

CITY COUNCIL OF THE  
CITY OF EL PASO DE ROBLES

*Original*  
*Parsonage*  
*11-5-87*

RESOLUTION NO. 3181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES AND THE CITY OF EL PASO DE ROBLES AUTHORIZING THE CITY TO ADVANCE FUNDS TO THE AGENCY FOR THE FORMULATION OF A REDEVELOPMENT PROGRAM, PROJECT AREA(S), AND PLAN(S)

WHEREAS, the City Council of the City of El Paso de Robles created the Redevelopment Agency of the City of El Paso de Robles on June 25, 1980 by Ordinance No. 499 N.S. and has by Resolution No. 87-17, designated an amended Redevelopment Survey Area #1; and

WHEREAS, in order to undertake the necessary procedural and administrative steps to formulate and adopt a Redevelopment Plan(s) and Project Area(s), it is necessary for the Redevelopment Agency to request an advance of funds and enter into an agreement with the City Council of the City of El Paso de Robles and the Redevelopment Agency of the City of El Paso de Robles under certain terms and conditions; and

WHEREAS, the Cooperative Agreement has been entered into by and between the Redevelopment Agency of the City of El Paso de Robles and the City Council of the City of El Paso de Robles on August 13, 1986, to effectuate the City's redevelopment program; and

WHEREAS, the City Council of the City of El Paso de Robles is in receipt of a request for an advance of funds pursuant to an agreement setting forth specific terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, AS FOLLOWS:

Section 1. An agreement hereinafter referred to as the "Fund Advance Agreement No. 1" is hereby approved as set forth in Attachment "A" in order for the City Council of the City of El Paso de Robles to advance funds under terms and conditions therein stated.

Section 2. The Mayor is hereby authorized and directed to enter into this Fund Advance Agreement No. 1 with the Redevelopment Agency of the City of El Paso de Robles on behalf of the City Council of the City of El Paso de Robles as outlined.

PASSED AND ADOPTED THIS 13th day of August, 1986 by the following roll call vote:

AYES : Councilmembers: Cousins, Ovitt, Dolan, Stemper and Russell

NOES : Councilmembers: None

ABSENT : Councilmembers: None

Nick Russell  
MAYOR NICK RUSSELL

ATTEST:

Jerry Bankston  
CITY CLERK JERRY BANKSTON

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )SS  
CITY OF EL PASO DE ROBLES )

I, JERRY BANKSTON, City Clerk of the City of El Paso de Robles, California do hereby certify that the foregoing Resolution No. 3181 was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California at a regular meeting of said City Council held at the adjourned/ held at the regular meeting place thereof, on the 13th day of August, 1986, by the following vote:

AYES : Councilmembers: Cousins, Ovitt, Dolan, Stemper and Russell  
NOES : Councilmembers: None  
ABSENT : Councilmembers: None

Dated this 13th day of August, 1986.

Jerry Bankston  
City Clerk and Ex-Officio Clerk of the City Council, City of El Paso de Robles, State of California.

FUND ADVANCE AGREEMENT #1

ATTACHMENT A

AN AGREEMENT BETWEEN THE CITY OF EL PASO DE ROBLES AND THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES RELATIVE TO THE ADVANCE OF FUNDS FOR THE FORMULATION OF A REDEVELOPMENT PLAN(S) AND PROJECT AREA(S) AND THE UNDERTAKING OF REDEVELOPMENT AGENCY ADMINISTRATIVE ACTIVITIES

THIS AGREEMENT is entered into this 13th day of August, 1986, by and between the CITY OF EL PASO DE ROBLES, a municipal corporation (herein "City") and the REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES, a public entity authorized to transact business pursuant to the provisions of Section 33000 et. seq. of the California Health and Safety Code (herein "Agency").

R E C I T A L S

1. Creation: On June 25, 1980, the City adopted Ordinance No. 499 N.S. captioned:

ORDINANCE 499 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DECLARING THE NEED FOR A REDEVELOPMENT AGENCY TO FUNCTION IN THE CITY OF EL PASO DE ROBLES AND DECLARING THE CITY COUNCIL TO BE THE REDEVELOPMENT AGENCY.

