

A G E N D A

SPECIAL MEETING OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD

WEDNESDAY, OCTOBER 19, 2022, 8:00 AM

Below is a link for the zoom

<https://us06web.zoom.us/j/87042829392>

HON. BRIAN PROBOLSKY

Chairman

HON. STEVE JONES

Vice Chairman

CHARLES BARFIELD

Board Member

STEVE FRANKS

Board Member

ANIL KUKREJA

Board Member

DEAN WEST, CPA

Board Member

HON. PHILLIP E. YARBROUGH

Board Member

Staff

Hon. Frank Davies, CPA, Auditor-Controller
Kathy Tavoularis
Chris Nguyen

Counsel

Patrick K. Bobko

Clerk of the Board

Kathy Tavoularis

The Orange Countywide Oversight Board welcomes you to this meeting. This agenda contains a brief general description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, please complete a Speaker Form identifying the item(s) and deposit it in the Speaker Form Return box located next to the Clerk. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the close of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing in the agenda. Speaker Forms are located next to the Speaker Form Return box. When addressing the Board, please state your name for the record prior to providing your comments.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board 72 hours prior to the meeting at (714) 834-2458****

The Orange Countywide Oversight Board encourages the public to participate by submitting emails at kathy.tavoularis@ac.ocgov.com by 7:30 AM the day of the meeting, or calling (714) 834-2458 and leaving a message before 7:30 AM the day of the meeting, if you want to provide comments on agenda items or other subject matters within the Orange Countywide Oversight Board's jurisdiction. The Orange Countywide Oversight Board and Staff thank you in advance for taking all precautions to prevent spreading COVID-19. If you have any questions, please contact the Orange County Auditor-Controller's Office at (714) 834-2458.

All supporting documentation is available for public review online at <http://ocauditor.com/ob/> or in person in the office of the Auditor-Controller located at 1770 North Broadway, Santa Ana, California 92706 during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday

A G E N D A

SPECIAL MEETING OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD

8:00 A.M.

DISCUSSION ITEMS:

1. Call to Order
2. Pledge of Allegiance
3. Adopt Resolution Concerning Teleconferenced Meetings During State of Emergency
4. Approval of the Minutes from September 20, 2022, Regular Meeting
5. Approve Resolution approving First Amendment to the Joint Exercise of Powers Agreement relating to the Anaheim Public Financing Authority
6. Review Any La Habra Successor Agency Submissions/Actions Regarding Disposition of Asset (APN: 018-381-64) and Determine Board's Next Steps, to include potential litigation

COMMENTS & ADJOURNMENT:

PUBLIC COMMENTS:

At this time members of the public may address the Board on any matter not on the agenda but within the jurisdiction of the Board. The Board may limit the length of time each individual may have to address the Board.

STAFF COMMENTS:

- Next Meeting: January 17, 2023

BOARD COMMENTS:

CLOSED SESSION:

CS-1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – INITIATION OF LITIGATION – Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

ADJOURNMENT

NEXT MEETING:

Regular Meeting January 17, 2023 – 8:30 AM

Orange Countywide Oversight Board

Date: 10/19/2022

Agenda Item No. 3

From: Staff to the Orange Countywide Oversight Board

Subject: Resolution of the Countywide Oversight Board Approving Teleconference Meetings During a Proclaimed State of Emergency

Recommended Action:

Approve resolution for continuing teleconference meetings during a proclaimed state of emergency.

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 (“AB 361”) into law, amending the Ralph M. Brown Act (Gov. Code, § 54950 et seq.) (the “Brown Act”). AB 361 codified certain modified requirements for teleconference meetings held by public agencies, similar to those previously authorized and extended by executive order during the COVID-19 State of Emergency.

AB 361 was introduced to provide a longer-term solution for teleconference meetings during states of emergency, effective until January 1, 2024. AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

(Gov. Code, § 54953(e)(1).)

An agency and any committee that is required to comply with the Brown Act, that holds a meeting under either of the three scenarios must continue to post its agenda in the time required by the Brown Act and ensure that the public is able to address the board directly through teleconference means. (Gov. Code, § 54953(e)(2)). If a disruption prevents the agency or committee from broadcasting the meeting or receiving public comments in real time, the agency or committee cannot take further action until those functions are restored; any actions taken during such a disruption are subject to legal challenge. (Gov. Code, § 54953(e)(2)).

Assuming the State of Emergency remains in effect, if the Countywide Oversight Board for the County of Orange (the “Oversight Board”) wishes to continue meeting under the modified rules, then the Oversight Board must adopt an initial resolution within 30 days of the first teleconference meeting, and then must adopt an extension resolution at least every 30 days thereafter. (Gov. Code, § 54953(e)(3)). The resolution must contain findings stating the Oversight Board reconsidered the circumstances of the State of Emergency and either: (1) the State of Emergency continues to directly impact the ability of the Oversight Board’s members to meet safely in person; or (2) State or local officials continue to impose or recommend measures to promote social distancing. (Gov. Code, § 54953(e)(3)).

Where consecutive regular meetings fall outside the 30-day time frame, the Oversight Board should hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions.

Without the AB 361 exceptions, the Oversight Board will be required to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, as of October 1,

2021. Therefore, if the AB 361 authorization lapses and the Oversight Board wishes to hold a teleconference meeting, it will be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the board within agency boundaries. If a meeting is not held in conformity with AB 361, board members may not teleconference from their residences or other locations which are not open and accessible to the public.

With rising COVID-19 case counts and hospitalizations, the Oversight Board wishes to retain the option of returning to teleconference meetings, as needed.

Impact on Taxing Entities

None.

