

## RESOLUTION NO. 12-04

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ELECTING TO BECOME THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF GOLETA PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

**WHEREAS**, following incorporation of the City of Goleta ("City"), the City Council approved and adopted the Redevelopment Plan for the Goleta Old Town Redevelopment Project Area ("Redevelopment Plan"), which was previously established by the County of Santa Barbara, and jurisdiction for redevelopment of the Project Area was transferred to the City and the Redevelopment Agency for the City of Goleta ("Agency"), covering certain properties within the City (the "Project Area"); and

**WHEREAS**, the 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"); and

**WHEREAS**, since adoption of the Redevelopment Plan by the City Council, 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; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

**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 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

**WHEREAS**, on August 11, 2011, and modified on August 17, 2011, the Supreme Court stayed portions of AB 1X 26, and AB 1X 27 in its entirety 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, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

**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; and

**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; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.

**Section 2. Election to be Successor Agency.** In accordance with Health and Safety Code Section 34173, and based on the Recitals set forth above, the City Council hereby elects and determines that the City of Goleta shall become the “successor agency” to the former Redevelopment Agency for the City of Goleta. 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 and obligations previously vested with the former Agency, under the CRL, shall be vested in the City as the successor agency to the Agency.

**Section 3. 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 Santa Barbara 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 election to be the successor agency to the Agency, in accordance with AB 1X 26.

**Section 4. 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 5. Certification.** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.


**Section 6. Effective Date.** This Resolution shall become effective upon its adoption.

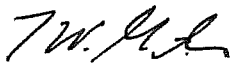
**PASSED, APPROVED AND ADOPTED** by the City Council of Goleta, California, this 17th day of January, 2012.

  
EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

  
DEBORAH CONSTANTINO  
CITY CLERK

  
TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 12-04 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 17<sup>th</sup> day of January, 2012 by the following vote of the Council:

AYES: MAYOR EASTON, MAYOR PRO TEMPORE ACEVES,  
COUNCILMEMBERS, BENNETT, CONNELL AND PEROTTE.

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH CONSTANTINO  
CITY CLERK