



| ACTION | TYPE OF ITEM |
|--|--|
| <input type="checkbox"/> Approved Recommendation | <input checked="" type="checkbox"/> Info/Consent |
| <input type="checkbox"/> Ord. No(s) _____ | <input type="checkbox"/> Report |
| <input type="checkbox"/> Res. No(s) _____ | <input type="checkbox"/> Public Hearing (Info/consent) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

Prepared By: Kymerly Horner *Wagner (for)* Agenda Item No. I-4
 Reviewed By: City Manager *[Signature]* Holmberg City Attorney *SMF* Finance *J.C.* Other (Specify) _____

DATE: June 11, 2009

TO: City Council

FROM: Karen Burnham, Interim Community Development Director
Community Development Department *[Signature]*

SUBJECT: City Election to Receive Tax Sharing Amounts From the Community Development Commission ("CDC") Redevelopment Project Areas: Central City Revitalization Project Area ("CCRP"), Downtown (R-108) Project Area, Southwinds Project Area and Ormond Beach Project Area; and Confirmation of Election from the Historic Enhancement and Revitalization ("HERO") Project Area and the HERO Annex Project Area.

RECOMMENDATION

That City Council adopt resolutions to receive the City's share of statutory tax sharing amount from the CCRP, R-108, Southwinds and Ormond Beach project areas, and confirm its election to receive the City's share of statutory tax sharing from the HERO and HERO Annex project areas.

DISCUSSION

The California Community Redevelopment Law (Health and Safety Code sections 33000 et seq.) ("CRL") requires that each redevelopment agency share certain portions of its tax increment revenues with other taxing entities for project areas adopted or territories added on or after January 1, 1994 and, upon the occurrence of certain triggering events, for project areas adopted prior to January 1, 1994. The CRL also allows the city in which the tax increment revenues are generated to elect to receive its share of tax increment in lieu of having that share remain with the agency.

The HERO and HERO Annex were adopted or added after January 1, 1994. In accordance with the above referenced CRL provisions, the City of Oxnard has previously elected to receive its share of tax sharing amounts generated from HERO (per Ordinance No. 2462 on April 7, 1998) and HERO Annex Project Areas (per Ordinance No. 2653 on March 23, 2004) when the redevelopment plans for these project areas were adopted. The City Council elected to receive its share of tax sharing amounts from the CCRP Annex Project Area by adoption of Resolution No. 11,794 on July 11, 2000. The City Council confirmed its election for the CCRP Annex Project Area by adoption of Resolution 12,784 on March 15, 2005.

On July 18, 2000 the City Council adopted Ordinance Numbers 2524, 2525, 2527 and 2528. In part, these Ordinances amended the redevelopment plans for the CCRP, R-108, Southwinds and Ormond Beach redevelopment project areas by changing their respective limits on the time to incur indebtedness. These changes triggered the CRL tax sharing provisions, beginning in FY 2004-2005 for the CCRP, R-108 and Ormond Beach project areas; FY 2005-06 for the CCRP Annex Project Area; and FY 2006-07 for the Southwinds Project Area.

Staff is now recommending that the City Council adopt resolutions (i) confirming its election for the HERO and HERO Annex project areas, and (ii) taking its elections retroactively for the CCRP, R-108, Southwinds and Ormond Beach project areas. Staff also recommends that the City's share of the tax sharing amounts be paid retroactively based upon the years when the CDC's tax sharing obligations began or were triggered for each project area. To receive these revenues from all of the project areas, the City Council must adopt the attached resolutions electing or confirming its election to receive these tax sharing payments.

FINANCIAL IMPACT

Based on estimates prepared by the City's economic consultant, the City Council's election to receive its share of the prior year statutory tax increment payments should result in the City receiving approximately \$2,226,611.81 in tax sharing revenues from the CDC. As represented in Table 1 below, based on conservative estimates of future project area revenues, it is estimated that the City could be entitled to receive approximately \$47 million in tax sharing revenues, over the remaining life of the project areas, if the City elects to receive its share.

