

**RESOLUTION NO. 2012-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON, CALIFORNIA, ELECTING TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE PATTERSON REDEVELOPMENT AGENCY PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE**

**WHEREAS**, the City Council of the City of Patterson (“City”) approved and adopted the Redevelopment Plan for the Patterson Redevelopment Project (“Redevelopment Plan”) covering certain properties within the City (the “Project Area”); and

**WHEREAS**, the Patterson Redevelopment Agency (“Agency”) has been engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) (“CRL”); and

**WHEREAS**, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacted an ordinance committing it to make certain payments; and

**WHEREAS**, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), 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 final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

**WHEREAS**, Health and Safety Code Section 34176 provides that the city that authorized the creation of the redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency; and

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

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

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

**Section 2. Election to Retain Housing Assets and Functions.** In accordance with Health and Safety Code Section 34176, and based on the Recitals set forth above, because the City Council authorized the creation of the Patterson Redevelopment Agency, the City Council hereby elects to retain the housing assets and functions previously performed by the Patterson Redevelopment Agency. Upon dissolution of the Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, and except as provided under the CRL, all rights, powers, duties and obligations, excluding any unencumbered amounts on deposit in the Patterson Redevelopment Agency's Low and Moderate Income Housing Fund shall be transferred to the City of Patterson.

**Section 3. Implementation.** The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to notifying the Stanislaus County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the transfer of all housing assets and functions of the former Patterson Redevelopment Agency to the City of Patterson, all 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 which 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 thereof.

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

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

**PASSED AND ADOPTED** at a special meeting of the City Council on the 25th day of January, 2012, by the following vote:

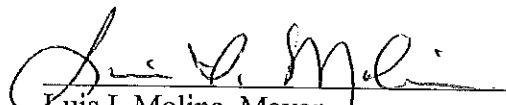
AYES: Councilmembers Smith, Novelli, Buehner and Mayor Molina

NOES: None

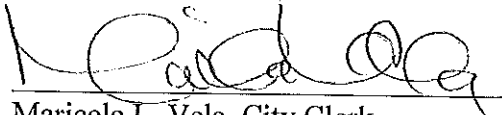
ABSTAIN: None

EXCUSED: Councilmember Farinha

APPROVED:

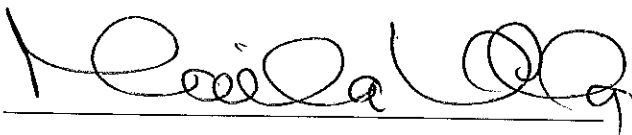
  
Luis I. Molina, Mayor

ATTEST:

  
Maricela L. Vela, City Clerk

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a special meeting held on the 25th day of January 2012, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: January 31, 2012



City Clerk of the City of Patterson

Maricela L. Vela