Attachment

Resolution

**RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD
RESOLUTION NO. 22-037**

**RECOGNIZING A STATE OF EMERGENCY AND
AUTHORIZING TELECONFERENCED MEETINGS PURSUANT TO AB 361**

WHEREAS, in response to the novel coronavirus (“COVID-19”) pandemic, Governor Newsom adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference, so long as other provisions of the Ralph M. Brown Act (“Brown Act”) were followed; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code section 54953(b), if the board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency; and

WHEREAS, on March 4, 2020, Governor Newsom declared a statewide emergency arising from COVID-19 pursuant to Government Code section 8625; and

WHEREAS, the Countywide Oversight Board within the County of Orange (“Oversight Board”) believes the spread of COVID-19 poses an imminent risk to the health and safety of in person meeting attendees; and

WHEREAS, the Oversight Board is committed to open and transparent governance in compliance with the Brown Act; and

WHEREAS, the Oversight Board is conducting virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment; and

WHEREAS, the Oversight Board adopted Resolution No. 22-008, authorizing teleconferenced meetings pursuant to AB 361; and

WHEREAS, in light of rising COVID-19 case counts and hospitalizations, the Oversight Board may need to return to teleconference meetings to protect public health;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD that the recitals set forth above are true and correct and fully incorporated into this Resolution by this reference; and

BE IT FURTHER RESOLVED that the Oversight Board recognizes that a State of Emergency in the State of California continues to exist due to the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that the governing board recognizes that social distancing measures remain recommended by state and local officials; and

BE IT FURTHER RESOLVED, the Oversight Board continues to authorize the use of teleconferencing, as needed, for meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, for a period of 30 days from the date of the adoption of this resolution, or such time that the Oversight Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3).

**MINUTES
REGULAR MEETING OF THE
ORANGE COUNTYWIDE OVERSIGHT BOARD**

September 20, 2022, 8:30 a.m.

1. CALL TO ORDER

A regular meeting of the Orange Countywide Oversight Board was called to order at 8:36 AM on September 20, 2022 by Chairman Probolsky, presiding officer.

Present:	6	Chairman:	Brian Probolsky
		Vice Chairman:	Steve Jones
		Board Member:	Steve Franks
		Board Member:	Anil Kukreja
		Board Member:	Dean West
		Board Member:	Phil Yarbrough
Absent:	1	Board Member:	Charles Barfield

2. PLEDGE OF ALLEGIANCE

Board Member Franks led the group in the Pledge of Allegiance

3. ADOPT RESOLUTION CONCERNING TELECONFERENCED MEETINGS DURING STATE OF EMERGENCY

The Board discussed maintaining teleconference so long as the state has a state of emergency continues, with an acknowledgement that the Board's ability to conduct meeting remotely would be impacted if the emergency is lifted. Board Member Yarbrough moved and Board Member Franks seconded to adopt the Resolution concerning teleconferenced meetings during the state of emergency. Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

4. APPROVAL OF THE MINUTES FROM JULY 19, 2022 REGULAR MEETING

Board Member Yarbrough moved and Board Member Franks seconded to approve the minutes from the July 19, 2022 Regular Meeting

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

5. ELECTION OF BOARD OFFICERS

- a. Chairman
- b. Vice Chairman

Board Member Franks nominated Chairman Probolsky and Vice Chair Jones to continue their respective roles for another term. Board Member Yarbrough seconded. Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

Chairman Probolsky thanked the board for their continued confidence in his leadership.

6. ADOPTION OF THE 2023 MEETING SCHEDULE

Chairman Probolsky announced the dates of the five proposed regular meetings scheduled for 2023. Board Member Franks moved and Board Member Yarbrough seconded adoption of the 2023 meeting schedule. Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

7. ADOPT RESOLUTION REGARDING REQUEST BY THE CYPRESS SUCCESSOR AGENCY TO DISSOLVE

Board member Yarbrough requested a point of order clarifying whether this is an action item. Clerk Tavoularis stated that with the Board’s approval, they will dissolve. Board Member Yarbrough moved and Board Member Franks seconded to adopt the resolution regarding request by the Cypress Successor Agency to dissolve. Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

Board Member Yarbrough thanked the City of Cypress for their diligence in making the dissolution possible.

8. ADOPT RESOLUTIONS REGARDING REQUESTS BY SUCCESSOR AGENCIES FOR AMENDMENTS TO FY 2022-23 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

- a. Anaheim
- b. Garden Grove

Vice Chair Jones moved and Board Member Yarbrough seconded to adopt resolutions regarding requests by the City of Anaheim and the City of Garden Grove Successor Agencies for Amendments to FY 2022-23 recognized obligation payment schedule (ROPS). Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

9. ADOPT RESOLUTION REGARDING REQUEST BY THE SANTA ANA SUCCESSOR AGENCY TO PROCEED WITH DISPOSITION OF PROPERTIES LOCATED 915 N FLOWER ST (APN 005-142-58), 921 N FLOWER ST (APN 005-142-35), AND 842 N GARNSEY ST (APN 005-142-47)

a. Santa Ana

Consultant Nguyen provided background on the City of Santa Ana’s plan to dispose of the properties. He stated that the City was considering selling the property to a private buyer, however the City opted to purchase it themselves at fair market value.

