

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Deputy City Manager *DST*

DATE: September 13, 2012 (CC Meeting of 09/19/12)

SUBJECT: Consider Resolution Acknowledging the Successor Agency of the Redevelopment Agency of the City of Moorpark and the Successor Housing Agency of the Redevelopment Agency of the City of Moorpark as Separate Public Entities

DISCUSSION

On January 4, 2012, the City Council adopted Resolution No. 2012-3079 establishing the Successor Agency of the Redevelopment Agency of the City of Moorpark (Successor Agency) and Successor Housing Agency of the Redevelopment Agency of the City of Moorpark (Successor Housing Agency) due to the dissolution of all redevelopment agencies. This became effective by law on February 2, 2012, in compliance with Assembly Bill X1 26 (AB X1 26).

On June 27, 2012, Assembly Bill 1484 (AB 1484) modified AB X1 26 to provide that a successor agency is a separate public entity from the public agency that provides for its governance and the two entities shall not merge.

A draft resolution (attached) is presented for Council consideration to acknowledge the separate legal existence of the Successor Agency and Successor Housing Agency. The Assistant City Attorney has reviewed the attached draft resolution. Consistent with the language in the attached resolution, bylaws will be prepared for Successor Agency and Successor Housing Agency adoption, which will include the regular meeting time and place, officers, and applicable rules of procedure for meetings and related functions and activities. Since the City Council will continue to act as the governing board of the Successor Agency and Successor Housing Agency, staff's intent will be to create a combined regular meeting agenda for the City Council, Successor Agency, and Successor Housing Agency, consistent with the practice of many other local agencies. Staff will schedule a future agenda item for the Council to consider an amendment to the City Council's Rules of Procedure to address the agenda changes.

STAFF RECOMMENDATION

Adopt Resolution No. 2012-_____.

Attachment: Draft Resolution

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA ACKNOWLEDGING THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK AND THE SUCCESSOR HOUSING AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK AS SEPARATE PUBLIC ENTITIES

WHEREAS, the City Council adopted Resolution No. 2012-3079 on January 4, 2012, designating the City of Moorpark as the Successor Agency of the Redevelopment Agency of the City of Moorpark ("Successor Agency") and Successor Housing Agency of the Redevelopment Agency of the City of Moorpark ("Successor Housing Agency") consistent with the provisions of Assembly Bill (AB) X1 26; and

WHEREAS, the Successor Agency of the Redevelopment Agency of the City of Moorpark was established pursuant to Health and Safety Code Section 34171(j) and the Successor Housing Agency of the Redevelopment Agency of the City of Moorpark was established pursuant to Health and Safety Code Section 34176; and

WHEREAS, the City of Moorpark became the Successor Agency and Successor Housing Agency of the Redevelopment Agency of the City of Moorpark by operation of law on February 2, 2012, pursuant to provisions of AB X1 26; and

WHEREAS, AB 1484 enacted June 27, 2012, modified AB X1 26, including language which explicitly provides that a successor agency is a separate public entity from the public agency that provides for its governance and the two entities shall not merge; and

WHEREAS, it is necessary to organize and establish the performance of certain duties of the successor agencies; and

WHEREAS, Government Code Section 53051 requires the filing of a statement of facts with the Secretary of State and the county clerk of the county within which a public agency (as defined in Government Code Section 53050) is located following the date of commencement of its legal existence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby acknowledges the Successor Agency of the Redevelopment Agency of the City of Moorpark (Successor Agency) and the Successor Housing Agency of the Redevelopment Agency of the City of Moorpark (Successor Housing Agency) as separate legal entities, distinct from the City of Moorpark.

SECTION 2. The City Council hereby acknowledges that the members of the City Council for the City of Moorpark have been acting as the governing board of the

Successor Agency and Successor Housing Agency and shall continue to act in that capacity.

SECTION 3. The City Council hereby acknowledges that, by operation of law, upon the dissolution of the Redevelopment Agency of the City of Moorpark, ownership and control of all redevelopment agency assets (other than housing assets) transferred to the Successor Agency pursuant to Health and Safety Code Section 34171(j).

SECTION 4. The City Council further acknowledges that, by operation of law, upon the dissolution of the Redevelopment Agency of the City of Moorpark, ownership and control of the housing assets transferred to the Successor Housing Agency pursuant to Health and Safety Code Section 34176.

SECTION 5. The City Council hereby determines that the Mayor acting as Chair and the City Manager acting as Executive Director for the Successor Agency and Successor Housing Agency, or his or her designee, are hereby authorized to sign all documents necessary to carry out the business of the Successor Agency and Successor Housing Agency.

SECTION 6. The City Council hereby determines that the City Clerk shall serve as the Secretary of the Successor Agency and Successor Housing Agency and is hereby authorized to perform such tasks and duties as directed by the Successor Agency and Successor Housing Agency and is also directed by the City Council to file a Statement of Facts as required by Government Code Section 53051 for both the Successor Agency and Successor Housing Agency with the Secretary of State and the County Clerk of the County of Ventura.

SECTION 7. The City Council hereby determines and acknowledges that the Successor Agency and Successor Housing Agency may by separate resolution establish bylaws to determine the regular meeting time and place, officers, and applicable rules of procedure for meetings and related functions and activities.

SECTION 8. The City Council resolves that the City shall support and cooperate with the Successor Agency and Successor Housing Agency with respect to the reasonable use of City personnel, facilities and other resources to support the governance and operations of these agencies.

PASSED AND ADOPTED this 19th day of September, 2012.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk