



Legislation Details (With Text)

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Title: ADOPT: Resolution of the City Council of the City of San Leandro Acknowledging the Separate Legal Existence of the Successor Agency to the Redevelopment Agency of the City of San Leandro (confirms the status of the Successor Agency as a separate legal entity consistent with the provisions of Assembly Bill 1484)
Sponsors: Luke Sims

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Date	Ver.	Action By	Action	Result
7/16/2012	1	City Council	Adopted	Pass

Resolution of the City Council of the City of San Leandro Acknowledging the Separate Legal Existence of the Successor Agency to the Redevelopment Agency of the City of San Leandro

WHEREAS, the California Legislature adopted, the Governor signed, and the California Supreme Court, in California Redevelopment Association, et al. v. Matosantos, (2012) 53 Cal.4th 231, upheld Assembly Bill x1 26 (“ABx1 26”);

WHEREAS, pursuant to ABx1 26, all California redevelopment agencies were dissolved effective February 1, 2012;

WHEREAS, as added by ABx1 26, California Health and Safety Code Sections 34171(j) and 34173 provide that a city or county that formed a redevelopment agency (the “Sponsoring Jurisdiction”) would serve as the successor agency to the dissolved redevelopment agency unless the Sponsoring Jurisdiction affirmatively elected not to fill that role;

WHEREAS, as added by ABx1 26, California Health and Safety Code Section 34173(b) provides that the authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies are vested in the successor agencies;

WHEREAS, pursuant to Resolution No. 2012-001, adopted by the City Council on January 9, 2012, the City of San Leandro (“City”) agreed to serve as the successor agency to the Redevelopment Agency of the City of San Leandro (the “Agency”) commencing upon the dissolution of the Agency on February 1, 2012;

WHEREAS, Assembly Bill 1484, enacted June 27, 2012, modified ABx1 26 to clarify that successor agencies are separate legal entities from the Sponsoring Jurisdiction; and

WHEREAS, the City of San Leandro wishes to acknowledge the existence of the successor agency to the Agency as an entity separate and distinct from the City.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of San Leandro that it hereby:

1. Pursuant to Health and Safety Code Sections 34171(j) and 34173, acknowledges the successor agency to the Redevelopment Agency of the City of San Leandro (the "Successor Agency") as a separate public entity distinct from the City.
2. Acknowledges that the members of the City Council of the City of San Leandro have been acting, and shall continue to act, as the governing board of the Successor Agency.
3. Acknowledges that by operation of law, upon dissolution of the Agency, ownership and control of all Agency assets, including without limitation, all properties, contracts, agreements, books and records, real property, personal property, equipment, cash and cash equivalents, and receivables of the former Agency (other than housing assets that transferred to the City as housing successor pursuant to Health and Safety Code Section 34176) were transferred to the Successor Agency.
4. Resolves that, subject to further agreement, the City shall support and cooperate with the Successor Agency with respect to use of City personnel, facilities and other resources to support the Successor Agency's governance and operations.
5. Authorizes the City Manager to consider and, in his reasonable discretion grant, requests for waivers of conflicts of interest with respect to legal representation provided to the City and the Successor Agency.