Board Member Yarbrough moved and Board Member Franks seconded to adopt the resolution regarding request by the Santa Ana Successor Agency to proceed with disposition of properties located 915 N Flower St (APN 005-142-58), 921 N Flower St (APN 005-142-35), and 842 N Garnsey St (APN 005-142-47). Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

10. ADOPT A RESOLUTION APPROVING THE SALE AND TRANSFER OF REAL PROPERTY LOCATED AT 12311 THACKERY DRIVE, GARDEN GROVE AND TAKING RELATED ACTIONS

Board Member Yarbrough moved and Board Member Kukreja seconded to adopt a resolution approving the sale and transfer of real property located at 12311 Thackery Drive, Garden Grove and taking related actions. Roll call vote

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent – Barfield

11. SCHEDULE A SPECIAL MEETING FOR OCTOBER 19, 2022 OR SOON AS SOON THEREAFTER AS POSSIBLE FOR DISCUSSION OF DISPOSITION OF LA HABRA SUCCESSOR AGENCY ASSET (APN: 018-381-64)

Counsel Bobko stated that due to the previously passed resolution by the Oversight Board, staff recommends scheduling a meeting as soon as October 19th, 2022, as October 18th, 2022 is the

City of La Habra's deadline to dispose of the property in question. He states that there is a need to move quickly.

The Board weighed options on either October 19th, 2022 or October 20th, 2022. The Board agreed amongst themselves that 8 a.m. on Wednesday, October 19th, 2022 would allow for ample participation amongst all board members.

Board Member Yarbrough moved and Board Member Franks seconded to schedule a meeting for 8 a.m. on October 19th, 2022 for discussion of disposition of La Habra Successor Agency Asset (APN: 018-381-64). Roll call vote.

YES – Probolsky, Jones, Franks, Kukreja, West, Yarbrough
NO – N/A
N/A – N/A
Absent - Barfield

Counsel Bobko stated he will look into whether the meeting can take place remotely via Zoom.

COMMENTS & ADJOURNMENT:

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Clerk Tavoularis stated she will send out a 2023 regular meeting calendar, with locations to be determined based on counsel's direction regarding teleconferenced meetings. She reminded the board the next regular meeting is scheduled for January 2023, with two meetings taking place that month. She announced that February 1st, 2023 is the deadline for the Department of Finance to approve ROPS.

BOARD COMMENTS:

Chairman Probolsky requested that staff arrange a meeting between himself and incoming Auditor-Controller Hamilton prior to the next regular meeting in January.

ADJOURNMENT

Chairman Probolsky moved and Board Member Kukreja seconded to adjourn the meeting at 8:58 a.m.

BRIAN PROBOLSKY
CHAIRMAN OF THE COUNTYWIDE OVERSIGHT BOARD

KATHY TAVOULARIS
CLERK OF THE BOARD

DATE

Orange Countywide Oversight Board

Agenda Item No. 5

Date: 10/19/2022

From: Successor Agency to the Anaheim Redevelopment Agency

Subject: Resolution of the Countywide Oversight Board Approving First Amendment to Joint Exercise of Powers Agreement Relating to the Anaheim Public Financing Authority

Recommended Action:

Approve resolution approving First Amendment to the Joint Exercise of Powers Agreement relating to the Anaheim Public Financing Authority

The Anaheim Successor Agency requests approval of the First Amendment of the Joint Exercise of Powers Agreement dated January 28, 1992, by and between the City of Anaheim (City) and the Successor to the Redevelopment Agency forming the Anaheim Public Financing Authority (APFA).

The City utilizes Joint Powers Authorities (JPAs) to issue public debt, including the APFA. The recommended action is a technical clean-up of the APFA related to the expansion of the City Council as the City transitioned to by-district elections. APFA's board is made up of the City Council, however, there is a reference to five board members in the current Joint Exercise of Powers Agreement where the City now has seven members of the City Council. The amendment simply removes the reference to five board members and leaves the City Council in its entirety as the governing board of the APFA, leaving flexibility should the number of council members change in the future.

Impact on Taxing Entities

None

Staff Contact(s)

Sergio Ramirez, Economic Development Director
sramirez@anaheim.net

Attachments

1. Resolution
2. Successor Agency Resolution No. 2022-002
3. First Amendment to Joint Exercise of Powers Agreement

**RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD
RESOLUTION NO. 22-038**

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD APPROVING
FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT BY AND
BETWEEN THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT
AGENCY AND THE CITY OF ANAHEIM RELATING TO THE ANAHEIM PUBLIC
FINANCE AUTHORITY

WHEREAS, the former Anaheim Redevelopment Agency (“Former Agency”) previously was a community redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Anaheim (“City”); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code, which caused the dissolution of all redevelopment agencies and wind down of the affairs of former agencies, including as such laws were amended by Assembly Bill 1484 and by other subsequent legislation (“Dissolution Law”); and

WHEREAS, as of February 1, 2012 the Agency was dissolved pursuant to the Dissolution Law, and as a separate public entity, corporate and policy the Successor Agency to the Anaheim Redevelopment Agency (“Successor Agency”) administers the enforcement obligations of the Former Agency and otherwise unwinds the Former Agency’s affairs; and

WHEREAS, prior to July 1, 2018 under the Dissolution Law, in particular Sections 34179 and 34180, all actions of the Successor Agency were subject to the review and approval by a local seven-member oversight board, which oversaw and administered the Successor Agency’s activities during the period from dissolution until June 30, 2018; and

WHEREAS, as of, on and after July 1, 2018, under the Dissolution Law, in particular Section 34179(j), in every California county there shall be only one oversight board that is staffed by the county auditor-controller, with certain exceptions that do not apply in the County of Orange; and

WHEREAS, as of, on and after July 1, 2018, the Orange Countywide Oversight Board (“Oversight Board”) was established through the Orange County Auditor-Controller in compliance with Section 34179(j), which serves as the oversight board to the 25 successor agencies existing and operating in Orange County, including Successor Agency and all other successor agencies in Orange County; and

WHEREAS, the City and the former Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 28, 1992 (the “**Joint Powers Agreement**”), which created and established the Anaheim Public Financing Authority (the “**Authority**”) for the purpose, among others, of issuing its bonds to be used to provide financial assistance to the City to finance and refinance public capital improvements;

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency desire to amend the Joint Powers Agreement as set forth in a First Amendment to Joint Exercise of Powers Agreement (the “**First Amendment**”) to provide that the City Council as constituted will serve as the Board of Directors of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

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

SECTION 2. The Orange Countywide Oversight Board hereby approves the First Amendment and the execution thereof by the Successor Agency.

