

RESOLUTION NO. 12-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON, MAKING AN ELECTION IN CONNECTION WITH SERVING AS A SUCCESSOR AGENCY UNDER PART 1.85 OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Ripon Community Redevelopment Agency (the "Agency") is a duly constituted redevelopment agency under the laws of the State of California, specifically, the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 et seq.), and the Agency is responsible for the administration and implementation of redevelopment activities within the City of Ripon (the "City"); and

WHEREAS, in accordance with procedures codified in the CCRL, on July 19, 1983 by Ordinance No. 324, the City Council of the City (the "City Council") adopted the Redevelopment Plan (the "Plan") for the Ripon Community Redevelopment Project, and from time to time, the City Council has amended the Plan; and

WHEREAS, Assembly Bill X1 26 ("AB X1 26") and Assembly Bill X1 27 ("AB X1 27") were signed by the Governor of California on June 29, 2011, making certain changes to the CCRL, including adding Part 1.8 (commencing with CCRL Section 34161) and Part 1.85 (commencing with CCRL Section 34170) to the CCRL; and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional, and on August 11, 2011, the Supreme Court issued a stay order, which was subsequently modified on August 17, 2011; pursuant to the modified stay order, the Supreme Court granted a partial stay of AB X1 26 and AB X1 27; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in California Redevelopment Association, et al. v. Matosantos, et al. (Case No. S194861) largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently; and

WHEREAS, the City Council now desires to adopt this Resolution electing for the City to serve as the successor agency to the Agency under Part 1.85 of the CCRL as an initial step in the dissolution of the Agency under provisions of AB X1 26.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. This Resolution is adopted pursuant to CCRL Section 34173.

Section 3. The City Council hereby elects for the City to serve as a successor agency under Part 1.85 of the CCRL. The City Council further adopts the Enforceable Obligations Payment Schedule attached hereto as Exhibit "A".

Section 4. The City Clerk is hereby authorized and directed to file a certified copy of this Resolution with the San Joaquin County Auditor-Controller.

Section 5. The Ripon City Council hereby determines that it will not retain the affordable housing functions of the Ripon Redevelopment Agency, and directs City Staff to expeditiously transfer all such functions to the Housing Authority of the County of San Joaquin.

Section 6. The officers and staff of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 7. The adoption of this Resolution is not intended to and shall not constitute a waiver by the City of any right the City may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

Section 8. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq., hereafter the "Guidelines"), and the City's environmental guidelines. The City Council has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined within Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (Guidelines Section 15378(b)(5)).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 17<sup>th</sup> day of January, 2012, by the following vote:

AYES:	Uecker, Krebbs, Winn, Nutt
NOES:	None
ABSENT:	Gay
ABSTAINING:	None

THE CITY OF RIPON  
A Municipal Corporation

By   
ELDEN R. NUTT, Mayor

ATTEST:

By   
LYNETTE VAN LAAR, City Clerk

