

RESOLUTION NO. 12-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER AUTHORIZING THE CITY OF LANCASTER TO ENTER INTO AN AGREEMENT WITH THE LANCASTER SUCCESSOR AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Lancaster Redevelopment Agency (“Agency”) previously was a public body, corporate and politic formed, organized, existing and exercising its powers pursuant to Section 34100, *et seq.* of the California Health and Safety Code, and exercised the powers, authority, functions, and jurisdiction of a community redevelopment agency formed, organized, existing and exercising its powers pursuant to the California Community Redevelopment Law, Health and Safety Code, Section 33000, *et seq.* (“CRL”), and specifically formed by the City Council (“City Council”) of the City of Lancaster (“City”); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all Redevelopment Agencies (“Dissolution Act”); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all Redevelopment Agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved Redevelopment Agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the “Successor Agency” to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the Successor Agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, pursuant to Section 34179 the Successor Agency’s Oversight Board has been formed and the initial meeting occurred on April 17, 2012; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34180(h) on May 15, 2012 the Oversight Board for the Successor Agency adopted Resolution OB 07-12 authorizing the Successor Agency and the City of Lancaster to enter into an agreement to ensure provision of the necessary services from the City to support the Successor Agency's responsibilities in winding down the activities of the former community Redevelopment Agency, including the estimated costs set forth in the Administrative Budget; and

WHEREAS, the City of Lancaster desires to enter into that certain "Successor Agency Agreement" ("Agreement"), which agreement will authorize the reimbursement of costs incurred by the City to support Successor Agency operations and obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LANCASTER:

The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.

Pursuant to the Dissolution Act, the City of Lancaster desires to enter into the Agreement, substantially in the form of Attachment No. 1 and incorporated by this reference.

The Successor Agency is to transmit the agreement, when/if approved and entered into between the City and the Successor Agency, to the County Auditor-Controller ("CAC"), the State Department of Finance ("DOF"), and the State Controller's Office ("SCO").

The Finance Director of the Successor Agency or an authorized designee is directed to post the agreement (when/if entered into) on the City/Successor Agency website.

This resolution shall be effective after transmittal of this resolution with the agreement attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act. In this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES    } ss  
CITY OF LANCASTER            }

CERTIFICATION OF RESOLUTION  
CITY OF LANCASTER

I, \_\_\_\_\_, \_\_\_\_\_, Lancaster, CA do hereby certify that this is a true and correct copy of the original Resolution No. 12-23, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_

RESOLUTION NO. SA 01-12

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY AUTHORIZING THE SUCCESSOR AGENCY TO ENTER INTO AN AGREEMENT WITH THE CITY OF LANCASTER FOR ADMINISTRATIVE SUPPORT PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Lancaster Redevelopment Agency (“Agency”) previously was a public body, corporate and politic formed, organized, existing and exercising its powers pursuant to Section 34100, *et seq.* of the California Health and Safety Code, and exercised the powers, authority, functions, and jurisdiction of a community redevelopment agency formed, organized, existing and exercising its powers pursuant to the California Community Redevelopment Law, Health and Safety Code, Section 33000, *et seq.* (“CRL”), and specifically formed by the City Council (“City Council”) of the City of Lancaster (“City”); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all Redevelopment Agencies (“Dissolution Act”); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all Redevelopment Agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved Redevelopment Agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the “Successor Agency” to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the Successor Agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, pursuant to Section 34179 the Successor Agency’s Oversight Board has been formed and the initial meeting occurred on April 17, 2012; and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34180(h) on May 15, 2012 the Oversight Board for the Successor Agency adopted Resolution OB 07-12 authorizing the Successor Agency and the City of Lancaster to enter into an agreement to ensure provision of the necessary services from the City to support the Successor Agency's responsibilities in winding down the activities of the former community Redevelopment Agency, including the estimated costs set forth in the Administrative Budget; and

WHEREAS, the Successor Agency desires to enter into that certain "Successor Agency Agreement" ("Agreement"), which agreement will authorize the reimbursement of costs incurred by the City to support Successor Agency operations and obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY:

The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.

Pursuant to the Dissolution Act, the Successor Agency desires to enter into the Agreement, substantially in the form of Attachment No. 1 and incorporated by this reference.

The Successor Agency is to transmit the agreement, when/if approved and entered into between the City and the Successor Agency, to the County Auditor-Controller ("CAC"), the State Department of Finance ("DOF"), and the State Controller's Office ("SCO").

The Finance Director of the Successor Agency or an authorized designee is directed to post the agreement (when/if entered into) on the City/Successor Agency website.

