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Gunn Marie Hansen, Ph.D., Superintendent

BOARD OF TRUSTEES

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RESOLUTION #23-24-12
AB 1290 COMPLIANCE RESOLUTION REGARDING GEOGRAPHIC USAGE
RESTRICTIONS OF REDEVELOPMENT AGENCIES (RDA) PASS-THROUGHS

December 14, 2023

WHEREAS, former (Community) Redevelopment Agencies ("CRAs" or "RDAs") were dissolved on February 1, 2012, pursuant to the provisions of ABX1 26 and subsequent clean-up legislation ("RDA Dissolution Law" or "RDL") and replaced by corresponding successor agencies ("Successor Agencies") charged with the wind-down of former RDA activities; and

WHEREAS, notwithstanding the dissolution of RDAs, the RDL requires that pass-through payments ("RDA Pass-Throughs") from redevelopment project areas or added areas ("Project Areas") of the former RDAs continue to be paid to the District and other affected taxing entities ("ATEs") by the County Auditor- Controller ("County A-C") on behalf of the corresponding Successor Agencies; and

WHEREAS, prior to the RDA Dissolution Law former RDAs for the Cities of Huntington Beach and Westminster adopted or amended redevelopment plans for one Project Area each (collectively, "Two Project Areas") in a manner that requires annual statutory RDA Pass-Throughs to the District and other ATEs per AB 1290 ("AB 1290 Pass-Throughs") pursuant to Health and Safety Code ("HSC") Sections 33607.5 or 33607.7; and

WHEREAS, the redevelopment plans for these Two Project Areas were adopted or amended as referenced above by former (i) Huntington Beach RDA for Center Commercial Area (Fund 890F) on December 17, 1996 per ordinance no. 3343; and (ii) Westminster RDA for Commercial Project #1, Amendment #5 on July 12, 2000 per ordinance 2308; and

WHEREAS, pursuant to HSC Section 33607.5(a)(4)(A), 43.3 percent ("Taxes Share") "shall be considered to be property taxes" and 56.7 percent ("Facilities Share") of the AB 1290 Pass-Throughs for the Two Project Areas "shall be available to be used for educational facilities, including, land acquisition, facility construction, reconstruction, remodeling, maintenance, or deferred maintenance"; and

WHEREAS, pursuant to Education Code ("EC") Section 42238(h)(6), the District is not required to report as property taxes for offset against State Aid any amount of RDA Pass-Throughs "received pursuant to Section 33401 or 33676. . . or **paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code** . . . that is used for land

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acquisition, facility construction, reconstruction, remodeling, maintenance, or deferred maintenance [or that is] allocated exclusively for educational facilities” (emphasis added); and

WHEREAS, the District is advised that (i) the cost of “educational facilities” may include capital outlay and other facilities costs, including specifically: site acquisition costs; hard costs of new construction, reconstruction, modernization, or deferred maintenance; soft costs (including facilities planning, design and engineering, consultant, legal, and related advocacy costs); costs of fixtures, furnishings, and equipment; related lease, lease purchase, or debt service payments; and/or costs funded from the ongoing and major maintenance account (“OMMA”) and/or restricted routine maintenance account (“RRMA”); and

WHEREAS, pursuant to HSC Section 33607.5(a)(5) “local education agencies that use [the Facilities Share of AB 1290 Pass-Throughs] received pursuant to this section for school facilities shall spend these funds at schools that are: (A) within the Project area, (B) attended by students from the Project area, (C) attended by students generated by projects that are assisted directly by the redevelopment agency, **or (D) determined by the governing board of a local education agency to be of benefit to the Project area**” (emphasis added); and

WHEREAS, for school facilities the geographic usage restrictions in HSC Section 33607.5(a)(5) constitute alternative requirements, including determination by the governing board by an “AB 1290 Compliance Resolution” that AB 1290 Pass-Throughs spent for school facilities anywhere in the District are of benefit to each of the Two Project Areas in compliance with (D) in the previous recital, even in the absence of compliance with (A), (B), or (C); and

WHEREAS, the District currently operates: (i) 17 schools, including 13 elementary schools, three middle schools, and one preschool, including 10 schools in the City of Westminster, three schools in the City of Huntington Beach, two schools in the City of Garden Grove, and two schools in the City of Midway City; and (ii) the District Office and other support facilities in the City of Westminster (collectively, “Existing District Sites”); and

