

OVERSIGHT BOARD RESOLUTION NO. 14-1

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY APPROVING THE TRANSFER TO THE CITY OF IRVINE, AS HOUSING SUCCESSOR, OF THE FORMER REDEVELOPMENT AGENCY'S HOUSING ASSETS AS LISTED ON THE HOUSING ASSET LIST APPROVED BY THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE

WHEREAS, as a result of the passage of Assembly Bill 26 from the 2011-12 first extraordinary session of the California Legislature ("ABx1 26") as modified by the California Supreme Court in the *CRA v. Matosantos* case, all redevelopment agencies in California, including the Irvine Redevelopment Agency ("RDA"), were dissolved on February 1, 2012; and

WHEREAS, Assembly Bill 1484 of the 2011-12 legislative session ("AB 1484") amended ABx1 26 (ABx1 26 and AB 1484, collectively, the "Dissolution Act"); and

WHEREAS, by adoption of Resolution No. 12-10 on January 10, 2012, the City Council of the City of Irvine ("City" or "City Council," as appropriate) became the Successor Agency ("Irvine Successor Agency") to the dissolved RDA pursuant to the Dissolution Act, at Health and Safety Code Section 34173; and

WHEREAS, by adoption of Resolution No. 12-11 on January 10, 2012, the City Council became the "housing successor" to the former RDA and elected to retain the housing assets of the former RDA pursuant to Dissolution Act, at Health and Safety Code Section 34176; and

WHEREAS, pursuant to the Dissolution Act, at Health and Safety Code Section 34176(a)(2), the housing successor was required to submit to the State of California Department of Finance ("DOF") not later than August 1, 2012, a "housing assets list" (also known as the "housing asset transfer form") which listed the housing assets of the former RDA elected to be retained by, and thus transferred to, the City as housing successor; and

WHEREAS, the City, as housing successor, prepared the Housing Asset List, dated July 31, 2012, a copy of which is attached hereto and incorporated herein as **Exhibit "A"** ("Housing Asset List"); and

WHEREAS, on August 1, 2012, the City, as housing successor, submitted the Housing Asset List, to the DOF; and

WHEREAS, the DOF, in a determination letter dated September 5, 2012, a copy of which is attached hereto and incorporated herein as **Exhibit "B"**, approved the Housing Asset List; and

WHEREAS, the California State Controller's Office ("SCO") is conducting asset transfer review audits of the transfers of assets made by all former redevelopment agencies to their host cities or other public agencies during the period of January 1, 2011 through January 31, 2012, pursuant to the authority set forth in the Dissolution Act, at Health and Safety Code Section 34167.5; and

WHEREAS, the SCO has asserted that the oversight board is required to approve, by adoption of a resolution, the transfer of the former redevelopment agency's housing assets to the housing successor; and

WHEREAS, as part of its asset transfer review audits, the SCO auditors are asking for a copy of an oversight board resolution confirming oversight board approval to the transfer of the former redevelopment agency's housing assets to the housing successor; and

WHEREAS, the City and the Irvine Successor Agency have asserted to the SCO auditors that Oversight Board action ratifying and approving the foregoing described transfer of the former RDA's housing assets is not required because the transfer of the former RDA's housing assets to the City, as housing successor, occurred by operation of law pursuant to the terms of the Dissolution Act, at Health and Safety Code Section 34176(a)(1); and

WHEREAS, to avoid a dispute with the SCO, the Successor Agency is requesting that the Oversight Board adopt a resolution to confirm and ratify Oversight Board approval of the transfer of the former RDA's housing assets, as listed on the DOF-approved Housing Asset List, to the City as housing successor; and

WHEREAS, the Oversight Board desires to confirm and ratify its approval of the transfer of the former RDA's housing assets, as listed on the DOF-approved Housing Asset List, to the City as housing successor;

NOW, THEREFORE, THE OVERSIGHT BOARD RESOLVES AS FOLLOWS:

Section 1. That the above Recitals are true and correct and are incorporated herein.

Section 2. The Oversight Board hereby approves and ratifies the transfer of the former RDA's housing assets, as listed on the DOF-approved Housing Asset List, to the City of Irvine as housing successor, as set forth in and confirmed by **Exhibit A** and **Exhibit B** attached hereto and by this reference incorporated herein, and hereby directs the transfer of those housing assets to the City as housing successor.

Section 3. The Oversight Board acknowledges that nothing in this Resolution shall act to modify, waive, discharge, or in any manner affect, any legal assertion made, or legal position taken, or to be made or taken in the future, by the Successor Agency or City or any other entity with respect to the subject matter of, or any of the matters set forth in, this Resolution.

Section 4. The Secretary shall certify to the adoption of this resolution.

PASSED AND ADOPTED this 10th day of January, 2014.



MARIAN BERGESON, CHAIR

ATTEST:



SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF IRVINE)

I, Melinda Neumann, Secretary to the Oversight Board, hereby certify that the foregoing resolution was duly adopted at a special meeting of the Oversight Board, held on the 10th day of January 2014.

