

RESOLUTION NO. 12-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO EXPRESS ITS INTENT REGARDING THE HOUSING ASSETS, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY HELD AND PERFORMED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, Assembly Bill 1X 26 (the "Dissolution Act") and Assembly Bill 1X 27 (the "Alternative Redevelopment Program Act") were enacted on June 28, 2011, to significantly modify the Community Redevelopment Law (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on August 11, 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, the Dissolution Act provides that the county that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the county elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law; and

WHEREAS, on January 10, 2012 pursuant to Resolution No. 12-006, the County of Mendocino (the "County") elected to be the "successor agency" of the Redevelopment Agency of the County of Mendocino (the "Agency"); and

WHEREAS, Section 34176(a) of the Redevelopment Law provides that the county that authorized the creation of a redevelopment agency may also elect to retain the housing assets, obligations and functions (collectively, the "Housing Functions") previously performed by the former redevelopment agency, and Section 34176(b) provides that in the event the county that authorized the creation of a redevelopment agency does not elect to retain the Housing Functions, such Housing Functions will be transferred to the local housing authority; and

WHEREAS, the local housing authority in the County of Mendocino is the Community Development Commission of the County of Mendocino (the "CDC"); and

WHEREAS, the County desires to have the Housing Functions of the dissolving Agency transferred to the CDC, so long as the CDC and the County are able to enter into a letter agreement (the "Housing Agreement") by January 31, 2012 specifying in substantial form (1) that any assets and monies transferred to or received by the CDC as a result of the Dissolution Act (the "Housing Money") shall be used in accordance with Redevelopment Law, as it may be further amended, to increase, improve and preserve affordable housing in the unincorporated area of the County of Mendocino, unless otherwise agreed in writing by the CDC and the County, (2) that the County and the CDC shall confer periodically to establish priorities about the income levels of households that should be served with the Housing Money in order to help the County meet its regional fair share allocation of the regional housing need and (3) that the CDC is accepting the transfer of the Housing Functions if such acceptance is required by any future amendments to the Redevelopment Law such as the proposed amendments in SB 654; and

WHEREAS, on or before January 31, 2012, the County shall cause a letter to be sent to the County Auditor-Controller (the "Letter re Election/Transfer of Housing Functions") indicating whether the Housing Agreement has been entered into and whether the County elects to retain the Housing Functions or transfer the Housing Functions to the CDC.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors that:

1. If the Housing Agreement is fully executed and entered into by January 31, 2012, the County hereby elects not to retain the Housing Functions of the dissolving Agency, with the purpose and effect that, pursuant to the terms of Section 34176(b) of the Redevelopment Law, the CDC is selected to take over such Housing Functions and such Housing Functions will automatically be transferred to the CDC, subject to the terms of the Housing Agreement; but

2. If the Housing Agreement is not fully executed and entered into by January 31, 2012, the County instead hereby elects to retain the Housing Functions of the dissolving Agency in accordance with Section 34176(a) of the Redevelopment Law.

BE IT FURTHER RESOLVED, that, on or before January 31, 2012, the Chief Executive Officer, in consultation with County Counsel, is authorized and directed to cause the Letter re Election/Transfer of Housing Functions to be sent indicating whether the County elects to retain the Housing Functions or transfer the Housing Functions to the CDC, as specified above.

BE IT FURTHER RESOLVED, that the Chief Executive Officer or the Chief Executive Officer's designee is hereby directed to file a copy of this resolution with the County Auditor-Controller.

BE IT FURTHER RESOLVED, that the Chief Executive Officer or the Chief Executive Officer's designee is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate, to implement the terms of this Resolution, Section 34176 of the Redevelopment Law, and the Housing Agreement, if such Housing Agreement is entered into.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2012, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy