

RESOLUTION NO. 1

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HAWTHORNE ACTING AS THE GOVERNING BODY FOR THE
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF
THE CITY OF HAWTHORNE PURSUANT TO PART 1.85 OF DIVISION
24 OF THE CALIFORNIA HEALTH AND SAFETY CODE
ESTABLISHING RULES AND REGULATIONS FOR THE
OPERATIONS OF THE SUCCESSOR AGENCY AS A NEW LEGAL
ENTITY SEPARATE FROM THE CITY AND TAKING CERTAIN
ACTIONS IN CONNECTION THEREWITH**

RECITALS:

- A. The Redevelopment Agency of the City of Hawthorne (the "City"), duly 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. AB X1 26 and AB X1 27 were 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) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code").
- C. The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 were unconstitutional.
- D. On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently.
- E. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012 to take effect four months later.
- F. As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved and replaced by successor agencies established pursuant to Health and Safety Code Section 34173.
- G. The City Council of the City of Hawthorne (the "City") adopted Resolution No. 7419 on January 10, 2012, pursuant to Part 1.85 electing for the City to serve as the successor agency for the Redevelopment Agency of the City of Hawthorne upon the Agency's dissolution.
- H. The City Council, acting as the governing board for the successor agency, hereby desires to adopt a name for that separate legal entity and establish rules and regulations that will apply to the governance and operations of the successor agency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CITY OF HAWTHORNE, ACTING AS THE GOVERNING BODY FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF HAWTHORNE, HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. Designated Successor Agency. Pursuant to City Council Resolution No. 7419, by which the City elected to serve as the successor agency to the Redevelopment Agency of the City of Hawthorne under Part 1.85 upon the Agency's dissolution (the "Successor Agency"), and the Agency having been dissolved by operation of law on February 1, 2012, the Successor Agency is hereby declared constituted.

Section 2. Separate Legal Entity. The Successor Agency is a distinct and separate legal entity from the City, and is hereby named "Successor Agency to the Redevelopment Agency of the City of Hawthorne," the sole name by which it will exercise its powers and fulfill its duties pursuant to Part 1.85.

Section 3. Governance.

A. Board of Directors. The Successor Agency shall be governed by a Board of Directors (the "Board"), which shall exercise the powers and perform the duties of the Successor Agency. The Board shall consist of the members of the City Council of the City.

B. Board Officers. The Board shall have a Chair to preside at and conduct all meetings and a Vice Chair who shall act in the absence of the Chair. The offices of the Chair and Vice Chair shall be filled by the Mayor and Mayor Pro Tem, respectively, of the City Council of the City.

C. Meetings of the Board. The Board shall hold regular meetings on the second and fourth Tuesdays of each month at 6:00 p.m. If a regular meeting falls on a City holiday, such meeting shall be held on the immediately following day at 6:00 p.m. The Board may adopt such rules and procedures for conducting such meetings and other business as the Board deems appropriate. All meetings of the Board including, without limitation, regular, adjourned regular, and special meetings shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act, Sections 54950 *et seq.* of the California Government Code.

D. Quorum. The presence of a majority of the Board members at a meeting shall constitute a quorum for the transaction of Successor Agency business. Less than a quorum may adjourn or continue meetings from time to time.

E. Voting. Except as otherwise provided by law or resolution of the Board, decisions of the Board shall be made by a majority of a quorum.

F. Executive Director. The City Manager of the City shall serve as Executive Director of the Successor Agency. The Executive Director may appoint officers and employees as necessary to perform the duties of the Successor Agency. The Executive

Director also may delegate the performance of his or her duties to other officers or employees.

G. Secretary. The City Clerk of the City shall serve as secretary to the Successor Agency.

H. Finance Officer. The Finance Manager shall serve as Finance Officer of the Successor Agency. The Finance Officer shall have the care and custody of all funds of the Successor Agency and shall deposit the same in the name of the Successor Agency in such bank or banks as he or she may select. The Finance Officer also may enter into agreements on behalf of the Successor Agency with any bank or trust company authorized to accept deposits of public funds, providing for the transfer of funds between accounts maintained by the Successor Agency upon request by telephone. Such agreement also may provide for the investment upon request by telephone of funds maintained in such accounts.

I. Additional Duties. The officers of the Successor Agency shall perform such other duties and functions as may from time to time be required or directed by the Board of the Successor Agency. Any member of the Board and the Executive Director may sign, with the counter-signature of one other member of the Board, or the Executive Director or the Finance Officer, all orders and checks for the payment of money. The Chair, or Vice Chair in the absence of the Chair, and the Executive Director may sign deeds, contracts and other instruments made by the Successor Agency.