Table 1: City's Future Share of Pass --Through Payments

| Project Area | Dates | Anticipated City's Share |
|--|-----------------------|--------------------------|
| CCRP | 2008/2009 - 2018/2019 | \$ 949,000 |
| CCRP Annex | 2008/2009 - 2025/2026 | \$ 660,000 |
| Downtown R-108 | 2008/2009 - 2009/2010 | \$ 25,000 |
| Southwinds | 2008/2009 - 2024/2025 | \$ 680,000 |
| Ormond Beach | 2008/2009 - 2025/2026 | \$ 194,000 |
| HERO | 2008/2009 - 2043/2044 | \$42,023,000 |
| HERO Annex | 2008/2009 - 2048/2049 | \$ 2,409,000 |
| City's Share Over Life of Project Area(s) | | \$46,940,000 |

KH/el

- Attachment #1 -- City Council Resolution CCRP
 #2 -- City Council Resolution Downtown- R108
 #3 -- City Council Resolution Southwinds
 #4 -- City Council Resolution Ormond Beach
 #5 -- City Council Resolution HERO
 #6 - City Council Resolution HERO Annex

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ELECTING TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE CENTRAL CITY REVITALIZATION PROJECT AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Central City Revitalization Project Area ("Original Project Area") on July 6, 1976, by Ordinance No. 1621; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 1744 on February 6, 1979, to amend the Redevelopment Plan to include authority for acquisition of property and relocation assistance; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 2038 on May 7, 1985 to add the Central City Revitalization Project Annex Area ("CCRP Annex Area"); and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2075 on May 6, 1986, to impose operative dates per SB 690; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2343 on November 8, 1994, to impose the limits mandated by AB 1290; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2477 on January 12, 1999, to change the time limits pursuant to AB 1342; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2524 on July 18, 2000, to merge the Original Project Area and the CCRP Annex Area with the Downtown Renewal Project (R-108) Area, and adopt an amended and restated plan to, among other things, increase the limits on tax increment and extend the time to incur debt from the Original Project Area to January 1, 2014; and

WHEREAS, as a result of the adoption of Ordinance No. 2524, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.7, which provides that the CDC must pay to each affected taxing entity the amounts required to be paid by any tax sharing agreement in effect prior to January 1, 1994 between the CDC and the affected taxing entity or, if no agreement exists, the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Health and Safety Code section 33607.5 ("Section 33607.5"), beginning in Fiscal Year 2004 – 2005; and

WHEREAS, no tax sharing agreements exist with the affected taxing entities, including the City; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City may elect to receive its share of statutory pass-through payments for the Original Project Area; and

WHEREAS, the City Council now desires to make such an election for the Original Project Area commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

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

Section 1. The City Council hereby elects to receive the City's share of statutory tax increment payments for the Original Project Area provided for under Section 33607.5, commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009,
by the following vote:

AYES:

NOES:

ABSENT:

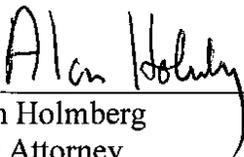
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ELECTING TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE DOWNTOWN RENEWAL PROJECT (R-108) AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Downtown Renewal Project (R-108) Area ("Project Area") on May 14, 1968, by Ordinance No. 1142; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 2075 on May 6, 1986, to add a limit on the establishment of debt; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 2344 on November 8, 1994, to impose time limits mandated by AB 1290; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2478 on January 12, 1999, to change time limits pursuant to AB1342; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2525 on July 18, 2000, to merge the Project Area with the Central City Revitalization Project Area and the Central City Revitalization Project Annex Area, and adopt an amended and restated plan to, among other things, increase the limits on tax increment and extend the time to incur debt to January 1, 2009; and

