

## RESOLUTION NO. 2012-10

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK (1) DETERMINING IT WILL SERVE AS THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF ROHNERT PARK ("COMMISSION"); AND (2) ELECTING TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY HELD AND PERFORMED BY THE COMMISSION**

WHEREAS, the Commission is organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("**CRL**") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Rohnert Park ("**City**"); and

WHEREAS, pursuant to the CRL, the City Council adopted a Redevelopment Plan ("**Redevelopment Plan**") for the Rohnert Park Redevelopment Project Area, and the Commission is vested with the responsibility for implementing and carrying out the Redevelopment Plan; and

WHEREAS, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature approved and the Governor signed (i) AB 1X 26 (Stats. 2011, chap. 5, "**AB 1X 26**"), which immediately, and purportedly retroactively, suspended all otherwise legal redevelopment activities and incurrence of indebtedness, and provided for dissolution of California's redevelopment agencies effective October 1, 2011 (the "**Dissolution Act**"); and (ii) AB 1X 27 (Stats. 2011, chap. 6, "**AB 1X 27**"), which allowed a local community to avoid the consequences of the Dissolution Act and continue its redevelopment agency if the community enacted an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB 1X 27 adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

WHEREAS, in a decision filed on December 29, 2011, the Supreme Court found the dissolution of redevelopment agencies effected by AB 1X 26 to be a proper exercise of the legislative power vested in the Legislature by the State Constitution and the provisions of AB 1X 27 allowing communities to save their redevelopment agencies if they made the "voluntary" remittance payments under AB 1X 27 to violate Proposition 22, thus upholding the constitutionality of AB 1X 26 and holding AB 1X 27 unconstitutional; and

WHEREAS, the Supreme Court extended the timeframes set forth in AB 1X 26 for, among other things, determining whether a city desires to serve as a successor entity until January 13, 2012, and the dissolution of redevelopment agencies until February 1, 2012; and

WHEREAS, Health and Safety Code Section 34171(j) defines the “successor agency” as the “county, city, or city and county that authorized the creation of each redevelopment agency,” unless such entity elects not to serve as a successor agency under Section 34173(d) (“**Successor Agency**”); and

WHEREAS, Health and Safety Code Section 34177 tasks each successor agency with the responsibility, among other things, for winding down the dissolved redevelopment agency’s affairs, continuing to meet the former redevelopment agency’s enforceable obligations, overseeing completion of redevelopment projects and disposing of the assets and properties of the former redevelopment agency, all as directed by an oversight board; and

WHEREAS, if a city opts out of serving as the successor agency by passing and filing a resolution to that effect with the county auditor-controller, Health and Safety Code Section 34173(d) provides that another local agency may elect to serve as the successor agency, or in the event no other local agency so elects, the Governor will appoint a successor agency to be comprised of three residents of the county; and

WHEREAS, the City desires to serve as the successor agency to the Commission; and

WHEREAS, Health and Safety Code Section 34176(a) gives the city that authorized creation of a redevelopment agency the option of retaining the redevelopment agency’s housing assets and functions, excluding amounts on deposit in the Low and Moderate Income Housing Fund; and

WHEREAS, as allowed under AB 1X 26, the City desires to retain the Commission’s housing assets and functions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. In accordance with Health and Safety Code Section 34171(j), the City Council hereby determines that the City shall serve as the Successor Agency to the Commission.

Section 2. In accordance with Health and Safety Code Section 34176, the City Council elects that the City shall retain the housing assets and functions previously performed by the Commission.

Section 3. The City Council hereby further authorizes and directs the City Manager to take all actions and execute all documents as necessary or appropriate to implement this Resolution.

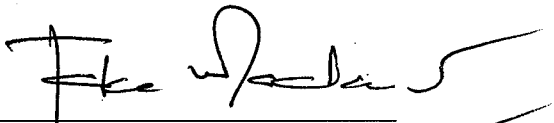
Section 4. This resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED this 10<sup>th</sup> day of January , 2012, by the following vote:

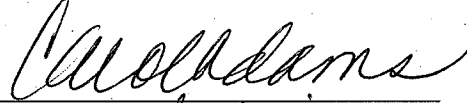
AYES:       **Five (5) Council Members Ahanotu, Belforte, Callinan, Stafford  
and Mayor Mackenzie**

NOES:       **None (0)**

ABSENT:   **None (0)**

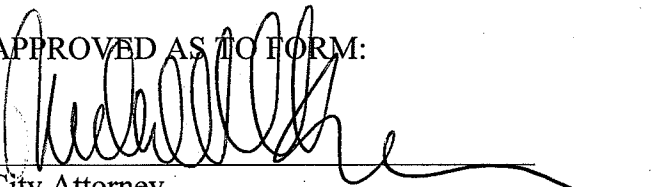
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk, *Interim*



APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney