

**CITY OF IMPERIAL
CITY COUNCIL ACTIONS
AGENDA REPORT**

DATE: February 6, 2019

SUBJECT: CITY COUNCIL ADOPTION OF RESOLUTION DECLARING THAT THERE IS A NEED FOR A PARKING AUTHORITY TO FUNCTION IN THE CITY, DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE MEMBERS OF THE PARKING AUTHORITY; AND DESIGNATING AN INTERIM CHAIRMAN OF THE PARKING AUTHORITY

DEPARTMENT: Finance

PRESENTER: _____

RECOMMENDED ACTION:

City Council adopt Resolution Removing the Imperial Successor Agency as a Member of the Imperial Public Financing Authority.

BACKGROUND

On November 20, 2002 , the City of Imperial (the "City") and the Imperial Redevelopment Agency (the "Agency"), entered into a Joint Exercise of Powers Agreement (the "JPA Agreement"), creating the Imperial Public Financing Authority (the "Authority"), pursuant to Articles 1 through 4 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code of the State of California (the "Act") for the purpose of, among other things, issuing its bonds to be used to provide financing and refinancing for any purposes which are authorized by law.

On June 28, 2011, the California Legislature adopted ABx I 26 ("ABx I 26") to, *inter alia*, dissolved existing redevelopment agencies, including the Imperial Redevelopment Agency. The California Supreme Court substantially upheld the provisions of ABx I 26 on December 29, 2011, resulting in the dissolution of the Agency on February I, 2012. The City opted to act as the Successor Agency (the "Successor Agency") during the wind down period.

Many joint powers authorities (JPAs) in California with successor agencies as parties have been proactive in substituting out the successor agencies with other viable Members to make sure the JPAs have more than one Member prior to the extinguishment of the successor agencies.

Under the Law, the formation of a parking authority involves the City Council consideration and adoption of a resolution stating there is a need for a parking authority in the City. Once formed, the Imperial Parking Authority would be a distinct legal entity from the City (similar to a redevelopment agency prior to dissolution) with a separate governing board. The City Council would serve as the governing board for the Imperial Parking Authority. The Mayor would serve as Chair and the Mayor Pro Tem would serve as Vice Chair.

Upon the addition of the Imperial Parking Authority as a Member of the Imperial Public Financing Authority, the Successor Agency requests that it be terminated as a Member of the Imperial Public Financing Authority.

FISCAL IMPACT

None.

RESOLUTION NO. 2019-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, DECLARING THAT THERE IS A NEED FOR A PARKING AUTHORITY TO FUNCTION IN THE CITY, DECLARING THAT THE CITY COUNCIL SHALL BE THE PARKING AUTHORITY, AND DESIGNATING AN INTERIM CHAIRMAN OF THE PARKING AUTHORITY

WHEREAS, the Parking Law of 1949 is codified in California Streets & Highways Code Sections 32500, *et seq.* (“Law”); and

WHEREAS, Section 32651 of the Law provides that in every city, including the City of Imperial (“City”), there is a public body corporate and politic known as the parking authority of the city (“Parking Authority”); and

WHEREAS, Section 32651 of the Law additionally provides that the Parking Authority shall not transact business or exercise its power unless the City Council, as the governing body of the City, declares by Resolution that there is a need for a Parking Authority to function in the City; and

WHEREAS, Section 32661.1 of the Law provides that the City Council may declare by Resolution that the Members of the City Council shall be the Members of the Parking Authority; and

WHEREAS, Section 32658 of the Law provides that the Mayor of the City shall designate an interim chairman of the Parking Authority from among the Members of the Parking Authority, and thereafter the Parking Authority shall select the successor chairman from among its Members.

NOW, THEREFORE, the City Council of the City of Imperial, California does hereby resolve as follows:

SECTION 1. Findings. The City Council finds and declares that there is a need for a Parking Authority to function in the City, and the Parking Authority hereby is established and permitted to transact any business and exercise any power inferred thereon by the provisions of the Law.

SECTION 2. City Councilmembers to Serve as Members of the Parking Authority. Pursuant to Section 32661.1 of the Law, the City Council finds that the appointment of the Members of the City Council as the Members of the Parking Authority will serve the public interest and promote the public safety and welfare in an effective manner and, therefore, the members of the City Council are hereby declared to be Members of the Parking Authority and all the rights, powers, duties, privileges and immunities that are vested by the Law in such a Parking Authority shall be vested in such Members, except as otherwise provided by the Law.

SECTION 3. Designation of Interim Chair and Vice-Chair. The Mayor of the City shall serve as the interim Chairman of the Parking Authority, until a permanent Chair is selected. The Mayor Pro-Tem shall serve as the interim Vice-Chair.

PASSED AND ADOPTED by the City Council of the City of Imperial, California, at a regular meeting held on the 6th day of February, 2019.

CITY OF IMPERIAL, CALIFORNIA

Robert Amparano, Mayor

ATTEST

Debra Jackson, City Clerk

APPROVED AS TO FORM

City Attorney

STATE OF CALIFORNIA)
) ss
COUNTY OF IMPERIAL)

I, Debra Jackson, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council held on the 6th day of February, 2019, by the following vote to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Debra, Jackson, City Clerk