

RESOLUTION 12-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA PROVIDING FOR THE CITY'S ELECTION TO RETAIN HOUSING ASSETS AND FUNCTIONS OF THE CITY OF WILLIAMS REDEVELOPMENT AGENCY

WHEREAS, pursuant to the Community Redevelopment Law (Health & Safety Code, § 33000 et seq.), the City Council of the City of Williams (“City”) created the City of Williams Redevelopment Agency (“Agency”); and

WHEREAS, the Agency has been responsible for implementing the Redevelopment Plan for the Williams Redevelopment Project covering certain properties within the City; 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

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, Health and Safety Code section 34176 provides that the City may elect to retain the housing assets and functions previously performed by the Agency, but if the City does not so elect, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Agency, excluding any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) where there is no housing authority in the territorial jurisdiction of the Agency, to the State of California Department of Housing and Community Development; (2) where there is one local housing authority in the territorial jurisdiction of the Agency, to that housing authority; (3) where there is more than one local housing authority in the territorial jurisdiction of the Agency, to the local housing authority selected by the City; and

WHEREAS, the City desires to elect to retain the housing assets and functions of the former Agency; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Williams that the City does adopt by the vote set forth below, an order that the following steps and actions be taken:

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

2. The determination given in this Resolution does not commit the City to any action that may have a significant effect on the environment. As a result, such determination does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Council directs City staff to file a Notice of Exemption within five (5) days following adoption of this Resolution with the Clerk of the Board of Supervisors of the County of Colusa.

3. In accordance with Health and Safety Code section 34176, and based on the Recitals set forth above, the City Council hereby elects to retain the housing assets and functions previously performed by the City of Williams Redevelopment Agency. Upon dissolution of the City of Williams Redevelopment Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, and except as provided under AB 1X 26, all rights, powers, assets, liabilities, duties and obligations associated with the housing activities of the City of Williams Redevelopment Agency, excluding any amounts in the City of Williams Redevelopment Agency's Low and Moderate Income Housing Fund, shall be transferred in accordance with Health and Safety Code section 34176 to the City of Williams.

4. The City Council hereby authorizes and directs the City Manager, or his designee, to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to notifying the Colusa County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the transfer of all housing assets and functions of the former City of Williams Redevelopment Agency to the City of Williams, all in accordance with AB 1X 26.

5. 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.

6. This Resolution shall take effect immediately.

7. The Mayor is hereby authorized and directed to sign the Resolution and the City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 18th day of January, 2012, by the following vote:

AYES: Council Members Ash, Barker, Plachek-Fulcher, Sellers, Troughton
NOES: None
ABSTAIN: None
ABSENT: None

CITY OF WILLIAMS

Ss: John Troughton, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Ss: Charles Bergson, Interim City Clerk

Ss: Ann M. Siprelle, City Attorney

CERTIFICATE OF CLERK

I, Charles Bergson, the Interim City Clerk of the City of Williams, do hereby certify that the above Resolution is a true and correct copy of the Resolution adopted as Resolution 12-01 and that such Resolution has not been amended, revoked, or suspended.

DATED: January 18, 2012

Ss: Charles Bergson, Interim City Clerk