SECTION 3. Under Section 34179(h) written notice and information about certain actions taken by the Orange Countywide Oversight Board shall be provided to the DOF by electronic means and in a manner of DOF’s choosing. The Orange Countywide Oversight Board’s action shall become effective five (5) business days after notice in the manner specified by the DOF unless the DOF requests a review.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. SA-2022-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, AS THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, AUTHORIZING THE EXECUTION AND DELIVERY BY THE SUCCESSOR AGENCY OF A FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT WITH THE CITY OF ANAHEIM RELATING TO THE ANAHEIM PUBLIC FINANCING AUTHORITY

WHEREAS, the City of Anaheim (the “City”) and the Anaheim Redevelopment Agency have heretofore entered into a Joint Exercise of Powers Agreement dated January 28, 1992 (the “**Joint Powers Agreement**”), which created and established the Anaheim Public Financing Authority (the “**Authority**”) for the purpose, among others, of issuing its bonds to be used to provide financial assistance to the City to finance and refinance public capital improvements;

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency to the Anaheim Redevelopment Agency, as successor to the Anaheim Redevelopment Agency (the “**Successor Agency**”) desire to amend the Joint Powers Agreement as set forth in a First Amendment to Joint Exercise of Powers Agreement (the “**First Amendment**”) to provide that the City Council as constituted will serve as the Board of Directors of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, SERVING AS AND ON BEHALF OF THE SUCCESSOR AGENCY TO THE ANAHEIM REDEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. The form of the First Amendment, on file with the Secretary of the Successor Agency, is hereby approved. Each of the Chair of the Successor Agency, the Vice Chair of the Successor Agency, and the City Manager of the City (the “**Authorized Officers**”) is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the City, to execute and deliver the First Amendment in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the First Amendment by such Authorized Officer.

Section 3. This Resolution shall take effect immediately upon its adoption,

THE FOREGOING RESOLUTION was approved and adopted by the City Council of the City of Anaheim, serving as and on behalf of the Successor Agency to the Anaheim Redevelopment Agency, at a regular meeting of said City Council held on the 27th day of September, 2022, by the following vote:

AYES: Vice-Chairman O'Neil and Agency Members Diaz, Ma'ae, Moreno, Valencia and Faessel

NOES: None

ABSENT: None

ABSTAIN: None

[Chairperson vacancy]

CITY OF ANAHEIM



VICE CHAIR, CITY OF ANAHEIM, AS
THE SUCCESSOR AGENCY TO THE
ANAHEIM REDEVELOPMENT AGENCY

ATTEST



SECRETARY
CITY OF ANAHEIM, AS THE SUCCESSOR
AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY

SECRETARY'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, THERESA BASS, Secretary of the Successor Agency to the Anaheim Redevelopment Agency, do hereby certify that the foregoing is the original Resolution No. SA-2022-002 adopted at a regular meeting provided by law, of the Successor Agency to the Anaheim Redevelopment Agency held on the 27th day of September, 2022, by the following vote of the members thereof:

AYES: Vice-Chairman O'Neil and Agency Members Diaz, Ma'ae, Moreno, Valencia, and Faessel

NOES: None

ABSTAIN: None

ABSENT: None
[Chairperson vacancy]

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of September, 2022.



SECRETARY OF THE SUCESSOR AGENCY TO THE
ANAHEIM REDEVELOPMENT AGENCY

(SEAL)

**ANAHEIM PUBLIC FINANCING AUTHORITY
FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT**

This First Amendment to Joint Exercise of Powers Agreement (the “First Amendment”), dated September 27, 2022, is by and between the City of Anaheim, a municipal corporation and charter law duly organized and existing under and by virtue of the Constitution and laws of the State of California (the “City”), and the Successor Agency to the Anaheim Redevelopment Agency (the “Successor Agency”), as successor to the Anaheim Redevelopment Agency, and amends the Joint Exercise of Powers Agreement dated January 28, 1992 (the “Joint Powers Agreement”), by and between the City and the Anaheim Redevelopment Agency, creating the Anaheim Public Financing Authority (the “Authority”).

WITNESSETH:

WHEREAS, the Joint Powers Agreement provides that the Authority shall be administered by a Board of Directors consisting of five (5) directors, who shall be the members of the City Council of the City;

WHEREAS, the City transitioned to a by-district election system for electing City Council members, with six (6) members elected by-district and the Mayor of the City elected at-large;

WHEREAS, the City and the Successor Agency desire to amend the Joint Powers Agreement as set forth in this First Amendment to provide that the City Council of the City as constituted will serve as the Board of Directors of the Authority;

NOW THEREFORE, the Parties hereto agree that the Joint Powers Agreement shall be amended as follows:

AMENDMENTS

A. Section 2.03 of the Joint Powers Agreement is hereby amended and restated to read as follows:

“Section 2.03. Board of Directors. The Authority shall be administered by a Board of Directors, which shall consist of the members of the City Council of the City. The Board shall be called the “Board of Directors of the Anaheim Public Financing Authority. All voting power of the Authority shall reside in the Board.”

MISCELLANEOUS

A. **Survival of Joint Powers Agreement.** Except as otherwise amended hereby, the Joint Powers Agreement shall remain in full force and effect.

