

RESOLUTION NO. 5734(11)

A Resolution of the City Council of the City of Lompoc Stating the City's Intention to Make Remittances Required by ABX1 27 in Order to Avoid Dissolution of the Lompoc Redevelopment Agency

WHEREAS, on October 5, 1965, the City Council of the City of Lompoc (the "City") activated the Lompoc Redevelopment Agency ("Agency") by adoption of Ordinance No. 768; and

WHEREAS, the Agency, through the exercise of its powers under the California Community Redevelopment Law (Health & Safety Code §§ 33000 *et seq.*) ("CRL") has made major contributions to the physical and economic development of the City and has strengthened the City's ability to meet the needs of its citizens and contributed to the quality of life throughout the City; and

WHEREAS, the California Legislature has adopted, and the Governor has signed ABX1 26 (2011) and ABX1 27 (2011), legislation that would dissolve the Agency effective as of October 1, 2011, unless the City agrees to make certain payments to the State Department of Finance and the County Auditor-Controller; and

WHEREAS, now that the Governor has signed ABX1 26, redevelopment agencies' powers purportedly are suspended and redevelopment agencies purportedly are now prohibited from taking a number of actions, including making loans and entering into or modifying contracts; and

WHEREAS, Section 34193, subdivision (a), of the California Health & Safety Code, as added by ABX1 27, states a city must adopt an ordinance on or before November 1, 2011, declaring the city will make the payments required by ABX1 27 to avoid the suspension of its redevelopment agency's powers and the dissolution of its redevelopment agency; and

WHEREAS, Section 34193, subdivision (b), of the California Health & Safety Code, as added by ABX1 27, permits a city that intends to adopt an ordinance declaring it will make the required payments to adopt a non-binding resolution stating the city intends to adopt such an ordinance; however, at this time, the exact amounts of such required payments are unknown, but will be calculated by the State Department of Finance prior to August 1, 2011; and

WHEREAS, the adoption of the non-binding resolution of intent described above would allow the redevelopment agency to continue carrying out its business, despite the enactment of ABX1 26.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Based on the foregoing recitations and all evidence presented to and considered by the City Council, and in accordance with Health and Safety Code Section 34193, subdivision (b), the City Council hereby declares by this non-binding resolution it intends to adopt an ordinance (the "Ordinance") on or before November 1, 2011, declaring it will make the payments required by ABX1 27.

SECTION 3. This non-binding resolution of intent in no way warrants or guarantees any payment of money by the City to any other entity, and the City reserves the right to withdraw from making the payments required by ABX1 27 if the amount of such payments (as will be determined by the State Department of Finance) prove to be in excess of the City's available funds not otherwise obligated for other uses.

SECTION 4. This non-binding resolution shall in no way be construed as requiring the City to abide by ABX1 26 or ABX1 27 in the event either, or both, bills are found unconstitutional or otherwise legally invalid in whole or in part, nor shall this resolution effect or give rise to any waiver of rights or remedies the City may have, whether in law or in equity, to challenge ABX1 26 or ABX1 27. This resolution shall not be construed as the City's willing acceptance of, or concurrence with, either ABX1 26 or ABX1 27; nor does this resolution evidence any assertion or belief whatsoever on the part of the City the bills are constitutional or lawful.

SECTION 5. The Mayor, City Administrator, Management Services Director and City Clerk of the City are hereby authorized to take all action necessary to effectuate this Resolution.

SECTION 6. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on July 19, 2011, by the following vote:

AYE: Councilmember(s):

NO: Councilmember(s):

ABSENT: Councilmember(s):

John H. Linn, Mayor
City of Lompoc

ATTEST:

Stacey Alvarez
City Clerk, City of Lompoc