

## RESOLUTION 12-05

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLIAMS CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENTS OF TWO MEMBERS TO THE OVERSIGHT BOARD ESTABLISHED PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179 ET SEQ., REGARDING DISSOLUTION OF THE CITY OF WILLIAMS REDEVELOPMENT AGENCY**

**WHEREAS**, the City Council of the City of Williams ("City") created the City of Williams Redevelopment Agency ("Agency") for the purpose of implementation of a Redevelopment Plan for the Williams Redevelopment Project Area ("Redevelopment Plan"), covering certain properties within the City (the "Project Area"), pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

**WHEREAS**, on June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill 1X 26 ("AB 1X 26") and Assembly Bill 1X 27 ("AB 1X 27") were enacted, suspending all new redevelopment activity of the Agency and dissolving the Agency, unless the City elected to participate in the "Alternative Voluntary Redevelopment Program" established by AB 1X 27 and paid an annual "community remittance" payment to the County of Colusa; and

**WHEREAS**, on July 18, 2011, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861 ("Legal Action"), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

**WHEREAS**, on December 29, 2011, the Supreme Court issued its opinion in the Legal Action, upholding AB 1X 26 and invalidating AB 1X 27, effectively dissolving all redevelopment agencies throughout the State, effective February 1, 2012; and

**WHEREAS**, AB 1X 26 designates the City, as the city that created the Agency, as the successor agency to the dissolved Agency, and provides that, with certain exceptions, all authority, rights, powers, duties and obligations previously vested with the dissolved Agency, under the CRL, are vested in the successor agency; and

**WHEREAS**, AB 1X 26 further provides that the City's actions, as successor agency to the dissolved Agency, are subject to review and approval by an oversight board ("Oversight Board"), to be created pursuant to Health and Safety Code section 34179 et seq.; and

**WHEREAS**, the Oversight Board is to be comprised of seven appointees from affected local taxing entities and the City, including two (2) members to be appointed by the Mayor; and

**WHEREAS**, at its meeting of April 18, 2012, the Mayor of the City of Williams announced the appointments of Mayor Pro Tem Donald Barker, as the Mayor's representative to the Oversight Board, and City Planner Monica Stegall, as the representative from the employees of the former Agency; and

**WHEREAS**, the City Council desires to confirm the Mayor's appointments to the Oversight Board; and

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

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

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

**Section 2. Confirmation of Mayoral Appointments.** The City Council hereby confirms the Mayor's appointments of Mayor Pro Tem Donald Barker, as the Mayor's representative to the Oversight Board, and City Planner Monica Stegall, as the representative from the employees of the former Agency.

**Section 3. Implementation.** The City Council hereby authorizes and directs the City Manager to take any action 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 Mayor's appointments of the above-named people to the Oversight Board, 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 that 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 of this Resolution.

**Section 5. Certification.** The City Clerk shall certify to the adoption of this Resolution.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Williams on the 18th day of April, 2012, by the following vote:

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

Ss: John J. Troughton, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Ss: Charles Bergson, Interim City Clerk

Ss: Ann M. Siprelle, City Attorney