

ATTACHMENT 4

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

NONBINDING RESOLUTION OF INTENT)
TO CONDITIONALLY ENTER) Resolution No. 11-_____
THE ALTERNATIVE VOLUNTARY)
REDEVELOPMENT PROGRAM IN)
ORDER TO AVOID DISSOLUTION OF)
THE REDEVELOPMENT AGENCY OF)
THE COUNTY OF SANTA BARBARA)

WHEREAS, on November 27, 1990 the Santa Barbara County Board of Supervisors (“County”) approved and adopted the Redevelopment Plan for the Isla Vista Redevelopment Project (“Redevelopment Plan”) covering certain properties within the unincorporated area of the county known as Isla Vista (the “Project Area”); and

WHEREAS, the Redevelopment Agency of the County of Santa Barbara (“Agency”) is engaged in activities to implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to create jobs and expand the local economy; and

WHEREAS, until the Redevelopment Plan expires in 2032, the Agency intends to implement a variety of redevelopment projects 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; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted and the Governor signed, companion bills ABX1 26 (“Dissolution Bill”) and ABX1 27 (“Continuation Bill”), requiring among other things that each redevelopment agency be dissolved unless the community that created it enters into the “Alternative Voluntary Redevelopment Program” by enacting an ordinance committing it to making certain payments; and

WHEREAS, the Dissolution Bill prohibits agencies from taking numerous actions including entering into and modifying contracts, and additionally provides that redevelopment agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, the Continuation Bill 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 Community Redevelopment Law, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code by October 1, 2011 and also allows a community to the extend the deadline for enacting such an ordinance to November 1, 2011 if it has adopted a nonbinding resolution of intent to enact such 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 34193 which authorizes the County to enter into the “Alternative Voluntary Redevelopment Program” 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 the Dissolution Bill and/or the Continuation Bill, 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, it is the intent of the Board of Supervisors that this nonbinding resolution is conditioned upon the California Supreme Court vacating the stay and upholding both the Dissolution Bill and the Continuation Bill; and

WHEREAS, the County reserves the right, regardless of any action it takes to comply with the Dissolution Bill or the Continuation Bill, to challenge the legality of the Dissolution Bill or the Continuation Bill and to challenge the legality and the amount of any remittance payments it may make to the State under the Continuation Bill; and

WHEREAS, as a nonbinding resolution of intent, nothing in this resolution shall be construed to commit the County to adopt an ordinance pursuant to the Continuation Bill, pay any remittance to the State, prevent the Redevelopment Agency of the County of Santa Barbara from dissolving if the California Supreme Court upholds the Dissolution Bill, or take any other action.

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

1. The Recitals set forth above are true and correct and incorporated herein by reference.
2. In accordance with California Health and Safety Code Section 34193(b), and based on the Recitals set forth above, the Board of Supervisors of the County of Santa Barbara hereby declares by this nonbinding resolution that the County intends to adopt an ordinance to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by the Continuation Bill.

3. This nonbinding resolution of intent in no way warrants or guarantees any payment of money by the County of Santa Barbara to any other entity, and the County reserves the right to withdraw from making the community remittance payments required by the Continuation Bill.

4. This resolution is specifically conditioned upon the California Supreme Court vacating the stay on Health and Safety Code Section 34193 and upholding both the Dissolution Bill and the Continuation Bill. If there is a final determination that either the Dissolution Bill or the Continuation Bill are invalid, this Resolution shall be deemed to be null and void and of no further force or effect.

5. This nonbinding resolution shall in no way be construed as requiring the County to abide by the Dissolution Bill or the Continuation Bill in the event that either, or both, are found legally invalid in whole or in part, nor shall this nonbinding resolution effect or give rise to any waiver of rights or remedies the County may have, whether in law or in equity, to challenge the Dissolution Bill or the Continuation Bill. This nonbinding resolution shall not be construed as the County's willing acceptance of, or concurrence with, either the Dissolution Bill or the Continuation Bill; nor does this nonbinding resolution evidence any assertion or belief on the part of the County that the Bills are constitutional or lawful.

6. The Board of Supervisors finds, under Title 14 of the California Code of Regulations, Sections 15378(b)(4), and 15378(b)(5), that this Resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the continuation of a governmental funding mechanism and programs and/or organizational or administrative activities that will not result in direct or indirect physical changes to the environment and does not involve any commitment to any specific project or program. The Board of Supervisors, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Santa Barbara in accordance with CEQA Guidelines.

7. This Resolution shall become effective on the day of its adoption.

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

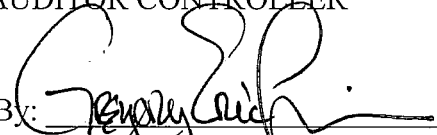
ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

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
AD. GEIS.