

RESOLUTION NUMBER R- 307571

DATE OF FINAL PASSAGE JUL 10 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO RATIFYING THE MAYOR'S REPLACEMENT  
APPOINTMENT OF THE SUCCESSOR AGENCY'S  
EMPLOYEE REPRESENTATIVE ON THE OVERSIGHT  
BOARD CONCERNING REDEVELOPMENT MATTERS.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the  
Redevelopment Agency of the City of San Diego (Former RDA) administered the  
implementation of various redevelopment projects, programs, and activities within designated  
redevelopment project areas throughout the City of San Diego (City), and there are presently  
fourteen such project areas; and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a  
deadline for elimination of all redevelopment agencies throughout California set forth in  
Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion  
issued on December 29, 2011, in litigation designated as Case No. S194861; and

WHEREAS, pursuant to Resolution No. R-307238 adopted effective January 12, 2012,  
the City Council of the City of San Diego (Council) designated the City to serve as the successor  
agency to the Former RDA and to retain the Former RDA's housing assets and assume the  
Former RDA's housing responsibilities, all pursuant to the dissolution provisions in Part 1.85 of  
AB 26, as amended (Dissolution Provisions); and

WHEREAS, at the time of the Former RDA's dissolution, the City, in its capacity as the  
successor agency to the Former RDA (Successor Agency), became vested with all of the Former  
RDA's authority, rights, powers, duties, and obligations under the California Community  
Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases,

books and records, buildings, and equipment of the Former RDA for administration pursuant to the Dissolution Provisions; and

WHEREAS, the Dissolution Provisions generally require the Successor Agency to administer the winding down of the Former RDA's affairs in an expeditious manner; and

WHEREAS, pursuant to California Health and Safety Code section 34179, a seven-member oversight board (Oversight Board) has been formed to oversee certain actions and decisions of the Successor Agency in accordance with the Dissolution Provisions; and

WHEREAS, California Health and Safety Code section 34179(a) allows the Mayor to make unilateral appointments of two members of the Oversight Board, including one "at-large" representative of the City and one representative of the Successor Agency's employees; and

WHEREAS, as described in Resolution No. R-307276 adopted effective February 17, 2012, the Mayor has voluntarily agreed to modify the appointment process under California Health and Safety Code section 34179(a) to include the Council's ratification of the Mayor's two appointees to the Oversight Board by a majority vote, provided that those appointees shall serve at the pleasure of the Mayor and may be removed at any time by the Mayor with or without cause; and

WHEREAS, pursuant to Resolution No. R-307373 adopted effective April 23, 2012, the Council confirmed the Mayor's appointments of Mark Nelson to serve as the City's at-large representative on the Oversight Board and Michael Zucchet to serve as the Successor Agency's employee representative on the Oversight Board; and

WHEREAS, by letter dated May 10, 2012, Mr. Zucchet resigned from the Oversight Board, effective immediately; and

WHEREAS, California Health and Safety Code section 34179(b) states that the Governor may appoint an individual to fill any Oversight Board member position that has remained vacant for more than 60 days; and

WHEREAS, Assembly Bill 1484, enacted on June 27, 2012, made various amendments to AB 26, including the addition of language in California Health and Safety Code section 34179(a)(7) to clarify which individuals are eligible to serve as the Successor Agency's employee representative on the Oversight Board; and

WHEREAS, according to the modified statutory language, it is appropriate for the Mayor to appoint a current employee of the Successor Agency who is not represented by a recognized employee organization (i.e., a labor union) to serve as the Successor Agency's employee representative on the Oversight Board, due to the fact the Successor Agency has no current employees who are represented by a recognized employee organization; and

WHEREAS, the Mayor has nominated James Davies, a City employee who performs administrative duties on behalf of the Successor Agency, to serve as the replacement appointee to the Oversight Board; NOW, THEREFORE,

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

1. The Mayor's appointment of James Davies, to serve as the Successor Agency's employee representative on the Oversight Board, is hereby confirmed.
2. The Mayor or designee shall cause a copy of this Resolution to be forwarded to the following entities and persons: Successor Agency, Oversight Board, San Diego County Auditor-Controller, County Administrative Officer, State Department of Finance, and State Controller.

3. The Mayor or designee shall cause information about the appointment to be posted on the official internet website related to activities of the Successor Agency.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Catherine M. Bradley  
Catherine M. Bradley  
Chief Deputy City Attorney

SBS:CMB:jdf  
7/6/2012  
Or.Dept:Mayor

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

ELIZABETH S. MALAND  
City Clerk

By Mary Sumaya  
Deputy City Clerk

Approved: 7-10-12  
(date)

Jerry Sanders  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor