

RESOLUTION NO. 12-005

RESOLUTION OF THE CITY OF HERCULES ELECTING TO SERVE AS THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF HERCULES, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34173 AND ELECTING NOT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE REDEVELOPMENT AGENCY OF THE CITY OF HERCULES PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, Assembly Bill 1X 26 (the "Dissolution Act") and Assembly Bill 1X 27 (the "Alternative Redevelopment Program Act") were enacted on June 28, 2011, to significantly modify the Community Redevelopment Law (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, the Dissolution Act provides that the city that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the city elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law; and

WHEREAS, Section 34176(b) of the Redevelopment Law provides that the city that authorized the creation of a redevelopment agency may elect not to retain the housing assets and functions previously performed by the former redevelopment agency; and

WHEREAS, the City of Hercules (the "City") intends to and shall serve as the successor agency for the Redevelopment Agency of the City of Hercules (the "Agency") pursuant to Section 34173(d) of the Redevelopment Law; and

WHEREAS, the City does not desire to retain the housing assets and functions previously performed by the Agency pursuant to Section 34176(b) of the Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED, that the City hereby elects to serve as the successor agency for the Agency (Non-Housing) pursuant to Section 34173(d) of the Redevelopment Law.

BE IT FURTHER RESOLVED, the City hereby elects to not retain the housing assets and functions previously performed by the Agency and not serve as the successor (Housing) agency pursuant to Section 34176(b) of the Redevelopment Law.

BE IT FURTHER RESOLVED, that the City Manager, or his or her designee, is hereby directed to file a copy of this resolution with the County Auditor-Controller.

BE IT FURTHER RESOLVED, that the City Manager, or his or her designee, is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate, for the City to transfer the assets of the Agency to the City, in its capacity as successor agency to the Agency, pursuant to Section 34175 of the Redevelopment Law.

BE IT FURTHER RESOLVED, that the City Manager, or his or her designee, is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate, for the City to transfer the assets associated with the housing functions of the Agency, excluding any amounts in the Agency's Low and Moderate Income Housing Fund, to the successor agency to the Agency's housing functions, pursuant to Section 34176(b) of the Redevelopment Law.


BE IT FURTHER RESOLVED, that the City Manager, or his or her designee, is hereby authorized to take such additional actions and to execute all documents necessary and appropriate to effectuate the intent of this resolution.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 10th day of January, 2012 by the following vote of the Council:

AYES: Boulanger, Delgado, de Vera, Wilkins, Romero

NOES: None

ABSENT: None



Dan Romero, Mayor

