RESOLUTION NO. SA-2016-2

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY REINVESTMENT AGENCY APPROVING THE DISSOLUTION OF THE ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY EFFECTIVE ON DECEMBER 31, 2016

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, and SB 107 enacted in December 2015 (collectively referred to as the "Redevelopment Dissolution Law"), the Albany Community Reinvestment Agency ("Former RDA") was dissolved effective on February 1, 2012; and

WHEREAS, the City of Albany has elected to serve as the Successor Agency to the Former RDA ("Successor Agency") for purposes of winding down the affairs of the Former RDA, pursuant to the direction of the appointed local Oversight Board and the State of California Department of Finance ("DOF"); and

WHEREAS, pursuant to the Redevelopment Dissolution Law (Health and Safety Code Section 34173(g)), the Successor Agency is a separate public entity from the City of Albany ("City"); and

WHEREAS, on October 14, 2015, the Successor Agency and the DOF entered into a Settlement Agreement resolving litigation between the Successor Agency and DOF which arose out of the redevelopment dissolution process; and

WHEREAS, pursuant to the Settlement Agreement, the Successor Agency must be dissolved no later than December 31, 2016; and

WHEREAS, on July 21, 1998, the City of Albany and the Former RDA entered into a Joint Powers Agreement creating the Albany Municipal Services Joint Powers Authority ("JPA") and on October 5, 1998, the City and JPA entered into an Operating Agreement; and

WHEREAS, the JPA subsequently retained employees to provide certain management, administrative, and personnel services to the City of Albany; and
WHEREAS, on July 6, 1999, the California Public Employees Retirement System ("CalPERS") and the JPA entered into a contract for the provision of retirement benefits to JPA employees; and

WHEREAS, CalPERS and the JPA entered into several amendments to their contract between 1999 and 2001; and

WHEREAS, the contract between CalPERS and the JPA was separate and apart from a contract between CalPERS and the City of Albany for the provision of retirement benefits to City employees; and

WHEREAS, pursuant to the Redevelopment Dissolution Law (Health and Safety Code Section 34178(b)(3)), upon dissolution of the Former RDA, the Successor Agency succeeded to the rights, duties and performance obligations of the Former RDA under the Joint Powers Agreement; and

WHEREAS, because under California law a JPA cannot exist with only one party, the JPA will have to dissolve when the Successor Agency dissolves.

NOW, THEREFORE, BE IT RESOLVED, that the Successor Agency to the Albany Community Reinvestment Agency hereby approves the termination of the Albany Municipal Services Joint Powers Agreement and Operating Agreement and the dissolution of the Albany Municipal Services Joint Powers Authority effective on December 31, 2016.

BE IT FURTHER RESOLVED, that the City Attorney and City Manager are hereby authorized to take all actions and execute further documents as necessary to implement this Resolution, including but not limited to merging all JPA employees into the contract between CalPERS and the City of Albany.

PETER MAASS, CHAIR
RESOLUTION NO.  SA 2016-2

PASSED AND APPROVED BY THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY REINVESTMENT AGENCY,

the 3rd day of October, 2016, by the following votes:

AYES: Agency Members Barnes, McQuaid, Nason, Pilch and Chair Maass

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND, this 4th day of October, 2016.

Eileen Harrington

Eileen Harrington
CLERK