

**RESOLUTION NO. 2012-02**

**RESOLUTION OF THE CITY OF LEMOORE HOUSING AUTHORITY ACCEPTING THE HOUSING ASSETS AND FUNCTIONS, INCLUDING ALL RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE LEMOORE REDEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176**

**WHEREAS**, the Lemoore Redevelopment Agency (“Agency”) is a redevelopment agency 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 Lemoore (“City Council” or “City,” as applicable); and

**WHEREAS**, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature has approved, and the Governor has signed (i) AB X1 26 (Stats. 2011, chap. 5, “AB X1 26”), which would have immediately suspended all otherwise legal redevelopment activities and incurrence of indebtedness and dissolved redevelopment agencies effective October 1, 2011 (the “Dissolution Act”); and (ii) AB X1 27 (Stats. 2011, chap. 6, “AB X1 27”), which would have allowed communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacted an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB X1 27, adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code (the “Alternative Redevelopment Program”); 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 X1 26 and AB X1 27 on behalf of cities, counties and redevelopment agencies, and requesting a stay of enforcement; and

**WHEREAS**, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of AB X1 26 and AB X1 27 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011 (collectively, the “Stay”); and

**WHEREAS**, on December 29, 2011, the Supreme Court issued a ruling upholding AB X1 26 as proper exercise of the legislative power and striking down AB X1 27 as unconstitutional, effectively eliminating all redevelopment agencies pursuant to the Dissolution Act and removing the option to remain in existence pursuant to the Alternative Redevelopment Program; and

**WHEREAS**, the Supreme Court’s ruling modified the deadlines set forth in the Dissolution Act, in most cases, extending them by four (4) months; and

**WHEREAS**, the Agency shall automatically be dissolved in accordance with, and pursuant to, the Dissolution Act effective February 1, 2012.; and

**WHEREAS**, Section 34176 of the CRL (as added by Part 1.85) provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency, or such assets and functions may be transferred to a local housing authority; and

**WHEREAS**, Section 34177(i) of the CRL (as added by Part 1.85) provides that successor agencies are to continue to oversee development of properties until the contracted work has been completed and that bond proceeds shall be used for the purposes for which bonds were sold by the Agency; and

**WHEREAS**, the City previously activated the City of Lemoore Housing Authority (“Housing Authority”) and adopted Resolution No. 2012-03 transferring the housing assets and functions previously performed by the Agency to the Housing Authority in accordance with Section 34176 of the CRL (as added by Part 1.85).

**NOW, THEREFORE**, the Governing Board of the City of Lemoore Housing Authority finds, determines, and orders as follows:

1. The City of Lemoore Housing Authority hereby accepts the housing assets and functions, including all rights, powers, assets, including bond proceeds and obligations to properly expend them, liabilities, duties, and obligations associated with the housing activities previously performed by the Agency in accordance with Section 34176 of the CRL (as added by Part 1.85).
2. The Executive Director of the City of Lemoore Housing Authority, or his designee, is hereby authorized to take such actions, and to execute all documents, necessary and appropriate for the Housing Authority to retain and/or obtain the housing assets and functions, and accept and assume all rights, powers, assets, including bond proceeds, liabilities, duties, and obligations associated with the housing activities, of the Agency pursuant to Section 34176 of the CRL (as added by Part 1.85).
3. The Executive Director of the City of Lemoore Housing Authority, or his designee, is hereby authorized to submit a copy of this resolution with the Kings County Auditor-Controller in accordance with Part 1.85.
4. This Resolution shall take effect immediately upon its adoption.

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I hereby certify that the foregoing was duly passed and adopted by the Governing Board of the City of Lemoore Housing Authority, Kings County, State of California, at a meeting thereof held on January 30, 2012, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

APPROVED: \_\_\_\_\_  
Willard J. Rodarmel, Chair

ATTEST: \_\_\_\_\_  
Jeff Briltz  
Secretary

APPROVED AS TO LEGAL FORM:

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Jerome M. Behrens, Authority Attorney