

RESOLUTION NUMBER R- 307238

DATE OF FINAL PASSAGE JAN 12 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO DESIGNATING THE CITY OF SAN DIEGO AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (AGENCY), AND ELECTING TO RETAIN THE AGENCY'S HOUSING ASSETS AND ASSUME THE AGENCY'S HOUSING RESPONSIBILITIES, ALL PURSUANT TO PART 1.85 OF ASSEMBLY BILL X1 26.

WHEREAS, the Redevelopment Agency of the City of San Diego (Redevelopment 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, Part 1.8 of AB 26 generally prevents redevelopment agencies from entering into new or amended obligations or contracts, and Part 1.85 of AB 26 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 to the local county auditor-controller; and

WHEREAS, on July 18, 2011, the California Redevelopment Association, the League of California Cities, and other entities filed a Petition for Writ of Mandate directly with the

California Supreme Court (Supreme Court), in litigation designated as Case No. S194861 (Litigation), challenging the constitutionality of AB 26 and AB 27; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final opinion in the Litigation, which upheld AB 26, invalidated AB 27, and concluded that AB 26 could be enforced independently from AB 27; and

WHEREAS, under the revised timelines established by the Supreme Court, the Redevelopment Agency is scheduled to be dissolved as of February 1, 2011, at which time a successor agency will administer the winding down of the Redevelopment Agency's affairs; and

WHEREAS, pursuant to sections 34171(j) and 34173(d)(1) of AB 26, the City, unless it elects otherwise, is presumed to serve as the successor agency to the Redevelopment Agency for purposes of receiving all assets, properties, contracts, leases, books and records, buildings, and equipment of the Redevelopment Agency for administration pursuant to Part 1.85 of AB 26; and

WHEREAS, pursuant to section 34176(a) of AB 26, the City may elect to retain the responsibility for performing housing functions previously performed by the Redevelopment Agency, to accept all encumbered funds and assets of the Redevelopment Agency related to housing functions, and to assume all related rights, powers, duties and obligations; NOW, THEREFORE,

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

1. The City is designated to serve as the successor agency to the Redevelopment Agency pursuant to sections 34171(j) and 34173(d)(1) of AB 26 for purposes of receiving all assets, properties, contracts, leases, books and records, buildings, and equipment of the Redevelopment Agency for administration pursuant to Part 1.85 of AB 26.

2. Pursuant to section 34176(a) of AB 26, the City elects to retain the responsibility for performing the housing functions previously performed by the Redevelopment Agency, to accept all encumbered funds and assets of the Redevelopment Agency related to housing functions, and to assume all related rights, powers, duties and obligations.

3. The Mayor or designee is authorized to take all actions necessary and appropriate to carry out and implement the purposes of this Resolution and to fulfill all of the City's statutory obligations as the Redevelopment Agency's successor agency under Part 1.85 of AB 26.

4. The City reserves all of its legal rights and remedies with respect to all actions included in this Resolution. The City's designation as the successor agency for purposes of performing the functions previously performed by the Redevelopment Agency is not intended as, and shall not constitute, a waiver by the City or the Redevelopment Agency of any of their rights to challenge the validity or effectiveness of all or any portion of AB 26 through administrative or judicial proceedings. This Resolution shall be deemed null and void if Part 1.85 of AB 26, or any pertinent part thereof, is suspended, superseded, invalidated, or deemed ineffective. If the implementation of the Redevelopment Agency's dissolution under Part 1.85 of AB 26 is delayed beyond February 1, 2012 due to any subsequent litigation or legislation, but the dissolution becomes effective at a later date, then this Resolution shall become effective at such later date.

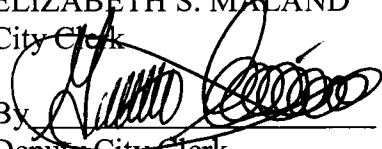
APPROVED: JAN I. GOLDSMITH, City Attorney

By Kevin Reisch
Kevin Reisch
Deputy City Attorney

NS:KR:nja
1/6/2012
Or.Dept:Redev.Dept.
PL#2011-07018

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 10 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1-12-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor