

ORDINANCE NO. 2793

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF OXNARD, CALIFORNIA, EXTENDING THE
PLAN EFFECTIVENESS DEADLINE AND REPAYMENT OF
INDEBTEDNESS DEADLINE/TAX INCREMENT RECEIPT
DEADLINE FOR THE SOUTHWINDS PROJECT AREA

WHEREAS, pursuant to Ordinance No. 2040 adopted on June 18, 1985, the City Council of the City of Oxnard ("City Council") adopted a redevelopment plan ("Original Redevelopment Plan") for the Southwinds Project Area ("Project Area"); and

WHEREAS, the Original Redevelopment Plan was amended by the City Council pursuant to Ordinance No. 2345 (adopted on November 8, 1994) and Ordinance No. 2479 (adopted on January 12, 1999) imposing various operative dates and financial limits in compliance with the Community Redevelopment Law (Health and Safety Code sections 33000 *et seq.*); and

WHEREAS, the City Council further amended the Original Redevelopment Plan by adopting Ordinance No. 2528 on July 18, 2000, approving and adopting the Amended and Restated Redevelopment Plan for the Project Area (the Original Redevelopment Plan and all amendments thereto including the Amended and Restated Redevelopment Plan for the Project Area are hereinafter collectively referenced as the "Redevelopment Plan"); and

WHEREAS, pursuant to provisions of the Community Redevelopment Law, the Oxnard Community Development Commission ("CDC") is engaged in activities necessary to execute and implement the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan currently provides, among other things, that the Redevelopment Plan's effectiveness expires on June 18, 2026, (the "Effectiveness Deadline"), and that the CDC's authority to repay indebtedness with the proceeds of property taxes received pursuant to Health and Safety Code section 33670 expires on June 18, 2036, (the "T/I Deadline"); and

WHEREAS, Health and Safety Code subsections 33333.6(e)(2)(D) and 33333.6(e)(3) provide that when an agency is required pursuant to Health and Safety Code section 33681.12 to make a payment to the county auditor for deposit in the county's Educational Revenue Augmentation Fund, the legislative body of the agency may amend, by ordinance, the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) of Health and Safety Code section 33333.6 by one (1) year for each year in which a payment is made. In adopting the ordinance, neither the legislative body nor the agency is required to comply with Health and Safety Code section 33354.6, Article 12 (commencing with Health and Safety Code section 33450), or any other provision of the Community Redevelopment Law relating to the amendment of redevelopment plans; and

WHEREAS, Health and Safety Code section 33333.6 applies only to redevelopment plans adopted on or before December 31, 1993; and

WHEREAS, the Redevelopment Plan was adopted on or before December 31, 1993; and

WHEREAS, because the time limit for effectiveness for the Redevelopment Plan is more than ten (10) years, but less than twenty (20) years, from June 30, 2006, pursuant to Health and Safety Code subsection 33333.6(e)(2)(D), the Redevelopment Plan may be amended with respect to the time limit for effectiveness and the time limit for payment of indebtedness and receipt of property taxes; and

WHEREAS, pursuant to Health and Safety Code section 33681.12, the CDC was required to and did make certain payments to the Ventura County Auditor/Controller-Recorder for deposit into the County's Educational Revenue Augmentation Fund ("ERAF Payment") for fiscal year 2005-2006; and

WHEREAS, because the CDC was required to and did make the ERAF Payment, pursuant to subsection 33333.6(e)(2)(D), the aforementioned Effectiveness Deadline and T/I Deadline may be extended for one (1) year for each year a payment was made; and

WHEREAS, funds used to make payments to Ventura County's Educational Revenue Augmentation Fund pursuant to Health and Safety Code section 33681.12 would otherwise have been used by the CDC to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan; and

WHEREAS, the CDC and City Council desire to take advantage of the above mentioned provisions of the Health and Safety Code and adopt an ordinance to extend the time limit on the effectiveness of the Redevelopment Plan and extend the time limit for paying indebtedness and receiving property taxes for the Project Area for one (1) year each; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. The City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. The City Council hereby finds and determines, with respect to the Project Area, for fiscal year 2005-2006, all of the following:

- a. During fiscal year 2005-2006, the CDC, prior to May 10, 2006, remitted an amount for deposit in the County's Educational Revenue Augmentation Fund pursuant to Health and Safety Code section 33681.12;
- b. Funds used to make the payment to the County's Educational Revenue Augmentation Fund pursuant to Health and Safety Code section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan;
- c. The CDC is in compliance with the requirements of Health and Safety Code sections 33334.2 or 33334.6, as applicable;
- d. The CDC has adopted an implementation plan in accordance with the requirements of Health and Safety Code section 33490;
- e. The CDC is in compliance with subdivisions (a) and (b) of Health and Safety Code section 33413, to the extent applicable; and
- f. The CDC is not subject to sanctions pursuant to subdivision (e) of Health and Safety Code section 33334.12 for failure to expend, encumber, or disburse an excess surplus.

Section 3. Amendment of Time Limits. Based upon the above findings and in accordance with Health and Safety Code subsections 33333.6(e)(2)(D) and 33333.6(e)(3), and notwithstanding any other provisions in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan by extending the time limits for plan effectiveness and payment of indebtedness and receipt of property taxes by one (1) additional year each for the Project Area, as stated herein by adoption of this ordinance, and thereby establishes the following limitations:

- (1) Plan Effectiveness. The effectiveness of the Redevelopment Plan is extended to expire on June 18, 2027.
- (2) Repayment of Indebtedness; Receipt of Property Taxes. Except as provided in subdivisions (f) and (g) of Health and Safety Code section 33333.6, no indebtedness shall be repaid from the division and allocation of property taxes and no allocation of property taxes shall be made to the CDC from the Project Area beyond June 18, 2037.

Section 4. The City Council finds and determines that the amendment to the Redevelopment Plan as provided in this ordinance is in compliance with Health and Safety Code subsection 33333.6(e)(2)(D).

Section 5. The Redevelopment Plan, as amended, shall remain in full force and effect, unmodified except to the extent of the amendment expressly set forth in this ordinance.

Section 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 7. The City Council hereby authorizes and directs the City Manager and CDC Executive Director to undertake such actions and execute such document as may be reasonably necessary or convenient to the carrying out and administration of the actions authorized by this ordinance.

Section 8. Within fifteen (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. _____ was first read on _____, 2009, and finally adopted on _____, 2009 to become effective thirty (30) days thereafter.

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
Alan Holmberg, City Attorney