

RESOLUTION NO. 5-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, ELECTING TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the City Council of the City of Richmond (“City”) approved and adopted the Redevelopment Plans for the Merged Project Area, which consists of nine (9) constituent project areas, and for Project Area 1-B Pilot (collectively, the “Redevelopment Plans”), covering certain properties within the City (the “Project Areas”); and

WHEREAS, the Richmond Community Redevelopment Agency (“Agency”) has been engaged in activities to execute and implement the Redevelopment Plans pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) (“CRL”); and

WHEREAS, since adoption of the Redevelopment Plans, the Agency has undertaken redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacted an ordinance committing it to make certain payments; 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. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, Health and Safety Code Section 34176 provides that the city that authorized the creation of the redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Election to Retain Housing Assets and Functions. In accordance with Health and Safety Code Section 34176, and based on the Recitals set forth above, as the City Council authorized the creation of the Richmond Community Redevelopment Agency, the City Council hereby elects to retain the housing assets and functions previously performed by the Richmond Community Redevelopment Agency. Upon dissolution of the Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, and except as provided under the CRL, all rights, powers, duties and obligations, excluding any amounts on deposit in the Richmond Community Redevelopment Agency’s Low and Moderate Income Housing Fund shall be transferred to the City of Richmond.

Section 3. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to notifying the Contra Costa County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the transfer of all housing assets and functions of the former Richmond Community Redevelopment Agency to the City of Richmond, all in accordance with AB 1X 26.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 5. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a special meeting thereof held on January 24, 2012, by the following vote:

AYES:	Councilmembers Bates, Beckles, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

Approved:

GAYLE MC LAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California	}	
County of Contra Costa		: ss.
City of Richmond	}	

I certify that the foregoing is a true copy of Resolution No. 5-12, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on January 24, 2012.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Certified as a True Copy

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND, CALIF
BY *Diane Holmes*
DEPUTY