 (the “Joint Powers Agreement”), by and between the City and the Anaheim Redevelopment Agency, creating the Anaheim Public Financing Authority (the “Authority”).

WITNESSETH:

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency desire to amend the Joint Powers Agreement as set forth in this First Amendment to provide that the City Council of the City as constituted will serve as the Board of Directors of the Authority;

NOW THEREFORE, the Parties hereto agree that the Joint Powers Agreement shall be amended as follows:

AMENDMENTS

A. Section 2.03 of the Joint Powers Agreement is hereby amended and restated to read as follows:

“Section 2.03. Board of Directors. The Authority shall be administered by a Board of Directors, which shall consist of the members of the City Council of the City. The Board shall be called the “Board of Directors of the Anaheim Public Financing Authority. All voting power of the Authority shall reside in the Board.”

MISCELLANEOUS

A. **Survival of Joint Powers Agreement.** Except as otherwise amended hereby, the Joint Powers Agreement shall remain in full force and effect.

B. **Execution.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same First Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Joint Exercise of Powers Agreement to be executed and attested by their proper officers thereunto duly authorized, as of the day and year first above written.

CITY OF ANAHEIM

By: _____
James Vanderpool, City Manager

Attest:

Theresa Bass, City Clerk

SUCCESSOR AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY

By: _____
James Vanderpool, City Manager

Attest:

Theresa Bass, Secretary

Approved as to Form:

Robert Fabela, City Attorney