

RESOLUTION NO. 2012-03

RESOLUTION OF THE LEMOORE REDEVELOPMENT AGENCY TRANSFERRING ALL ITS ASSETS, PROPERTIES, CONTRACTS, LEASES, BOOKS AND RECORDS, BUILDINGS, AND EQUIPMENT TO THE CITY OF LEMOORE AND ALL ITS RIGHTS, POWERS, ASSETS, LIABILITIES, DUTIES, AND OBLIGATIONS ASSOCIATED WITH THE HOUSING ACTIVITIES OF THE AGENCY TO THE LEMOORE HOUSING AUTHORITY, UPON DISSOLUTION OF THE AGENCY, PURSUANT TO HEALTH & SAFETY CODE SECTIONS 34175(b) AND 34176(b).

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 immediately, and purportedly retroactively, suspends all otherwise legal redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011 (the “Dissolution Act”); and (ii) AB X1 27 (Stats. 2011, chap. 6, “AB X1 27”), which allows communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacts 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 automatically shall be dissolved in accordance with, and pursuant to, the Dissolution Act effective February 1, 2012, unless the effective date is extended; and

WHEREAS, pursuant to Health & Safety Code section 34175(b), the Agency must transfer all of its non-housing assets, properties, contracts, leases, books and records, buildings, and equipment to the control of a “successor agency;” and

WHEREAS, pursuant to Health & Safety Code section 34177(i), 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, pursuant to Health & Safety Code section 34176, the housing assets and functions of the Agency may be retained by the City or transferred to a local housing authority; and

WHEREAS, the City has confirmed that it shall serve as the Agency’s successor agency for non-housing functions and designated the Lemoore Housing Authority for all the housing assets and functions ; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lemoore Redevelopment Agency finds, determines, and orders as follows:

1. The Agency Executive Director, or designee, or, following dissolution, the City Manager, or designee, is hereby authorized to take such actions as are necessary and appropriate to carry out the dissolution of the Agency, including, without limitation, the transfer of the Agency’s non-housing assets, including, but not limited to, cash or cash equivalents, real and personal property, general intangibles, contracts, leases, books and records, buildings, equipment, and non-housing bond proceeds to the control of the City of Lemoore, as successor agency, including, without limitation, execution of deeds, and, to the extent permitted by law, determine the effective date of such transfers.
2. The Agency Executive Director, or designee, or, following dissolution, the City Manager, or designee, is hereby authorized to take such actions as are necessary and appropriate to transfer all of the Agency’s rights, powers, assets, liabilities, duties, obligations, and housing bond proceeds, to the extent permitted by law, associated with the housing activities of the Agency to the Lemoore Housing Authority. A list of some of the housing assets and functions are described in Exhibit A and incorporated herein by this reference.
3. This Resolution shall take effect immediately upon its adoption.

///

///

///

I hereby certify that the foregoing Resolution was duly passed and adopted by the Board of Directors of the Lemoore Redevelopment Agency, 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:

Nanci C. O. Lima, MMC
Secretary

APPROVED AS TO LEGAL FORM:

Jerome M. Behrens, Agency Attorney