

Legislation Text

File #: #21-354, Version: 1

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DATE OF MEETING: 09/07/21

SUBJECT:

DISCLOSURE TO THE CITY COUNCIL AND TO THE CITY AS SUCCESSOR AGENCY TO THE SAN PABLO REDEVELOPMENT AGENCY OF COUNCILMEMBER PINEDA'S PURCHASE OF PROPERTY WITHIN THE BOUNDARIES OF THE FORMER SAN PABLO REDEVELOPMENT PROJECT AREA FOR PERSONAL RESIDENTIAL USE

CITY MANAGER RECOMMENDATION

Accept Councilmember Pineda's disclosure of his purchase of property for residential use within the boundaries of the former San Pablo Redevelopment Project area at 1648 - 15th Street, San Pablo

COMPLIANCE STATEMENTS

The proposed action is not related to a specific strategic policy initiative in the City Council's Workplan, but falls under the required actions that the City and its officials and employees must do to operate and comply with State law.

CEQA Compliance Statement

This is not a project under CEQA.

BACKGROUND

In addition to the requirements of Government Code 1090 and the Political Reform Act, the California Redevelopment Law (Cal. Health & Safety Code sections 33000 et seq.) contains conflict-of-interests prohibitions, including strict prohibitions on officers or employees of redevelopment agencies acquiring property within the boundaries of the redevelopment project area. Although the Governor and Legislature dissolved redevelopment agencies in 2011 in order to divert those local funds to pay for the State's budget gaps, these prohibitions remain in the law. Further, the Attorney General has opined that the prohibition on acquiring property within a redevelopment project area remains as to members of the governing bodies of successor agencies despite the dissolution of redevelopment agencies.

There are a limited number of exceptions to this prohibition, including that an officer, employee, consultant or agent ("official") may purchase or lease property within a redevelopment project area for personal residential use "if the agency has certified that the improvements to be constructed or the work to be done on the property to be purchased or leased have been completed, or has certified that no improvements need to be constructed or that no work needs to be done on the property." Following certification and purchase of the property, the official is required to make a written disclosure to the Agency/City Council to be entered into the minutes of the Council. The official would then be disqualified from voting on any matters directly affecting such purchase, lease or residency. (Cal. Health & Safety Code section 33130.5)

Councilmember Pineda has indicated that he purchased his current family residence at 1648 - 15th Street from his parents in June 2021. The property is located within the boundaries of the Legacy redevelopment project area (see the attached map of the redevelopment project boundaries).

As the transfer occurred in the past, it is not possible to have an inspection done now to certify that “no improvements need to be constructed or that no work needs to be done on the property” prior to acquisition. However, the attached excerpts from the appraisal conducted on May 27, 2021 includes statements regarding the condition of the property. This appraisal report is intended to serve as the required disclosure, with this staff report being the means to entering the disclosure into the minutes of the City Council and the City as Successor Agency to the San Pablo Redevelopment Agency.

The residences owned by Mayor Pabon-Alvarado (183 Westgate Circle) and Vice Mayor Xavier (2703 - 18th Street) are also noted for the minutes, but these purchases occurred prior to either councilmember serving on the San Pablo City Council.

FISCAL IMPACT

None.