

RESOLUTION NO. 2012-17

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY TO RATIFY THE APPOINTMENT BY THE VICE MAYOR OF THE CITY OF ALBANY OF TWO MEMBERS TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE FORMER ALBANY COMMUNITY REINVESTMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; the "Redevelopment Law"), the City Council (the "City Council") of the City of Albany (the "City") adopted, in accordance with the Redevelopment Law, Ordinance No. 98-04 on June 15, 1998, adopting the Albany Reinvestment Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, as part of the 2011-12 State budget bill AB1x26 and AB1x27 (respectively the "Dissolution Act" and the "Alternative Redevelopment Program Act") were enacted to significantly modify the Redevelopment Law; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies were dissolved on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, Section 34179(a) of the Redevelopment Law provides that the mayor of the city that authorized the creation of a redevelopment agency may elect to appoint one at-large member to the oversight board ("Oversight Board") of the successor agency to the former redevelopment agency ("Successor Agency"); and

WHEREAS, Section 34179(a) of the Redevelopment Law provides that the mayor of the city that authorized the creation of a redevelopment agency may also elect to appoint one member to the Oversight Board of the Successor Agency who represent employees of the former redevelopment agency; and

WHEREAS, the current Mayor of the City of Albany lives within 500 feet of property within the former redevelopment project area and may voluntarily recuse himself from making these appointments in order to avoid any public perception of a conflict of interest; and

WHEREAS, pursuant to City of Albany Charter, Chapter II, Section 2.01, the Vice Mayor carries out the duties and responsibilities of the Mayor in his/her absence; and

WHEREAS, after careful consideration, the Vice Mayor of the City of Albany has appointed Council Mbr. Liebert to the Oversight Board and has appointed Beth Pollard as the former redevelopment agency employee member to the Oversight Board of the Successor Agency; and

WHEREAS, the Vice Mayor may appoint alternate members if the need arises.

NOW THEREFORE, BE IT RESOLVED, that after careful consideration, the City Council hereby ratifies the Vice Mayor's appointments of Council Member Lieber and Beth Pollard to the Oversight Board of the Successor Agency, and such appointments are to be effective immediately.

The above and foregoing resolution was duly and regularly passed and adopted at a meeting by the City Council of the City of Albany on the 19<sup>th</sup> day of March, 2012 by the following vote:

AYES: *Council members Lieber, Wike and Vice Mayor Atkinson*

NOES:

ABSENT:

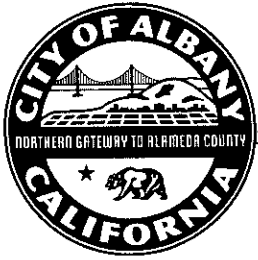
ABSTAIN:

*Recused: Council Member Thomsen + mayor Javandel*

Approved:

*Marge Atkinson* Vice Mayor

*Ellen Harrington*, Deputy City Clerk



# City of Albany

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**RESOLUTION NO. 2012-17**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 19th day of March, 2012, by the following votes:

AYES: Council Members Lieber, Wile, and Vice Mayor Atkinson

NOES:

ABSENT:

ABSTAINED:

RECUSED: Council Member Thomsen and Mayor Javandel

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 20th

Day of March, 2012.

Eileen Harrington  
DEPUTY CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.*



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