B. **Execution.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same First Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Joint Exercise of Powers Agreement to be executed and attested by their proper officers thereunto duly authorized, as of the day and year first above written.

CITY OF ANAHEIM

By: _____
James Vanderpool, City Manager

Attest:

Theresa Bass, City Clerk

SUCCESSOR AGENCY TO THE ANAHEIM
REDEVELOPMENT AGENCY

By: _____
James Vanderpool, City Manager

Attest:

Theresa Bass, Secretary

Approved as to Form:

Robert Fabela, City Attorney

Orange Countywide Oversight Board

Agenda Item No. 6

Date: 10/19/2022

From: Staff to the Orange Countywide Oversight Board

Subject: Status of Disposition of La Habra Successor Agency Asset (APN: 018-381-64)

Recommended Action:

Issue Direction to Staff Pursuant to Resolution No. 22-026 or Convene in Closed Session

The Second Revised Long-Range Property Management Plan (LRPMP) for the La Habra Successor Agency was approved by the then-La Habra Oversight Board on July 30, 2015 and the State Department of Finance on September 11, 2015. The LRPMP specified that APN 018-381-64 would be sold. That asset is a parking lot parcel located in the City of La Habra at the northside of West Imperial Highway and east of South Beach Boulevard. The 2.84-acre parcel serves as a portion of the parking lot of the La Habra Marketplace shopping center.

At a special meeting on June 2, 2022, the Orange Countywide Oversight Board approved Resolution No. 22-026, which directed the La Habra Successor Agency to take actions for the sale of this final asset. The resolution set a deadline of October 18, 2022 for the La Habra Successor Agency to either:

- Declare the property as exempt surplus land, and complete a process, in good faith, to solicit proposals from interested parties regarding the sale of the Property and provide a report on the result of such solicitation at the next Countywide Oversight Board meeting.
- Not declare the property exempt surplus land, and commence the process required by the State Department of Housing and Community Development for the sale of this parcel pursuant to the Surplus Land Act and provide a report to the Countywide Oversight Board by March 1, 2023, of the proceedings pursuant to the Surplus Land Act.

As reported at the July 19, 2022, Oversight Board meeting, the resolution was transmitted to the State Department of Finance (DOF), which responded with a letter on June 29, 2022, addressed to La Habra with a copy to the Oversight Board specifying that DOF need not take action on the resolution since DOF determined the resolution is an action to “implement the disposition of property pursuant to an approved LRPMP” because the LRPMP governs that disposition and the Oversight Board “action related to an approved LRPMP should be consistent therewith.”

On September 20, 2022, the Oversight Board directed the Chairman to call a special meeting for October 19 to review what actions had been taken by La Habra in accordance with Resolution No. 22-026.

Subsequently:

- On September 21, Counsel to the Oversight Board issued a letter to the Counsel to the La Habra Successor Agency informing them of the October 19 special meeting and enclosing another copy of Resolution No. 22-026 as a reminder of the October 18 deadline.
- On September 27, the Clerk of the Oversight Board informed La Habra staff of the October 19 special meeting, which La Habra staff acknowledged receipt on September 29.

Consultants to the Oversight Board have reviewed agendas of the La Habra City Council (and Successor Agency to the Redevelopment Agency of the City of La Habra), and no item has been agendized relating to this parcel since the June 2 passage of Oversight Board Resolution No. 22-026:

- The October 17, 2022, regular meeting agenda of the La Habra City Council shows no items for the Successor Agency.

- La Habra has not called a special meeting for October 18, and the October 17 regular meeting agenda indicates the next meeting will be on November 7.

At this juncture, it does not appear La Habra will meet the October 18, 2022, deadline set in Oversight Board Resolution No. 22-026.

Section 4 of Board Resolution No. 22-026 specifies, “In the event that the Successor Agency does not comply with the provisions of this Resolution, the Chair of the Countywide Oversight Board is hereby authorized to direct Countywide Oversight Board counsel to take such actions on the Board’s behalf with the appropriate State superior court for the issuance of a writ of mandate to compel the Successor Agency’s compliance. Members of the Countywide Oversight Board and members of Countywide Oversight Board staff and consultants, collectively and each individually, are hereby authorized and directed to assist with such court proceedings.”

Staff (Counsel, Consultants, and Clerk) recommends that the Oversight Board either issue direction to Staff regarding the La Habra parcel or convene in Closed Session to discuss next steps. The agenda includes a Closed Session item on “Anticipated Litigation – Initiation of Litigation” regarding this item.



RING/BENDER

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www.ringbenderlaw.com

September 21, 2022

Elizabeth W. Hull
Best Best & Krieger
18101 Von Karman Ave., Suite 100
Irvine, CA 92612

Re: ***Orange Countywide Oversight Board Resolution No. 22-026***

Dear Ms. Hull:

As you know, pursuant to the above-referenced Resolution, the Successor Agency has been directed to take actions relating to the sale of the La Habra property.


This letter serves to remind you that, no later than October 18, 2022, the Successor Agency must provide the Oversight Board either: (i) the report required by Section 2(a) of the Resolution, or (ii) evidence that the Successor Agency has begun the process for the sale of the Property under the Surplus Land Act (including evidence of the required transmittal of the notices of availability). I have enclosed a copy of the Resolution for your reference.

Please also be aware that at yesterday's meeting the Board set a special meeting for October 19, 2022 at 8:00 a.m. to discuss this matter.

I am available at your convenience. Please do not hesitate to call.

Sincerely,

RING BENDER LLP

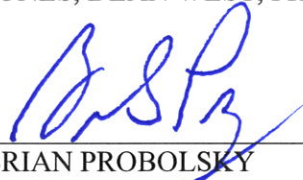


Patrick K. Bobko

Encl.

