

RESOLUTION NO. OB 2013 - 07

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY AUTHORIZING THE EXECUTION OF SUCH INSTRUMENTS AS ARE NECESSARY OR CONVENIENT FOR CANCELLATION AND FORGIVENESS OF CERTAIN INDEBTEDNESS OF THE BOYS AND GIRLS CLUB OF SIMI VALLEY, INC. TO THE SUCCESSOR AGENCY AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Community Development Agency of the City of Simi Valley ("Agency") was established as a Development 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 Simi Valley ("City"); and

WHEREAS, Assembly Bill x1 26 chaptered and effective on June 27, 2011 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which caused the dissolution of all redevelopment agencies and winding down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 chaptered and effective on June 27, 2012 (together, the "Dissolution Act"); and

WHEREAS, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Act and as a separate legal entity the City serves as the Successor Agency to the Community Development Agency of the City of Simi Valley ("Successor Agency"); and

WHEREAS, the Successor Agency administers the enforceable obligations of the former Agency and otherwise unwinds the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, in connection with the dissolution of the former Agency under the Dissolution Act, a certified public accountant has prepared a due diligence review (the "DDR") for all non-housing assets of the former Agency. The DDR indicates a receivable owed by the Boys and Girls Club of Simi Valley, Inc., a California non-profit corporation ("BGCSV") in the amount of one hundred seventy-one thousand five hundred thirty-two Dollars (\$171,532) (the "Total Amount"); and

WHEREAS, the BGCSV performs services to youthful residents of the City of Simi Valley and adjacent areas within the County of Ventura which benefit the community and which in the absence of such ongoing efforts by BGCSV, would result in greater costs to several taxing agencies such as the Rancho Simi Recreation and Park District, the County of Ventura and the City of Simi Valley; and

WHEREAS, the provision of services by BGCSV is highly valued and promotes the public health, safety and welfare; and

WHEREAS, based upon a review of the contractual arrangements involving the BGCSV and the former Agency, including the DDR, the Oversight Board is of the view that the Total Amount should be treated as cancelled and forgiven, pursuant to Health and Safety Code Section 34181(e), insofar as the Successor Agency has a claim to receive such amount (or any amount); provided that the foregoing is without prejudice as to claims other jurisdictions or creditors may have as to the BGCSV; and

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. The Oversight Board determines that each of the statements set forth in the recitals in this Resolution are true and correct.

SECTION 3. The Oversight Board finds and determines that the cancellation and forgiveness of the Total Amount, insofar as such amount (or any amount) constitutes a lawful claim of the Successor Agency without prejudice as to claims of other jurisdictions or creditors as to the BGCSV including without limitation the City of Simi Valley (excepting insofar as the City is acting in its special and limited capacity as the Successor Agency), is cancelled and forgiven. In addition, to the extent that the BGCSV is party to an agreement with the former Agency which but for the proposed action, would result in ongoing payment obligations by BGCSV to the Successor Agency for the benefit of taxing agencies, such agreement shall be of no further force and effect; provided that this Section 3 shall not cancel or modify any agreements of BGCSV with a taxing agency any other jurisdiction or creditors, including without limitation the City of Simi Valley (excepting insofar as the City is acting in its special and limited capacity as the Successor Agency) and;

SECTION 4. The Oversight Board approves, authorizes and directs the Chair to execute such instruments as the Successor Agency shall deem necessary or appropriate to implement the foregoing portion of this Resolution.

SECTION 5. The Secretary is directed to transmit a copy of this Resolution to the Successor Agency.

SECTION 6. The Successor Agency is directed to post this Resolution on the Successor Agency's website and to provide a copy to the California Department of Finance by electronic means and in a manner of choosing of the Department of Finance.

SECTION 7. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.

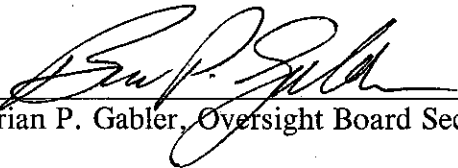
SECTION 8. The Successor Agency shall maintain on file as a public record this Resolution and the Minutes as approved hereby.

PASSED and ADOPTED this 28th day of January, 2013



Mike Sedell, Chair of the Oversight Board
of the Successor Agency to Simi Valley
Community Development Agency

ATTEST:



Brian P. Gabler, Oversight Board Secretary