

RESOLUTION NO. 12-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, DECLINING TO ASSUME THE HOUSING ASSETS AND FUNCTIONS OF THE COSTA MESA COMMUNITY REDEVELOPMENT AGENCY AND CONFIRMING THAT THE COSTA MESA HOUSING AUTHORITY WILL ASSUME THE HOUSING ASSETS AND HOUSING FUNCTIONS PREVIOUSLY PERFORMED BY THE AGENCY PURSUANT TO HEALTH & SAFETY CODE SECTION 34176

WHEREAS, the Costa Mesa Redevelopment Agency ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Costa Mesa ("City"); and

WHEREAS, the City of Costa Mesa is a municipal corporation of the State of California ("City"); and

WHEREAS, on December 29, 2011, in California Redevelopment Association v. Matosantos, Case No. S194861, the California Supreme Court upheld AB x1 26, which dissolves all of the redevelopment agencies in California, and invalidated AB X1 27 that had allowed redevelopment agencies to remain in existence if they opted in to the "Voluntary Alternative Redevelopment Program" ("Program"); and

WHEREAS, previously the City had opted into the Program by ordinance(s) soon after the passage of AB X1 26 and by resolution the City elected to become the Successor Agency of the Agency; and

WHEREAS, now that the Program has been invalidated by the Supreme Court, pursuant to Health & Safety Code Section 34176, the City may elect to assume the housing assets and functions previously performed by the Agency or to allow transfer of those assets and functions by the Costa Mesa Housing Authority;

WHEREAS, the City declines to assume such housing assets and functions and selects the Costa Mesa Housing Authority to assume all rights, powers, assets,

liabilities, duties, and obligations associated with the housing activities of the former Agency.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Costa Mesa as follows:


Section 1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the City Council.

Section 2. Pursuant to Section 34176 of AB X1 26, the City Council hereby declines to assume the housing assets and functions of the Agency and selects the Costa Mesa Housing Authority to assume all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the former Agency.

Section 3. The Chief Executive Officer and is hereby authorized and directed to take such other and further actions, and sign such other and further documents, as are necessary and proper in order to implement this Resolution on behalf of the City.

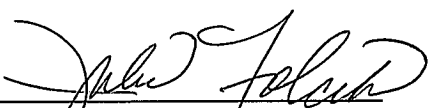
Section 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 17<sup>th</sup> day of January, 2012.

  
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Gary Monahan, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Julie Folcik, City Clerk

  
\_\_\_\_\_  
Thomas P. Duarte, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12-4 and was duly passed and adopted by the City Council of the City of Costa Mesa at a special joint meeting held on the 17<sup>th</sup> day of January, 2012, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MONAHAN, RIGHEIMER, BEVER, LEECE,  
MENSINGER

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 18<sup>th</sup> day of January, 2012.

  
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JULIE FOLCIK, CITY CLERK

(SEAL)