The foregoing was passed and adopted by the following vote of the Orange Countywide Oversight Board on THURSDAY, JUNE 2, 2022.

YES: CHARLES BARFIELD, STEVE FRANKS, ANIL KUKREJA,
BRIAN PROBOLSKY
NOES:
EXCUSED: STEVE JONES, DEAN WEST, PHILLIP E. YARBROUGH
ABSTAINED:



BRIAN PROBOLSKY
CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, KATHY TAVOULARIS, Clerk of the Orange Countywide Oversight Board, Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange Countywide Oversight Board.

IN WITNESS WHEREOF, I have hereto set my hand.



KATHY TAVOULARIS
Clerk
Orange Countywide Oversight Board

Resolution No: 22-026

Agenda Date: Thursday, June 2, 2022

Item No: 5

RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD

RESOLUTION NO. 22-026

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD DIRECTING THE SUCCESSOR AGENCY TO THE LA HABRA REDEVELOPMENT AGENCY TO TAKE ACTIONS FOR THE SALE OF A PARKING LOT PARCEL LOCATED AT NORTHSIDE OF WEST IMPERIAL HIGHWAY AND EAST OF SOUTH BEACH BOULEVARD IN THE CITY OF LA HABRA AND TAKING RELATED ACTIONS

WHEREAS, pursuant to AB X1 26 (enacted in June 2011 and the California Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal. 4th 231 (2011), the La Habra Redevelopment Agency (the “**Former Agency**”) and all other redevelopment agencies within the State of California (the “**State**”) were dissolved as of February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code (“**HSC**”) Section 34173(d), the City Council of the City of La Habra (the “**City**”) adopted Resolution No. 5508 on January 12, 2012, and elected for the City to become the Successor Agency to the La Habra Redevelopment Agency (the “**Successor Agency**”); and

WHEREAS, the Successor Agency is the successor entity to the Former Agency and is tasked with winding down the Former Agency’s affairs; and

WHEREAS, pursuant to HSC Section 34179, each successor agency is under the jurisdiction of an oversight board, consisting of seven members selected in accordance with HSC Section 34179; and

WHEREAS, pursuant to HSC Section 34179(i), oversight boards have fiduciary duties to the taxing entities that benefit from the distribution of property tax and other revenues of the successor agencies; and

WHEREAS, pursuant to HSC Section 34179(a), prior to July 1, 2018, there was an individual oversight board for each successor agency; and

WHEREAS, pursuant to HSC Section 34179(j), commencing July 1, 2018, individual oversight boards for successor agencies were dissolved and, with limited exceptions, a single county-wide oversight board was created within each county and each countywide oversight board subsumed and continued the responsibilities of the individual oversight boards within the relevant county; and

WHEREAS, commencing July 1, 2018, the Orange Countywide Oversight Board (the “**Countywide Oversight Board**”) has jurisdiction over the Successor Agency; and

WHEREAS, pursuant to HSC Section 34191.5(b), the Successor Agency was required to prepare a long-range property management plan to address the disposition and use of the real properties of the Former Agency, and submit such plan to the then-oversight board and the State Department of Finance (the “**DOF**”) for approval; and

WHEREAS, on July 30, 2015, the then-oversight board adopted a resolution approving a Second Revised Long-Range Property Management Plan (the “**LRPMP**”) prepared by the Successor Agency; and

WHEREAS, the DOF approved the LRPMP on September 11, 2015; and

WHEREAS, pursuant to HSC Section 34191.3, upon the DOF’s approval of the LRPMP, the LRPMP shall govern and supersede other provisions relating to the disposition and use of the real property assets of the Former Agency; and

WHEREAS, among the properties listed on the LRPMP is a 2.84 acre parcel (APN 018-381-64) (the “**Property**”); and

WHEREAS, the Property serves as a parking lot for a commercial shopping center, known as the La Habra Marketplace, located at the northside of West Imperial Highway and east of South Beach Boulevard in the City; and

WHEREAS, on the LRPMP, the Successor Agency reported that the estimated current value of the Property was \$2.5 million and the Property was intended for sale; and

WHEREAS, pursuant to HSC Section 34191.5(c)(2)(B), if the LRPMP directs a property to be sold, the proceeds from such sale shall be distributed as property tax to the taxing entities; and

WHEREAS, despite having an approved LRPMP since 2015, and repeated inquiries by the Countywide Oversight Board, the Successor Agency has not yet sold the Property; and

WHEREAS, at the Countywide Oversight Board’s meeting on February 23, 2022, the Successor Agency informed the Oversight Board that the Successor Agency would seek approval for an amendment to the LRPMP, in order to redesignate the Property from “sale” to “governmental use” and, this way, the Property may be transferred to the City without any compensation to the taxing entities and the City may continue using the Property as a parking lot for the shopping center; and

WHEREAS, the Successor Agency adopted its Resolution No. 2022-02 on April 4, 2022 (the “**Successor Agency Resolution**”) to formally request the Countywide Oversight Board to approve such amendment to the LRPMP; and

WHEREAS, the Successor Agency pointed to a restrictive covenant in the deed under which the Former Agency acquired the Property (the “**Parking Restrictive Covenant**”); and

WHEREAS, the Parking Restrictive Covenant requires the Property to be used solely for a surface level public parking lot; and

WHEREAS, in the Successor Agency’s staff report, the Successor Agency contended that, because of this Parking Restrictive Covenant, “staff has determined that the sale of this property is not feasible”; and

