

OVERSIGHT BOARD RESOLUTION NO. 12-04-09-01

A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE SAN JUAN CAPISTRANO COMMUNITY REDEVELOPMENT AGENCY AFFIRMING SELECTION CHAIR AND VICE-CHAIR PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179

**WHEREAS**, the San Juan Capistrano Community Redevelopment Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of San Juan Capistrano ("City"); and

**WHEREAS**, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

**WHEREAS**, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012 under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision"); and

**WHEREAS**, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

**WHEREAS**, by a resolution considered and approved by the City Council at an open public meeting the City chose to become and serve as the successor agency to the dissolved Agency under the Dissolution Act; and

**WHEREAS**, as of and on and after February 1, 2012, the City serves and acts as the "Successor Agency" and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs; all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

**WHEREAS**, Section 34179 of the Dissolution Act provides that the Successor Agency shall have an Oversight Board composed of seven members; and

**WHEREAS**, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

**WHEREAS**, pursuant to Section 34179 the Successor Agency's Oversight Board has been formed and the initial meeting has occurred on April 9, 2012; and

**WHEREAS**, at its initial meeting the Oversight Board members have been sworn in as public officials and the Chair and Vice Chair have been selected by a majority vote of the Oversight Board; and

**WHEREAS**, by this Resolution the Oversight Board affirms its actions designating the Chair and Vice Chair of the Oversight Board; and

**WHEREAS**, the names of these officers and all members of the Oversight Board will be posted on the City's Internet Web site relating to the Successor Agency; and

**NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE SAN JUAN CAPISTRANO COMMUNITY REDEVELOPMENT AGENCY:**

The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

The Chair of the Oversight Board is Laura Freese.

The Vice Chair of the Oversight Board is Virginia "Ginny" Kerr.

This Resolution shall be effective immediately upon adoption.

The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this 9<sup>th</sup> day of April, 2012.

  
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LAURA FREESE, CHAIR

ATTEST:

  
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MARIA MORRIS, OVERSIGHT BOARD SECRETARY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN JUAN CAPISTRANO )

I, MARIA MORRIS, appointed Oversight Board Secretary of the Oversight Board to the Successor Agency of the San Juan Capistrano Community Redevelopment Agency, do hereby certify that the foregoing **Oversight Resolution 12-04-09-01** was duly adopted by the Board Members of the Oversight Board to the Successor Agency of the San Juan Capistrano Community Redevelopment Agency at a special meeting thereof, held the 9<sup>th</sup> day of April, 2012, by the following vote:

AYES: BOARD MEMBERS: Doll, McCord, Tatarian, Thomas, Kerr and Chair Freese  
NOES: BOARD MEMBERS: None  
ABSENT: BOARD MEMBERS: Dr. Farley

  
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MARIA MORRIS, OVERSIGHT BOARD SECRETARY

The foregoing instrument is a correct copy of the original on file in  
this office. Attest: 4/12 20 12  
City Clerk of the City of San Juan Capistrano, County of Orange,  
State of California.  
By: 