1-17-12 R-12

To:
Cc:
Bcc:
Subject: Fw: Please attach this email to the City Council's agenda item #12.

From: Annie Greenfeld <shorti2448@gmail.com>
To: Mayor <mayor@longbeach.gov>, district1@longbeach.gov, District 2 <district2@longbeach.gov>, District3 <district3@longbeach.gov>, district4@longbeach.gov, District 5 <district5@longbeach.gov>, district6@longbeach.gov, district7@longbeach.gov, district8@longbeach.gov, district9@longbeach.gov, Larry Herrera <larry.herrera@longbeach.gov>
Date: 01/16/2012 10:10 PM
Subject: Please attach this email to the City Council's agenda item #12.

Honorable Mayor and City Council:

It is with great regret that I feel that I have to write this objection to agenda item #12

Recommendation to adopt resolution designating the City of Long

Beach as the Successor Agency to the Redevelopment Agency of the

City of Long Beach and transferring all housing functions and assets

from the Redevelopment Agency of the City of Long Beach to the City

of Long Beach, each effective as of February 1, 2012.

This vote is unnecessary and is totally without meaning because as the court ruling states below, the cutoff date for opting out was last Friday, January 13, 2012. By not opting out, the City has now become the successor agency. We may have also put the General Fund at risk to pay any obligations that the State deem as "unenforceable" under the Enforceable Obligation Payment Schedule (EOPS), which was received at the January 13, 2012 final Redevelopment Agency meeting. Why is the Enforceable Obligation Payment Schedule (EOPS) not attached as backup so that the taxpayers know what the obligations are. Also, I requested at the Jan. 13th RDA meeting on the record that after the EOPS is finalized, that this be broken down by Project Area so that the taxpayers can better understand what their tax dollars are paying for. This is a more transparent process and would be better received by the constituency of the City of Long Beach.

The decision of California Redevelopment Assn. v. Matosantos, Supreme Court of the State of California, Case No. S194861, states in pertinent part on page 51/52, (and at footnote 25) as follows:

"The parties' proposals involve elaborate schedules shifting each deadline in part 1.85 by a varying number of days. We decline to adopt any of the proposed schedules, whose implementation would overly complicate future compliance. Instead, we note that our stay of part 1.85 has been in place for four months and has delayed operation of that part of Assembly

Bill 1X 26 by a like amount. By reforming Assembly Bill 1X 26 to extend each of its deadlines by the duration of our stay, we retain the relative spacing of events originally intended by the Legislature and simplify compliance for all affected parties.
Accordingly, we exercise our power of reformation and revise each effective date or deadline for performance of an obligation in part 1.85 of division 24 of the Health and Safety Code (§§ 34170-34191) arising before May 1, 2012, to take effect four months later. By way of example, under section 34170, subdivision (a), all provisions in part 1.85 were to be operative on October 1, 2011, unless otherwise specified; our reformation makes them operative on February 1, 2012. The draft obligation payment schedules due on November 1, 2011, under section 34177, subdivision (l)(2)(A), are now due March 1, 2012.26 Successorship agency board membership, required to be determined by January 1, 2012 (§ 34179, subd. (a)), must be complete by May 1, 2012. Similar reformations apply to all other imminent obligations throughout part 1.85. In contrast, no reformation is needed for future obligations to be carried out in subsequent fiscal years. (E.g., §§ 34179, subds. (j)-(l) [provisions for successorship agency boards in 2016 and later], 34182, subd. (c)(3) [ongoing county auditor-controller obligation to prepare estimates of allocations and distributions every Nov. 1 and May 1].) '
Footnote 25: We make an exception for actions that were to be taken by September 1, 2011. (See, e.g., § 34173, subd. (d)(1).) There, we extend the deadline to 15 days after the issuance of our opinion and lifting of the stay, i.e., January 13, 2012, rather than January 1.' "

CPAC's attorney, Peter Wallin, confirmed that the agendized item is useless and that the City is already the successor agency by not opting out by the deadline of Jan 13, 2012.

Why did you not feel it necessary to advise the taxpayers of this by the City of this deadline?

Did all members of the City Council know of this cutoff?

What is the risk to the General Fund by becoming the successor agency?

Where is the legislative analysis for the City of Long Beach so that at least the taxpayers know the reasoning of the City to become the successor agency? The City of L.A. thought there was too much risk to the general fund - why did the City of Long Beach not consider it risky?

What is the legal opinion about the risk to the General Fund? Has one been provided to the City Council and the elected City Attorney?

These are the types of questions that should be answered rather than taking vote that is meaningless. Please consider being more transparent and being more open with the taxpayers of this City.

Sincerely,
Annie Greenfeld