

AGENCY RESOLUTION NO. 450
CITY COUNCIL RESOLUTION NO. 7115

A JOINT RESOLUTION OF THE BOARD OF THE REDEVELOPMENT AGENCY OF THE CITY OF REDLANDS AND THE CITY COUNCIL OF THE CITY OF REDLANDS APPROVING AND ADOPTING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO AB 1X 26

WHEREAS, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), the City Council of the City of Redlands ("City") created the Redevelopment Agency of the City of Redlands ("Agency"); and

WHEREAS, the Agency has been responsible for implementing the redevelopment plans for the Redlands Redevelopment Project Area and the North Redlands Revitalization Project covering certain properties within the City ("Project Areas"); 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 enacts an ordinance committing it to making 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) ("Litigation"), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

WHEREAS, on August 11, 2011, and modified on August 17, 2011, the Supreme Court stayed portions of AB 1X 26, and AB 1X 27 in its entirety during the pendency of the matter; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the 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 34169, enacted by AB 1X 26, requires redevelopment agencies to adopt, by August 27, 2011, an Enforceable Obligation Payment Schedule ("EOPS") setting forth the enforceable obligations of the Agency and the amounts of payments obligated to be made, by month, through December, 2011; and

WHEREAS, adoption of the EOPS would allow the Agency to make payments on debts and obligations listed on the EOPS for as long as the EOPS is operative; and

WHEREAS, the EOPS was adopted on August 23, 2011; and

WHEREAS, Health and Safety Code section 34177(1)(3), enacted by AB 1X 26, provides that the successor agency to the Agency, after the Agency's dissolution, is to adopt a Recognized Obligation Payment Schedule ("ROPS") succeeding the EOPS prior to January 1, 2012; and

WHEREAS, the California Supreme Court, in the Litigation, extended the operative date of the ROPS to May 1, 2012; and

WHEREAS, Health and Safety Code section 34177(a)(1), enacted by AB 1X 26, requires that until an ROPS becomes operative, only payments required pursuant to an EOPS shall be made; and

WHEREAS, Health and Safety Code section 34177(a)(1) also provides that prior to February 1, 2012, the following enforceable obligations, set forth in Health and Safety Code section 34171(e)(2), shall be excluded from the EOPS and removed: (1) any written agreements between the City and the Agency entered into prior to December 31, 2010, solely for the purpose of securing or repaying indebtedness obligations; and (2) loan agreements entered into between the Agency and the City within two years of the date of creation of the Agency; and

WHEREAS, because the previously adopted EOPS is operative only through December 31, 2011, it must be revised to be operative from January 1, 2012 through April 30, 2012; and

WHEREAS, if the EOPS provides any debts or obligations be paid by the Agency to the City pursuant to Health and Safety Code section 34177(a)(1), it may only be included as an enforceable obligation through the month of January, 2011.

NOW, THEREFORE, be it resolved by the Board of the Redevelopment Agency of the City of Redlands and the Redlands City Council as follows:

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

Section 2. CEQA Compliance. The determination given in this Resolution does not commit the Agency to any action that may have a significant effect on the environment. As a result, such approvals do not constitute a project subject to the requirements of the California Environmental Quality Act. The Agency directs Agency staff to file a Notice of Exemption within five (5) days following adoption of this Resolution with the Clerk of the Board of Supervisors of the County of San Bernardino.

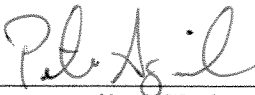
Section 3. Approval of EOPS. The Agency Board and the Redlands City Council hereby approve and adopt the revised Enforceable Obligation Payment

Section 4. Posting; Transmittal to Appropriate Agencies. The Executive Director is hereby authorized and directed to post a copy of the EOPS on the City's website. The Executive Director is further authorized and directed to transmit, by mail or electronic means, to the San Bernardino County Auditor-Controller, the State Controller and the Department of Finance, notification providing the website location of the posted EOPS and other information as required by AB 1X 26.

Section 5. Effective Date. Pursuant to Health and Safety Code Section 34169(i), the action to adopt the EOPS as set forth herein shall not be effective for three (3) business days following adoption of this Resolution, pending a request for review of the EOPS by the Department of Finance.

Section 6. Further Actions The Agency Board and the Redlands City Council authorize the Executive Director of the Agency and the Redlands City Manager to take such actions as necessary to carry out the intent of this Resolution.

ADOPTED, SIGNED AND APPROVED THIS 17th DAY OF JANUARY, 2012.



Pete Aguilar, Chairperson and Mayor

ATTEST:



Sam Irwin, Agency Secretary and City Clerk

I, Sam Irwin, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was adopted by the City Council/Agency Board at a regular meeting thereof held on the 17th day of January, 2012 by the following vote:

AYES: Council/Agency Members Harrison, Bean, Foster, Gardner; Mayor/Chairman Aguilar
NOES: None
ABSENT: None
ABSTAIN: None



Sam Irwin, Agency Secretary and City Clerk