

SUCCESSOR AGENCY RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACTING AS SUCCESSOR AGENCY TO THE EL CERRITO REDEVELOPMENT AGENCY AUTHORIZING SUBMITTAL OF THE SECOND DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE AS REQUIRED UNDER AB1X26

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; the “Redevelopment Law”), the City Council (the “City Council”) of the City of El Cerrito (the “City”) adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, adopted on November 28, 1977, as amended by Ordinance No. 80-13, adopted on December 15, 1980; as amended by Ordinance No. 89-5, adopted on July 10, 1989; as amended by Ordinance No. 94-4, adopted on July 25, 1994; as amended by Ordinance No. 2004-3, adopted March 1, 2004; as amended by Ordinance No. 2005-01, adopted March 21, 2005; and as further amended by Ordinance No. 2006-10, adopted November 6, 2006 (collectively, the “Redevelopment Plan”); and

WHEREAS, the El Cerrito Redevelopment Agency (the “Agency”) was responsible for implementation of the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, AB1x26 (the “Dissolution Act”) was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies’ affairs; and

WHEREAS, on August 15, 2011, pursuant to the Dissolution Act, the City elected to serve as the Successor Agency to the El Cerrito Redevelopment Agency (the “Successor”), should it be dissolved; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is constitutional, resulting in the dissolution of all California redevelopment agencies on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Act, upon dissolution, the Agency transferred as a matter of law all remaining liabilities, debts and obligations to the Successor; and

WHEREAS, pursuant to the Dissolution Act, upon dissolution the Agency transferred all unencumbered funds and assets to the Successor as a matter of law, for disposition and/or use by the Successor to retire Agency debt and pay for Agency obligations; and

WHEREAS, the Successor is not a component unit of the City of El Cerrito and the City is not liable for the obligations of the Successor; and

WHEREAS, the City’s role as the Successor is limited to taking actions necessary to facilitate completion and/or payment of the Successor’s recognized obligations and therefore the City established a Fiduciary Fund to receive the Successor’s assets and liabilities; and

WHEREAS, the Successor reviewed and authorized submittal of an initial draft of its first Recognized Obligations Payment Schedule (the “ROPS”) on February 21, 2012; and

WHEREAS, the County Auditor-Controller (the “Controller”) has established a Redevelopment Property Tax Trust Fund (the “RPTTF”) from which the Controller will disburse funds to the Successor for payment of its obligations on an approved ROPS; and

WHEREAS, the Oversight Board to the Successor Agency to the El Cerrito Redevelopment Agency (the “Oversight Board”) was formed on April 4, 2012 and approved the initial draft of the first ROPS, which is under review by the California Department of Finance (the “DOF”) prior to disbursement by the Controller of any funds in the RPTTF intended for payment of the obligations on the first ROPS; and

WHEREAS, the Dissolution Act requires the Successor to prepare a draft ROPS for each successive six-month period, which is now necessary for payments due between July 1 and December 31, 2012; and

WHEREAS, the DOF has requested that the second ROPS be considered by the Oversight Board and submitted to the DOF and Controller no later than May 11, 2012, so that the necessary review may be completed in time to disburse funds for the obligations on the second ROPS on June 15, 2012; and

WHEREAS, the City Council, acting in its role as Successor, has reviewed the draft ROPS for the period July 1 through December 31, 2012 that was prepared pursuant to the Dissolution Act, which is Exhibit A to this Resolution, for submittal to the Oversight Board, the Controller and the DOF.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito acting as Successor Agency to the El Cerrito Redevelopment Agency hereby finds the above recitals to be true and accurate.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito acting as Successor Agency to the El Cerrito Redevelopment Agency authorizes the submittal of the initial draft Recognized Obligation Payment Schedule as required under the Dissolution Act.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

* * * * *

I CERTIFY that at the regular meeting on April 17, 2012, the City Council of the City of El Cerrito as Successor Agency to the El Cerrito Redevelopment Agency passed this resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April ___, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor