

RESOLUTION NO. 2012-78

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY
RATIFYING AND CONFIRMING ITS PREVIOUS ELECTION TO
RECEIVE 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 pass-through 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 pass-through 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 pass-through 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 pass-through payments under AB1x 26.

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 pass-through payments pursuant to Health and Safety Code Sections 33607.5 and 33607.7 and ratifies and confirms the election previously made to receive pass-through payments under Health and Safety Code Sections 33607.5 and 33607.7 as a statutory pass-through 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.

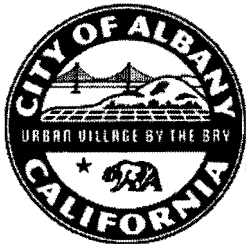
By: 

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Albany held on the 10th day of December, 2012, by the following votes:

AYES: - *Council Members Lieber, Thomsen, Vice Mayor Atkinson, Mayor Javandel*
NOES:
ABSENT: - *Council Member Nile*
ABSTAIN:.



City Clerk



City of Albany

1000 San Pablo Avenue • Albany, California 94706
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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 10th day of December, 2012, by the following votes:

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

EXCUSED: Council Member Wile

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 11th

Day of December, 2012.

Eileen Harrington
DEPUTY CITY CLERK

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