

SUCCESSOR AGENCY RESOLUTION NO. 2014-

A RESOLUTION OF THE CITY OF SAN MARCOS ACTING SOLELY IN ITS CAPACITY AS THE DESIGNATED SUCCESSOR AGENCY TO THE FORMER SAN MARCOS REDEVELOPMENT AGENCY ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE AS REQUIRED BY HEALTH & SAFETY CODE SECTION 34177

WHEREAS, the City Council of the City of San Marcos ("City") adopted the Redevelopment Plan for Project Area No. 1 of the San Marcos Redevelopment Agency ("Agency") on or about July 12, 1983, the Redevelopment Plan for Project Area No. 2 on or about July 19, 1985, and the Redevelopment Plan for Project Area No. 3 on or about July 11, 1989, for the purpose of considering and pursuing redevelopment activities in the community pursuant to the Community Redevelopment Law, California Health & Safety Code Sections 33000, et. seq. ("CRL"); and

WHEREAS, pursuant to Assembly Bill X1 26 ("AB X1 26"), as supplemented in the decision of the California Supreme Court entitled *California Redevelopment Association, et al. v. Ana Matosantos, et al*, Supreme Court matter S194861, which decision was issued on December 29, 2011, redevelopment agencies have been dissolved by the State as of February 1, 2012 and no longer exist as public bodies, corporate or politic, successor agencies were designated to provide for the payment of enforceable obligations of each redevelopment agency and the administration of the wind-down of each such redevelopment agency; and

WHEREAS, pursuant to Resolution No. 2012-7607, approved and adopted by the City on January 10, 2012, the City elected to serve as the Successor Agency to the Agency following its dissolution; and

WHEREAS, pursuant to CRL Section 34177, as modified by the Supreme Court, the Recognized Obligation Payment Schedule ("ROPS ") for the period January through June 2015 is required to be prepared by successor agencies by October 3, 2014, and forwarded for the approval of the Oversight Board, with a copy to be submitted to the county auditor-controller, the State Controller's office and the Department of Finance, and is required to be posted to the successor agencies' internet websites; and

WHEREAS, the City, as the designated Successor Agency, does not waive any right that it may have pursuant to or in connection with any obligation listed on such ROPS, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Schedule and/or to revise the ROPS to add or delete enforceable obligations as and when appropriate; and

WHEREAS, without waiving such rights the City, acting solely in its capacity as the designated Successor Agency desires to adopt the amended ROPS attached hereto and incorporated by this reference to preserve the right to make payments as authorized under Health & Safety Code section 34177.

NOW, THEREFORE, the City of San Marcos, acting solely in its capacity as the designated Successor Agency to the former San Marcos Redevelopment Agency (also referred to as the Redevelopment Agency of the City of San Marcos), RESOLVES as follows:

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

2. Subject to the conditions and limitations set forth in this Resolution, including the Recitals, the City of San Marcos, acting solely in its capacity as the designated as Successor Agency to the former San Marcos Redevelopment Agency, approves the amended ROPS in the form attached to this resolution as Exhibit A, which is incorporated herein by this reference.

3. The City Manager or designee is directed to take all actions necessary to implement this Resolution. Further, because the ROPS form issued by DOF has only recently been amended and because DOF is anticipated to issue additional guidance and/or direction with respect to the same, the City Manager and his Successor Agency staff may also amend or adjust the information on the form based on additional guidance, direction, or information that may come to light prior to the submission of the amended ROPS to the Oversight Board and/or to DOF and all other applicable agencies to ensure the submission of a complete and accurate ROPS.

4. The City, acting solely in its capacity as the designated Successor Agency to the former San Marcos Redevelopment Agency, further finds and determines that the approval of an ROPS is not a “project” requiring environmental review under the California Environmental Quality Act (Public Resources Code sections 21000, et seq.), as it pertains to governmental fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment which has not already been evaluated.

5. The City, acting solely in its capacity as the designated Successor Agency to the former San Marcos Redevelopment Agency, declares that if any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding

shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

6. This Resolution is effective upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos acting solely in its capacity as designated Successor Agency to the former San Marcos Redevelopment Agency at a meeting held on the 23rd day of September, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

I, Phillip Scollick, acting in my capacity as Clerk to the designated Successor Agency to the San Marcos Redevelopment Agency, do hereby certify under penalty of perjury that the foregoing Successor Agency Resolution No. 2013-_____ was duly adopted by the Board of Directors, acting solely in its capacity as the legislative body of the designated Successor Agency to the San Marcos Redevelopment Agency, as a meeting of said Successor Agency held on the 24th day of September, 2013, and that it was so adopted by the vote set forth above.

Phillip Scollick, Successor Agency Clerk