

RESOLUTION NO. 519

**A RESOLUTION OF THE HOUSING AND REDEVELOPMENT COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, ELECTING AND APPROVING TO HAVE THE CARLSBAD HOUSING AUTHORITY ACT AS THE SUCCESSOR HOUSING AGENCY FOR THE CARLSBAD REDEVELOPMENT AGENCY WITH ALL OF THE RELATED RIGHTS AND RESPONSIBILITIES, AND TO ASSUME SAID ROLE UPON DISSOLUTION OF THE AGENCY.**

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

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

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

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

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

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

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 has indicated its desire to reaffirm and  
13 approve the election of the City of Carlsbad as *Successor Agency* as set forth in  
14 Ordinance No. CS-138, and has additionally acknowledged and accepted the  
15 election of the Carlsbad Housing Authority as the *Successor Housing Agency*,  
16 upon dissolution of the Carlsbad Redevelopment Agency; and

17           WHEREAS, the Housing and Redevelopment Commission desires to  
18 approve the election of the Carlsbad Housing Authority to act as the *Successor*  
19 *Housing Agency* to assume the housing functions of the Carlsbad Redevelopment  
20 Agency upon the dissolution of the Agency, and additionally acknowledges and  
21 accepts the election of the City of Carlsbad to act as the *Successor Agency* upon  
22 dissolution of the Carlsbad Redevelopment Agency; and

23           WHEREAS, the Housing and Redevelopment Commission does not  
24 intend, by approval of this Resolution, to waive any constitutional and/or legal  
25 rights by virtue of the approval of this Resolution and, therefore, reserves all of its  
26  
27  
28

1 rights under Laws to challenge the validity of any or all provisions of AB 26 in any  
2 administrative or judicial proceeding and/or repeal this approval, without prejudice,  
3 and as appropriate to continue operations of the redevelopment programs.  
4

5 NOW, THEREFORE, BE IT RESOLVED by the Housing and  
6 Redevelopment Commission of the City of Carlsbad, California as follows:

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

////

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

AYES: Commission Members Hall, Kulchin, Blackburn, Douglas and Packard.

NOES: None.

ABSENT: None.

  
MATT HALL, Chairman

ATTEST:

  
LISA HILDABRAND, Secretary  
(SEAL)

