

RESOLUTION NO. 2012-03

**A RESOLUTION OF THE LEMOORE OVERSIGHT BOARD TO THE
LEMOORE SUCCESSOR AGENCY TO THE
FORMER LEMOORE REDEVELOPMENT AGENCY APPROVING THE
RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD
JULY 1, 2012 TO DECEMBER 31, 2012**

WHEREAS, AB X1 26 (“AB 26”) and AB X1 27 (“AB 27”) were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; 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 26 and AB 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 26 and AB 27 until the Court ruled on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011; and

WHEREAS, on December 29, 2011, the Supreme Court issued a ruling upholding AB 26 as a proper exercise of the legislative power and striking down AB 27 as unconstitutional, eliminating all redevelopment agencies effective February 1, 2012; and

WHEREAS, the Supreme Court’s ruling modified the deadlines set forth in AB 26, in most cases extending them by four (4) months; and

WHEREAS, Health and Safety Code Section 34177(l)(2)(A), as modified by the Supreme Court’s ruling in *Matosantos*, provided that the Successor Agency adopt an initial draft Recognized Obligation Payment Schedule (“ROPS”) by March 1, 2012; and

WHEREAS, Health and Safety Code Section 34173(e) expressly limits the City’s liability for actions taken in its capacity as Successor Agency; and

WHEREAS, the California Department of Finance posted on its website that the ROPS for the period July 1, 2012 to December 31, 2012 be adopted and submitted to the Kings County Auditor-Controller by April 15, 2012; and

WHEREAS, on April 10, 2012, the Successor Agency adopted a draft ROPS for the period July 1, 2012 to December 31, 2012; and

WHEREAS, on April 12, 2012, a copy of the approved ROPS was submitted to the Kings County Auditor-Controller; and

WHEREAS, an adopted ROPS must be reviewed, and certified as to its accuracy, by the Kings County Auditor-Controller; and

WHEREAS, until a ROPS becomes operative, only payments on the adopted Enforceable Obligation Payment Schedule (EOPS) will be made; and

WHEREAS, Health and Safety Code Section 34180(g) requires the Oversight Board to approve the Successor Agency's establishment of a ROPS; and

WHEREAS, Health and Safety Code Section 34179 (d) provides Oversight Board Members with personal immunity from suit for their actions taken within the scope of their responsibilities as Oversight Board Members.

NOW, THEREFORE, BE IT RESOLVED that the Lemoore Oversight Board to the Lemoore Successor Agency to the former Lemoore Redevelopment Agency hereby adopts the Recognized Obligation Payment Schedule for the period July 1, 2012 to December 31, 2012, attached hereto and incorporated by reference herein pursuant to Health and Safety Code Section 34177.

BE IT FURTHER RESOLVED that the City Manager of the City of Lemoore, the Successor Agency to the former Lemoore Redevelopment Agency, or designee, is hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the Lemoore Oversight Board to the Lemoore Successor Agency to the former Lemoore Redevelopment Agency at a regular meeting this 26th day of April 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

, Chairperson

ATTEST:

Nanci C. O. Lima, MMC
City Clerk