WHEREAS, in the Successor Agency Resolution, the Successor Agency stated that “[HSC] Section 34191.3 allows successor agency to amend its LRPMP once, solely to allow for retention of real properties that constitute ‘parking facilities and lots dedicated solely to public parking’ for governmental use”; and

WHEREAS, the Countywide Oversight Board reviewed HSC Section 34191.3 and the facts presented, and decided to reject the Successor Agency’s request for the approval of the proposed LRPMP amendment, for the reasons below; and

WHEREAS, the text of HSC Section 34191.3(b), read in its entirety, is as follows (with emphasis added):

“(b) If the [DOF] has approved a successor agency’s long-range property management plan prior to January 1, 2016, the successor agency may amend its long-range property management plan once, solely to allow for retention of real properties that constitute “parking facilities and lots dedicated solely to public parking” for governmental use pursuant to Section 34181. An amendment to a successor agency’s long-range property management plan under this subdivision shall be submitted to its oversight board for review and approval pursuant to Section 34179, **and any such amendment shall be submitted to the [DOF] prior to July 1, 2016**”; and

WHEREAS, per the text of HSC Section 34191.3(b), the deadline for the submission of any amendment to the LRPMP (the “**7/1/2016 Amendment Deadline**”) has long expired; and

WHEREAS, the DOF confirmed, in a March 3, 2022 e-mail (responding to an inquiry by the counsel to the Countywide Oversight Board) that there is no provision in the HSC that would allow the Successor Agency to amend the LRPMP at this time; and

WHEREAS, the Former Agency acquired the Property pursuant to a deed executed by La Habra Associates, the owner of the shopping center, as grantor, in 1990 (the “**1990 Deed**”), and

WHEREAS, the Parking Restrictive Covenant was in effect when the LRPMP was prepared and, at that time, the Successor Agency indicated on the LRPMP that the Property was intended to be sold and estimated that the then-current value of the Property was \$2.5 million; and

WHEREAS, in the staff report to the Countywide Oversight Board, the Successor Agency asserted that when the LRPMP was first approved, the Successor Agency believed that the DOF would not accept the classification of parking lots as “governmental use,” and, later, HSC Section 34191.3(b) (part of Senate Bill 107 approved in 2015 (“SB 107”)) appeared to provide a basis to amend the LRPMP to reclassify the Property; and

WHEREAS, the Successor Agency Resolution (requesting the County Oversight Board to approve the LRPMP amendment) omitted any reference to the 7/1/2016 Amendment Deadline for the submission of such an amendment; and

WHEREAS, even if the 7/1/2016 Amendment Deadline did not exist, the Countywide Oversight Board would still have the discretion to reject the proposed amendment to the LRPMP; and

WHEREAS, in any event, according to information available on the State legislature's website, SB 107 was enacted and approved by the Governor on September 22, 2015, and the DOF approved the Successor Agency's LRPMP on September 11, 2015; and

WHEREAS, months passed between the enactment of SB 107 and the 7/1/2016 Amendment Deadline, during which the Successor Agency could have submitted an amendment to the DOF pursuant to HSC Section 34191.3(b), but the Successor Agency did not do so; and

WHEREAS, close to seven years has elapsed since the DOF's approval of the LRPMP; and

WHEREAS, after the Countywide Oversight Board made multiple inquiries with the Successor Agency about the Successor Agency's obligation to complete implementation of the LRPMP, the Successor Agency now: (i) asserts that a sale is not feasible because of the Parking Restrictive Covenant, and (ii) proposes an amendment to the LRPMP, so the Property can be transferred to the City at no compensation to the taxing entities; and

WHEREAS, the Successor Agency has not taken meaningful actions which would prove that a sale of the Property is not feasible – such as a formal solicitation of potential buyers or any substantive advertising of the potential sale of the Property; and

WHEREAS, the Successor Agency has only submitted a letter, dated May 26, 2021 (the "**Broker Opinion Letter**"), prepared by CBRE – Valuation and Advisory Services, which apparently concluded that the Property has no intrinsic value; and

WHEREAS, the Broker Opinion Letter was addressed to and appeared to have been prepared at the request of, Stephen Koen, Vice President of Property Management at DJM Capital; and

WHEREAS, the posted agenda and minutes of the Successor Agency's February 22, 2022 meeting designate "City Negotiator: Jim Sadro, City Manager and Stephen Koen, VP of Property Management with DJM Capital, Inc. as Agent for La Habra Associates" and also designate "Negotiating Parties: La Habra Redevelopment Agency, Owner;" and

WHEREAS, DJM Capital's website shows that La Habra Marketplace is part of DJM Capital's portfolio; and

WHEREAS, pursuant to HSC Section 34179(p), on matters within the purview of the Countywide Oversight Board, decisions by the Countywide Oversight Board supersede those made by the Successor Agency or the staff of the Successor Agency; and

WHEREAS, HSC Section 34181 states, in relevant part (with emphasis added):

"The oversight board **shall direct** the successor agency to do all of the following:

(a) (1) Dispose of all assets and properties of the former redevelopment agency...Disposal shall be done expeditiously and in a manner aimed at maximizing value;"

WHEREAS, while HSC Section 34191.3(a) suspended certain requirements of HSC Section 34181(a) until the LRPMP had been approved by the DOF and HSC Section 34191.3(a) further provides that, once the LRPMP was approved by the DOF, the LRPMP shall govern, the Countywide Oversight Board's directions for the Successor Agency to take actions regarding the sale of the Property as provided in this Resolution are consistent with all of the following, without conflict: (i) the LRPMP, (ii) the Countywide Oversight Board's mandate under HSC Section 34181(a), and (iii) the Countywide Oversight Board's fiduciary duties to the taxing entities; and

