

MEETING DATE: **07.25.11**

AGENDA ITEM: **Adoption of an Ordinance Opting-in to an Alternative
Redevelopment Program.**

ATTACHMENTS

1. Proposed Ordinance

Pages
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1 WHEREAS, AB 27 authorizes the County to charge a fee that does not
2 exceed the reasonable costs to the County Auditor-Controller to implement the provisions
3 of Part 1.9; and

4 WHEREAS, AB 27 authorizes the City to establish a new redevelopment
5 agency if its former Agency has been dissolved pursuant to AB 26 only after the debt
6 obligations of the Agency have been retired and the City satisfies the provisions of Part
7 1.9; and

8 WHEREAS, it is hereby acknowledged by the City Council that the League of
9 California Cities, the California Redevelopment Association, the City Attorney and special
10 counsel for the City have respectively opined that certain or all provisions of AB 26/AB 27,
11 including but not limited to the effective date, violate the State Constitution and other laws
12 (collectively, the "Laws"), and are invalid and unenforceable; and

13 WHEREAS, the City Council does not intend, by enactment of this
14 Ordinance, to waive any constitutional and/or legal rights and, therefore, reserves all of its
15 rights under the Laws to challenge the validity of any or all provisions of AB 26/AB 27 in
16 any administrative or judicial proceeding and/or repeal this Ordinance, without prejudice to
17 the City's right to recover any amounts remitted under Part 1.9; and

18 WHEREAS, the City Council does not intend, by enactment of this
19 Ordinance, to pledge any of the City's assets, general fund or otherwise, to make the
20 remittance payments contemplated by Part 1.9, it being understood by the City Council that
21 any remittance payments will be funded solely from Agency funds and/or assets
22 transferred to the City in accordance with Part 1.9; and

23 WHEREAS, the City Council does not intend, by enactment of this Ordinance
24 to waive any rights of appeal regarding the amount of any remittance established by the
25 State Department of Finance, as provided in Part 1.9.

1 NOW, THEREFORE, the City Council of the City of Culver City, California
2 DOES HEREBY ORDAIN as follows:

3 **SECTION 1. Authorization to Continue Agency.** Subject to Sections 3 and 4,
4 herein, the City hereby commits to comply with and make the remittances required by Part
5 1.9, and authorize the continuation of the Agency. Any remittance payments required to be
6 paid by the City pursuant to Part 1.9 shall be paid solely from Agency funds and/or assets
7 transferred to the City in accordance with Part 1.9.

8 **SECTION 2. Reservation of Rights.** It is the position of the City that certain or
9 all provisions of AB 26 and AB 27 violate the Laws, as referenced in the recitals, above,
10 and are invalid and unenforceable. Neither the enactment of this Ordinance, nor the
11 acknowledgment of or references to any provisions of AB 26/AB 27, nor the City's payment
12 of any remittances contemplated by AB 27 shall be deemed to be, nor are they intended
13 as, an acknowledgment of the validity of AB 26/AB 27, and the City reserves all rights in its
14 sole discretion to challenge the validity of any or all provisions of AB 26/AB 27 in any
15 administrative or judicial proceeding and/or repeal this Ordinance, without prejudice to the
16 City's right to recover any amounts remitted under Part 1.9.

17 **SECTION 3. Enactment.** This Ordinance shall be deemed as "enacted"
18 within the meaning of Part 1.9 upon the adoption of this Ordinance.

19 **SECTION 4. Authorization of Implementing Actions.** The City Manager is
20 hereby authorized to take any actions necessary to implement this Ordinance and comply
21 with Part 1.9, including without limitation, providing required notices to the County Auditor-
22 Controller, the State Controller, and the State's Department of Finance; entering into any
23 agreements with the Agency to make the remittance payments; or making any remittance
24 payments.

25 **SECTION 5.** The City Council hereby declares that, if any provision, section,
26 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared
27 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
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1 reason of any preemptive legislation, then the City Council would have independently
2 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
3 or words of this ordinance and as such they shall remain in full force and effect.

4 **SECTION 6.** Pursuant to Section 619 of the City Charter, this Ordinance
5 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
6 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
7 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
8 Culver City News and shall post this Ordinance or a summary thereof in at least three
9 places within the City.

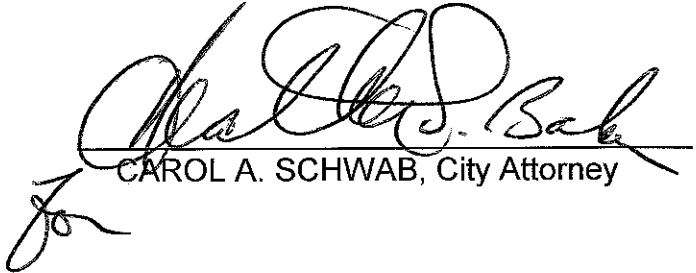
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11 APPROVED and ADOPTED this _____ day of _____ 2011.

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14 _____
MICHEÁL O'LEARY, MAYOR
City of Culver City, California

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16 ATTEST:

17 APPROVED AS TO FORM:

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19 _____
MARTIN R. COLE, City Clerk

20 
CAROL A. SCHWAB, City Attorney

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A11-00344