



Legislation Text

File #: 12-383, **Version:** 1

Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Designating Officers and Adopting Administrative and Operating Procedures

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 originally provided 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 Council of the City of San Leandro has adopted a resolution that acknowledges the existence of the successor agency to the San Leandro Redevelopment Agency (“Successor Agency”) as an entity separate and distinct from the City.

NOW THEREFORE, BE IT HEREBY RESOLVED by the governing board of the Successor Agency to the San Leandro Redevelopment Agency that it hereby:

1. 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.

2. Affirms the validity of all actions previously taken by the Successor Agency.

3. 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.
4. Resolves that the officers of the Successor Agency shall be a Chair, an Executive Director, a Secretary, and a Treasurer.
5. Resolves that, subject to agreement with the City, the Executive Director shall be the City Manager of the City, who shall submit such recommendations and information to the Successor Agency governing board as necessary and proper concerning the business, affairs, and policies of the Successor Agency and who shall have control and responsibility for the execution of the Successor Agency's policies, the administration of its affairs, and the fulfillment of such other duties as from time to time the Successor Agency governing board may impose.
6. Resolves that the Executive Director or his or her designee shall have the authority to execute all contracts and documents on behalf of the Successor Agency upon prior authorization of the Successor Agency's governing board if required, and if applicable, upon the prior authorization of the Oversight Board established pursuant to ABx1 26.
7. Resolves that, subject to agreement with the City, the Secretary shall be the City Clerk of the City, who shall keep the records of the Successor Agency and shall perform such other duties as from time to time the Successor Agency may impose on the Secretary.
8. Resolves that, subject to agreement with the City, the Treasurer shall be the Finance Director of the City, who shall be responsible for ascertaining that all funds of the Successor Agency are deposited in the name of the Successor Agency in such bank or banks, or in such internal account or accounts, as the Successor Agency may select, shall sign all checks issued by the Successor Agency, and shall perform such other duties as from time to time the Successor Agency may impose on the Treasurer.
9. Resolves that the Successor Agency and its governing board and officers shall follow the same rules and procedures for Successor Agency administrative activities and operations, including rules related to contracting, personnel, fund management, legislative action, open meetings, public records, and conflicts of interest as those followed by the City of San Leandro, as set forth in applicable codes, resolutions, ordinances, administrative instructions, and regulations, except and to the extent that state or federal law provide for different rules or procedures.
10. Authorizes the Executive Director and designees to undertake all actions necessary with respect to the establishment and operation of the Successor Agency consistent with the intent of this Resolution.