

**REPORT TO CITY COUNCIL**

**DATE: OCTOBER 23, 2024**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**BY: NATHAN HAMBURGER, CITY MANAGER**

**SUBJECT: REQUEST TO APPROVE RESOLUTION NO. 24-2085, WITHDRAWING FROM AND DISSOLVING THE AGOURA HILLS AND CALABASAS COMMUNITY CENTER JOINT POWERS AUTHORITY AND TERMINATING THE RELATED JOINT POWERS AGREEMENT BETWEEN THE CITY OF AGOURA HILLS AND THE CITY OF CALABASAS**

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This item is being presented as the final action to be addressed as agreed to and incorporated in the Agoura Hills/Calabasas Community Center (AHCCC) Transfer Agreement with the City of Calabasas, which was approved by the City Council on May 8, 2024.

The Joint Powers Authority for the Agoura Hills and Calabasas Community Center was established via agreement on November 24, 1997, with land provided by Los Angeles County. Staff from both cities worked with Los Angeles County Supervisor Horvath's Office and the Los Angeles County Real Estate Division on the drafting of the quitclaim deed documents that are in the process of being formally recorded. Due to the fact that the lease agreement between the two cities for the Community Center will expire on October 26, 2024, staff is bringing this item to prior to that date to avoid having to extend the lease agreement, as each City has complied with the directives set forth in the Transfer Agreement.

The proposed Resolution will withdraw the City of Agoura Hills from the AHCCC Joint Powers Authority and thus dissolve it. City staff would also suggest that the Joint Powers Authority Board Members be recognized at an upcoming public meeting for their dedication and volunteerism that assisted in getting the Community Center into a position where it could reopen to the public following the necessary closure during the pandemic.

Staff would ask for authority to be provided to the City Manager to execute any final items and documents related to the dissolution of the AHCCC. The City of Calabasas will take a similar action to formalize the termination of the Joint Powers Agreement.

**FISCAL IMPACT**

There are no additional fiscal impacts related to the approval of the proposed Resolution as all financial impacts were included in the approved Fiscal Year 2024-25 Budget.

## **RECOMMENDATION**

Staff respectfully recommends the City Council approve Resolution No. 24-2085, Withdrawing from and dissolving the Agoura Hills and Calabasas Community Center Joint Powers Authority and terminating the related Joint Powers Agreement between the City of Agoura Hills and the City of Calabasas.

Attachment: Resolution 24-2085

**RESOLUTION NO. 24-2085**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, WITHDRAWING FROM AND DISSOLVING THE AGOURA HILLS AND CALABASAS COMMUNITY CENTER JOINT POWERS AUTHORITY AND TERMINATING THE RELATED JOINT POWERS AGREEMENT BETWEEN THE CITY OF AGOURA HILLS AND THE CITY OF CALABASAS**

**WHEREAS**, the City of Agoura Hills (“Agoura Hills”) and City of Calabasas (“Calabasas”) 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**, Agoura Hills and Calabasas (collectively the “Cities”) 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” or “JPA”). The Cities have amended the Joint Powers Agreement five times—in 1999, 2000, 2004, 2006, and 2007.

**WHEREAS**, the land on which the Community Center sits is jointly owned by the Cities, 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”; and

“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, with Calabasas 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 desire 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 have already been 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 returned to the two Cities in equal shares.

**WHEREAS**, the City Council of the City of Agoura Hills desires to withdraw from and dissolve the JPA and terminate the Joint Powers Agreement, effectively immediately.

**NOW, THEREFORE**, the City Council of the City of Agoura Hills, California, hereby resolves as follows:

1. It is in the best interests of the City of Agoura Hills to withdraw from and dissolve the Agoura Hills and Calabasas Community Center Joint Powers Authority and terminate the related Joint Powers Agreement between the Cities.

2. The City Council of the City of Agoura Hills hereby withdraws from and dissolves the Agoura Hills and Calabasas Community Center Joint Powers Authority and terminates the Joint Powers Agreement and directs the City Manager to complete the dissolution of the Agoura Hills and Calabasas Community Center Joint Powers Authority and the termination of the Joint Powers Agreement, concurrent with approval by the City of Calabasas of these same actions.
  
3. The City Manager and/or his designee is hereby authorized and directed to take any necessary actions, including executing any documents, to effectuate the City Council's direction to withdraw from and dissolve the Agoura Hills and Calabasas Community Center Joint Powers Authority and to terminate the Joint Powers Agreement.
  
4. The City Clerk shall certify to the adoption of this Resolution as required by law.

**PASSED, APPROVED, AND ADOPTED** this 23<sup>rd</sup> day of October, 2024, by the following vote to wit:

AYES:        ()  
NOES:        ()  
ABSTAIN:    ()  
ABSENT:     ()

ATTEST:

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Kimberly M. Rodrigues, MMC  
City Clerk

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Illece Buckley Weber  
Mayor

APPROVED AS TO FORM:

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Candice K. Lee  
City Attorney