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ATTEST: FEB - 1 2012

ATTEST: THIS 1st DAY OF

Resolution No. 12-0044

February 20 12
A. Boyer

County of Sonoma
Santa Rosa, CA 95403

VERONICA A. FERGUSON, Clerk of the Board of Supervisors
of the State of California, in & for the County of Sonoma.

CLERK OF THE COMMUNITY
DEVELOPMENT COMMISSION

BY A. Boyer DEPUTY

Date: 1/31/2012

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma And The Sonoma County Community Development Commission (CDC), As Governing Body For The Sonoma County Community Redevelopment Agency (Agency), To Adopt a Second Amended Enforceable Obligation Payment Schedule, To Make A Finding Pursuant To Health And Safety Code Section 33354.8 Declaring That County And Agency Have Not Forgiven Repayment Of Any Loan, Advance, Or Other Indebtedness That Has Been Owed By County To Agency Or By Agency To County, And To Designate CDC Staff To Assist County In Carrying Out Its Responsibilities As "Successor Agency" To The Redevelopment Agency.

Whereas, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the Board of Supervisors (the "Board of Supervisors") of the County of Sonoma (the "County") adopted in accordance with the Redevelopment Law, the following ordinances, adopting redevelopment plans for the Roseland, Springs, and Russian River Redevelopment Project Areas (collectively the "Redevelopment Plans"):

1. Ordinance No. 3377 on November 27, 1984 adopting the Redevelopment Plan for the Roseland Redevelopment Project, as amended from time to time (the "Roseland Redevelopment Plan");
2. Ordinance No. 3379 on November 27, 1984 adopting the Redevelopment Plan for The Springs Redevelopment Project, formerly known as the "Sonoma Valley" Redevelopment Project, as amended from time to time (the "Springs Redevelopment Plan");
3. Ordinance No. 5249 on July 18, 2000 adopting the Redevelopment Plan for the Russian River Redevelopment Project, as amended from time to time (the "Russian River Redevelopment Plan"); and

Whereas, the Sonoma County Community Redevelopment Agency (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

Whereas, AB x1 26 (the "Dissolution Act") has been enacted to significantly modify the Redevelopment Law and has been upheld by the State Supreme Court as valid and binding upon the Agency; and

Whereas, under the terms of the Dissolution Act and pursuant to Section 34167(h) of the Redevelopment Law, after August 29, 2011, in order to make payments on enforceable obligations other than bond obligations, the Agency must adopt an enforceable obligation payment schedule listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law (the "Enforceable Obligation Payment Schedule"); and

Whereas, as further set forth in the staff report accompanying this Resolution (the "Staff Report"), under the terms of various Agency contracts and obligations, the Agency is required to make payments on its enforceable obligations after August 29, 2011; and

Whereas, on August 23, 2011, in an abundance of caution and to avoid defaulting under its enforceable obligations, the Agency adopted an Enforceable Obligation Payment Schedule under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts; and

Whereas, on September 27, 2011, the Agency adopted an Amended Enforceable Obligation Payment Schedule to make revisions that added enforceable obligations that were inadvertently omitted from the adopted Enforceable Obligations Payment Schedule, or to correct listings that were included on the Schedule with erroneous payee names, project descriptions, or payment amounts, again under protest and reserving the Agency's rights to recognize and perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts; and

Whereas, Agency has subsequently prepared a Second Amended Enforceable Obligation Payment schedule (a copy of which is on file with the Clerk of the Board) to make revisions that 1) add enforceable obligations that were inadvertently omitted from the adopted Amended Enforceable Obligation Payment Schedule, 2) correct listings that were included on the Amended Schedule with erroneous payee names, project descriptions, or payment amounts, and 3) add anticipated payments to be made for obligations over the six-month period of January – June 2012, as required due to the State Supreme Court's decision and set-back of the Dissolution Act's implementation dates; and

Whereas, the State of California has enacted SB 936, which requires that jurisdictions make a finding pursuant to Health and Safety Code Section 33354.8 declaring that County and Agency have not forgiven repayment of any loan, advance, or other indebtedness that has been owed by County to Agency or by Agency to County, and

Whereas, the Agency Board has reviewed and duly considered the Staff Report, the proposed Second Amended Enforceable Obligation Payment Schedule, documents and other written evidence presented at the meeting.

Now, Therefore, Be It Resolved, that the Agency Board finds that the above recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

Be It Further Resolved that both the Agency Board and the Board of Supervisors find that no loan, advance or other indebtedness owed by Agency to County or County to Agency has been forgiven.

Be It Further Resolved that the Board of Supervisors hereby designates the Executive Director of the CDC and CDC staff to assist the County in carrying out its responsibilities as "Successor Agency" to the Redevelopment Agency.

Be It Further Resolved that the County Administrator and CDC Executive Director are directed and authorized to prepare and execute the an appropriate agreement to delineate the tasks to be performed by CDC staff and the Successor Agency funds to be used to pay for such work, with approval of County Counsel as to form.

Be It Further Resolved that the Agency Board hereby approves and adopts the Second Amended Enforceable Obligation Payment Schedule under protest and with a reservation of its rights to perform any and all obligations listed therein without regard to the provisions of the Redevelopment Restructuring Acts and to challenge any contrary determination by the State of California, the County Auditor-Controller or any other body under the provisions of the Redevelopment Restructuring Acts.

Be It Further Resolved that the Agency Board authorizes the Agency's Executive Director or the Executive Director's designee to: (1) post the Second Amended Enforceable Obligation Payment Schedule on the Agency or the County's websites, (2) designate an Agency representative to whom all questions related to the Second Amended Enforceable Obligation Payment Schedule can be directed, (3) notify, by mail or electronic means, the County Auditor-Controller, the Department of Finance, and the State Controller, of the Agency's action to adopt the Second Amended Enforceable Obligation Payment Schedule and to provide those persons with an address to the Agency or the County's website and a telephone number and email contact for the Agency's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Second Amended Enforceable Obligation Payment Schedule on behalf of the Agency.

Be It Further Resolved that this Resolution shall take immediate effect upon adoption.

Commissioners:

Brown: Aye Rabbitt: Aye Carrillo: Aye McGuire: Aye Zane: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

So Ordered.