2. Agency Responsibility: This Ordinance vests the Agency with responsibility and purpose to exercise the powers of the Community Redevelopment Law pursuant to Section 33000 et. seq. of the California Health and Safety Code.

3. Need for a Redevelopment Program: The City Council and the Redevelopment Agency have found and concluded that redevelopment in the City of El Paso de Robles is a viable procedural and financial mechanism to eliminate and/or mitigate existing and potential physical, social, and economic blight through community improvement and enhancement, and further concluded that the City of El Paso de Robles does not presently have the financial resources to pursue community improvement and enhancement programs aimed at the elimination of this blight.

4. Advance of Funds: The City and Agency desire to enter into an Agreement wherein the City will advance funds to the Agency for payment of expenses incurred by the Agency for expenses associated with the planning, formulation, adoption, and execution of one or more redevelopment plans and project areas in the City of El Paso de Robles.

NOW, THEREFORE, in consideration by the parties of the covenants and conditions herein contained, the City and Agency agree as follows:

Section 1. It is necessary and desirable that the Redevelopment Agency of the City of El Paso de Robles immediately proceed with the adoption of a Redevelopment Plan(s) and Project Area(s) consistent with the provisions of the California Community Redevelopment Law.

Section 2. The City agrees to advance a sum not to exceed \$150,000.00 to formulate and prepare one or more redevelopment plans and project areas in accordance with the California Community Redevelopment Law and the Program Policy Statement of the City Council of the City of El Paso de Robles dated August 13, 1986.

Section 3. The City will advance, with prior review and approval of the City Council, other funds deemed necessary and required by the Agency to facilitate and expedite the approval, adoption, and implementation of the redevelopment program. Said expenses may include, but are not limited to, legal services, special reports, public hearings, and general administration.

Section 4. Pursuant to Cooperative Agreement between the City and the Agency dated August 13, 1986, the Agency agrees to reimburse the City for the advance of the aforementioned funds from whatever revenue the Agency possesses, or is entitled to, including future tax increment funds allocated to the Agency pursuant to Section 33670 (b) of the California Health and Safety Code when said funds are available. The Agency agrees to reimburse the City not only for the advance, but in addition, the Agency agrees to pay the City the interest which the Agency receives on the moneys which the City transfers to the Agency while such funds are invested by it. The Agency further agrees to pay interest to the City at the rate of twelve percent (12%) per annum on the moneys which the Agency expends for authorized purposes.

Section 5. The Agency shall keep such accounting records as will enable the City and the Agency to determine the actual costs incurred and/or moneys advanced in association with pursuing the redevelopment program and the formulation of the redevelopment plan and project area.

Section 6. This document has been authorized to be executed by action taken by the City Council of the City of El Paso de Robles on August 13, 1986, by Resolution No. 3178, and by the Redevelopment Agency of the City of El Paso de Robles on August 13, 1986, by Resolution No. RA 86-06.

Section 7. If any portion or section of this agreement is declared to be unconstitutional or violative of the California Community Redevelopment Law or other applicable laws of the State of California, then only that section or portion shall be stricken as agreed upon by both parties. Such determination of unconstitutionality or infeasibility shall not affect the remainder of the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the date first above written.

CITY OF EL PASO DE ROBLES

By Nick Russell  
Mayor

ATTEST:  
By Jerry Bankston  
City Clerk  
City of El Paso de Robles

By Michael De Jong  
City Attorney  
City of El Paso de Robles

REDEVELOPMENT AGENCY OF THE  
CITY OF EL PASO DE ROBLES

By Nick Russell  
Chairman

ATTEST:  
By Jerry Bankston  
Secretary  
Redevelopment Agency of the  
City of El Paso de Robles

By \_\_\_\_\_  
Redevelopment General Counsel  
Redevelopment Agency of the  
City of El Paso de Robles