AYES: BOARDMEMBERS: Bergeson, Dolleschel, Dunn, and Landers

NOES: BOARDMEMBERS: None

ABSENT: BOARDMEMBERS: Compton, Fogarty, and Peebles

Melinda Neumann
SECRETARY

**DEPARTMENT OF FINANCE
HOUSING ASSETS LIST
ASSEMBLY BILL X1 26 AND ASSEMBLY BILL 1484
(Health and Safety Code Section 34176)**

Former Redevelopment Agency: Irvine Redevelopment Agency

Successor Agency to the Former
Redevelopment Agency: City of Irvine

Entity Assuming the Housing Functions
of the former Redevelopment Agency: City of Irvine

Entity Assuming the Housing Functions
Contact Name: Mark Asturias Title Housing Manager Phone (949) 724-7448 E-Mail Address masturias@cityofirvine.org

Entity Assuming the Housing Functions
Contact Name: Steve Holtz Title Housing Administrator Phone (949) 724-7452 E-Mail Address sholtz@cityofirvine.org

All assets transferred to the entity assuming the housing functions between February 1, 2012 and the date the exhibits were created are included in this housing assets list.
The following Exhibits noted with an X in the box are included as part of this inventory of housing assets:

Exhibit A - Real Property
Exhibit B- Personal Property
Exhibit C - Low-Mod Encumbrances
Exhibit D - Loans/Grants Receivables
Exhibit E - Rents/Operations
Exhibit F- Rents
Exhibit G - Deferrals

X
X

Prepared By: Mark Asturias

Date Prepared: 31-Jul-12

Exhibit A - Real Property

City of Irvine, County of Orange
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of Asset a/	Legal Title and Description	Carrying Value of Asset	Total square footage	Square footage reserved for low-mod housing	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Date of transfer to Housing Successor Agency	Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition by the former RDA	Interest in real property (option to purchase, easement, etc.)
1	Single Family Condominium	Assessor Parcel No. 937-01-093	\$390,000	1,424	1,424	Yes	California Redevelopment law and federal funds requirements	February 1, 2012	\$910	\$0	391,277 HOME and Workforce Housing Grant funds	Not Applicable	Regulatory Agreement
2	Single Family Condominium	Assessor Parcel No. 937-721-14	\$422,000	1,385	1,385	Yes	California Redevelopment law and federal funds requirements	February 1, 2012	\$400,000	\$0	24,932.25 HOME funds	Not Applicable	Regulatory Agreement
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8													
9													
10													

a/ Asset types may include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit B - Personal Property - NONE

City of Irvine
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
1	NONE							
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a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

Exhibit C - Low-Mod Encumbrances - NONE

City of Irvine
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of housing built or acquired with enforceably obligated funds a/	Date contract for Enforceable Obligation was executed	Contractual counterparty	Total amount currently owed for the Enforceable Obligation	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Current owner of the property	Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition of the property
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a/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit D - Loans/Grants Receivables

City of Irvine, County of Orange
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

[illegible]

Exhibit E - Rents/Operations - NONE

City of Irvine
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of payment a/	Type of property with which they payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent/operation is associated with (if applicable)
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a/ May include revenues from rents, operation of properties, residual receipt payments from developers, conditional grant repayments, costs savings and proceeds from refinancing, and principal and interest payments from homebuyers subject to enforceable income limits.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit F - Rents - NONE

City of Irvine
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of payment a/	Type of property with which the payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent is associated with (if applicable)
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a/ May include rents or home loan payments.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit G - Deferrals - NONE

City Of Irvine

Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Purpose for which funds were deferred	Fiscal year in which funds were deferred	Amount deferred	Interest rate at which funds were to be repaid	Current amount owed	Date upon which funds were to be repaid
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**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. ■ GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

Septempber 5, 2012

Mr. Mark Asturias, Housing Manager
City of Irvine
One Civic Center Plaza
Irvine, CA 92623-9575

Dear Ms Mullally:

Subject: Housing Assets Transfer Form

Pursuant to Health and Safety Code (HSC) section 34176 (a) (2), the City of Irvine submitted a Housing Assets Transfer Form (Form) to the California Department of Finance (Finance) on July 31, 2012 for the period February 01, 2012 through July 31, 2012.

Finance has completed its review of your Form, which may have included obtaining clarification for various items. Based on a sample of line items reviewed and the application of law, Finance is not objecting to any assets or transfers of assets identified on your Form.

Please direct inquiries to Kyle Le, Supervisor or Brian Dunham, Lead Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Mr. Steve Holtz, Housing Administrator, City of Irvine
Ms. Donna Mullally, Manager of Fiscal Services, City of Irvine
Mr. Frank Davies, Administrative Manager, Auditor-Controller's Office, Orange County
California State Controller's Office

EXHIBIT B