

**RESOLUTION NO. 03 - 2012**

**A RESOLUTION EXPRESSING ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171(j) AND SECTION 34173, AND TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, Assembly Bill 1X 26 (the "Dissolution Act") and Assembly Bill 1X 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on June 28, 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (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 these 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 are now terminated and will automatically dissolve on February 1, 2012 pursuant to the Dissolution Act; and

**WHEREAS**, the Dissolution Act provides that a legislative body [e.g., city council] that authorized the creation of a redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the city council elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law; and

**WHEREAS**, Section 34176(a) of the Redevelopment Law provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency; and

**WHEREAS**, the City of Clayton desires to, intends to, and considers it to be in the best interest and general welfare of the Clayton community to serve as the successor agency for the Redevelopment Agency of the City of Clayton (the "Agency") in accordance with Section 34171(j) and Section 34173 of the Redevelopment Law; and

**WHEREAS**, the Clayton City Council is particularly concerned and interested in the disposition of local affordable housing funds of its Agency and thereby desires to elect to retain said housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby order, direct and accept the designation, and hereby declares its intent, to serve as the successor agency for and of the City of Clayton Redevelopment Agency in accordance with Section 34171(j) and Section 34173 of the Redevelopment Law; and

**BE IT FURTHER RESOLVED** the City Council does hereby elect to retain the [affordable) housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law; and

**BE IT FURTHER RESOLVED** that the City Manager, or his or her designee, is hereby directed to file a copy of this resolution with the Contra Costa County Auditor-Controller; and

**BE IT FURTHER RESOLVED** that the City Manager, or his or her designee, is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate, for the City to transfer the assets of the Agency to the City, in its capacity as successor agency to the Agency, pursuant to Sections 34175 and 34176 of the Redevelopment Law.

**PASSED, APPROVED AND ADOPTED** at a regular public meeting of the City Council of Clayton, California on the 17<sup>th</sup> day of January 2012 by the following vote:

**AYES:** Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey and Stratford.

**NOES:** None.

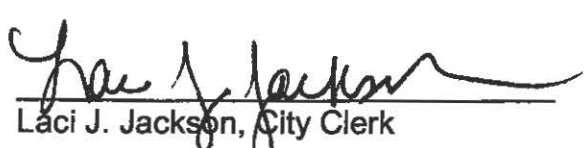
**ABSTAIN:** None.

**ABSENT:** None.

THE CITY COUNCIL OF CLAYTON, CA

  
Howard Geller, Mayor

**ATTEST:**

  
Laci J. Jackson, City Clerk