

RESOLUTION NO. 3559-2012

A RESOLUTION OF THE CITY COUNCIL OF FORT BRAGG ACKNOWLEDGING THE FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY AS THE SUCCESSOR AGENCY TO THE FORMER FORT BRAGG REDEVELOPMENT AGENCY AND PROVIDING FOR ITS GOVERNANCE

WHEREAS, Assembly Bill ABx1 26 (ABx1 26) was enacted by the State Legislature and signed by the Governor as of June 29, 2011; and

WHEREAS, ABx1 26 dissolved redevelopment agencies, including the former Fort Bragg Redevelopment Agency (RDA), effective February 1, 2012; and

WHEREAS, pursuant to ABx1 26, the City of Fort Bragg has been serving as the successor agency to the RDA since February 1, 2012; and

WHEREAS, AB 1484, enacted on June 27, 2012, amended ABx1 26 to provide that successor agencies are separate public entities from their sponsoring cities but did not clarify whether successor agencies were to be treated as separate legal entities as of February 1, 2012; and

WHEREAS, the City of Fort Bragg wishes to acknowledge the "Fort Bragg Redevelopment Successor Agency" as the successor agency to the former RDA under ABx1 26, as amended, separate and distinct from the City of Fort Bragg, and to provide for its governance; and

WHEREAS, the City Attorney represented the former Redevelopment Agency and has been representing the City in its role as successor agency since February 1, 2012 and the City Council has determined it is appropriate to waive any conflict of interest between the City Attorney's representation of the City and the City Attorney's representation of the Fort Bragg Redevelopment Successor Agency as its General Counsel;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby find as follows:

1. The Recitals set forth above are true and correct, and are incorporated herein by reference.
2. The Fort Bragg Redevelopment Successor Agency is the successor agency to the former Fort Bragg Redevelopment Agency pursuant to Health and Safety Code Sections 34171(j) and 34173.
3. The Fort Bragg Redevelopment Successor Agency shall be a separate public entity from the City of Fort Bragg.
4. The members of the City Council of the City of Fort Bragg shall act as members of the governing board of the Fort Bragg Redevelopment Successor Agency.

5. The officers of the Fort Bragg Redevelopment Successor Agency shall be established by the Successor Agency's governing board.
6. The authority to exercise all functions and powers, and all rights, duties and obligations of a successor agency under ABx1 26, as amended, and other applicable law, that were assumed by the City Council on February 1, 2012 are hereby assumed by the Fort Bragg Redevelopment Successor Agency.
7. Control of all assets, properties, contracts, leases, books and records, buildings and equipment, cash and cash equivalents, and accounts receivable of the former Fort Bragg Redevelopment Agency (other than housing assets transferred to the successor housing agency under Health and Safety Code 34176) that were assumed by the City Council on February 1, 2012 are hereby assumed by the Fort Bragg Redevelopment Successor Agency.
8. The City pledges its support and cooperation to the Fort Bragg Redevelopment Successor Agency, including the use of City officers, personnel, facilities and other resources to support the governance and operations of the Fort Bragg Redevelopment Successor Agency.
9. The City waives any conflict of interest between the City Attorney's representation of the City of Fort Bragg and the City Attorney's representation of the Fort Bragg Redevelopment Successor Agency as its General Counsel.
10. The City Manager or her designee is authorized to take such other and further action as necessary with respect to the establishment, governance, and operations of the Fort Bragg Redevelopment Successor Agency consistent with the intent of this Resolution.
11. The subject matter of this resolution involves administrative activities of the City that will not result in direct or indirect changes in the environment, therefore, the adoption of this resolution is not a "project" as defined in the California Environmental Quality Act (CEQA) and does not require environmental review, pursuant to Title 14, Chapter 3, of the California Code of Regulations (CEQA Guidelines), sections 15060(c)(3) and 15378(b)(5).
12. If any provision, sentence, clause, or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, or part, and shall not affect or impair any of the remaining parts.

The above and foregoing Resolution was introduced by Councilmember Courtney, 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 23rd day of July, 2012, by the following vote:

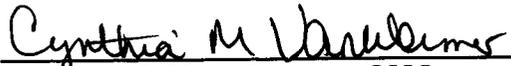
AYES: Councilmembers Courtney, Deitz, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.

ABSTAIN: None.



**DAVE TURNER,
Mayor**

ATTEST:



**Cynthia M. VanWormer, CMC
City Clerk**