This resolution shall be effective after transmittal of this resolution with the agreement attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act. In this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
Lancaster, CA

\_\_\_\_\_  
R. REX PARRIS  
Chair  
Lancaster Successor Agency

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES    } ss  
CITY OF LANCASTER            }

CERTIFICATION OF RESOLUTION  
LANCASTER SUCCESSOR AGENCY

I, \_\_\_\_\_, \_\_\_\_\_, Lancaster, CA do hereby certify that this is a true and correct copy of the original Resolution No. SA 01-12, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_

## **SUCCESSOR AGENCY COOPERATIVE AGREEMENT**

THIS **SUCCESSOR AGENCY COOPERATIVE AGREEMENT** (the "Agreement") is entered into as of \_\_\_\_\_, 2012, by and between the **CITY OF LANCASTER**, a municipal corporation (herein the "City") and the **CITY OF LANCASTER, ACTING SOLELY IN THE CAPACITY AS THE SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT SUCCESSOR AGENCY** (herein the "Successor Agency").

### **RECITALS**

A. Pursuant to the provisions of the California Redevelopment Law (Health and Safety Code Section 33000 et seq.[the "Redevelopment Law"]), the City Council of the City of Lancaster, activated the Lancaster Redevelopment Agency (the "Agency").

B. By legislation enacted in 2011 (ABx1 26, the "Dissolution Act"), redevelopment agencies throughout California were dissolved, which dissolution was effective February 1, 2012. Under the Dissolution Act, administration of activities of the former Agency is to be conducted by a successor agency, as prescribed under Part 1.85, Chapter 3 of the Dissolution Act. The City has been designated as the Successor Agency for such purposes.

C. Pursuant to the Redevelopment Law, as amended by the Dissolution Act, the Successor Agency will be performing duties, including without limitation the administration of certain moneys and properties formerly held by the Agency, the provision of information, submittal of reports and interacting with an oversight board as established pursuant to the Dissolution Act with respect to the former Agency (the "Oversight Board"). The Successor Agency is performing a public function.

C. The Dissolution Act provides, at Section 34178, that a successor entity wishing to enter or reenter into agreement with the city that formed the redevelopment agency that it is succeeding may do so upon obtaining the approval of its oversight board.

D. The City and the Successor Agency desire to enter into this Agreement, which Agreement has been duly presented to the Oversight Board, which has approved and authorized the Successor Agency to enter into this Agreement with the City.

### **AGREEMENTS**

1. The City agrees to provide for the Successor Agency such staff assistance, supplies, technical services and other services and facilities of the City as the Successor Agency may require in carrying out its functions under the Redevelopment Law (as amended by the Dissolution Act). Such assistance and services may include the services of officers and employees and special consultants.

2. The City may, to the extent permitted by law, but is not required to, advance necessary funds to the Successor Agency or to expend funds on behalf of the Successor Agency for implementation of the Dissolution Act. In this regard, it is contemplated that the City will make available services and will incur expenses of approximately Two Hundred Thousand Dollars (\$200,000.00) in connection with the activities of the Successor Agency. Additional advances will

be made in accordance with such budgets as are adopted from time to time by the Successor Agency and approved by the Oversight Board.

3. The City will keep records of activities and services undertaken pursuant to this Agreement and the costs thereof in order that an accurate record of the Successor Agency’s liability to the City can be ascertained. The City shall periodically, but not less than annually, submit to the Successor Agency a statement of the costs incurred by the City in rendering activities and services of the City to the Successor Agency pursuant to this Agreement. Such statement of costs may include a proration of the City’s administrative and salary expense attributable to services of City officials, employees and departments rendered for the Successor Agency. The amounts advanced under this Agreement shall constitute the “Accrued Amount.”

4. The Successor Agency agrees to pay the City, with interest, an amount equal to the Accrued Amount and all expenditures made and obligations and liabilities incurred by the City pursuant to this Agreement from funds allocated to the Successor Agency. City will periodically compute amounts owing under this Agreement. Interest shall accrue on all amounts payable by the Successor Agency pursuant to this Agreement at the rate of the lesser of (i) seven percent (7%) per annum, or (ii) the interest rate determined from time to time for the Local Agency Investment Fund (“LAIF”). Payment shall be made in accordance with the schedule of payments set forth as Exhibit “B” hereto (the “Schedule of Payments”).

5. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LANCASTER

By: \_\_\_\_\_  
R. Rex Parris, Mayor

ATTEST:

\_\_\_\_\_  
Geri Bryan, City Clerk

CITY OF LANCASTER SOLELY IN ITS  
CAPACITY AS SUCCESSOR AGENCY TO THE  
LANCASTER REDEVELOPMENT AGENCY

By: \_\_\_\_\_  
Mark Bozigian, Executive Director

ATTEST:

\_\_\_\_\_  
Geri Bryan, Successor Agency Secretary



**EXHIBIT "A"**

**SCHEDULE OF PAYMENTS**

Fiscal Year	Interest	Principal	Total
FY 2013-2014			
FY 2014-2015			
FY 2015-2016			
FY 2016-2017			
FY 2017-2018			
FY 2018-2019			
FY 2019-2020			
FY 2020-2021			
FY 2021-2022			
FY 2022-2023			
FY 2023-2024			
FY 2024-2025			
FY 2025-2026			
FY 2026-2027			
FY 2027-2028			
FY 2028-2029			
FY 2029-2030			
FY 2030-2031			
FY 2031-2032			
FY 2032-2033			
FY 2033-2034			
FY 2034-2035			
FY 2035-2036			
FY 2036-2037			
Grand Total			