

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, AUTHORIZING THE CITY OF OXNARD TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS

WHEREAS, Assembly Bill x1 27 (“**AB 27**”) is codified as Part 1.9 of the California Health and Safety Code (“**Part 1.9**”); and

WHEREAS, AB 27, upon the concurrent enactment of Assembly Bill x1 26 (“**AB 26**”), establishes a voluntary alternative redevelopment program whereby the Oxnard Community Development Commission (“**Commission**”) would be authorized to continue to exist upon the enactment of an ordinance by the City to comply with the provisions of Part 1.9; and

WHEREAS, AB 27 requires the City to notify the County Auditor-Controller (“**County**”), the State Controller, and the State Department of Finance on or before November 1, 2011, that the City will comply with Part 1.9; and

WHEREAS, AB 27 requires the City to make specified remittances to the County in order to continue the existence of the Commission, as prescribed in Part 1.9; and

WHEREAS, AB 27 authorizes the City to enter into an agreement with the Commission, whereby the Commission would transfer a portion of its tax increment to the City for the purpose of financing certain activities within the City’s redevelopment areas, as specified in Part 1.9; and

WHEREAS, AB 27 imposes specified sanctions on the City in the event that the City fails to make the required remittances, as determined by the Director of Finance; and

WHEREAS, AB 27 authorizes the County to charge a fee that does not exceed the reasonable costs to the County auditor-controller to implement the provisions of Part 1.9; and

WHEREAS, AB 27 authorizes the City to establish a new community development commission if its former commission has been dissolved pursuant to SB 15 only after the debt obligations of the Commission have been retired and the City satisfies the provisions of Part 1.9; and

WHEREAS, it is hereby acknowledged by the City Council that the California League of Cities, the California Redevelopment Association, and special counsel for the City have respectively opined that certain or all provisions of AB 26 and AB 27, including, without limitation, the effectiveness date, violate the State Constitution and other laws (collectively, “**Laws**”), and are invalid and unenforceable; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance, to waive any constitutional and/or legal rights by virtue of the enactment of this Ordinance and, therefore, reserves all of its rights under Laws to challenge the validity of any or all provisions of AB 26 and AB 27 in any administrative or judicial proceeding and/or repeal this Ordinance, without prejudice to the City's right to recover any amounts remitted under Part 1.9; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or other assets, to make the remittance payments contemplated by Part 1.9, it being understood by the City Council that any remittance payments will be funded solely from Commission funds and/or assets transferred to the City in accordance with Part 1.9; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance to waive any rights of appeal regarding the amount of any remittance established by the Department of Finance, as provided in Part 1.9.

NOW, THEREFORE, the City Council of the City of Oxnard, California does ordain as follows:

SECTION 1. Authorization to Continue Commission. Subject to Sections 3 and 4, herein, the City hereby commits to comply with and make the remittances required by Part 1.9, and authorize the continuation of the Commission after enactment of AB 27. Any remittance payments required to be paid by the City by Part 1.9 shall be paid solely from Commission funds and/or assets transferred to the City in accordance with Part 1.9.

SECTION 2. Application. If any provisions of this Ordinance or the application thereof is held to be invalid for any reason, then the remainder of this Ordinance and the application of provisions thereof shall not be affected thereby.

SECTION 3. Reservation of Rights. It is the position of the City that certain or all provisions of AB 26 and AB 27 violate the Laws, as referenced in the recitals above, and are invalid and unenforceable. Neither the adoption of this Ordinance, nor the acknowledgment of or references to any provisions of AB 26 and AB 27, nor the City's payment of any remittances contemplated by AB 27 shall be deemed to be, nor are they intended as, an acknowledgment of the validity of AB 26 and AB 27, and the City reserves all rights in its sole discretion to challenge the validity of any or all provisions of AB 26 and AB 27 in any administrative or judicial proceeding and/or repeal this Ordinance, without prejudice to the City's right to recover any amounts remitted under Part 1.9. The City reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the amount of payments that may be required to be paid by the City under AB 27 or other applicable statutes or regulations.

SECTION 4. Enactment. This Ordinance shall only be deemed as "enacted" within the meaning of Part 1.9 upon (i) adoption of this Ordinance and (ii) the legally effective date of AB 26 and AB 27.

SECTION 5. Authorization of Implementing Actions. The City Manager, or designee, is hereby authorized to take any actions necessary to implement this Ordinance and comply with Part 1.9, including, without limitation, providing required notices to the Auditor Controller, the State Controller, and the Department of Finance; entering into any agreements with the Commission to make the remittance payments; or making any remittance payments.

Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. 2849 was first read on July 26, 2011 and finally adopted on _____ to become effective thirty days thereafter.

AYES:

NOES:

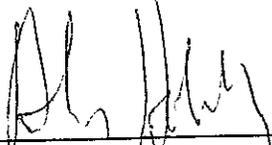
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney