

ORDINANCE NO. 2657

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE REDLANDS REDEVELOPMENT PROJECT AREA TO EXTEND THE EFFECTIVENESS DEADLINES AND THE DEADLINES TO RECEIVE TAX INCREMENT

WHEREAS, pursuant to Ordinance No. 1500 adopted September 26, 1972, the City Council of the City of Redlands ("City") adopted a redevelopment plan ("Redevelopment Plan") for the Redlands Redevelopment Project Area ("Original Project Area"); and

WHEREAS, the Redevelopment Plan has subsequently been amended pursuant to Ordinance No. 1575 on February 17, 1976, to add certain territory ("Added Area No. 1") to the Original Project Area; and

WHEREAS, on December 16, 1986, the City Council adopted Ordinance No. 1974, which amended the Redevelopment Plan to set limits on the receipt of tax increment funds, the time for the establishment of indebtedness payable from tax increment funds and the timeframe for the commencement of eminent domain proceedings; and

WHEREAS, on November 5, 1996, the City Council adopted Ordinance No. 2336, which amended the Redevelopment Plan to bring it into conformance with the provisions of Assembly Bill 1290; and

WHEREAS, on December 19, 2000, the City Council adopted Ordinance No. 2464, which amended the Redevelopment Plan to reauthorize the power of eminent domain for non-residential real property; and

WHEREAS, on September 19, 2003, the City Council adopted Ordinance No. 2556, which amended the Redevelopment Plan to expand the power of eminent to all real property; and

WHEREAS, pursuant to Ordinance No. 2560 adopted on November 4, 2003, the effectiveness deadline and the deadline to repay indebtedness with respect to the Redevelopment Plan for the Original Project Area and Added Area No. 1 were each extended by one year, pursuant to Section 33333.6(e)(2)(C); and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code sections 33000 et seq.) ("CCRL") the Redlands Redevelopment Agency ("Agency") is engaged in activities necessary to execute and implement the Redevelopment Plan; and

WHEREAS, with respect to redevelopment plans adopted on or before December 31, 1993, for which the time limit for the effectiveness of the redevelopment plan is 10 years or less from the last day of the fiscal year in which an Educational Revenue Augmentation Fund

("ERAF") payment is made pursuant to Section 33681.12 of the CCRL, Section 33333.6(e)(2)(D)(i) of the CCRL provides that when a redevelopment agency is required to make a payment pursuant to CCRL Section 33681.12, the legislative body may amend the redevelopment plan to extend by one year the time limit on the effectiveness of the redevelopment plan and the time limit to repay indebtedness or receive property taxes pursuant to Section 33670 of the CCRL by adoption of an ordinance, without the necessity of compliance with Section 33354.6 of the CCRL or Article 12 (commencing with Health and Safety Code Section 33450) or any other provision of the CCRL related to the amendment of redevelopment plans, including, but not limited to, the requirement to make the payment to affected taxing entities required by Section 33607.7 of the CCRL; and

WHEREAS, with respect only to redevelopment plan amendments that are consistent with the immediately preceding recital, the legislative body need not adopt any additional findings for such extensions; and

WHEREAS, with respect to redevelopment plans adopted on or before December 31, 1993, for which the time limit for the effectiveness of the redevelopment plan is more than 10 years but less than 20 years from the last day of the fiscal year in which an ERAF payment is made pursuant to Section 33681.12 of the CCRL, Section 33333.6(e)(2)(D)(ii) of the CCRL provides that when a redevelopment agency is required to make a payment pursuant to CCRL Section 33681.12, the legislative body may amend the redevelopment plan to extend by one year the time limit on the effectiveness of the redevelopment plan and the time limit to repay indebtedness or receive property taxes pursuant to Section 33670 of the CCRL by adoption of an ordinance, without the necessity of compliance with Section 33354.6 of the CCRL or Article 12 (commencing with Health and Safety Code Section 33450) or any other provision of the CCRL related to the amendment of redevelopment plans, including, but not limited to, the requirement to make the payment to affected taxing entities required by Section 33607.7 of the CCRL provided the City Council makes certain findings with respect to the Projects; and

WHEREAS, the Agency made the Fiscal Year 2004-05 and the Fiscal Year 2005-06 payments for deposit in the San Bernardino County ERAF pursuant to Section 33681.12 of the CCRL; and

WHEREAS, the Agency and the City Council desire that the Redevelopment Plan for the Original Project Area and Added Area No. 1 be amended to extend by two years the time limits on the effectiveness of the Redevelopment Plan and the time limits to repay indebtedness or receive property taxes pursuant to Section 33670(b) of the CCRL on account of the Agency's Fiscal Year 2004-05 and Fiscal Year 2005-06 ERAF payments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and a substantive part of this Ordinance.

