Meeting Date: 1/27/09

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Kymberly R. Horner KH Agenda Item No. I-3

Reviewed By: City Manager City Attorney Finance Other N/A

DATE: January 14, 2009

TO: City Council

FROM: Curtis P. Cannon, Community Development Director Maureen Hogan (for)
Community Development Department

SUBJECT: **Ordinances of the City Council of the City of Oxnard Amending (1) the Merged Downtown Renewal (R-108) and Central City Revitalization Project ("CCRP") Area Redevelopment Plan, (2) the Ormond Beach Project Area Redevelopment Plan and (3) the Southwinds Project Area Redevelopment Plan to Eliminate the Time Limits on the Establishment of Loans, Advances and Indebtedness**

RECOMMENDATION

That City Council:

(1) Approve the first reading by title only and subsequent adoption of an Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the R-108 and CCRP Area to Eliminate the Time Limits on the Establishment of Loans, Advances and Indebtedness.

(2) Approve the first reading by title only and subsequent adoption of an Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area to Eliminate the Time Limit on the Establishment of Loans, Advances and Indebtedness.

(3) Approve the first reading by title only and subsequent adoption of an Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the Southwinds Project Area to Eliminate the Time Limit on the Establishment of Loans, Advances and Indebtedness.

DISCUSSION

California Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*) requires that every redevelopment plan contain a time limit to establish loans, advances and indebtedness. The California State Legislature enacted SB 211, providing, among other things,

that for redevelopment plans adopted before January 1, 1994, the City Council may adopt an ordinance eliminating such time limits without following the standard procedures for the amendment of redevelopment plans. However, SB 211 requires that if such time limits are eliminated, then the Community Development Commission (the "CDC") must make certain statutory pass-through payments to affected taxing entities for which the CDC does not have an existing negotiated tax sharing agreement.

The two component Project Areas of the R-108 and CCRP Area (including the "CCRP Annex Area" which was added in 1985), the Ormond Beach Project Area, and the Southwinds Project Area were all adopted prior to January 1, 1994. As required by the California Community Redevelopment Law, the redevelopment plans for all of the foregoing Project Areas contain time limits for establishing loans, advances and indebtedness.

The CDC and the City Council desire to eliminate the time limits on the establishment of loans, advances and indebtedness for the Project Areas referenced above, and have prepared the attached Ordinances to eliminate the time limits. Because the Historic Enhancement and Revitalization of Oxnard ("HERO") Project Area (including the area added by the First Amendment) was adopted after January 1, 1994, it is ineligible for such elimination at this time under existing law.

Pursuant to California Community Redevelopment Law, due to various amendments to the redevelopment plans for the R-108 and CCRP Area, the Ormond Beach Project Area, and the Southwinds Project Area, statutory pass-through payments to affected taxing entities for all of these Project Areas which would be triggered by the proposed SB 211 amendments have already been triggered.

FINANCIAL IMPACT

Because the CDC is already required to make the statutory pass-through payments which would be triggered by the proposed SB 211 amendments, adoption of these Ordinances would not result in any new payments to affected taxing entities. Approval of this action will not have an impact on the General Fund.

KRH

Attachment: #1 - Ordinance entitled "An Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the Merged Downtown Renewal ("R-108") and Central City Revitalization Project ("CCRP") Area to Eliminate the Time Limits on the Establishment of Loans, Advances and Indebtedness"

#2 - Ordinance entitled "An Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area to Eliminate the Time Limit on the Establishment of Loans, Advances and Indebtedness"

#3 - Ordinance entitled "An Ordinance of the City Council of the City of Oxnard Amending the Amended and Restated Redevelopment Plan for the Southwinds Project Area to Eliminate the Time Limit on the Establishment of Loans, Advances and Indebtedness"

CITY COUNCIL ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE MERGED DOWNTOWN RENEWAL ("R-108") AND CENTRAL CITY REVITALIZATION PROJECT ("CCRP") AREA TO ELIMINATE THE TIME LIMITS ON THE ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS

WHEREAS, the City Council of the City of Oxnard (the "City Council") adopted Ordinance No. 2526 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the R-108 and CCRP Area (the "Redevelopment Plan"); and

WHEREAS, by Ordinance 2038 adopted on May 7, 1985, 138 acres of new territory were added to the boundaries of the CCRP Area (the "CCRP Annex Area"); and

WHEREAS, the Redevelopment Plan contains time limits for establishing loans, advances and indebtedness for the R-108 and CCRP Areas (including the CCRP Annex Area); and

WHEREAS, the California State Legislature enacted SB 211, making various amendments to the Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*), which was chaptered as Chapter 741 and became effective on January 1, 2002; and

WHEREAS, California Health and Safety Code Section 33333.6(e)(2)(B), as amended by SB 211, provides that, with regard to redevelopment plans originally adopted prior to January 1, 1994, on or after January 1, 2002, a legislative body (*e.g.*, the City Council) may adopt an ordinance eliminating the time limit on incurring indebtedness formerly required (*i.e.*, prior to January 1, 2002) by Section 33333.6 of the California Health and Safety Code and such ordinance may be adopted without compliance with California Health and Safety Code Section 33354.6, Article 12 of the California Health and Safety Code or any provision of the California Health and Safety Code pertaining to amendments of redevelopment plans, except that the redevelopment agency must make the payments to affected taxing entities required by California Health and Safety Code Section 33607.7; and

WHEREAS, the redevelopment plans establishing the R-108 and CCRP Areas (including the CCRP Annex Area) were all adopted prior to January 1, 1994; and

WHEREAS, the Oxnard Community Development Commission (the "CDC") and the City Council desire to eliminate the time limits on the establishment of loans, advances and indebtedness for the R-108 and CCRP Areas (including the CCRP Annex Area).

