

RESOLUTION NO. 3516-2012-SA

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE FORT BRAGG REDEVELOPMENT AGENCY ADOPTING AMENDMENTS TO THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE (EOPS) PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169(g)

WHEREAS, the Fort Bragg Redevelopment Agency (“Redevelopment Agency”) was a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (the “CRL”); and

WHEREAS, on August 22, 2011, the Redevelopment Agency adopted Resolution No. R182-2011, establishing an Enforceable Obligation Payment Schedule (“EOPS”) that lists all of the obligations that are “enforceable obligations” within the meaning of Health and Safety Code Section 34169(g), and which includes the following information about each such obligation:

- (a) The project name associated with the obligation.
- (b) The payee.
- (c) A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- (d) The amount of payments obligated to be made each month; and

WHEREAS, the Redevelopment Agency posted the EOPS on the Redevelopment Agency’s website and transmitted a copy to the County Auditor-Controller, the State Controller and the State Department of Finance, as required; and

WHEREAS, amendments to the EOPS were approved by Redevelopment Agency Resolution No. R185-2012 adopted on January 23, 2012, and Redevelopment Agency Resolution No. R185-2012 adopted on January 31, 2012, and the EOPS, as amended, were transmitted to all required parties and posted on the Agency’s website; and

WHEREAS, Health and Safety Code Section 34169(g)(2) provides that the EOPS may be amended at a public meeting of the Redevelopment Agency, and as of February 1, 2012, that authority has been transferred to the Fort Bragg City Council which serves as the Successor Agency to the Redevelopment Agency under AB x1 26; and

WHEREAS, the Successor Agency desires to adopt further amendments to the EOPS as described in the attached Exhibit A so that the EOPS may accurately reflect all enforceable obligations of the former Redevelopment Agency; and

WHEREAS, the Successor Agency desires that the EOPS, as amended, shall remain effective until a Recognized Payment Obligation Schedule (ROPS) is reviewed, certified and approved pursuant to Health and Safety Code Section 34177(l)(2);

WHEREAS, the Successor Agency reserves the right to further amend the EOPS; and

WHEREAS, in adopting the amended EOPS, the Successor Agency does not intend to waive, nor shall the Successor Agency be deemed to have waived any rights it may have pursuant to or in connection with any obligation listed on the EOPS, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Schedule; and

WHEREAS, the Successor Agency, by adoption of this Resolution and the undertaking of the actions described herein, does not waive, nor shall the Successor Agency be deemed to have waived, any rights it may have to challenge the legality or enforceability of any actions taken by any party pursuant to Assembly Bill x1 26 or any provision thereof.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council acting in its capacity as the Successor Agency to the Fort Bragg Redevelopment Agency does hereby:

1. Declare that the Recitals set forth above are true and correct, and are incorporated herein by reference.
2. Adopt the amended Enforceable Obligation Payment Schedule attached hereto as Exhibit A, subject to all reservations of rights and contingencies set forth above.
3. Authorize the City Manager or designee to take all actions necessary to implement this Resolution, including without limitation, the posting of this Resolution, and the amended EOPS on the City's website, and the provision of notice of adoption of this Resolution and EOPS to the County Auditor-Controller, the State Controller and the State Department of Finance.
4. Authorize the City Manager and the Finance Director, and their designees, to take such actions as necessary and appropriate to carry out and implement the intent of this Resolution.

The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of February 2012, by the following vote:

AYES: Councilmembers Courtney, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk

