

RESOLUTION NO. 2011-19R

A RESOLUTION OF THE MANTECA REDEVELOPMENT AGENCY ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

RECITALS:

A. The Manteca Redevelopment Agency (the “Agency”) is a redevelopment agency in the City of Manteca (the “City”), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the “Redevelopment Law”).

B. The City Council of the City (the “City Council”) adopted Ordinance No. 750, approving and adopting the redevelopment plan for the Manteca Redevelopment Project No. 1, and from time to time the City Council has amended such redevelopment plan. The City Council adopted Ordinance No. 984, approving and adopting the redevelopment plan for the Manteca Redevelopment Project No. 2, and from time to time the City Council has amended such redevelopment plan. The City Council adopted Ordinance No. 1124, approving and adopting the amended redevelopment plan for the Merged Redevelopment Project, merging Project No. 1 and Project No. 2, and from time to time, the City Council has amended the amended plan. The City Council adopted Ordinance No. 1494 approving and adopting the redevelopment plan for the Manteca Redevelopment Project No. 3. The Agency is undertaking a program to redevelop the Project Areas.

C. AB X1 26 was signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the California Health and Safety Code. Commencing upon the effectiveness of AB X1 26, AB X1 26 suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Effective October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, designates successor agencies to the former redevelopment agencies, and imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established pursuant to the provisions of Part 1.85.

D. Health and Safety Code Section 34169, which is set forth in Part 1.8, requires a redevelopment agency to adopt an enforceable obligation payment schedule within 60 days of the June 29, 2011 effective date of Part 1.8. The enforceable obligation payment schedule must list all of the obligations that are enforceable within the meaning of Health and Safety Code Section 34167(d) and include specific information about each obligation.

E. Health and Safety Code Section 34167(h), which is set forth in Part 1.8, provides that a redevelopment agency shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness, after the enforceable obligation payment schedule is adopted

pursuant to Health and Safety Code Section 34169, or after 60 days from the effective date of Part 1.8 (i.e., August 28, 2011) , whichever is sooner.

F. AB X1 27 was signed by the Governor of California on June 29, 2011, adding Part 1.9 (commencing with Section 34192) to Division 24 of the California Health and Safety Code. Part 1.9 establishes an Alternative Voluntary Redevelopment Program whereby, notwithstanding the provisions of Part 1.8 and Part 1.85, a redevelopment agency will be authorized to continue to exist and carry out the provisions of the Redevelopment Law upon the enactment, prior to the applicable deadline established in Part 1.9 (with the earliest deadline being October 1, 2011), by the city council of the city which includes that redevelopment agency of an ordinance to comply with Part 1.9. Pursuant to Health and Safety Code Section 34192, if a city participates in the Alternative Voluntary Redevelopment Program and complies with all requirements and obligations contained in Part 1.9, the redevelopment agency in that city will be exempt from Part 1.8 and Part 1.85.

G. The California Redevelopment Association and League of California Cities have filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court of California decided to hear the case and set a briefing schedule designed to allow the Supreme Court to decide the case before January 15, 2012. On August 11, 2011, the Supreme Court also issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a stay of all of AB X1 27 (i.e., Part 1.9), except for Health and Safety Code Section 34194(b)(2) (relating to the determination of cities' fiscal year 2011-12 remittance amounts) and a partial stay of AB X1 26. With respect to AB X1 26, Part 1.85 was stayed in its entirety, but Part 1.8 (including Health and Safety Code Sections 34167 and 34169) was not stayed. Accordingly, the Agency desires to adopt an enforceable obligation payment schedule.

NOW, THEREFORE, THE MANTECA REDEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34169.

Section 3. The Agency hereby adopts the enforceable obligation payment schedule attached as Exhibit A to this Resolution and incorporated herein by reference (the "Enforceable Obligation Payment Schedule").

Section 4. The Agency Secretary is hereby authorized and directed to post the Enforceable Obligation Payment Schedule on the Internet Web site www.ci.manteca.ca.us.

Section 5. The Enforceable Obligation Payment Schedule may be amended from time to time at any public meeting of the Agency. Amendments shall be posted to the Internet Web site described in Section 4, above, for at least three business days before a payment may be made pursuant to an amendment.

Section 6. The Agency Secretary is hereby authorized and directed to transmit a copy of the Enforceable Obligation Payment Schedule by mail or electronic means to the County Auditor-Controller, the State Controller, and the California Department of Finance (the "Department of Finance"). A notification providing the Internet Web site location of the posted Enforceable Obligation Payment Schedule and notifications of any amendments will suffice.

Section 7. The officers and staff of the Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including providing documents associated with the Statement of Enforceable Obligations to the Department of Finance and the State Controller in the manner of their choosing, and any such actions previously taken by such officers are hereby ratified and confirmed.

Section 8. The Agency hereby designates the Finance Director as the official to whom the Department of Finance may make requests for review in connection with the Enforceable Obligation Payment Schedule and who shall provide the Department of Finance with the telephone number and e-mail contact information for the purpose of communicating with the Department of Finance.

Section 9. The adoption of the Enforceable Obligation Payment Schedule is not intended and shall not constitute a waiver by the Agency of any rights the Agency may have to challenge the legality of all or any portion of AB X1 26 or AB X1 27 through administrative or judicial proceedings.

Section 10. At such time as the Agency becomes exempt from Parts 1.8 and 1.85, the Agency shall no longer be bound by the Enforceable Obligation Payment Schedule.

Section 11. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the Agency's environmental guidelines. The Agency has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

DATE: August 25, 2011

ROLL CALL:

AYES: Commissioners DeBrum, Hernandez, Moorhead and Weatherford.

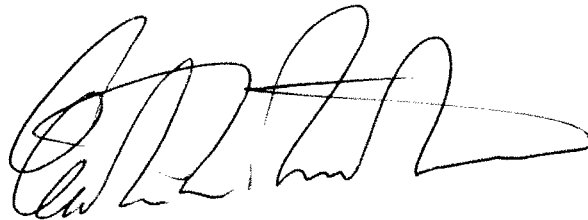
NOES: None

ABSTAIN: None

ABSENT: Commissioner Harris



**JOANN TILTON, MMC
AGENCY SECRETARY**



**WILLIE W. WEATHERFORD
CHAIRMAN**

EXHIBIT A

