

**RESOLUTION NO. 2869-12**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
ELECTING TO SERVE AS SUCCESSOR AGENCY TO THE WINDSOR  
REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE  
SECTION 34177**

**WHEREAS**, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project (“Redevelopment Plan”); and

**WHEREAS**, jurisdiction of the Project Area was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“Agency”) by a Transfer Agreement effective July 1, 1993; and

**WHEREAS**, the Town Council of the Town of Windsor (“Town”) has amended the Redevelopment Plan five times, and the Redevelopment Plan, as amended, covers certain properties within the Town (“Project Area”), pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) (the “CRL”); and

**WHEREAS**, the Agency is a redevelopment agency engaged in activities to execute and implement the Redevelopment Plan pursuant to the CRL; and

**WHEREAS**, the California Legislature adopted, the Governor signed, and the California Supreme Court, in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, has upheld ABX1 26, legislation that amends the CRL; provides that the Commission will be dissolved effective as of February 1, 2012; and empowers a designated “successor agency” to wind down the affairs of the Commission, subject to review and approval by a local Oversight Board and the State of California; and

**WHEREAS**, ABX1 26 designates the Town that created a redevelopment agency as the successor agency; and

**WHEREAS**, ABX1 26 further provides that the Town may elect not to serve as the successor agency, provided that it files a duly authorized resolution of its governing body to that effect with the county auditor-controller; and

**WHEREAS**, the California Supreme Court has determined that such resolution must be adopted and filed with the county auditor-controller no later than January 13, 2012; and

**WHEREAS**, under ABX1 26, if a Town that authorized the creation of a redevelopment agency elects not to serve as a successor agency, the county auditor-controller shall determine the first local agency in the county that elects to become the successor agency, or, if no local agency elects to serve as the successor agency, the Governor shall appoint three county residents to serve as the governing board of a designated local authority serving as a successor agency, until a local agency elects to become the successor agency; and

**WHEREAS**, the Town Council of the Town of Windsor believes that it is in the best interest of the community for the Town to serve as the successor agency to the Commission pursuant to ABX1 26.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Windsor as follows:

**Section 1.** All of the recitals above are true and correct and incorporated herein.

**Section 2.** Based on the foregoing recitals and the information provided to the Town Council by Town staff, the Town Council hereby declares that the Town of Windsor elects to serve as successor agency to the Windsor Redevelopment Agency and to assume the responsibilities, rights and powers of a successor agency pursuant to Health and Safety Code Section 34177 and other applicable law.

**Section 3.** The Town Manager is hereby authorized to take all action necessary to effectuate this Resolution.

**Section 4.** This Resolution is effective on the day of its adoption.

**Section 5.** If any provision, 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.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of January 2012, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, SALMON AND MAYOR FUDGE**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: VICE MAYOR GOBLE AND COUNCILMEMBER SCHOLAR**

  
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**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**