

RESOLUTION NO. 2012-011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA ELECTING TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BUENAVENTURA, PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the Council of the City of San Buenaventura ("City") approved and adopted the Redevelopment Plans for the Beachfront Project, the Mission Plaza project and the downtown project, and subsequently approved and adopted an Amended and Restated Redevelopment Plan for the Merged San Buenaventura Redevelopment Projects (the "Merged Redevelopment Plan") merging all three redevelopment projects, covering certain properties within the City (the "Merged Project Areas"); and

WHEREAS, the Redevelopment Agency of the City of San Buenaventura ("Agency") has been engaged in activities to execute and implement the Redevelopment Plans pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plans, the Agency has undertaken redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacted an ordinance committing it to make certain payments; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, Health and Safety Code Section 34176 provides that the city that authorized the creation of the redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Election to Retain Housing Assets and Functions. In accordance with Health and Safety Code Section 34176, and based on the Recitals set forth above, because the City Council authorized the creation of the Redevelopment Agency of the City of San Buenaventura, the City Council hereby elects to retain the housing assets and functions previously performed by the Redevelopment Agency of the City of San Buenaventura. Upon dissolution of the Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, and except as provided under the CRL, all rights, powers, duties and obligations, excluding any unencumbered amounts on deposit in the Redevelopment Agency of the City of San Buenaventura's Low and Moderate Income Housing Fund shall be transferred to the City of San Buenaventura.

SECTION 3. Implementation. The Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to notifying the Ventura County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the transfer of all housing assets and functions of the former Redevelopment Agency of the City of San Buenaventura to the City of San Buenaventura, all in accordance with AB 1X 26.

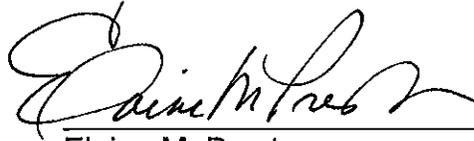
SECTION 4. Rescission. The Council reserves the right and power to rescind any action taken in this Resolution in the event that obligations are determined to exceed any assets or resources to be received.

SECTION 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED on the 30 day of January, 2012.



Elaine M. Preston
Interim City Clerk

APPROVED AS TO FORM:

By:


Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, Roxanne Fiorillo, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on January 30, 2012, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, and
 Deputy Mayor Heitmann.

NOES: Councilmember Monahan and Mayor Tracy.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on January 31, 2012.



Deputy City Clerk

