

RESOLUTION NO. 2014-13

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN BENITO COUNTY WATER DISTRICT
APPROVING A COMPENSATION AGREEMENT WITH
THE CITY OF HOLLISTER, AND OTHER AFFECTED TAXING
ENTITIES PURSUANT TO HEALTH AND SAFETY CODE
SECTION 34180(f)**

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, collectively the "Dissolution Acts"), the Redevelopment Agency of the City of Hollister (the "Former RDA") was dissolved as of February 1, 2012, and the City of Hollister, acting in a separate limited capacity and known as the Successor Agency to the Redevelopment Agency of the City of Hollister, has elected to serve as the successor agency (the "Successor Agency") to the Former RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), the Successor Agency is a separate legal entity from the City of Hollister (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the Former RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by Ordinance No. 976 dated June 17, 2002, the City Council of the City of Hollister adopted the Amended and Restated Community Development Plan for the Hollister Redevelopment Project (the "Redevelopment Plan"), which Redevelopment Plan was being implemented by the Former RDA up until its dissolution; and

WHEREAS, the real property and specified other assets of the Former RDA were transferred to the ownership and control of the Successor Agency as of February 1, 2012, pursuant to Health and Safety Code Section 34175(b), including an approximately 17,400 square foot grassy lot located at 400, 410, 414, 420, 422, 426, 430, 434 & 438 San Benito Street to the extent not a portion of Briggs Alley (the "400 Block Property"); and

WHEREAS, the 400 Block Property was acquired by the Former RDA for redevelopment with uses consistent with, and for projects identified in, the Redevelopment Plan; and

WHEREAS, on April 26, 2013, the Successor Agency received a "Finding of Completion" from the California Department of Finance (the "DOF") pursuant to Health and Safety Code Section 34179.7, confirming that the Successor Agency had made specified required payments under the Dissolution Acts; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency then prepared a Long-Range Property Management Plan in October 2013, as supplemented in the Supplement Long-Range Property Management Plan dated December 27, 2013 (as so supplemented the "LRPMP"); and

WHEREAS, the LRPMP was submitted by the Successor Agency to the Oversight Board and was approved by the Oversight Board by resolution on January 2, 2014; and

WHEREAS, the LRPMP was then submitted to the DOF and was approved by the DOF by letter of February 21, 2014; and

WHEREAS, the LRPMP provides for the 400 Block Property to be conveyed by the Successor Agency to the City for further redevelopment activities by the City consistent with the Redevelopment Plan and the LRPMP, such conveyance to the City to occur upon satisfaction of the following conditions (the "Conveyance Conditions"):

1. The full execution of a compensation agreement (the "Compensation Agreement") between the City and the affected taxing entities (as listed in the Compensation Agreement, the "Affected Taxing Entities") pursuant to Health and Safety Code Section 34180(f);

WHEREAS, the San Benito County Water District is one of the Affected Taxing Entities; and

WHEREAS, the City of Hollister has prepared the Compensation Agreement in the form on file with the San Benito County Water District and has presented the Compensation Agreement to the Board of Directors of the San Benito County Water District for consideration of approval as required by the LRPMP; and

WHEREAS, the City is proceeding to obtain execution of the Compensation Agreement by the other Affected Taxing Entities; and

WHEREAS, the staff report (the "Staff Report") accompanying this Resolution contains additional information and analysis upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Benito County Water District hereby finds, resolves, approves, determines, and directs as follows:

SECTION 1. The above Recitals are true and correct, and together with the Staff Report and other information provided by the staff and the public, form the basis for the findings and actions set forth in this Resolution.

SECTION 2. Pursuant to Health and Safety Code Section 34180(f), the Board of Directors of the San Benito County Water District hereby approves the Compensation Agreement in the form on file with the San Benito County Water District's District Secretary and authorizes execution of the Compensation Agreement by the San Benito County Water District's Board President, with only such non-substantive modifications as may be approved in writing by the San Benito County Water District's legal counsel and with any modifications that are required by the DOF.

SECTION 3. The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).

PASSED AND ADOPTED by the Board of Directors of the San Benito County Water District this 30th day of July, 2014, by the following vote:

AYES: DIRECTORS: Tobias, Bettencourt, Flores & Torquato
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Tonascia

/s/John Tobias
John Tobias
President

/s/Sara Singleton
ATTEST:
Sara Singleton
Assistant Manager