

ORDINANCE NO. 2747

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ELIMINATING THE TIME LIMIT ON ESTABLISHMENT OF LOANS, ADVANCES, AND
INDEBTEDNESS WITH RESPECT TO THE BUENA CLINTON PROJECT AREA AND
MAKING OTHER FINDINGS IN CONNECTION THEREWITH

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN
AS FOLLOWS:

WHEREAS, the Garden Grove Agency for Community Development (Agency) is a public body, corporate and politic formed, organized, existing and exercising its powers pursuant to the California Community Redevelopment Law, Health and Safety Code, Section 33000, et seq. (CRL) and was specifically formed by Ordinance No. 1144 adopted on October 20, 1970, by the City Council (City Council) of the City of Garden Grove (City); and

WHEREAS, the City Council approved and adopted the Buena Clinton Redevelopment Project Area (Buena Clinton Project Area) and the Buena Clinton Redevelopment Plan therefore by Ordinance No. 1742 on December 16, 1980, which Redevelopment Plan was thereafter amended several times to comply with certain legislative requirements, including without limitation an amendment in 1994 in conformity with CRL Section 33333.6 (together, Buena Clinton Redevelopment Plan); and

WHEREAS, by and through Senate Bill 211, enrolled on September 24, 2001, and chaptered on October 11, 2001 (SB 211), CRL Section 33333.6(e)(2) was amended to provide that as to redevelopment plans originally adopted before January 1, 1994, the legislative body of an agency (City Council) may enact an ordinance eliminating the deadline on incurring indebtedness formerly required by CRL Section 33333.6 as adopted in 1994, and to further provide that such ordinance may be adopted without compliance with CRL Section 33354.6 or Article 12 of the CRL, except that the redevelopment agency must begin making certain payments of portions of the Agency's tax increment to affected taxing entities required by CRL Section 33607.7 commencing from the date the applicable redevelopment plan reaches the previously existing deadline to incur debt; and

WHEREAS, by Ordinance No. 2303 adopted in 1994 the City Council, among other actions, added certain provisions and limitations to the Buena Clinton Redevelopment Plan as required by CRL Section 33333.6, that, among such limitations, set the deadline of January 1, 2004, after which the Agency may not incur debt in conjunction with implementation of the Buena Clinton Redevelopment Plan for the Buena Clinton Project Area; and

WHEREAS, the City Council desires to adopt this Ordinance to eliminate certain time limitations of the Buena Clinton Redevelopment Plan, as more particularly set forth below, in accordance with Section 33333.6, as amended by SB 211; and

WHEREAS, Section 15061 of the Guidelines for the California Environmental Quality Act (CEQA), Title 14, California Code of Regulations, Sections 15000, et seq. (CEQA Guidelines), provides that after a preliminary review a public agency may determine that a project is exempt from the provisions of CEQA; and

WHEREAS, the exemption set forth in Section 15060 is applicable to this Ordinance and this Ordinance is exempt pursuant to the exemption from the definition of "project" set forth in Section 15378(b)(4), in that this Ordinance carries out a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and

WHEREAS, a preliminary review of environmental impacts was prepared in connection with this Ordinance, which will eliminate the time limit on establishment of loans, advances, and indebtedness with respect to the Buena Clinton Redevelopment Plan for the Project Area, and the exemption of Section 15378(b)(4) applies, in that this Ordinance is a government funding mechanism or other government fiscal activity and therefore not a "project" under said section and exempt under CEQA and the CEQA Guidelines.

NOW THEREFORE, the City Council of the City of Garden Grove hereby ordains as follows:

1. Time Limit Eliminated. The time limit of January 1, 2004, to incur debt set forth in the Buena Clinton Redevelopment Plan, as amended in 1994, and the implementation thereof is hereby eliminated.
2. Incur Obligations While Plan is Effective. Agency is hereby authorized to incur indebtedness and any other obligations with respect to the Buena Clinton Redevelopment Plan in accordance with all remaining provisions of such Buena Clinton Redevelopment Plan at any time during which the Buena Clinton Redevelopment Plan is effective.
3. No Other Amendment. Except with respect to the amendment set forth herein, the Buena Clinton Redevelopment Plan is and shall remain unchanged and in full force and effect in accordance with its terms.
4. City Clerk Actions. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published as set forth below.
5. Publication and Posting. At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City (Community Meeting Center, 11300 Stanford Avenue; City Hall, 11222 Acacia Parkway; Buena Clinton Family Resource Center, 12861 Keel Avenue); and a notice shall be published once in a newspaper of

general circulation in the City of Garden Grove, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted. Within fifteen (15) days following final adoption, a summary of the Ordinance with the names of the Council Members and votes shall be published in a newspaper of general circulation.

6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ___ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on May 12, 2009, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE