

1 RESOLUTION NO.2012-013

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**
4 **CARLSBAD, CALIFORNIA, ELECTING AND APPROVING TO**
5 **HAVE THE CITY OF CARLSBAD ACT AS THE SUCCESSOR**
6 **AGENCY FOR THE CARLSBAD REDEVELOPMENT AGENCY,**
7 **AND TO ASSUME SAID ROLE UPON DISSOLUTION OF THE**
8 **AGENCY.**

9 WHEREAS, on June 29, 2011, the Governor of the State of California
10 signed Assembly Bill X1 26 ("AB 26") to dissolve all redevelopment agencies; and

11 WHEREAS, the Governor also signed Assembly Bill x1 27 ("AB 27") which
12 provided for a voluntary redevelopment program which required payment in order
13 to continue redevelopment activities of existing agencies; and

14 WHEREAS, the noted legislation was legally challenged by the California
15 Redevelopment Association and the League of California Cities; and

16 WHEREAS, the California Supreme Court delivered its decision on
17 California Redevelopment Association v. Matosantos finding AB 26 constitutional
18 and AB 27 unconstitutional on December 29, 2011; and

19 WHEREAS, this bifurcated decision means that all Redevelopment
20 Agencies in the State of California will be dissolved as of February 1, 2012, and
21 none will have the opportunity to voluntarily opt into continued existence with a
22 payment to the State; and

23 WHEREAS, a *Successor Agency* must be designated for the Carlsbad
24 Redevelopment Agency to assume responsibilities for making payments and
25 performing other obligations due for Enforceable Obligations upon dissolution of
26 the Agency; and

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1 WHEREAS, a *Successor Housing Agency* must also be designated for the
2 Carlsbad Redevelopment Agency to assume the housing functions and take over
3 the housing assets along with related rights, powers, liabilities, duties and
4 obligations under redevelopment law upon dissolution of the Agency; and

5 WHEREAS, the City Council adopted Ordinance No. CS-138 on April 26,
6 2011 designating the City of Carlsbad as the *Successor Agency* to assume
7 responsibility for compliance with all statutory obligations and payment of
8 enforceable obligations as set forth within California Redevelopment Law, and to
9 address the municipal affairs of the City as related to redevelopment programs
10 and regulations set forth in the Village and South Carlsbad Coastal
11 Redevelopment Area Plans; and,

12 WHEREAS, the City Council desires to reaffirm and approve the election of
13 the City of Carlsbad as *Successor Agency* as set forth in Ordinance No. CS-138,
14 and additionally acknowledges and accepts the election of the Carlsbad Housing
15 Authority as the *Successor Housing Agency*, upon dissolution of the Carlsbad
16 Redevelopment Agency; and

17 WHEREAS, the City Council does not intend, by approval of this
18 Resolution, to waive any constitutional and/or legal rights by virtue of the approval
19 of this Resolution and, therefore, reserves all of its rights under Laws to challenge
20 the validity of any or all provisions of AB 26 in any administrative or judicial
21 proceeding and/or repeal this approval, without prejudice, and as appropriate to
22 continue operations of the redevelopment programs.

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1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Carlsbad, California as follows:

- 3 1. That the above recitations are true and correct.
- 4 2. That the City Council hereby reaffirms the election and approves the
5 City of Carlsbad to serve as the *Successor Agency* for the Carlsbad
6 Redevelopment Agency upon dissolution of the Carlsbad
7 Redevelopment Agency on or after February 1, 2012, as set forth in
8 Ordinance No. CS-138 approved on April 26, 2011.
- 9 3. That the City Council hereby acknowledges and accepts the election of
10 the Carlsbad Housing Authority as the *Successor Housing Agency* for
11 the Carlsbad Redevelopment Agency upon dissolution of the Carlsbad
12 Redevelopment Agency on or after February 1, 2012.
- 13 4. That the City Council hereby sets forth this reservation of rights: it is the
14 position of the City that certain or all provisions of AB 26 are ineffective
15 and/or violate the Laws, as referenced in the recitals, above, and are
16 invalid and unenforceable. Neither the adoption of this Resolution, nor
17 the acknowledgment of or references to any provisions of AB 26 shall be
18 deemed to be, nor are they intended as, an acknowledgment of the
19 validity of AB 26, and the City reserves all rights in its sole discretion to
20 challenge the validity of any or all provisions of AB 26 in any
21 administrative or judicial proceeding and/or to repeal this Resolution.
- 22 5. The City Manager and Finance Director, or designees, are hereby
23 authorized to take any actions necessary to implement this Resolution and
24 to subsequently assume the responsibilities of the *Successor Agency* as
25 set forth within redevelopment or related laws, and providing required
26 notices to the Auditor Controller, the State Controller, and the Department
27 of Finance as appropriate.

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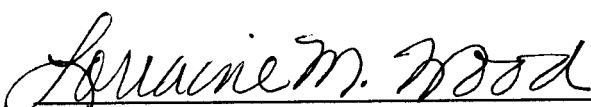
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PASSED, APPROVED AND ADOPTED at a Joint Special Meeting of the
Carlsbad City Council and Housing and Redevelopment Commission, held on the 10th
day of January, 2012, by the following vote:

AYES: Council Members Hall, Kulchin, Blackburn, Douglas and Packard.
NOES: None.
ABSENT: None.


MATT HALL, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk
(SEAL)

