

RESOLUTION NO. RS 01-2012

A RESOLUTION OF THE FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY DESIGNATING OFFICERS, AND ADOPTING ADMINISTRATIVE, GOVERNANCE, AND OPERATING RULES FOR THE FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY

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 Council has adopted a resolution acknowledging the Fort Bragg Redevelopment Successor Agency as a separate public entity from the City to serve as successor agency to the RDA, providing for its governance, and transferring any City rights and responsibilities it may have as successor agency, and assets held in the name of the successor agency, to the Fort Bragg Redevelopment Successor Agency; and

WHEREAS, the City Attorney represented the former RDA and has been representing the City in its role as successor agency since February 1, 2012 and the governing board 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 Governing Board of the Fort Bragg Redevelopment Successor Agency 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 have the authority to exercise all functions and powers of a successor agency under law, and shall retain all rights, duties and obligations of a successor agency under ABx1 26, as amended, and other applicable law.
4. The Fort Bragg Redevelopment Successor Agency assumes 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.

5. The governing board of the Fort Bragg Redevelopment Successor Agency shall consist of the members of the City Council of the City of Fort Bragg.
6. The officers of the Fort Bragg Redevelopment Successor Agency shall be an Executive Director, a Chairperson, a Secretary, a Treasurer, and a General Counsel.
7. The Chairperson shall be the Mayor of the City of Fort Bragg, who shall preside at all meetings of the Fort Bragg Redevelopment Successor Agency and give direction to the Executive Director; the Executive Director shall be the City Manager of the City of Fort Bragg, who shall have responsibility for the execution of policies and administration of affairs, under the direction of the Chairperson; the Secretary shall be the Clerk of the City of Fort Bragg, who shall keep the records and perform such other duties as imposed; the Treasurer shall be the Finance Director of the City of Fort Bragg, who shall be responsible for maintaining all funds of the Fort Bragg Redevelopment Successor Agency and perform such other duties as imposed; and the General Counsel shall be the City Attorney of the City of Fort Bragg, who shall provide and/or supervise all legal services for the Fort Bragg Redevelopment Successor Agency.
8. The Fort Bragg Redevelopment Successor Agency waives any conflict of interest between the City Attorney's representation of the Fort Bragg Redevelopment Successor Agency as its General Counsel and the City Attorney's representation of the City of Fort Bragg.
9. From time to time the governing board may authorize the Executive Director to employ such personnel as she deems necessary to exercise its powers, duties, and functions as prescribed by applicable law.
10. All actions taken by the City of Fort Bragg, acting in its capacity as successor agency to the former Fort Bragg Redevelopment Agency are hereby ratified and affirmed; all obligations entered into by the City of Fort Bragg as successor agency are hereby assumed, and the City of Fort Bragg is hereby released from any further obligations.
11. The Fort Bragg Redevelopment Successor Agency and its governing board and officers shall follow the same rules and procedures for administrative activities and operations, including rules related to contracting, acquisition and disposition of real property, personnel, fund management, legislative action, open meetings, public records and conflicts of interest as set forth in the applicable City resolutions, ordinances, administrative instructions, and regulations, except if and to the extent State or Federal Law provides for different rules or procedures.
12. The Executive Director 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.
13. The subject matter of this resolution involves administrative activities of the Fort Bragg Redevelopment Successor Agency 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).

14. 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.

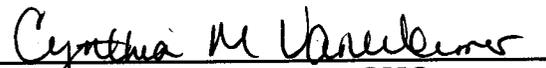
The above and foregoing Resolution was introduced by Successor Agency Member Hammerstrom, seconded by Successor Agency Member Gjerde, and passed and adopted at a regular meeting of the Fort Bragg Redevelopment Successor Agency held on the 23rd day of July, 2012, by the following vote:

AYES: Agency Members Courtney, Deitz, Gjerde, Hammerstrom, and Chair Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Chair

ATTEST:


Cynthia M. VanWormer, CMC
Successor Agency Secretary