

SUCCESSOR AGENCY RESOLUTION NO. 12-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, ACTING AS SUCCESSOR AGENCY TO THE RIDGECREST REDEVELOPMENT AGENCY ADOPTING AND APPROVING THE SUCCESSOR AGENCY'S PROPOSED ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j), AND AUTHORIZING THE SUCCESSOR AGENCY TO ENTER INTO AN AGREEMENT WITH THE CITY OF RIDGECREST FOR REIMBURSEMENT OF FINANCIAL, ADMINISTRATIVE AND OPERATIONAL SERVICES PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Ridgecrest Redevelopment Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Ridgecrest ("City").

WHEREAS, assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act").

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision").

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act.

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the "Successor Agency" and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board").

WHEREAS, Health and Safety Code Section 34177(j), as modified by the Supreme Court decision, requires the Successor Agency to prepare a proposed administrative budget covering the period from February 1, 2012 through June 30, 2012 and submit it to the Oversight Board for approval.

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the up-coming six month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for

arrangements for administrative and operations services provided by the City serving as Successor Agency.

WHEREAS, pursuant to Section 34180(h) the Successor Agency may request authorization from the Oversight Board for the Successor Agency and the City of RIDGECREST to enter into an agreement to ensure provision of the necessary services from the City to support Successor Agency responsibilities in winding down the activities of the former community redevelopment agency, including the estimated costs set forth in the Administrative Budget.

WHEREAS, the Successor Agency desires to enter into that certain “Cooperative Agreement Between the City of Ridgecrest and the City Acting as the Successor Agency for the Ridgecrest Redevelopment Agency” (“Cooperative Agreement”), which agreement will authorize the reimbursement of costs incurred by the City to support Successor Agency operations and obligations.

WHEREAS, pursuant to the Dissolution Act, the actions of the Oversight Board, including those approved by this Resolution, do not become effective for three (3) business days pending any request for review by the Department of Finance (“DOF”), and if the DOF requests review hereof, DOF will have 10 days from the date of its request to approve the Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

WHEREAS, Health and Safety Code Section 34173(e) provides that “the liability of any successor agency, acting pursuant to the powers granted under the act adding this part, shall be limited to the extent of the total sum of property tax revenues it receives pursuant to this part and the value of assets transferred to it as a successor agency for a dissolved redevelopment agency.” Thus, the City’s obligations as Successor Agency are limited by the amount of property taxes and the value of assets it receives in its role as the Successor Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY OF THE CITY OF RIDGECREST, ACTING AS SUCCESSOR AGENCY TO THE RIDGECREST REDEVELOPMENT AGENCY:

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. Pursuant to the Dissolution Act, the Successor Agency approves the proposed Administrative Budget, attached hereto as Attachment No. 1 and incorporated by this reference. Such approval is conditional upon approval of the Oversight Board.

Section 3. Pursuant to the Dissolution Act, the Successor Agency is authorized to enter into the Cooperative Agreement with the City substantially in the form of the Agreement attached hereto as Attachment No. 2 and incorporated by this reference. Such approval is conditional upon approval of the Oversight Board.

Section 4. Upon authorization of the Oversight Board, the Successor Agency shall transmit the Administrative Budget to the County Auditor-Controller.

Section 5. The Clerk of the Council shall certify the adoption of this Resolution.

APPROVED AND ADOPTED this 7th day of May, 2012.



Ronald H. Carter, Director

ATTEST:

By: 

Rachel J. Ford, CMC
Successor Agency Secretary

AYES: Council Members: Carter, Holloway, Morgan, and Patin
NOES: None
ABSTAIN: None
NOT PRESENT: None

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, Rachel J. Ford, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 12-39 to be the original resolution adopted by the City Council in its role as the Successor Agency on May 16, 2012.

Date: 05/16/2012



Rachel J. Ford, Clerk of the Council