

RESOLUTION NO. 22-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING THE INFRASTRUCTURE FINANCING PLAN FOR THE CITY OF CARSON ENHANCED INFRASTRUCTURE FINANCING DISTRICT AND THE ALLOCATION OF THE CITY'S INCREMENTAL TAX REVENUE FROM THE PROJECT AREA PURSUANT TO GOVERNMENT CODE SECTION 53398.75 ET SEQ

WHEREAS, the California Legislature enacted California Government Code sections 53398.50 through 53398.88 (“EIFD Law”) authorizing cities to form enhanced infrastructure financing districts and use specified property tax increment revenue generated within such districts to finance certain infrastructure and community benefit projects; and

WHEREAS, in enacting the EIFD Law, the California Legislature found and determined that with the dissolution of redevelopment agencies, public benefits will accrue, if local agencies finance certain public infrastructure and community benefit projects authorized under the EIFD Law; and

WHEREAS, the City Council (the “City Council”) of the City of Carson (the “City”) has determined that it will be beneficial to the City to form the City of Carson Enhanced Infrastructure Financing District (the “Carson EIFD”); and

WHEREAS, the City initially commenced the proceedings to form the Carson EIFD pursuant to Resolution 19-192 adopted on December 3, 2019; and

WHEREAS, the City restarted the proceedings to form the Carson EIFD pursuant to Resolution No. 21-026 adopted on March 16, 2021 (“Resolution of Intent”); and

WHEREAS, pursuant to the Resolution of Intent, the City (1) declared its intention to form the Carson EIFD pursuant to EIFD Law; (2) identified the boundaries of the proposed Carson EIFD; (3) identified the types of public facilities and development proposed to be financed or assisted by the proposed Carson EIFD; (4) described the need for the proposed Carson EIFD and the goals the Carson EIFD proposes to achieve; (5) confirmed that incremental property tax revenue from the City and some, all or none of the other affected taxing entities within the proposed Carson EIFD may be used to finance these activities; and (6) set a time and place for a public hearing on the proposed Carson EIFD; and

WHEREAS, pursuant to the Resolution of Intent, the City Council determined that the Carson EIFD is necessary to support the provisions of needed public infrastructure, low and moderate income housing, including workforce housing, and to provide for the rehabilitation and environmental mitigation of brownfields and other property within the Carson EIFD and the City; and

WHEREAS, the City, also pursuant to the Resolution of Intent, formed the Public Financing Authority of the Carson EIFD as the governing body of the Carson EIFD (the “PFA”); and

WHEREAS, the County of Los Angeles (the “County”) pursuant to a resolution adopted on November 24, 2020, declared its intent to participate as a taxing entity in the Carson EIFD and form the PFA; and

WHEREAS, the City Council and the PFA previously directed the City Manager, other appropriate City staff, Kosmont & Associates Inc., the City’s authorized EIFD consultant and the County, pursuant to Resolution No. 21-026, to prepare the Infrastructure Financing Plan (“IFP”) in accordance with Government Code Sections 53398.62 and 53398.63 of the EIFD Law and directed the PFA to provide all required notices and information, and conduct the public hearings regarding the IFP, all in accordance with the EIFD Law, and perform all other duties of the PFA under the EIFD Law, as necessary or desirable from time to time; and

WHEREAS, an IFP has been developed for the Carson EIFD, which defines the boundaries of the Carson EIFD, identifies the public infrastructure improvements, and the financial analysis of expected tax increment over the life of the EIFD to allow for the issuance of bonds to pay for the identified public infrastructure improvements; and

WHEREAS, pursuant to Section 53398.66(b), the draft IFP was made available to the public and to each landowner within the Carson EIFD on a designated internet website and at a duly noticed meeting held at least thirty (30) days before the first public hearing; and

WHEREAS, on April 12, 2021, the PFA was presented with the IFP at the first public meeting and the PFA set the first public hearing on the IFP for June 14, 2021, as required by Section 53398.66 of the EIFD Law; and

WHEREAS, pursuant to Section 53398.66(i) of the EIFD Law, notice of the first public hearing to be held on June 14, 2021, was mailed to each landowner, resident, and taxing entity at least ten (10) days prior to the public hearing; and

WHEREAS, pursuant to Section 53398.66(i)(1) of the EIFD Law, notice of the first public hearing to be held on June 14, 2021, was published in the Daily Breeze, a newspaper of general circulation published in the County, on May 6, 2021; and

WHEREAS, pursuant to Section 53398.66(i)(1) of the EIFD Law, notice of the first public hearing stated that the Carson EIFD will be used to finance public facilities and development, described the public facilities and development, the proposed financial arrangements and the boundaries of the proposed Carson EIFD, and stated the day, hour, and place when and where any persons having any objections to the proposed IFP, or the regularity of any of the prior proceedings, may appear before the PFA and object to the adoption of the proposed IFP by the PFA; and

WHEREAS, pursuant to Sections 54955 and 54955.1 of the Government Code, on June 14, 2021, the PFA opened and continued the first public hearing on the IFP to June 28, 2021; and

WHEREAS, pursuant to Section 53398.66(a)(2) of the EIFD Law, on June 28, 2021, the PFA held the continued first public hearing on the IFP and heard all written and oral comments, but took no action; and

WHEREAS, pursuant to Section 53398.66(a)(3) of the EIFD Law, on June 28, 2021, the PFA set the second public hearing on the IFP for August 2, 2021 to consider any additional written and oral comments and take action to modify or reject the IFP; and

WHEREAS, pursuant to Sections 54955 and 54955.1 of the Government Code, on August 2, 2021, the PFA opened and continued the second public hearing on the IFP to September 13, 2021; and

WHEREAS, pursuant to Sections 54955 and 54955.1 of the Government Code, on September 13, 2021, the PFA continued the second public hearing on the IFP to October 11, 2021; and

WHEREAS, pursuant to Sections 54955 and 54955.1 of the Government Code, on October 6, 2021, the PFA cancelled its regular meeting scheduled for October 11, 2021, and provided notice that the second public hearing on the IFP, previously noticed for the regular meeting on August 2, 2021, and subsequently continued to September 13, 2021, and further continued to October 11, 2021, would be re-noticed and rescheduled appropriately and would be held pursuant to such future notice accordingly; and

WHEREAS, pursuant to Section 53398.66(i)(2) of the EIFD Law, notice of the second public hearing to be held on May 9, 2022, was published in the Daily Breeze, a newspaper of general circulation published in the County, on April 29, 2022; and

WHEREAS, pursuant to Section 53398.66(i) of the EIFD Law, notice of the second public hearing to be held on May 9, 2022, was mailed to each landowner, resident, and taxing entity at least ten (10) days prior to the public hearing; and

WHEREAS, pursuant to Section 53398.66(i)(2) of the EIFD Law, notice of the second public hearing stated that the Carson EIFD will be used to finance public facilities and development, described the public facilities and development, the proposed financial arrangements and the boundaries of the proposed Carson EIFD, and stated the day, hour, and place when and where any persons having any objections to the proposed IFP, or the regularity of any of the prior proceedings, may appear before the PFA and object to the adoption of the proposed IFP by the PFA; and

WHEREAS, pursuant to Section 53398(c)(1)(D) of the EIFD Law, notice of the second public hearing also included a summary of the changes made to the IFP as a result of the oral and written testimony received at or before the public hearing and identified a location accessible to the public where the IFP proposed to be presented at the second public hearing could be reviewed; and

WHEREAS, the summary of changes stated that the draft IFP has been updated to expand the list of and clarify accounting and funding requirements for the various public facilities to be financed, including, but not limited to, affordable housing development, Victoria Golf Course

approved remediation and infrastructure projects, brownfield site remediation, park and recreational development, Dominguez Channel improvements, projects related to the City's Bicycle Master Plan, future City street improvements, and the Commercial Façade Program; and

WHEREAS, pursuant to Sections 54955 and 54955.1 of the Government Code, on May 9, 2022, the PFA opened the public hearing and continued the second public hearing on the IFP to May 16, 2022; and

WHEREAS, notice of the continued public hearing was posted pursuant to the law; and

WHEREAS, on May 16, 2022, the PFA held the second public hearing, took additional written and oral comments and motioned to include relevant modifications within the IFP; and

WHEREAS, on May 16, 2022, such motion passed and the modifications were included within the IFP; and

WHEREAS, following the second public hearing, pursuant to Section 53398.66(a) of the EIFD Law, the PFA may set the third public hearing on the IFP at least 30 days after the date that the second public hearing was held;

WHEREAS, the PFA has requested staff to set the third public hearing at an appropriate time determined by the Executive Director to be described in the notice of third public hearing pursuant to Section 53398.66 of the EIFD Law, where it will conduct a protest proceeding to consider whether the landowners and residents within the enhanced IFP area wish to present oral or written protests against the adoption of the enhanced IFP.

WHEREAS, the PFA desires that the IFP be approved by both the City Council and the County of Los Angeles Board of Supervisors pursuant to the EIFD law; and

WHEREAS, in accordance with Section 53398.57 of the EIFD Law, the Carson EIFD and/or the City may file an action in the Superior Court of Los Angeles County to determine the validity of the creation of the Carson EIFD, the adoption of the IFP, including the division of taxes thereunder, and related matters; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, based on the foregoing, the City Council has determined at this time to approve the IFP.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council is informed and believes that the foregoing recitals are true and correct, and incorporated herein by this reference.

SECTION 2. The City Council hereby approves the IFP attached hereto as Exhibit "A" and by this reference incorporated herein.

SECTION 3. The allocation of the City's tax revenue from within the boundaries of the Carson EIFD pursuant to Government Code Section 53398.75 et seq. is hereby approved.

SECTION 4. The County-Auditor Controller will calculate the property tax shares consistent with Section 53398.75(a)(2)(b), which requires that for areas that overlap former redevelopment agency project areas, any debt or obligation of the PFA is subordinate to the obligations of the former redevelopment agency.

SECTION 5. In order to determine the validity of the actions authorized hereby to be taken in connection with the Carson EIFD and IFP, the City Council hereby authorizes the City Attorney and/or Bond Counsel, to prepare and cause to be filed and prosecuted to completion all proceedings required for the judicial validation of the Carson EIFD proceedings in the Superior Court of Los Angeles County, under and pursuant to the provisions of Sections 860 et seq. of the California Code of Civil Procedure, Section 53398.57 of the EIFD Law and California Government Code Section 53511. The City Council further authorizes the City Manager and all other officers, employees and agents of the City to take any and all actions, including the execution and delivery or appropriate documentation, as may be required to conclude such judicial validation proceedings.

SECTION 6. The City Clerk and all other officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution.

SECTION 7. This Resolution is hereby adopted by the City Council and the City Clerk shall cause a copy thereof to be forwarded to the Secretary of the PFA.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, and ADOPTED this ____th day of July, 2022.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Khaleah Bradshaw, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 22-142, was passed and approved by the City Council of the City of Carson, at their meeting held on July ____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Khaleah K. Bradshaw, City Clerk