WHEREAS, the Existing District Sites serve approximately 8,607 students and additional residents who live, work, or live and work, throughout the District, not just in the Two Project Areas; and

WHEREAS, in the future the District may, lease, acquire, construct, and/or reopen additional educational facilities (“Future District Sites”), which will serve students and/or residents who live, work, or live and work throughout the District, not just in the Two Project Areas; and

WHEREAS, Existing District Sites, plus any Future District Sites, are part of an integrated District master plan for educational facilities. and attendance and/or improvements at Existing District Sites or Future District Sites will impact, directly or indirectly, all students and residents of the District, including the Two Project Areas that generate AB 1290 Pass-Throughs; and

WHEREAS, the District is advised that geographic usage restrictions in HSC Section 33607.5(a)(5) may only apply to educational facilities that are school facilities attended by

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students, and may not apply to educational facilities that are not attended by students; and

WHEREAS, the District wishes to comply with the geographic usage restrictions in HSC Section 33607.5(a)(5) with respect to AB 1290 Pass-Throughs paid to the District through FY 2022-23 and all the educational facilities of the District; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Westminster School District hereby resolves and declares as follows:

AB 1290 Pass-Throughs Are of Benefit to Each of the Two Project Areas: It is hereby determined that the Facilities Share of AB 1290 Pass-Throughs which the District has been entitled to receive in the past and is currently entitled to receive in the future for all the Two Project Areas, which is used to pay the cost of educational facilities as set forth above, is of benefit to each of the Two Project Areas, consistent with the requirements of HSC Section 33607.5(a)(5).

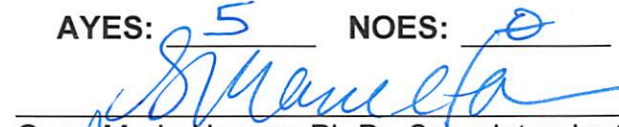
Use of Pass-Throughs: It is hereby found that the Facilities Share of AB 1290 Pass-Throughs which the District has been entitled to receive in the past and is entitled to receive in the future for each of the Two Project Areas may to be used to pay for the cost of educational facilities at Existing District Sites or Future District Sites located anywhere within the District, whether or not attended by students, consistent with the requirements of EC Section 42238(h)(6), as well as EC Sections 42238.02(j)(6), and 42238.03(c)(6).

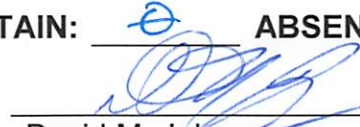
Ratification: The above determination and finding are intended to ratify all prior decisions by the District regarding use of the Facilities Share of AB 1290 Pass-Throughs by the District as being in compliance with this AB 1290 Compliance Resolution, as well as to govern all current and future decisions regarding use of the Facilities Share of AB 1290 Pass-Throughs.

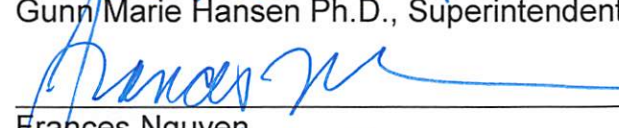
Effectiveness: This AB 1290 Compliance Resolution shall take effect immediately upon its adoption.

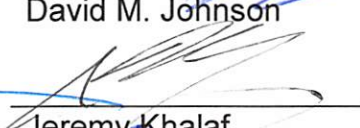
ADOPTED at a regular meeting of the Governing Board of the Westminster School District held this 14th day of December 2023, by the following vote:

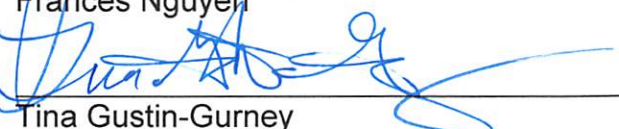
AYES: 5 **NOES:** 0 **ABSTAIN:** 0 **ABSENT:** 0

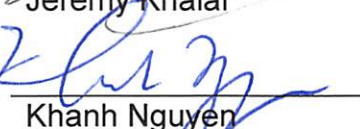

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