

RESOLUTION NO. 6047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA TERMINATING THE COMMUNITY REMITTANCE FUNDING AGREEMENT BY AND BETWEEN THE CITY OF WOODLAND AND THE REDEVELOPMENT AGENCY OF THE CITY OF WOODLAND RELATING TO THE TRANSFER OF TAX INCREMENT REVENUE TO PAY THE COMMUNITY REMITTANCE REQUIRED UNDER AB 1X 27

WHEREAS, as part of the 2011-2012 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved as of October 1, 2011, unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, specifically, AB 1X 27 provided that a community could participate in an "Voluntary Alternative Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, participation in the Voluntary Alternative Redevelopment Program required the City of Woodland ("City") to remit specified annual amounts to the county auditor-controller ("Community Remittance"); and

WHEREAS, as authorized by California Health and Safety Code Section 34194.2, the City and Redevelopment Agency of the City of Woodland ("Agency") approved and entered into a Community Remittance Funding Agreement, whereby the Agency would annually transfer tax increment revenue to the City, in an amount not to exceed the amount of the Community Remittance for each fiscal year, for the purpose of financing activities within the Woodland Redevelopment Project Area related to the Agency's goals ("Remittance Agreement"); and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, Section 4 of the Remittance Agreement provides that either the City or the Agency may terminate the Remittance Agreement at any time, for any reason or no reason; and

WHEREAS, in light of the Supreme Court decision referenced above, and the dissolution of the Agency under AB 1X 26 as of February 1, 2012, the City Council desires to formally terminate the Remittance Agreement; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Termination of Remittance Agreement. The City Council hereby rescinds and terminates the Remittance Agreement.


Section 3. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.


Section 5. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the City Council this 7th day of February 2012, by the following vote:

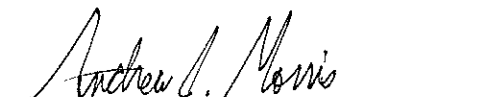
AYES: Council Members Davies, Dote, Marble, Stallard and Pimentel
NOES: None
ABSENT: None
ABSTAIN: None


Artemio Pimentel, Mayor

ATTEST:


Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:


Andrew J. Morris, City Attorney