

Resolution No: OB-2021-023

Meeting Date: 12/16/2021

A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT
SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE EXECUTION
AND DELIVERY BY THE SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION OF THE CITY OF ESCONDIDO OF AN
AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT OF THE
ESCONDIDO JOINT POWERS FINANCING AUTHORITY

WHEREAS, the Community Development Commission of the City of Escondido (the “Former Agency”) was a public body, corporate and politic, that was duly created, established and authorized to transact business and exercise its powers under and pursuant to the provisions of the Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code of the State of California); and

WHEREAS, the Former Agency was a member of the Escondido Joint Powers Financing Authority (the “Authority”), a joint exercise of powers authority that is duly organized and established under a Joint Exercise of Powers Agreement, dated November 20, 1991 (the “JPA Agreement”), by and between the Former Agency and the City of Escondido (the “City”); and

WHEREAS, on June 28, 2011, the California Legislature adopted ABx1 26 (the “Dissolution Act”) and ABx1 27 (the “Opt-in Bill”); and

WHEREAS, the California Supreme Court subsequently upheld the provisions of the Dissolution Act and invalidated the Opt-in Bill, resulting in the dissolution of the Former Agency as of February 1, 2012; and

WHEREAS, the Former Agency, including its redevelopment powers, assets and obligations and its membership in the Authority, was transferred on February 1, 2012 to the Successor Agency to the Community Development Commission of the City of Escondido (the “Agency”), a redevelopment successor agency that is duly organized and existing under the Constitution and laws of the State of California (the “State”); and

WHEREAS, the City, the Agency and the City of Escondido Community Facilities District No. 2020-1 (Services) (the “CFD”) desire to amend the JPA Agreement to reflect the withdrawal of the Agency from the membership of the Authority and the addition of the CFD to the membership of the Agency and to make certain additional and conforming edits; and

WHEREAS, Section 34179(j) of the Health and Safety Code of the State of California provides for the appointment of a countywide oversight board (the “Oversight Board”) with specific duties to approve certain Agency actions pursuant to Section 34180 of the Health and Safety Code and to direct the Agency in certain other actions pursuant to Section 34181 of the Health and Safety Code.

NOW, THEREFORE, BE IT RESOLVED by the San Diego Countywide Redevelopment Successor Agency Oversight Board follows:

1. The Oversight Board hereby finds, resolves, and determines that the foregoing recitals are true and correct and are incorporated herein by reference, and, together with

Resolution No: OB-2021-023

Meeting Date: 12/16/2021

information provided by the Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

2. The execution by the Agency of Amendment No. 1 to the JPA Agreement approved by the Agency by resolution adopted on October 27, 2021 (the "Agency Resolution") is hereby approved. The Agency is hereby authorized to execute and deliver Amendment No. 1 to the JPA Agreement, and to withdraw as a member of the Authority, in accordance with the Agency Resolution. The Chair of the Oversight Board and the other officers and members of staff having responsibility for the affairs of the Oversight Board are hereby authorized and directed to execute such documents and certificates as they determine are necessary or appropriate to assist the Agency in the foregoing matters.
3. The Chair, the Executive Director, the Deputy Executive Director, the Finance Officer or any other proper officer of the Agency, acting singly, be and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by Amendment No. 1 to the JPA Agreement without the need for any further approval from the Oversight Board.
4. Unless otherwise defined herein, all terms used herein and not otherwise defined shall have the meanings given such terms in the JPA Agreement unless the context otherwise clearly requires.
5. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
6. This Resolution shall take effect in accordance with Section 34179(h) of the Health and Safety Code of the State of California.
7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on December 16, 2021.

Approved as to Form and Legality
By George H. Eiser III, Oversight Board Counsel



Chair, Oversight Board