

RESOLUTION NO. 4420

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA DETERMINING THAT THE CITY OF ARROYO GRANDE ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF ARROYO GRANDE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34173

WHEREAS, the Redevelopment Agency of the City of Arroyo Grande ("Redevelopment Agency") is a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code Section 33000 *et seq.*); and

WHEREAS, the City of Arroyo Grande is a municipal corporation and a general law city of the State of California ("City"); and

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the case *California Redevelopment Association, et al. v. Ana Matosantos, etc., et al.*, Case No. S196861, and upheld the validity of Assembly Bill 1x26 ("AB1x26") and invalidated Assembly Bill 1x27; and

WHEREAS, the Court's decision results in the implementation of AB1x26 which dissolves all the redevelopment agencies in the State of California as of February 1, 2012; and

WHEREAS, pursuant to a provision of AB1x26, codified as Health and Safety Code Section 34173(d)(1), the city, in the case of a redevelopment agency of a city, automatically becomes the "Successor Agency" to its dissolved redevelopment agency and is charged with the responsibility of winding up the affairs of the dissolved redevelopment agency pursuant to AB1x26, *unless* the city council adopts a resolution electing to *not* serve as the Successor Agency and thereafter files a copy of such resolution with the county auditor-controller; and

WHEREAS, the California Supreme Court, in Footnote 25 of its opinion, extended to January 13, 2012 the deadline for a city to make its decision on whether to decline to be the Successor Agency to its dissolved redevelopment agency; and

WHEREAS, the City Council, having considered the matter, has determined, in its legislative discretion, that it is in the best interests of the City for the City to serve as the Successor Agency to the dissolved Redevelopment Agency; and

WHEREAS, although pursuant to Health & Safety Code Section 34173(d)(1), the City would automatically become the Successor Agency unless it affirmatively elects to not serve as the Successor Agency by Resolution, the City nonetheless wishes to express its intention to serve as the Successor Agency to the dissolved Redevelopment Agency.


NOW, THEREFORE, the City Council of the City of Arroyo Grande resolves as follows:

1. The foregoing Recitals are true and correct and are incorporated herein.
2. The City Council of the City of Arroyo Grande hereby affirmatively determines that the City of Arroyo Grande elects to, and shall, serve as the Successor Agency to the dissolved Redevelopment Agency of the City of Arroyo Grande.
3. The City Manager and his authorized designees are hereby authorized and directed to take such other and further actions and sign such other and further documents as is necessary and proper to implement this Resolution on behalf of the City.
4. The City Clerk shall file a copy of this Resolution with the San Luis Obispo County Auditor-Controller not later than 5:00 p.m. on January 13, 2012.

On motion of Council Member Costello, seconded by Council Member Guthrie, and on the following roll call vote, to wit:


AYES: Council Members Costello, Guthrie, Brown, Ray, and Mayor Ferrara
NOES: None
ABSENT: None

the foregoing Resolution was passed and adopted this 10th day of January, 2012.



TONY FERRARA, MAYOR

ATTEST:



KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:



STEVEN ADAMS, CITY MANAGER

APPROVED AS TO FORM:



CITY ATTORNEY

OFFICIAL CERTIFICATION

I, KELLY WETMORE, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that Resolution No. 4420 is a true, full, and correct copy of said Resolution passed and adopted at a regular meeting of the City Council/Redevelopment Agency of the City of Arroyo Grande on the 10th day of January 2012.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 12th day of January 2012.



KELLY WETMORE, CITY CLERK