

**RESOLUTION NO.2012-75**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY  
ELECTING STATUTORY PASS-THROUGH PAYMENTS PURSUANT  
TO HEALTH AND SAFETY CODE SECTIONS 33607.5 AND 33607.7**

The City Council of the City of Albany resolves as follows:

**WHEREAS**, the City Council (“City Council”) of the City of Albany ( “City”) has adopted and amended, from time to time, the Albany Reinvestment Redevelopment Plan (“Redevelopment Plan”) for the Albany Reinvestment Redevelopment Project Area (“Project Area”); and

**WHEREAS**, the City was authorized to make the election described in Health and Safety Code Sections 33607.5 and 33607.7 to receive the City’s share of the first tier passthrough payments.

**WHEREAS**, the City elected to receive the City’s share of the first tier passthrough payments under Health and Safety Code Sections 33607.5 and 33607.7 prior to the effective date of the AB 1x 26, and the City Manager acted upon such election such that the passthrough payments were received by the City prior to the passage of AB 1x 26.

**WHEREAS**, although the City has historically received its share of the first tier passthrough payments described in Health and Safety Code Sections 33607.5 and 33607.7, including in years prior to June 29, 2011, the City has been unable to provide the resolution to the County Auditor-Controller for the purpose of continuing the receipt of the Health and Safety Code Sections 33607.5 and 33607.7 passthrough payments under AB1x26.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany as follows:**

Section 1.

That the City of Albany hereby acknowledges the City’s receipt of prior passthrough payments pursuant to Health and Safety Code Sections 33607.5 and 33607.7 and reaffirms its election to be paid the amounts set forth in Health and Safety Code Sections 33607.5 and 33607.7 as a statutory passthrough payment from the Successor Agency (the “Successor Agency”) of the former Albany Reinvestment Agency (the “Dissolved RDA”) for each fiscal year that either the Dissolved RDA or the Successor Agency collects Tax Increment from the Project Area.

Section 2.

That the City Manager is hereby authorized and directed to take such further actions required pursuant to Health and Safety Code Sections 33607.5 and 33607.7, or as may be necessary or appropriate to carry out and implement the election set forth in this Resolution.

Section 3.

That this Resolution shall take immediate effect upon its adoption.

By: 

**APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Albany held on the 3<sup>rd</sup> day of December, 2012, by the following votes:

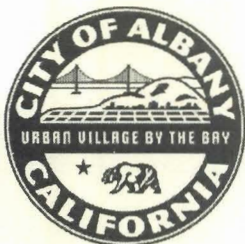
AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Jarandell

NOES:

ABSENT:

ABSTAIN:

  
Deputy City Clerk



# City of Albany

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

The 3rd day of December, 2012, by the following votes:

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th

Day of December, 2012.

Eileen Harrington  
DEPUTY CITY CLERK