

RESOLUTION NO. 249.1

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF VENTURA, DECLARING ITS INTENTION TO ENACT AN  
ORDINANCE WHEREBY THE COUNTY SHALL ELECT TO COMPLY WITH AND  
PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM  
CONTAINED IN PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

**WHEREAS**, on May 23, 1995, the Board of Supervisors for the County of Ventura ("County") approved and adopted the Redevelopment Plan for the Piru Community Earthquake Recovery Redevelopment Project ("Redevelopment Plan") covering certain properties within the County (the "Project Area"); and

**WHEREAS**, the Redevelopment Agency of the County of Ventura ("Agency") is engaged in activities to execute and implement the Redevelopment Plan 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 Plan, the Agency has undertaken redevelopment projects in the Project Area under the CRL 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**, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, among other purposes; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills ABX1 26 and ABX1 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to make certain payments; and

**WHEREAS**, specifically, ABX1 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

**WHEREAS**, dissolution of the Agency would be detrimental to the health, safety and economic well-being of the residents of the County and cause irreparable harm to the community because, among other reasons, the redevelopment activities and projects made possible, implemented and funded by the Agency are highly significant and of enduring benefit to the community and the County, and are a critical component of its future; and

**WHEREAS**, ABX1 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that

community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

**WHEREAS**, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

**WHEREAS**, under the threat of dissolution pursuant to ABX1 26, and upon the contingencies and reservations set forth herein, the County shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be two hundred sixty four thousand and eighty eight Dollars (\$264,088), as well as the subsequent annual community remittances as set forth in the CRL; and

**WHEREAS**, the County reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

**WHEREAS**, County understands and believes that an action challenging the constitutionality of ABX1 26 and ABX1 27 has been filed on behalf of cities, counties and redevelopment agencies; and

**WHEREAS**, while the County currently intends to make these community remittances, they shall be made under protest and without prejudice to the County's right to recover such amounts and interest thereon, to the extent there is a final determination that ABX1 26 and ABX1 27 are unconstitutional; and

**WHEREAS**, the County reserves the right, regardless of any community remittances made, and to challenge the legality of ABX1 26 and ABX1 27; and

**WHEREAS**, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of ABX1 26 and ABX1 27, the County shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

**WHEREAS**, the County has duly considered all other related matters and has determined that the County's participation in the Alternative Voluntary Redevelopment Program is in the best interests of the Agency, the County, and the health, safety and welfare of its residents, and in accordance with the public purposes and provisions of applicable state and local laws and requirements,

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** The foregoing Recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

**SECTION 2.** Pursuant to Health and Safety Code section 34193, subdivision (b), the County hereby expresses its intent to adopt the Ordinance to comply with Part 1.9. This resolution is that "nonbinding resolution of intent" referred to in Health and Safety Code section 34193, subdivision (b), and shall be interpreted and applied in all respects in accordance with such section and Part 1.9, to the fullest extent permitted by law.

**SECTION 3.** On or before October 1, 2011, the County Executive Officer is hereby authorized and directed to notify the County Auditor-Controller, the State Department of Finance and the Controller of the State concerning the resolution, in accordance with Health and Safety Code section 34193, subdivision (b).

**SECTION 4.** The County Counsel is hereby authorized to bring an action in the Superior Court pursuant to Health and Safety Code sections 33500 and 33501 to determine the validity of the ordinance referred to in this resolution, or the validity of any bonds contemplated to be issued by the Agency, or other material contracts of the Agency, or any findings of the Board of Supervisors related thereto, upon the determination of the County Executive Officer that such action is reasonably necessary or appropriate to facilitate the consummation of any Agency transaction for which governing board approval has been given.

**SECTION 5.** The County Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

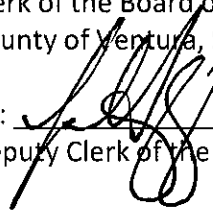
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Ventura, on a

motion by Supervisor Long, seconded by Supervisor

ZARAGOZA, this 20th day of SEPTEMBER 2011.

  
Chair, Board of Supervisors  
County of Ventura

ATTEST:  
MICHAEL POWERS,  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By:   
Deputy Clerk of the Board

