

RESOLUTION NO. 2024-1930

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, TERMINATING THE AGOURA HILLS AND CALABASAS COMMUNITY CENTER JOINT POWERS AUTHORITY.

WHEREAS, Calabasas and Agoura Hills entered into a Construction Agreement for the planning, design, construction, and maintenance of the Agoura Hills/Calabasas Community Center (the "Community Center") in June 1996.

WHEREAS, Calabasas and Agoura Hills then entered into a Joint Powers Agreement on November 24, 1997 to govern the operation of the Community Center, which created a separate public entity, the Agoura Hills and Calabasas Community Center Joint Powers Authority (the "Joint Powers Authority"). The Cities have amended the Joint Powers Agreement four times—in 1999, 2000, 2004, and 2006.

WHEREAS, the land on which the Community Center sits is jointly owned by Calabasas and Agoura Hills, each owning an undivided half-interest in the land and the improvements thereon having a street address of 27040 Malibu Hills Road, Calabasas, CA 91301. The Cities jointly own the land on which the Community Center sits, and the improvements thereon, including the Community Center building, per a quitclaim deed to the cities from Los Angeles County, recorded in the Official Records of Los Angeles County on March 8, 1995 as Document #95-359616 (the 1995 Quitclaim Deed").

WHEREAS, the 1995 Quitclaim Deed is subject to the following two express conditions:

"The express condition that the real property so conveyed shall be used only for public recreational purposes and that if said Cities should, fail, refuse or neglect to use said real property for public recreational purposes, title to the said real property shall immediately revert to the County of Los Angeles without further notice and without the necessity of any affirmative action on the part of said County to assert any rights in said real property."

"The express condition that at all times and under all circumstances said real property shall be equally open to residents of incorporated and unincorporated territory and there shall be no discrimination against or preference, gratuity, bonus or other benefit given to residents of incorporated areas not equally accorded residents of unincorporated territory."

WHEREAS, as of November 1, 2022, the Cities entered into a ground lease by which Calabasas leased Agoura Hills' undivided half-interest in the land on which the Community Center sits, and the improvements thereon, a memorandum of which was recorded on November 2, 2022 as Document #20221042331 in the Official Records of Los Angeles County (the "Ground Lease"). Calabasas subsequently reopened the Community Center, which closed amidst the COVID-19 pandemic. On February 9, 2024, the Cities extended the lease through October 26, 2024.

WHEREAS, after continued negotiations, the two Cities each approved a transfer agreement on May 8, 2024, by which the Cities agreed the land on which the Community Center sits, and the improvements thereon, including the Community Center building, shall be transferred in full to Calabasas, in return for the binding obligations entered in by Calabasas for the benefit of Agoura Hills in the Transfer Agreement, including bearing all pension costs incurred by the Joint Powers Authority.

WHEREAS, on July 2, 2024, the California Public Employees Retirement System confirmed the amendment to the pension contract between Calabasas and CalPERS transferring the pension obligations of the Community Center Joint Powers Authority to Calabasas took effect June 21, 2024.

WHEREAS, as the last condition precedent to recording the quitclaim deed concluding the transfer of Agoura Hills' undivided half-interest in the land on which the Community Center sits, and the improvements thereon, the Cities intend to terminate the Joint Powers Authority.

WHEREAS, the Joint Powers Agreement, as amended, allows the two Cities to terminate the Joint Powers Authority.

WHEREAS, the termination of the Joint Powers Authority is lawful under Government Code sections 6508.1 and 6508.2 because the Joint Powers Authority's pension debts were already transferred to Calabasas by the CalPERS approved amendment to the pension contract between Calabasas and CalPERS.

WHEREAS, after termination of the Joint Powers Authority and closing out any remaining debts, any funds leftover shall be paid back to the two Cities in equal shares.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calabasas, California, as follows:

1. It is in the best interests of the City of Calabasas to terminate the Agoura Hills and Calabasas Community Center Joint Powers Authority.
2. The City Council of the City of Calabasas hereby directs the City Manager to complete the termination of the Agoura Hills and Calabasas Community Center Joint Powers Authority, concurrent with approval by the City of Agoura Hills of this same termination.
3. The City Manager and/or his designee is directed to take any necessary actions to effect the City Council's direction to complete the termination of the Agoura Hills and Calabasas Community Center Joint Powers Authority.
4. The City Clerk shall certify to the adoption of this Resolution as required by law.

PASSED, APPROVED AND ADOPTED this 8th day of October 2024.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Pope, MMC, City Clerk

Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney