

RESOLUTION NUMBER R- 306925

DATE OF FINAL PASSAGE JUL 25 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REMITTANCE AGREEMENT (AGREEMENT) WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (AGENCY) IN ACCORDANCE WITH ASSEMBLY BILL X1 27 (AB 27) AND AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT AND TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO FACILITATE THE AGENCY'S CONTINUED PARTICIPATION IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM CREATED BY AB 27.

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 the payment of substantial sums of money on an annual basis to the San Diego County Auditor-Controller (County Auditor); and

WHEREAS, AB 27 codified Part 1.9 of Division 24 of the California Health and Safety Code (Part 1.9), which now comprises a portion of the California Community Redevelopment Law; and

WHEREAS, AB 27 establishes a “voluntary alternative redevelopment program” (Alternative Program), whereby the Agency is authorized to continue to exist upon the City’s enactment of an ordinance to comply with the provisions of Part 1.9 (Ordinance); and

WHEREAS, AB 27 provides that, in order to enable the Agency to be included in the Alternative Program, the City must notify the County Auditor, the State Controller, and the State Department of Finance, on or before November 1, 2011, that the City will comply with the provisions of Part 1.9; and

WHEREAS, AB 27 requires the City to make specified remittances to the County Auditor in order to continue the existence of the Agency, as prescribed in Part 1.9; and

WHEREAS, AB 27 authorizes the Agency to enter into an agreement with the City, whereby the Agency will transfer a portion of its tax increment to the City, in an amount not to exceed the amount of the City’s annual remittance to the County Auditor (Remittance Agreement), for the purpose of financing activities within the City’s redevelopment area that are related to accomplishing the Agency’s project goals; and

WHEREAS, the purpose of the Remittance Agreement is to provide for the transfer of funds by the Agency to the City in an amount sufficient for the City to make the remittance payments required by Part 1.9, utilizing net available tax increment in this current fiscal year and forthcoming fiscal years; and

WHEREAS, the Council has reviewed and duly considered the Staff Report, documents and other written evidence presented at the meeting and believes that it will be in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements, to enable the City to enter into the Remittance Agreement and to allow the Agency to participate in the Alternative Program; NOW, THEREFORE,

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

1. The Council finds and determines that the foregoing recitals are true and correct.
2. The Council 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 Council hereby approves the Remittance Agreement.
4. The Mayor, or designee, is authorized, on the City's behalf, to execute the Remittance Agreement, after the City has enacted the Ordinance; a copy of the Remittance Agreement, when fully executed, shall be placed on file in the office of the City Clerk as Document No. RR- 306925.
5. The Mayor, or designee, is authorized, on the City's behalf, to execute and deliver all other documents and take all actions necessary and appropriate to facilitate the Agency's continued participation in the Alternative Program, after the City has enacted the Ordinance and while the Ordinance remains in effect.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Kevin Reisch  
Kevin Reisch  
Deputy City Attorney

KR:nja  
7/15/2011  
Or.Dept:Redev.Agency  
R-2012-52  
PL#2011-07018  
Comp. O-2012-7  
RA-2012-2  
RA-2012-3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 18 2011

ELIZABETH S. MALAND  
City Clerk

By Carmine L. Trajano  
Deputy City Clerk

Approved: 7.25.11  
(date)

JSE  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor