

RESOLUTION NO. 12-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, CONFIRMING THAT IT IS THE SUCCESSOR AGENCY TO THE SAN GABRIEL REDEVELOPMENT AGENCY PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the City Council of the City of San Gabriel (“City”) approved and adopted the Redevelopment Plan for the East San Gabriel Commercial Development Project (“Redevelopment Plan”) covering certain properties within the City (the “Project Area”);

WHEREAS, the San Gabriel Redevelopment Agency (“Agency”) has been engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) (“CRL”);

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy;

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed AB 1X 26 requiring that each redevelopment agency be dissolved;

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement;

WHEREAS, on August 11, 2011, and modified on August 17, 2011, the Supreme Court stayed portions of AB 1X 26 during the pendency of the matter; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012;

WHEREAS, AB 1X 26 further provides that, upon their dissolution, any property taxes that would have been allocated to redevelopment agencies will no longer be deemed tax increment, and will be allocated first to successor agencies to make payments on the existing indebtedness of the dissolved redevelopment agencies, with remaining balances allocated in accordance with applicable constitutional and statutory provisions;

WHEREAS, AB 1X 26 provides that successor agencies be designated as successor entities to the former redevelopment agencies, and provides that, with certain exceptions, all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies, under the CRL, are vested in the successor agencies;

WHEREAS, AB 1X 26 provides that each city that created a redevelopment agency would become a successor agency to that agency if it did not choose to opt out by January 13, 2012;

WHEREAS, the City made the determination that it would be best to assume the duties of successor agency to the San Gabriel Redevelopment Agency in order to be involved in and have control over the wind down process and therefore did not opt out of becoming the successor agency; and

WHEREAS, the City Council now wishes to formally confirm becoming the successor agency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Confirmation of becoming the Successor Agency. In accordance with Health and Safety Code Section 34173, and based on the Recitals set forth above, the City Council hereby ratifies that the City of San Gabriel shall become the “successor agency” to the former San Gabriel Redevelopment Agency. Upon dissolution of the Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety code, and except as provided under the CRL, all authority, rights, powers, duties excluding any unencumbered amounts on deposit in the Low and Moderate Income Housing Fund, and obligations previously vested with the former Agency, under the CRL, shall be vested in the City.

Section 2. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to notifying the Los Angeles County Auditor-Controller, the Controller of the State of California, and the California Department of Finance providing notice of the adoption of this Resolution and the City’s confirmation of becoming the successor agency to the Agency, in accordance with AB 1X 26.

Section 3. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 5. Effective Date. This Resolution shall be considered effective as of February 1, 2012.

PASSED AND ADOPTED by the City Council of the City of San Gabriel on the 7th day of February, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:



David R. Gutierrez, Mayor

ATTEST:



Nina Castruita, Deputy City Clerk

APPROVED AS TO FORM:

Peter L. Wallin, Successor Agency Counsel

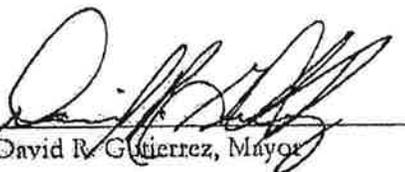
PASSED AND ADOPTED by the City Council of the City of San Gabriel on the 7th day of February, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:


David R. Gutierrez, Mayor

ATTEST:


Nina Castruita, Deputy City Clerk

APPROVED AS TO FORM:


Peter L. Wallin, Successor Agency Counsel

1 I, Nina Castruita, Deputy City Clerk of the City of San Gabriel, do hereby certify
2 that the foregoing resolution was adopted by the San Gabriel City Council at a regular
3 adjourned meeting held thereof on the 7th day of February, 2012, by the following vote,

4 to wit:

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6 Ayes: Costanzo, De La Torre, Gutierrez, Harrington, Sawkins

7 Noes: None

8 Abstain: None

9 Absent: None

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Nina Castruita, CMC, Deputy City Clerk

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City of San Gabriel, California

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I hereby certify that the foregoing document is a
full true and correct copy of

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Resolution 12-03

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on file in the office of the City Clerk of the City of
San Gabriel, California.

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Diana Eggeboom 2/6/12

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Office of the City Clerk Date
City of San Gabriel

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