

**ATTACHMENT 3**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA,  
STATE OF CALIFORNIA**

**RESOLUTION ELECTING TO** )  
**RETAIN THE HOUSING ASSETS** ) Resolution No. 11-\_\_\_\_\_  
**AND FUNCTIONS PREVIOUSLY** )  
**PERFORMED BY THE COUNTY** )  
**OF SANTA BARBARA REDEVELOPMENT** )  
**AGENCY PURSUANT TO HEALTH AND** )  
**SAFETY CODE SECTION 34176(a)** )

**WHEREAS**, on November 27, 1990, the Santa Barbara County Board of Supervisors adopted the Redevelopment Plan for the Isla Vista Redevelopment Project Area; and

**WHEREAS**, the Redevelopment Agency of the County of Santa Barbara (“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**, pursuant to Section 33334.2 of the CRL, not less than 20% of all tax increment funds which are allocated to the Agency are set aside by the Agency in a Low and Moderate Income Housing Fund and used by the Agency for the purpose of increasing, improving and preserving the community’s supply of very low, low and moderate income housing available at affordable housing costs to people and families of very low, low and moderate income; and

**WHEREAS**, in accordance with the CRL, the Agency has used housing set-aside funds to purchase certain properties located within the Project Area and to loan funds for the development of very low, low and moderate income housing; 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 enters the “Alternative Voluntary Redevelopment Program” by enacting an ordinance committing it to making certain payments (“Continuation Ordinance”); and

**WHEREAS**, an action challenging the constitutionality of ABX1 26 and ABX1 27 has been brought on behalf of cities, counties and redevelopment agencies in the case of California Redevelopment Association et al v. Matosantos (S194861) (“Matosantos Case”) and the California Supreme Court has stayed portions of ABX1 26 and ABX1 27; and

**WHEREAS**, California Health and Safety Code Section 34176(a) is subject to the stay that was imposed in the Matosantos Case by the California Supreme Court’s orders of August 11,

2011 and August 18, 2011; and

**WHEREAS**, if the California Supreme Court upholds ABX1 26 and/or ABX1 27, it is not clear how the California Supreme Court and/or the California Legislature will handle certain deadlines in the legislation that will already have passed if the California Supreme Court does not issue its decision until January 2012, which is the decision date that the California Supreme Court stated in its orders of August 11, 2011 and August 18, 2011; and

**WHEREAS**, ABX1 26 prohibits the Agency from taking numerous actions, effective immediately, including expending existing monies in the Housing Fund and undertaking housing functions previously afforded to it under California Redevelopment Law; and

**WHEREAS**, the County of Santa Barbara's control and use of the Agency's housing functions and related assets are important to the County's success in providing affordable housing; and

**WHEREAS**, in response to ABX1 26 and as specifically allowed in that section of ABX1 26 codified in California Health and Safety Code Section 34176(a), the County of Santa Barbara Board of Supervisors has determined that if the County ultimately does not enter into the Alternative Voluntary Redevelopment Program, then it is in the best interest of the residents of the County for the County to retain the Agency's housing functions and all related assets subject to the conditions set forth in this resolution; and

**WHEREAS**, the Santa Barbara County Board of Supervisors has determined that the proposed action is in accord with the public purposes and provisions of applicable State and local laws; and

**WHEREAS**, the Board of Supervisors may determine to enter into the Alternative Voluntary Redevelopment Program provided for in ABX1 27 but has not yet committed to do so; and

**WHEREAS**, if the County enters into the Voluntary Alternative Redevelopment Program, then the Agency will continue to exist and the Agency's housing and functions will remain with the Agency; and

**WHEREAS**, in consideration of the above, the Board of Supervisors makes this resolution conditional upon certain events as set forth below.

**NOW, THEREFORE BE IT FOUND AND RESOLVED AS FOLLOWS:**

1. The above recitations are true and correct.
2. The Board of Supervisors of the County of Santa Barbara hereby elects to retain all of the responsibility for performing housing functions previously performed by the Agency as set forth in

California Health and Safety Code Section 34176(a), subject to all of the following conditions:

- a. Vacation of the stay that was imposed by the California Supreme Court in the case of California Redevelopment Association et al v. Matosantos (S194861) “Matosantos Case” as to California Health and Safety Code Section 34176,
- b. A decision by the California Supreme Court in the Matosantos Case upholding Parts 1.8 and 1.85 of Community Redevelopment Law.
- c. The County of Santa Barbara not enacting by the November 1, 2011 deadline of California Health and Safety Code Section 34193(a), an ordinance electing to participate in the “Alternative Voluntary Redevelopment Program” pursuant to California Health and Safety Code Section 34193(a). If California Health and Safety Code Section 34193(a)’s deadline for enactment of such ordinance is extended by the California Supreme Court or the California Legislature, then the date in this condition shall be automatically revised to reflect the new deadline.

3. This resolution shall become effective on the day of its adoption.

4. The Board of Supervisors finds, under CEQA Guideline Sections 15378(b)(4) and 15378(b)(5), that this Resolution is exempt from the requirements of the CEQA in that it is not a “project,” but instead consists of organizational or administrative activities of government that will not result in direct or indirect physical changes to the environment and/or the continuation of a governmental funding mechanism for potential projects and programs and does not commit funds to any specific project or program. The Board of Supervisors of the County of Santa Barbara, therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Santa Barbara in accordance with CEQA Guidelines.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara of the State of California, this \_\_\_\_ day of \_\_\_\_\_ 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors

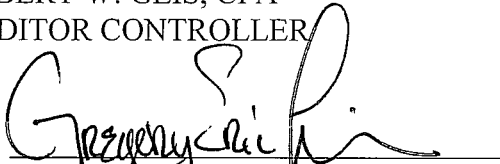
ATTEST:  
CHANDRA L. WALLAR  
CLERK OF THE BOARD

By: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

By:   
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W. GEIS, CPA  
AUDITOR CONTROLLER

By:   
Deputy Auditor-Controller  
ADV. Acctg.