

RA#2
9/13/11

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04687

DATE OF FINAL PASSAGE SEP 13 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO ADOPTING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34169(g) AND AUTHORIZING THE AGENCY'S EXECUTIVE DIRECTOR, OR DESIGNEE, TO CARRY OUT CERTAIN RELATED ACTIONS.

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) administers the implementation of various redevelopment projects, programs, and activities within fourteen designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, on June 15, 2011, the State Legislature passed Assembly Bill x1 26 (AB 26) and Assembly Bill x1 27 (AB 27), and on June 28, 2011, Governor Edmund G. Brown Jr. approved AB 26 and AB 27; and

WHEREAS, AB 26 generally prevents redevelopment agencies from entering into new or amended obligations or contracts, and eliminates redevelopment agencies and winds down their operations; and

WHEREAS, AB 27 allows redevelopment agencies to remain in existence, and to gain an exemption from the provisions of AB 26, in exchange for making substantial remittance payments on an annual basis (Remittances) to the local county auditor-controller; and

WHEREAS, on August 1, 2011, the City enacted an "opt-in" ordinance under AB 27, whereby the City committed to utilize solely redevelopment funds provided by the Agency to

make the Remittances under AB 27 and to enable the Agency's continued operation and its ongoing exemption from the provisions of AB 26; and

WHEREAS, on July 18, 2011, the California Redevelopment Association, the League of California Cities, the City of Union City, the City of San Jose, and John F. Shirey (collectively, CRA Petitioners) filed a Petition for Writ of Mandate directly with the California Supreme Court (Supreme Court), in litigation designated as Case No. S194861 (Litigation); and

WHEREAS, the CRA Petitioners have asked the Supreme Court in the Litigation to issue a "stay" (or injunction) against enforcement of AB 26 and AB 27 (collectively, RDA Bills) and to invalidate the RDA Bills on the basis that they are unconstitutional; and

WHEREAS, the Supreme Court issued an order in the Litigation on August 11, 2011, later amended on August 17, 2011, whereby the Supreme Court agreed to decide the case, established an expedited schedule for briefing and oral argument on the merits, expressed the intention to issue a ruling on the merits by January 15, 2012, and issued a partial stay that temporarily suspends the enforcement of certain provisions of the RDA Bills; and

WHEREAS, under the Supreme Court's partial stay, Part 1.8 of AB 26 (consisting of California Health and Safety Code sections 34161 through 34169.5) and one provision in AB 27 (specifically California Health and Safety Code section 34194(b)(2)) are presently operative with respect to all redevelopment agencies in California, and all other provisions of the RDA Bills are presently suspended pending the outcome of the Litigation on the merits; and

WHEREAS, California Health and Safety Code section 34169(g), which is one of the provisions in AB 26 that has remained operative despite the partial stay, requires the Agency's Board of Directors (Agency Board) to adopt the "Enforceable Obligation Payment Schedule" (EOP Schedule) at a public meeting and further requires the Agency to transmit a copy of the

adopted EOP Schedule to the San Diego County Auditor-Controller, the State Controller, and the State Department of Finance; and

WHEREAS, pursuant to California Health and Safety Code section 34169(i), the State Department of Finance is authorized to review the Agency Board's adoption of the EOP Schedule and, if deemed appropriate, to return the EOP Schedule to the Agency for consideration of requested modifications; and

WHEREAS, Agency staff has prepared the proposed EOP Schedule (included as Attachment 2 to Staff Report No. RA-11-29 accompanying this matter), which lists all of the Agency's existing "enforceable obligations" as defined in California Health and Safety Code section 34167(d); and

WHEREAS, California Health and Safety Code section 34167(h) provides that, aside from payments required to meet obligations with respect to bonded indebtedness, the Agency generally is prohibited from making any payments as of August 29, 2011, unless such payments are listed in the adopted EOP Schedule; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. The Agency finds and determines that the foregoing recitals are true and correct.
2. The Agency has received and heard all oral and written objections pertaining to this matter, and all such oral and written objections are hereby overruled.
3. The Agency hereby adopts the EOP Schedule, which shall be placed on file in the office of the Agency Secretary as Document No. D- 04687.
4. The Agency's Executive Director, or designee, is authorized, on the Agency's behalf, to take all actions necessary and appropriate to carry out and implement the purposes of this Resolution and to fulfill all of the Agency's statutory obligations with respect to the EOP

Schedule, including, but not limited to, (a) causing the EOP Schedule to be posted on the Agency's official website, (b) transmitting written notice of the adoption of the EOP Schedule to the San Diego County Auditor-Controller, the State Controller, and the State Department of Finance, and (c) designating an Agency representative to handle any communications with the State Department of Finance in conjunction with its potential review of the EOP Schedule.

5. The Agency reserves all of its legal rights and remedies with respect to the adoption and implementation of the EOP Schedule, including, but not limited to, any arguments advanced or to be advanced by the CRA Petitioners in the Litigation. The Agency's adoption of the EOP Schedule is not intended as, and shall not constitute, a waiver by the City or the Agency of any of their rights to challenge the validity of all or any portion of the RDA Bills through administrative or judicial proceedings.

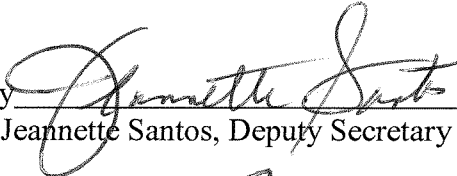
APPROVED: JAN I. GOLDSMITH, General Counsel

By Kevin Reisch
Kevin Reisch
Deputy General Counsel

KR:hm
9/01/2011
Or.Dept:Redev.Agency
PL#2011-07018

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of SEP 13 2011.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 9.13.11
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on SEP 13 2011, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

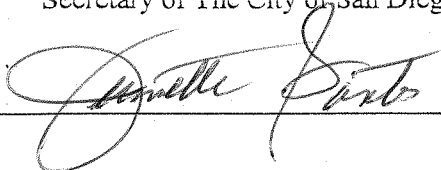
Date of final passage SEP 13 2011

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04687