

RESOLUTION NO. 1118

A RESOLUTION OF THE CITY OF SAN FERNANDO REDEVELOPMENT AGENCY APPROVING A PRELIMINARY DRAFT OF AN INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

RECITALS:

WHEREAS, The City of San Fernando Redevelopment Agency (the "Agency") is a redevelopment agency in the City of San Fernando (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law").

WHEREAS, The City Council of the City (the "City Council") adopted Ordinance No. 918, approving and adopting the redevelopment plan for the Project Area 1; adopted Ordinance No. 1032, approving and adopting the redevelopment plan for the Project Area 2; adopted Ordinance No. 1050, approving and adopting the redevelopment plan for the Project Area 3; adopted Ordinance No. 1219, approving and adopting the redevelopment plan for the Project Area 3A; adopted Ordinance No. 1316, approving and adopting the redevelopment plan for the Project Area 1A; adopted Ordinance No. 1447, approving and adopting the redevelopment plan for the Project Area 4. From time to time, the City Council has amended such redevelopment plans for each project area. The Agency is undertaking a program to redevelop the Project Areas (Ordinance 1600).

WHEREAS, AB X1 26 was signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the California Health and Safety Code. Commencing upon the effectiveness of AB X1 26, AB X1 26 suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Effective October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, designates successor agencies to the former redevelopment agencies, imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established pursuant to the provisions of Part 1.85.

WHEREAS, Health and Safety Code Section 34169 (h), which is set forth in Part 1.8, requires a redevelopment agency to prepare a preliminary draft of an initial recognized obligation payment schedule by no later than September 30, 2011, and provide it to the successor agency, if a successor agency is established pursuant to Part 1.85. The initial recognized obligation payment schedule must set forth the minimum payment amounts and due dates of payments required by enforceable obligations for the six-month period from January 1, 2012 through June 30, 2012.

WHEREAS, AB X1 27 was signed by the Governor of California on June 29, 2011, adding Part 1.9 (commencing with Section 34192) to Division 24 of the California Health and Safety Code. Part 1.9 establishes an Alternative Voluntary Redevelopment Program whereby, notwithstanding the provisions of Part 1.8 and Part 1.85, a redevelopment agency will be authorized to continue to exist and carry out the provisions of the Redevelopment Law upon the enactment, prior to the applicable deadline established in Part 1.9 (with the earliest deadline being October 1, 2011), by the city council of the city which includes that redevelopment agency of an ordinance to comply with Part 1.9. Pursuant to Health and Safety Code Section 34192, if a city participates in the Alternative Voluntary Redevelopment Program and complies with all requirements and obligations contained in Part 1.9, the redevelopment agency in that city will be exempt from Part 1.8 and Part 1.85.

WHEREAS, The California Redevelopment Association and League of California Cities have filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court of California decided to hear the case and set a briefing schedule designed to allow the Supreme Court to decide the case before January 15, 2012. On August 11, 2011, the Supreme Court also issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a stay of all of AB X1 27 (i.e., Part 1.9), except for Health and Safety Code Section 34194(b)(2) (relating to the determination of cities' fiscal year 2011-12 remittance amounts) and a partial stay of AB X1 26. With respect to AB X1 26, Part 1.85 was stayed in its entirety, but Part 1.8 (including Health and Safety Code Section 34169) was not stayed. Accordingly, the Agency desires to approve a preliminary draft of an initial recognized obligation payment schedule.

NOW, THEREFORE, THE SAN FERNANDO REDEVELOPMENT AGENCY DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34169.

Section 3. The Agency hereby approves the preliminary draft of the initial recognized obligation payment schedule substantially in the form attached as (Exhibit "A") to this Resolution and incorporated herein by reference (the "ROPS"). The Executive Director of the Agency, in consultation with the Agency's legal counsel, may modify the ROPS as the Executive Director or the Agency's legal counsel deems necessary or advisable.

Section 4. The Agency Secretary is hereby authorized and directed to transmit a copy of the ROPS to the successor agency designated pursuant to Part 1.85 if a successor agency has been designated.

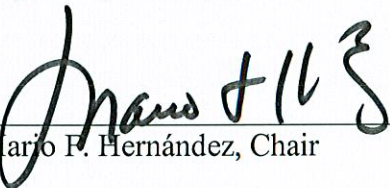
Section 5. The Agency hereby designates the City Administrator or his designee as the official to whom the Department of Finance may make requests for review in connection with the ROPS and who shall provide the Department of Finance with the telephone number and e-mail contact information for the purpose of communicating with the Department of Finance.

Section 6. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 7. The approval of the ROPS is not intended and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 or AB X1 27 through administrative or judicial proceedings.

Section 8. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

PASSED AND ADOPTED this 19th day of September, 2011.


Mario F. Hernández, Chair

ATTEST:


Elena G. Chávez, Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the San Fernando Redevelopment Agency held on the 19th day of September, 2011, by the following vote to wit:

AYES: Hernández, Esqueda, Lopez, Ballin, De La Torre - 5

NOES: None

ABSENT: None


Elena G. Chávez, Secretary