

# **Resolution No. 2023-XX**

## **of the Petaluma Community Development Successor Agency**

### **ADOPTING THE JULY 1, 2021 – JUNE 30, 2022, ANNUAL HOUSING SUCCESSOR AGENCY REPORT PURSUANT TO HEALTH AND SAFETY CODE §34176.1**

**WHEREAS**, the City of Petaluma (City) established the Petaluma Community Development Commission Housing Successor Agency (Successor Agency) to assume all rights and obligations, and wind down the operations of, the former Petaluma Community Development Commission (PCDC), by Resolution No. 2012-03; and

**WHEREAS**, the City Council established the Successor Agency as an independent public entity pursuant to Health and Safety Code Section 34173(g), on August 6, 2012, by adoption of Resolution No. 2012-118 N.C.S.; and

**WHEREAS**, the liability of the Successor Agency is limited pursuant to Health and Safety Code Section 34173(e) and other applicable law; and

**WHEREAS**, the Successor Agency has completed the Annual Housing Successor Agency Report for the period July 1, 2021 through June 30, 2022 (“Report”), in accordance with Health and Safety Code Section 34176.1 to address particular provisions and functions relating to former redevelopment agencies and housing successor entities; and

**WHEREAS**, the Report is due to be submitted to the State Housing and Community Development Department (HCD) as an attachment to the Housing Element Annual Progress Report and due to the Governor’s Office of Planning and Research (OPR) by April 1, 2023; and

**WHEREAS**, in preparing and submitting the Report, the Successor Agency intends to comply with all applicable posting and notification requirements, including posting the Report on the Successor Agency’s website and providing a copy thereof to HCD and OPR; and

**WHEREAS**, the Oversight Board for the Successor Agency must review and approve the Report prior to its submission; and

**WHEREAS**, the Report, a copy of which is attached to this resolution as Exhibit A, and made part hereof, has been presented to the Successor Agency; and

**WHEREAS**, the Successor Agency has had an opportunity to review the contents thereof, and the Executive Director recommends approval of the same, subject to the contingencies and reservation of rights set forth in this Resolution; and

**WHEREAS**, the Successor Agency reserves the right to challenge the legality of Assembly Bills 26 and 1484 and/or any implementing regulations, and to rescind its acceptance of Successor Agency rights and obligations, and reserves any and all rights concerning Assembly Bill 26 and AB 1484 pursuant to applicable law; and

**WHEREAS**, in approving the Report, the Successor Agency does not intend to waive, nor shall the Successor Agency be deemed to have waived, any rights the Successor Agency may have pursuant to or in connection with any obligation, including without limitation, the right to modify, amend, terminate, or challenge any obligation listed in the Report; and

**WHEREAS**, preparation and approval of the Report is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that preparation and approval of the Report does not meet CEQA's definition of a "project," because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because preparation and approval of the report constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and

**WHEREAS**, even if preparation and approval of the Report is deemed a "project" under CEQA, the action would be categorically exempt from environmental review per CEQA Guidelines section 15306, which provides that information collection activities that do not result in a serious or major disturbance to an environmental resource are exempt from the provisions of CEQA.

**NOW, THEREFORE, BE IT RESOLVED** by the Petaluma Community Development Successor Agency, as follows:

1. The recitals set forth above are true and correct and are incorporated into this resolution as findings of the Successor Agency.
2. Preparation and approval of the Report is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that preparation and approval of the Report does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because preparation and approval of the Report constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Even if preparation and approval of the Report is deemed a "project" under CEQA, the action would be categorically exempt from environmental review per CEQA Guidelines section 15306, which provides that information collection activities that do not result in a serious or major disturbance to an environmental resource are exempt from the provisions of CEQA.
3. The Annual Housing Successor Agency Report for July 1, 2021 – June 30, 2022 attached hereto as Exhibit A, which has been prepared pursuant to Health and Safety Code section 34176 (l), is approved, subject to all reservations of rights and contingencies set forth above.
4. The Executive Director or her designee is hereby authorized and directed to take all actions necessary to implement this Resolution, including without limitation, by submitting the Annual Housing Successor Agency Report to the State Department of Housing and Community Development as an attachment to the Housing Element Annual Progress Report, and to the Governor's Office of Planning and Research; and by the posting of this Resolution and the Annual Housing Successor Agency Report on the Successor Agency's website.
5. If any provision, sentence, clause, section, or part of this resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remainder.

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**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Petaluma Community Development Successor Agency at a Regular meeting on the 6<sup>th</sup> day of March 2023, by the following vote:

Approved as to  
form:

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General Counsel

**AYES:**

**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
  
**ATTEST:**

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Recording Secretary

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Chair