WHEREAS, as a result of the adoption of Ordinance No. 2525, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.7, which provides that the CDC must pay to each affected taxing entity the amounts required to be paid by any tax sharing agreement in effect prior to January 1, 1994 between the CDC and the affected taxing entity or, if no agreement exists, the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Health and Safety Code section 33607.5 ("Section 33607.5"), beginning in Fiscal Year 2004 – 2005; and

WHEREAS, no tax sharing agreements exist with the affected taxing entities, including the City; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City may elect to receive its share of statutory pass-through payments for the Project Area; and

WHEREAS, the City Council now desires to make such an election for the Project Area commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

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

Section 1. The City Council hereby elects to receive the City's share of statutory tax increment payments for the Project Area provided for under Section 33607.5, commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

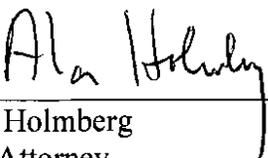
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ELECTING TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE SOUTHWINDS PROJECT AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Southwinds Project Area ("Project Area") on June 18, 1985, by Ordinance No. 2040; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 2345 on November 8, 1994, to impose time limits mandated by AB 1290; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2479 on January 12, 1999, to change time limits pursuant to AB1342; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2528 on July 18, 2000, to adopt an amended and restated plan to, among other things, increase the limits on tax increment and extend the time to incur debt to June 17, 2015; and

WHEREAS, as a result of the adoption of Ordinance No. 2528, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.7, which provides that the CDC must pay to each affected taxing entity the amounts required to be paid by any tax sharing agreement in effect prior to January 1, 1994 between the CDC and the affected taxing entity or, if no agreement exists, the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Health and Safety Code section 33607.5 ("Section 33607.5"), beginning in Fiscal Year 2006 – 2007; and

WHEREAS, the City entered into tax sharing agreements prior to January 1, 1994 with the County of Ventura, the County Flood Control District, and the United Water Conservation District, but no agreements exist for the other affected taxing entities, including the City; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City may elect to receive its share of statutory pass-through payments for the Project Area; and

WHEREAS, the City Council now desires to make such an election for the Project Area commencing with FY 2006-07 and continuing each year thereafter, subject to future City Council election.

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

Section 1. The City Council hereby elects to receive the City's share of statutory tax increment payments for the Project Area provided for under Section 33607.5, commencing with FY 2006-07 and continuing each year thereafter, subject to future City Council election.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009,
by the following vote:

AYES:

NOES:

ABSENT:

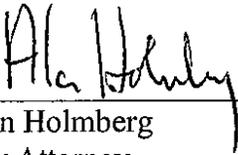
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ELECTING TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE ORMOND BEACH PROJECT AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Ormond Beach Project Area ("Project Area") on November 22, 1983, by Ordinance No. 1990; and

WHEREAS, the Redevelopment Plan was later amended by the adoption of Ordinance No. 2346 on November 8, 1994, to impose time limits mandated by AB 1290; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2480 on January 12, 1999, to change time limits pursuant to AB1342; and

WHEREAS, the Redevelopment Plan was later amended by Ordinance No. 2527 on July 18, 2000, to adopt an amended and restated plan to increase the limits on tax increment and extend the time to incur debt to January 1, 2014; and

WHEREAS, as a result of the adoption of Ordinance No. 2527, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.7, which provides that the CDC must pay to each affected taxing entity the amounts required to be paid by any tax sharing agreement in effect prior to January 1, 1994 between the CDC and the affected taxing entity or, if no agreement exists, the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Health and Safety Code section 33607.5 ("Section 33607.5"), beginning in Fiscal Year 2004 – 2005; and

WHEREAS, the City entered into tax sharing agreements prior to January 1, 1994 with the County of Ventura, the County Flood Control District, and the Oxnard Union High School District, but no agreements exist for the other affected taxing entities, including the City; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City may elect to receive its share of statutory pass-through payments for the Project Area; and

WHEREAS, the City Council now desires to make such an election for the Project Area commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

