

OVERSIGHT BOARD RESOLUTION NO. 2012-06

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Costa Mesa 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 Costa Mesa ("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; 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 is performing 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, pursuant to Section 34179 the Successor Agency's Oversight Board has been formed and is holding regular meetings; 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 the California Political Reform Act of 1974, Government Code Section 81000, *et seq.* ("PRA"), in particular Section 87303, and the implementing regulations to the PRA set forth in California Code of Regulations, Title 2, Division 6, Section 81110, *et seq.* as promulgated by the Fair Political Practices Commission ("FPPC"), conflict of interest codes are not effective until they have been approved by the public agency's code reviewing body; and

WHEREAS, based on an advice letter issued by the FPPC, the Oversight Board's code reviewing body is the City Council of the City of Costa Mesa ("City Council") and the City's conflict of interest code, which has been previously approved by the City Council; and

WHEREAS, the Oversight Board desires to adopt the City's conflict of interest code as its own conflict of interest code pursuant to the PRA; and

WHEREAS, under the Dissolution Act, the actions of the Oversight Board, including the action approved by this Resolution, do not become effective for three (3) business days pending any request for review by the DOF, and if the DOF requests review hereof, DOF will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY:

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 the PRA and Regulations, the Oversight Board adopts the City of Costa Mesa's conflict of interest code as its own conflict of interest code.

Section 3. The Oversight Board authorizes the Successor Agency to transmit this Resolution to the DOF and the FPPC.

Section 4. The Assistant Finance Director or authorized designee is directed to post this resolution on the City/Successor Agency website pursuant to the Dissolution Act.

Section 5. This Resolution shall be effective after transmittal of this Resolution with the conflict of interest code attached to the DOF and the expiration of three (3) business days pending a request for review by the DOF within the time periods set forth in the Dissolution Act; in this regard, if the DOF requests review hereof it will have 10 days from the date of its request to approve this Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.


APPROVED AND ADOPTED this 21st day of June 2012.



Jim Righheimer, Chair
Oversight Board of the Successor Agency to the
Costa Mesa Redevelopment Agency

(SEAL)

ATTEST:



Martha Rosales, Secretary
Oversight Board of the Successor Agency
to the Costa Mesa Redevelopment Agency

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF COSTA MESA)

I, Martha Rosales, Secretary of the Oversight Board of the Successor Agency to the Costa Mesa Redevelopment Agency, hereby certify that Resolution No. 2012-06 was duly adopted by the Oversight Board at a regular meeting held on the 21st day of June 2012, and that it was so adopted by the following vote:

AYES: Members Righeimer, Trader, Baker, Dunn, Francis, Hatch, Monahan

NOES: None

ABSENT: None



Martha Rosales, Secretary
Oversight Board of the Successor Agency to the
Costa Mesa Redevelopment Agency

(SEAL)