WHEREAS, a notice to the public of the proposed adoption of this Resolution was posted at least 10 days before the meeting during which the Countywide adopted this Resolution; and

WHEREAS, the Successor Agency stated to the Countywide Oversight Board that the State's Surplus Land Act, set forth in Government Code Section 54220 *et seq.* (the "**Surplus Land Act**") may be applicable to the transfer of the Property; and

WHEREAS, the State's Department of Housing and Community Development ("**HCD**") is charged with implementing the Surplus Land Act; and

WHEREAS, HCD has confirmed to the counsel to the Countywide Oversight Board that, pursuant to Government Code Section 54221, the transfer of the Property – regardless of whether it is to the City (as proposed by the Successor Agency) or via sale to a third party – would be subject to the Surplus Land Act, unless the Successor Agency makes a declaration that the Property is "exempt surplus land" pursuant to Government Code Section 54221(f);

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by reference.

SECTION 2. The Successor Agency is hereby directed to take the following actions to implement the LRPMP with respect to the Property (and comply with the parameters set forth in Section 3):

- (a) If the Successor Agency determines that the Property is "exempt surplus land" pursuant to Government Code Section 54221(f), then it shall take the necessary actions for the appropriate declaration and submittals to HCD, in accordance with the Surplus Land Act and HCD's guidelines, and
 - (i) No later than October 18, 2022, the Successor Agency shall have completed a process, in good faith, to solicit proposals from interested parties regarding the sale of the Property (and such solicitation shall include public notices and/or advertisements); and

- (ii) The Successor Agency shall provide a report on the result of such solicitation at the immediately next Countywide Oversight Board meeting; and
 - (iii) Based on the result of the solicitation, the Successor Agency shall conduct good faith negotiation for the sale of the Property with the goal of completing the sale no later than March 1, 2023 or as soon thereafter as possible.
- (b) If the Successor Agency does not take any action to declare the Property as “exempt surplus property” under the Surplus Land Act, then by no later than October 18, 2022, the Successor Agency shall commence the process required by HCD regarding the sale of the Property pursuant to the Surplus Land Act; and
- (i) The Successor Agency shall provide a report to the Countywide Oversight Board no later than March 1, 2023 of the proceedings pursuant to the process under the Surplus Land Act; and
 - (ii) If the process required under the Surplus Land Act does not result in a sale of the Property, then by no later July 1, 2023, the Successor Agency shall have completed a separate process, in good faith, to solicit proposals from interested parties regarding the sale of the Property (and such solicitation shall include public notices and/or advertisements); and
 - (iii) The Successor Agency shall provide a report on the result of such solicitation at the immediately next Countywide Oversight Board meeting; and
 - (iv) Based on the result of the solicitation, the Successor Agency shall conduct good faith negotiation with the goal of completing the sale no later than October 1, 2023 or as soon thereafter as possible.

SECTION 3. The Successor Agency shall take all necessary and appropriate steps to disclose to the potential buyers that the purchase of the Property will be subject to the Parking Restrictive Covenant.

SECTION 4. In the event that the Successor Agency does not comply with the provisions of this Resolution, the Chair of the Countywide Oversight Board is hereby authorized to direct Countywide Oversight Board counsel to take such actions on the Board’s behalf with the appropriate State superior court for the issuance of a writ of mandate to compel the Successor Agency’s compliance. Members of the Countywide Oversight Board and members of Countywide Oversight Board staff and consultants, collectively and each individually, are hereby authorized and directed to assist with such court proceedings.

SECTION 5. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act, set forth in Public Resources Code Section 21000 et seq. (“**CEQA**”). Pursuant to the State CEQA Guidelines set forth in 14 Cal Code Regs 15000 et seq. (the “**Guidelines**”), in light of anticipated “as-is” sale of the Property (particularly because of

the Parking Restrictive Covenant), the Countywide Oversight Board has determined that the approval of this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment, and therefore, the actions taken under this Resolution are not a project pursuant to CEQA and, further, are exempt therefrom because they are organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment (Guidelines Section 15378(b)(5)).

SECTION 6. 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 Countywide Oversight Board declares that the Countywide Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 7. Upon the Countywide Oversight Board's adoption of this Resolution, staff of the Countywide Oversight Board is hereby directed to transmit this Resolution to the DOF for review.

SECTION 8. This Resolution shall become effective upon the earliest of the following (the "**Effective Date**"): (i) the DOF's approval or deemed approval, or (ii) the issuance by the DOF of a letter stating, in effect, that no DOF approval is necessary for this Resolution to become effective, because this Resolution pertains to actions to implement the disposition of the Property pursuant to the LRPMP.

SECTION 9. The Clerk of the Countywide Oversight Board shall certify to the adoption of this Resolution.

From: [Miranda Cole-Corona](#)
To: [Tavoularis, Kathy](#)
Cc: [Chris Nguyen](#)
Subject: Re: SCHEDULED Orange Countywide Oversight Board Special Meeting
Date: Thursday, September 29, 2022 12:53:00 PM

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Thank you Kathy.

Sent from my iPhone

On Sep 27, 2022, at 9:26 AM, Tavoularis, Kathy <Kathy.Tavoularis@ac.ocgov.com> wrote:

Hi Miranda

This is to confirm that the Orange Countywide Oversight Board has scheduled a special meeting for Wednesday, October 19 at 8am to discuss the La Habra property.

I will send you a meeting notice with zoom information soon for you and your staff.

Thanks

Kathy Tavoularis

Kathy Tavoularis

Orange Countywide Oversight Board Manager

Office: 714-834-2458

1770 N. Broadway, Santa Ana CA 92706

[Website](#) | [Facebook](#) | [Twitter](#)

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