

RESOLUTION NO. 2013-01 (SCRC)

RESOLUTION OF THE OVERSIGHT BOARD FOR THE FORMER STANISLAUS-CERES REDEVELOPMENT COMMISSION APPROVING THE STANISLAUS-CERES REDEVELOPMENT COMMISSION SUCCESSOR AGENCY RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JULY 1, 2013 THROUGH DECEMBER 31, 2013

WHEREAS, the Stanislaus-Ceres Redevelopment Commission (the "Agency") was a Redevelopment Agency organized and existing under the California Community Redevelopment Law (Health and Safety Code § 33000, *et seq.*; hereinafter, the "CCRL") and pursuant to the CCRL was responsible for the administration of redevelopment activities within the City of Ceres; and

WHEREAS, AB 1X 26 and AB 1X 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with § 34161) ("Part 1.8") and Part 1.85 (commencing with § 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code; and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB 1X 26 and AB 1X 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB 1X 26, invalidating AB 1X 27, and holding that AB 1X 26 may be severed from AB 1X 27 and enforced independently; and

WHEREAS, as a result of the Supreme Court's decision, on February 1, 2012, all California redevelopment agencies were dissolved and successor agencies were designated as successor entities to the former redevelopment agencies; and

WHEREAS, pursuant to Health and Safety Code § 34167, successor agencies shall not make payments unless they are listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness; and

WHEREAS, on August 23, 2011, the Agency adopted Resolution No. 2011-01 SCRC approving an original Enforceable Obligation Payment Schedule (the "EOPS"); and

WHEREAS, on January 27, 2012, the Agency adopted Resolution No. 2012-03 CRA approving an amended EOPS; and,

WHEREAS, the Agency prepared a ROPS for the time period of 7/1/13 through 12/31/13 and once approved will be posted to the City Internet Web site; and

WHEREAS, the Agency's proposed ROPS, which is consistent with the requirements of Health and Safety Code § 34177(1)(3), is attached to this Resolution as Exhibit "A"; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Successor Agency of the former Stanislaus-Ceres Redevelopment Commission, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The Agency's ROPS, which is attached hereto as Exhibit "A", is approved and adopted.
- Section 3.** The Acting Executive Director, or designee, is hereby authorized and directed to: i) post the ROPS on the City's website; ii) notify the County Auditor-Controller, the State Controller and the State Department of Finance concerning this Resolution, in accordance with the applicable provisions of the Health and Safety Code; and iii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, to implement the ROPS on behalf of the Agency, including making such payments.
- Section 4.** The Agency determines that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378(b)(5) of the Guidelines.
- Section 5.** This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED by the Oversight Board to the Successor Agency of the former Stanislaus-Ceres Redevelopment Commission at a regular meeting thereof held on the 28th day of February, 2013 by the following vote:

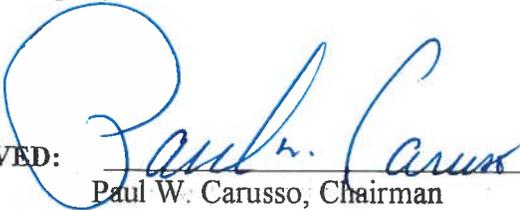
AYES: Boardmembers Anderson, Briggs, Hallinan, Chair Caruso

NOES: None

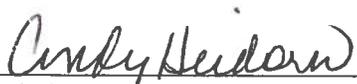
ABSENT: Boardmembers Nyhoff, Siegel, Withrow

ABSTAIN: None

APPROVED:


Paul W. Carusso, Chairman

ATTEST:


Cindy Heidorn, Secretary

Successor Agency

ID: 370
County: Stanislaus
Successor Agency: Stanislaus-Ceres

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