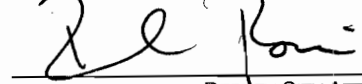


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DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. 13084 C.M.S.

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**AN ORDINANCE CONTINUING THE EXISTENCE OF THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND AND DECLARING COMPLIANCE WITH PAYMENT OBLIGATIONS OF PART 1.9, DIVISION 24, OF THE CALIFORNIA HEALTH AND SAFETY CODE**

**WHEREAS**, ABx1 26 and AB x1 27 were enacted by the state legislature and signed by the governor effective June 29, 2011; and

**WHEREAS**, ABx1 26 added Part 1.8 and Part 1.85 to Division 24 of the California Health and Safety Code, and ABx1 27 added Part 1.9 to Division 24 of the California Health and Safety Code; and

**WHEREAS**, Part 1.8 suspended certain operations of redevelopment agencies effective immediately, and

**WHEREAS**, Part 1.85 would dissolve redevelopment agencies as of October 1, 2011; and

**WHEREAS**, Part 1.9 provides that, notwithstanding Part 1.8 and Part 1.85, a community that participates in a so-called "Alternative Voluntary Redevelopment Program," which obligates the community to make certain payments, will not have its redevelopment agency be dissolved or face continued suspension; and

**WHEREAS**, California Health and Safety Code Section 34193 requires a community to enact an ordinance by November 1, 2011, complying with Part 1.9 and continuing the existence of the redevelopment agency, in order to avoid dissolution of its redevelopment agency; and

**WHEREAS**, the City of Oakland wishes to lift the suspension imposed on the Redevelopment Agency of the City of Oakland by Part 1.8 and wishes to avoid the dissolution of the Redevelopment Agency under Part 1.85 in order to continue

the work of the Redevelopment Agency in redeveloping blighted communities in Oakland; and

**WHEREAS**, the City of Oakland wishes to adopt an ordinance pursuant to California Health and Safety Code Section 34193 under threat of dissolution of the Redevelopment Agency; and

**WHEREAS**, a lawsuit challenging the constitutionality of ABx1 26 and ABx1 27 has been filed; and

**WHEREAS**, while the City currently intends to make these payment, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that the provisions of ABx1 26 and/or ABx1 27 are unconstitutional or otherwise unlawful; and

**WHEREAS**, the City is reserving the right, regardless of any payments made pursuant to this Ordinance, to challenge the legality of ABx1 26 and/or ABx1 27; and

**WHEREAS**, the City is the Lead Agency for purpose of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, the requirements of CEQA and the CEQA Guidelines as prescribed by the Secretary for Resources have been met because this action is exempt from CEQA under (each as a separate and independent basis) section 15061(b)(3) (no possibility of significant environmental effect), section 15320 (changes in organization of local agencies), section 15378(b)(4) (government fiscal activities without project commitment), and section 15378(b)(5) (organizational or administrative activities of government without physical changes to environment) of the CEQA Guidelines;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Pursuant to California Health and Safety Code Section 34193, the City Council hereby determines that the City of Oakland will comply with Part 1.9 of Division 24 of the California Health and Safety Code, including payment obligations thereunder, and the Redevelopment Agency of the City of Oakland will continue in existence.

**Section 2.** The City Administrator or his or her designee is authorized to execute documents, provide notices, and take whatever action is necessary with respect to this action, consistent with this Ordinance and its basic purposes.

**Section 3.** The City Administrator or his or her designee is authorized to file a notice of exemption for this action.

**Section 4.** Pursuant to Section 216 of the City Charter, this Ordinance shall be effective immediately upon final adoption by an affirmative vote of six or more members of the City Council; otherwise it shall become effective upon the seventh day after final adoption.

**Section 5.** Should a court of competent jurisdiction stay, restrain, or enjoin enforcement of Part 1.8 and/or Part 1.9 of Division 24 of the California Health and Safety Code, the effectiveness of this Ordinance shall be suspended during any such period of stay, restraint or injunction. Should a court determine that Part 1.8, Part 1.85, and/or Part 1.9 of Division 24 of the California Health and Safety Code are invalid or unlawful, the effectiveness of this Ordinance shall be suspended until all appeals are exhausted. Should there be a final court determination (including appeal) that Part 1.8, Part 1.85, and/or Part 1.9 of Division 24 of the California Health and Safety Code are invalid or unlawful, or should any such statute be repealed, this Ordinance shall be null and void. Any payments made hereunder shall be made under protest and without prejudice to the City's right to recover such payment amounts including interest thereon in the event that there is a final determination that Part 1.8, Part 1.85, and/or Part 1.9 are invalid or unlawful.

**Section 6.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

JUL 26 2011

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

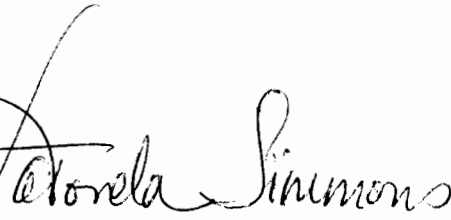
AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date JUL 19 2011

Date of Attestation July 29, 2011

**AN ORDINANCE CONTINUING THE EXISTENCE OF  
THE REDEVELOPMENT AGENCY OF THE CITY OF  
OAKLAND AND DECLARING COMPLIANCE WITH  
PAYMENT OBLIGATIONS OF PART 1.9, DIVISION  
24, OF THE CALIFORNIA HEALTH AND SAFETY  
CODE**

**NOTICE AND DIGEST**

This ordinance is adopted pursuant to California Health and Safety Code Section 34193 to provide that the City of Oakland will comply with Part 1.9 of Division 24 of the California Health and Safety Code, including the payment obligations thereunder, and to provide that the Redevelopment Agency of the City of Oakland will continue in existence.