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

Section 1. Elimination of Time Limits. In accordance with Section 33333.6(e)(2)(B) of the California Health and Safety Code, the Redevelopment Plan is hereby amended by adoption of this Ordinance to eliminate the time limits on the establishment of loans, advances and indebtedness required by Section 33333.6 of the California Health and Safety Code prior to January 1, 2002 for both the R-108 and CCRP Areas (including the CCRP Annex Area).

Section 2. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of Oxnard.

Section 3. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

Section 4. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009.

AYES:

NOES:

ABSENT:

THE CITY OF OXNARD

_____
Dr. Thomas E. Holden
Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

CITY COUNCIL ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE ORMOND BEACH PROJECT AREA TO ELIMINATE THE TIME LIMIT ON THE ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS

WHEREAS, the City Council of the City of Oxnard (the "City Council") adopted Ordinance No. 2527 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan contains a time limit for establishing loans, advances and indebtedness for the Ormond Beach Project Area; and

WHEREAS, the California State Legislature enacted SB 211, making various amendments to the Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*), which was chaptered as Chapter 741 and became effective on January 1, 2002; and

WHEREAS, California Health and Safety Code Section 33333.6(e)(2)(B), as amended by SB 211, provides that, with regard to redevelopment plans originally adopted prior to January 1, 1994, on or after January 1, 2002, a legislative body (*e.g.*, the City Council) may adopt an ordinance eliminating the time limit on incurring indebtedness formerly required (*i.e.*, prior to January 1, 2002) by Section 33333.6 of the California Health and Safety Code and such ordinance may be adopted without compliance with California Health and Safety Code Section 33354.6, Article 12 of the California Health and Safety Code or any provision of the California Health and Safety Code pertaining to amendments of redevelopment plans, except that the redevelopment agency must make the payments to affected taxing entities required by California Health and Safety Code Section 33607.7; and

WHEREAS, the redevelopment plan establishing the Ormond Beach Project Area was adopted prior to January 1, 1994; and

WHEREAS, the Oxnard Community Development Commission (the "CDC") and the City Council desire to eliminate the time limit on the establishment of loans, advances and indebtedness for the Ormond Beach Project Area.

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

Section 1. Elimination of Time Limit. In accordance with Section 33333.6(e)(2)(B) of the California Health and Safety Code, the Redevelopment Plan is hereby amended by adoption of this Ordinance to eliminate the time limit on the establishment of loans, advances

and indebtedness required by Section 33333.6 of the California Health and Safety Code prior to January 1, 2002.

Section 2. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of Oxnard.

Section 3. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

Section 4. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009.

AYES:

NOES:

ABSENT:

THE CITY OF OXNARD

_____
Dr. Thomas E. Holden
Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney

CITY COUNCIL ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE SOUTHWINDS PROJECT AREA TO ELIMINATE THE TIME LIMIT ON THE ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS

WHEREAS, the City Council of the City of Oxnard (the "City Council") adopted Ordinance No. 2528 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Southwinds Project Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan contains a time limit for establishing loans, advances and indebtedness for the Southwinds Project Area; and

WHEREAS, the California State Legislature enacted SB 211, making various amendments to the Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*), which was chaptered as Chapter 741 and became effective on January 1, 2002; and

WHEREAS, California Health and Safety Code Section 33333.6(e)(2)(B), as amended by SB 211, provides that, with regard to redevelopment plans originally adopted prior to January 1, 1994, on or after January 1, 2002, a legislative body (*e.g.*, the City Council) may adopt an ordinance eliminating the time limit on incurring indebtedness formerly required (*i.e.*, prior to January 1, 2002) by Section 33333.6 of the California Health and Safety Code and such ordinance may be adopted without compliance with California Health and Safety Code Section 33354.6, Article 12 of the California Health and Safety Code or any provision of the California Health and Safety Code pertaining to amendments of redevelopment plans, except that the redevelopment agency must make the payments to affected taxing entities required by California Health and Safety Code Section 33607.7; and

WHEREAS, the redevelopment plan establishing the Southwinds Project Area was adopted prior to January 1, 1994; and

WHEREAS, the Oxnard Community Development Commission (the "CDC") and the City Council desire to eliminate the time limit on the establishment of loans, advances and indebtedness for the Southwinds Project Area.

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

Section 1. Elimination of Time Limit. In accordance with Section 33333.6(e)(2)(B) of the California Health and Safety Code, the Redevelopment Plan is hereby amended by adoption of this Ordinance to eliminate the time limit on the establishment of loans, advances

and indebtedness required by Section 33333.6 of the California Health and Safety Code prior to January 1, 2002.

Section 2. Certification and Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation. published and circulated in the City of Oxnard.

Section 3. Partial Invalidity. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

Section 4. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after second reading.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009.

AYES:

NOES:

ABSENT:

THE CITY OF OXNARD

_____
Dr. Thomas E. Holden
Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____
Alan Holmberg, City Attorney