

RESOLUTION NO. 13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OVERSIGHT BOARD OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY APPROVING THE EXPENDITURE OF \$500,000 OF HISTORICAL ENHANCEMENT REVITALIZATION OF OXNARD HOME BUYER ASSISTANCE FUNDS FOR THE RIVERPARK VISTA URBANA AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the City of Oxnard Community Development Commission (“Agency”) was a Community Development Commission in the City of Oxnard (“City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with section 33000) of Division 24 of the California Health and Safety Code) (“Redevelopment Law”); and

WHEREAS, ABx1 26 (“AB 26”) and ABx1 27 (“AB 27”) were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with section 34161) and Part 1.85 (commencing with section 34170) (“Part 1.85”) to Division 24 of the California Health and Safety Code (“Health and Safety Code”); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a *lawsuit in the Supreme Court of California (California Redevelopment Association, et al. v. Matosantos, et al., Case No. S194861)* alleging that AB 26 and AB 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding AB 26, invalidating AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

WHEREAS, the Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012, to take effect four months later; and

WHEREAS, as a result of the Supreme Court’s decision, on February 1, 2012, all redevelopment agencies were dissolved and replaced by successor agencies established pursuant to Health and Safety Code section 34173; and

WHEREAS, the City Council of the City adopted Resolution No. 14,135 on January 10, 2012, pursuant to Part 1.85, electing for the City to serve as the successor agency to the Agency upon the dissolution of the Agency under AB 26 (“Successor Agency”); and,

WHEREAS, AB 26 adds to the Redevelopment Law Health and Safety Code section 34179, et seq., providing for establishment of an Oversight Board to oversee certain actions of successor agencies and carry out other directions of AB 26;

WHEREAS; the Oversight Board of the Oxnard Community Development Commission Successor Agency (“Board”) has been created by the appointment under Health and Safety Code section 34179(a) of members sufficient to constitute a quorum; and;

WHEREAS; the Board desires to find and determine that the foregoing recitals are true and correct.

NOW, THEREFORE, the Board of Directors DOES HEREBY FIND, DETERMINE, RESOLVE, AND ORDER as follows:

Section 1. All legal prerequisites to the adoption of this Resolution have occurred.

Section 2. The July 31, 2012 Oxnard Community Development Commission Successor Agency action to approve the expenditure of up to \$500,000 Historic Enhancement and Revitalization of Oxnard (HERO) Home Buyer Assistance (HBA) funds as set forth in Item Number 11, Page Number 7 of the Recognized Obligation Payment Schedule (ROPS) approved by the Board on May 9, 2012 is hereby approved.

Section 3. Successor Agency staff is hereby authorized to administratively enter into up to 156 RiverPark Vista Urbana affordable housing development HBA loan/grants with qualified low and moderate income household home buyers which approvals shall immediately be terminated if subsequently disapproved by the State Department Of Finance.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. The Oversight Board’s Secretary shall certify as to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the Board at its meeting held on the 15 day of August 2012, by the following vote:

AYES:Board Members Holden, Burgh, Dean, Driscoll, Herrera, McNeil, and Turner.

NOES:None.

ABSENT:None.



Dr. Thomas E. Holden, Chairperson

ATTEST:


Daniel Martinez, Board Secretary