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REVISED July 10, 2012

APPROVED AS TO FORM AND LEGALITY

By:   
Successor Agency Counsel

## OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

RESOLUTION NO. 2012-\_\_\_\_\_

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### A RESOLUTION ESTABLISHING THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY, DESIGNATING OFFICERS, AND ADOPTING ADMINISTRATIVE, GOVERNANCE, AND OPERATING RULES

**WHEREAS**, ABx1 26 was enacted by the state legislature and signed by the governor as of June 29, 2011; and

**WHEREAS**, ABx1 26 dissolved redevelopment agencies; and

**WHEREAS**, California Health and Safety Code Sections 34171(j) and 34173, added by ABx1 26, originally provided that a city that authorized the creation of a redevelopment agency will serve as the successor agency to the redevelopment agency, unless the city elects not to serve as the successor agency; and

**WHEREAS**, on January 10, 2012, the Oakland City Council adopted Resolution No. 83679 C.M.S. electing for the City of Oakland to serve as successor agency to the Redevelopment Agency of the City of Oakland upon Redevelopment Agency dissolution, and the City has been serving in this role following Redevelopment Agency dissolution on February 1, 2012; and

**WHEREAS**, AB 1484, enacted on June 27, 2012, amended ABX1 26 to provide that successor agencies are separate public entities from their sponsoring cities; and

**WHEREAS**, the City Council has adopted a resolution establishing the Oakland Redevelopment Successor Agency as a separate public entity from the City to serve as successor agency to the Redevelopment Agency of the City of Oakland, providing for its governance, and transferring the City's responsibilities as successor agency and assets

held in the name of the successor agency to the Oakland Redevelopment Successor Agency; now, therefore, be it

**RESOLVED:** That the "Oakland Redevelopment Successor Agency" is hereby established to be the successor agency to the Redevelopment Agency of the City of Oakland pursuant to California Health and Safety Code Sections 34171(j) and 34173; and be it further

**RESOLVED:** That the Oakland Redevelopment Successor Agency, also referred to herein as the "Successor Agency", shall have the authority to exercise all functions and powers of a successor agency under law, and shall retain all rights, duties, and obligations of a successor agency under law; and be it further

**RESOLVED:** That the Oakland Redevelopment Successor Agency hereby accepts control of all assets, properties, contracts, leases, books and records, buildings and equipment, cash and cash equivalents, and accounts receivable of the former Redevelopment Agency of the City of Oakland (other than housing assets transferred to the successor housing agency under California Health and Safety Code Section 34176) transferred to the City of Oakland as original successor agency; and be it further

**RESOLVED:** That the Oakland Redevelopment Successor Agency hereby ratifies and confirms all of the actions taken by the City of Oakland acting in its role as successor agency to the Redevelopment Agency of the City of Oakland following dissolution of the Redevelopment Agency, including the following Council actions: approval of Recognized Obligations Payment Schedules ("ROPS") and administrative budgets for the successor agency for January/February through June 2012 and for July through December 2012, and acceptance of four Proposition 1-C Grants (two for MacArthur Transit Village and one each for Coliseum Transit Village and Uptown); and assumes all obligations entered into by the City of Oakland as successor agency and releases the City from any further obligations; and be it further

**RESOLVED:** That the governing board of the Oakland Redevelopment Successor Agency shall consist of the members of the City Council of the City of Oakland; and be it further

**RESOLVED:** That the officers of the Oakland Redevelopment Successor Agency shall be a Chief Executive Officer, a Chairperson, an Administrator, a Secretary, a Treasurer, and a General Counsel; and be it further

**RESOLVED:** That the Chief Executive Officer shall be the Mayor of the City of Oakland, who shall give direction to the Administrator and shall submit such recommendations and information to the Successor Agency governing board as he or she may consider proper concerning the business, affairs, and policies of the Successor Agency; and be it further

**RESOLVED:** That the Chairperson shall be the President of the City Council of the City of Oakland, who shall preside at all meetings of the Successor Agency governing board; and be it further

**RESOLVED:** That the Administrator shall be the City Administrator of the City of Oakland, who, under the direction of the Chief Executive Officer, shall serve as administrative chief of the Successor Agency; and be it further

**RESOLVED:** That the Administrator shall have control and responsibility for the execution of the Successor Agency's policies and the administration of its affairs, under the direction of the Chief Executive Officer, and the fulfillment of such other duties as from time to time the Chief Executive Officer or the Successor Agency governing board may impose on him or her; and be it further

**RESOLVED:** That at each meeting of the Agency governing board, the Administrator shall supply board members with such information and make such recommendations as shall be necessary to effect the purposes of the Successor Agency and for the proper administration of its affairs; and be it further

**RESOLVED:** That the Administrator or his or her designee shall have the authority to execute all contracts and documents on behalf of the Successor Agency upon prior authorization of the Successor Agency governing board; and be it further

**RESOLVED:** That the Secretary shall be the Clerk of the City of Oakland, who shall keep the records of the Successor Agency and shall perform such other duties as from time to time the Successor Agency may impose on him or her; and be it further

**RESOLVED:** That the Treasurer shall be the Director of Finance of the City of Oakland, who shall be responsible for ascertaining that all funds of the Successor Agency are deposited in the name of the Successor Agency in such bank or banks, or in the Treasury of the City of Oakland, as the Successor Agency may select, shall sign all checks issued by the Successor Agency, and shall perform such other duties as from time to time the Successor Agency may impose on him or her; and be it further

**RESOLVED:** That the General Counsel shall be the City Attorney of the City of Oakland, who shall provide all legal services for the Successor Agency, and shall employ other legal counsel and expert services necessary for the handling of any pending or proposed litigation, proceeding, or other legal matter; and be it further

**RESOLVED:** That the Successor Agency hereby waives any conflict of interest between the City Attorney's representation of the Successor Agency as its General Counsel and the City Attorney's representation of the City of Oakland; and be it further

**RESOLVED:** That the Successor Agency governing board may from time to time authorize the Administrator to employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by applicable law; and be it further

**RESOLVED:** That the Successor Agency and its governing board and officers shall follow the same rules and procedures for Successor Agency administrative activities and operations, including rules related to contracting, acquisition and disposition of real property, personnel, fund management, legislative action, open meetings, public records, and conflicts of interest as those followed by the City of Oakland, as set forth in applicable Charter provisions, resolutions, ordinances, administrative instructions, and regulations, except if and to the extent state or federal law provide for different rules or procedures; however, notwithstanding the above, the sale, lease or other disposition of real property by the Successor Agency pursuant to California Health and Safety Code Sections 34177(e) or 34191.5, or other provision of ABx1 26 as amended, shall require only a resolution, not an ordinance; and be it further

**RESOLVED:** That the Successor Agency finds that this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) (organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment) and CEQA Guidelines Section 15061(b)(3) (no potential for significant effect on the environment).

BY SUCCESSOR AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
Latonda Simmons  
Secretary of the Oakland  
Redevelopment Successor Agency