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

Section 1. The City Council hereby elects to receive the City's share of statutory tax increment payments for the Project Area provided for under Section 33607.5, commencing with FY 2004-05 and continuing each year thereafter, subject to future City Council election.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009,
by the following vote:

AYES:

NOES:

ABSENT:

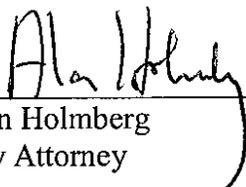
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, CONFIRMING ITS ELECTION TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE HISTORIC ENHANCEMENT AND REVITALIZATION OF OXNARD ("HERO") REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Historic Enhancement and Revitalization of Oxnard ("HERO") Project Area ("Project Area") on April 7, 1998, by Ordinance No. 2462; and

WHEREAS, as a result of the adoption of Ordinance No. 2462, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.5 ("Section 33607.5"), which provides that the CDC must pay to each affected taxing entity the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Section 33607.5, beginning in the first fiscal year in which the CDC receives tax increment from the Project Area; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City of Oxnard may elect to receive its share of statutory pass-through payments for the Project Area; and

WHEREAS, the City Council of the City of Oxnard, by adoption of Ordinance No. 2462, made such an election on April 7, 1998; and

WHEREAS, the City Council of the City of Oxnard now desires to confirm such election.

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

Section 1. The City Council hereby confirms its election to receive the City's share of statutory tax increment payments for the Project Area provided for under Section 33607.5.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009,
by the following vote:

AYES:

NOES:

ABSENT:

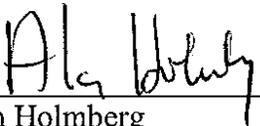
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, CONFIRMING ITS ELECTION TO RECEIVE THE CITY'S STATUTORY SHARE OF TAX INCREMENT FROM THE HISTORIC ENHANCEMENT AND REVITALIZATION OF OXNARD AMENDMENT NO. 1 ("HERO AMENDMENT NO. 1") REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council ("City Council") of the City of Oxnard ("City") approved and adopted the Amended and Restated Redevelopment Plan for the HERO Redevelopment Project ("Redevelopment Plan"), which added territory, referenced herein as the Amendment No. 1 Project Area, to the existing Historic Enhancement and Revitalization of Oxnard ("HERO") Project Area on March 23, 2004, by Ordinance No. 2653; and

WHEREAS, as a result of the adoption of Ordinance No. 2653, the Oxnard Community Development Commission ("CDC") must comply with the provisions of Health and Safety Code Section 33607.5 ("Section 33607.5"), which provides that the CDC must pay to each affected taxing entity the statutory pass through payments required to be paid pursuant to subdivisions (b), (c), (d) and (e) of Section 33607.5, beginning in the first fiscal year in which the CDC receives tax increment from the Amendment No. 1 Project Area; and

WHEREAS, Section 33607.5(b) provides that in any fiscal year in which the CDC receives tax increment, the City may elect to receive its share of statutory pass-through payments for the Amendment No. 1 Project Area; and

WHEREAS, the City Council, by adoption of Ordinance No. 2653, made such an election on March 23, 2004; and

WHEREAS, the City Council now desires to confirm such election.

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

Section 1. The City Council hereby confirms its election to receive the City's share of statutory tax increment payments for the Amendment No. 1 Project Area provided for under Section 33607.5.

Section 2. The CDC staff is hereby directed and authorized to transmit a copy of this Resolution to the appropriate Department(s) of the Tax Assessor/Collector of the County of Ventura.

PASSED AND ADOPTED THIS _____ day of _____, 2009,
by the following vote:

AYES:

NOES:

ABSENT:

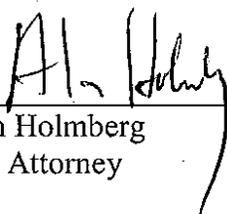
ABSTAIN:

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:



Alan Holmberg
City Attorney