Section 2. The City Council hereby approves the extension of the effectiveness deadline for the Original Project Area by two years and the extension of the latest dates on which the Agency shall pay indebtedness with respect to the Original Project Area by two years.

Section 3. The City Council hereby finds and determines with respect to Added Area No. 1 as follows:

(a) Funds used to make the Fiscal Year 2004-05 and the Fiscal Year 2005-06 ERAF payments would otherwise have been used to pay the cost of projects and activities necessary to carry out the goals and objectives of the Plans.

(b) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(c) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(d) The Agency is in compliance with subdivisions (a) and (b) of Health and Safety Code Section 33413, to the extent applicable.

(e) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12 for failure to expend, encumber or disburse excess surplus.

(f) The notice of public hearing was mailed to the governing bodies of the affected taxing entities at least thirty (30) days prior to the hearing and published in newspaper of general circulation at least once not less than ten (10) days prior to the date of the public hearing.

Section 4. On April 3, 2007, the City Council held a duly noticed public hearing on the adoption of this Ordinance.

Section 5. Pursuant to Section 33333.6(e)(2)(D) of the CCRL, the City Council of the City hereby extends the effectiveness deadline for the Original Project Area for two years, from September 26, 2013 to September 26, 2015, and the effectiveness deadline for Added Area No. 1 from February 17, 2017 to February 17, 2019.

Section 6. Pursuant to Section 33333.6(e)(2)(D) of the CCRL, except as provided in subsections 33333.6(f) and (g) or other relevant provisions of the CCRL, September 26, 2025 and February 17, 2029 are hereby established as the latest dates on which the Agency shall pay indebtedness with respect to the Original Project Area and Added Area No. 1, respectively, or receive property taxes from the Original Project Area and Added Area No. 1 pursuant to Section 33670(b) of the Redevelopment Law.

Section 7. Except as amended by this Ordinance, the Redevelopment Plans for the Original Area and Added Area No. 1 are unchanged and in full force and effect in accordance with their terms.

Section 8. If any part of this Ordinance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid or unconstitutional portion thereof had been deleted.

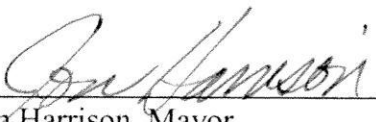
Section 9. The City Council hereby authorizes and directs the City Manager and Agency Executive Director to undertake such actions and execute such documents as may be reasonably necessary or convenient to the carrying out and administration of the action authorized by this Ordinance.

Section 10. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 11. The City Clerk shall certify to the passage of this Ordinance and is hereby directed to publish or post this Ordinance in accordance with law.

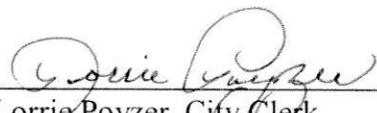
Section 12. The enactment of this Ordinance is not a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (14 Cal. Code Regs Section 15000 et seq.), and specifically Section 15378(b)(4) because the actions described herein are the continuation of an existing governmental funding mechanism and a fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Because enactment of this Ordinance is not a project for CEQA purposes, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), and the City Clerk is directed to file a Notice of Exemption with the County Clerk pursuant to CEQA Guidelines Section 15062 within five days of the adoption date of this Ordinance.

ADOPTED SIGNED AND APPROVED this 17th day of April, 2007.



Jon Harrison, Mayor

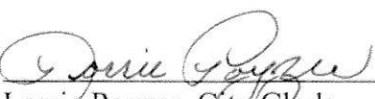
ATTEST:



Lorrie Poyzer, City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 17th day of April, 2007, by the following vote:

AYES: Councilmembers Gilbreath, Gallagher, Aguilar; Mayor Harrison
NOES: None
ABSTAIN: None
ABSENT: Councilmember Gil



Lorrie Poyzer, City Clerk