Section 4. Powers and Duties of the Successor Agency. The Successor Agency shall have the authority to perform the functions and duties described in Part 1.85, including but not limited to making payments and performing obligations required by enforceable obligations and expeditiously winding down the affairs of the Agency. The Successor Agency also may exercise any other powers provided by statute or granted by law.

Section 5. Successor Agency Funds and Obligations. All assets and monies held by or under the control of the Successor Agency shall be maintained in funds and accounts established by the Successor Agency and shall be kept separate and apart from the funds and accounts of the City.

Section 6. Indemnification and Liability.

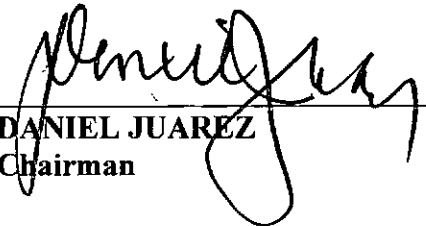
A. Indemnification. The Successor Agency shall defend, indemnify, and hold harmless the City, and its City Council, boards, commissions, officers, employees and agents, from any and all claims, losses, damages, costs, injuries and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Successor Agency.

B. Liability. In accordance with Health and Safety Code Section 34173(e), the liability of the Successor Agency, acting pursuant to the powers granted under Part 1.85, shall be limited to the extent of, and payable solely from, the total sum of property tax revenues it receives pursuant to Part 1.85 and the value of assets transferred to it as a successor agency for a dissolved redevelopment agency. The

debts, assets, liabilities, and obligations of the Successor Agency shall be solely the debts, assets, liabilities, and obligations of the Successor Agency and not of the City.


Section 7. Roster of Public Agencies Filing. The Secretary to the Successor Agency shall file on the prescribed form the statement of public agency with the Secretary of State and County Clerk in accordance with Government Code Section 53051.

PASSED AND ADOPTED this 14th day of February, 2012.



DANIEL JUAREZ
Chairman

ATTEST:



NORBERT A. HUBER
Secretary

APPROVED AS TO FORM:



RUSSELL MIYAHIRA
Agency Counsel

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF HAWTHORNE)

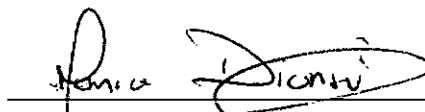
I, **Monica Dicrisci**, the duly appointed Deputy City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Resolution, being Resolution No. 1 was duly adopted by the Governing Body For the Successor Agency to the Redevelopment Agency of the City of Hawthorne, at the special meeting of the Successor Agency to the Redevelopment Agency of the City of Hawthorne held **February 14, 2012** and that it was adopted by the following vote, to wit:

AYES: Successor Agency Members English, Michelin, Valentine, Vargas, Mayor or Chairman Juarez.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Deputy City Clerk
City of Hawthorne, California



State of California
Secretary of State

STATEMENT OF FACTS
ROSTER OF PUBLIC AGENCIES FILING
(Government Code section 53051)

Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
2. A street address must be given as the official mailing address or as
the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, attach information on an 8½" X 11" page, one sided and legible.

New Filing ☒

Update ☐

(Office Use Only)

Legal name of Public Agency: Successor Agency to the Redevelopment Agency of the City of Hawthorne

Nature of Update: The establishment of the Successor Agency to the Redevelopment Agency of the City of Hawthorne pursuant to Pt. 1.85 of the Community Redevelopment Law (commencing with Health & Safety Code Section 34170) as a distinct and separate legal entity from the City of Hawthorne.

County: Los Angeles

Official Mailing Address: 4455 West 126th Street, Hawthorne, CA 90250

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): Chairman

Name: Daniel Juarez Address: 4455 West 126th Street, Hawthorne, CA 90250

Secretary or Clerk (Indicate Title): Secretary

Name: Norbert Huber Address: 4455 West 126th Street, Hawthorne, CA 90250

Members:

Name: Angie English Address: 4455 West 126th Street, Hawthorne, CA 90250

Name: Olivia Valentine Address: 4455 West 126th Street, Hawthorne, CA 90250

Name: Nilo Michelin Address: 4455 West 126th Street, Hawthorne, CA 90250

Name: Alex Vargas Address: 4455 West 126th Street, Hawthorne, CA 90250

Name: _____ Address: _____

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME [Norbert Huber
4455 West 126th Street
ADDRESS Hawthorne, CA 90250

CITY/STATE/ZIP [

Date

Signature

Norbert Huber, Secretary
Typed Name and Title