

ORDINANCE NO. 2763

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE BUENA-CLINTON PROJECT AS AUTHORIZED BY SENATE BILL 1096 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D)(i)

WHEREAS, the Garden Grove Agency for Community Development (Agency) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. (CRL) and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (City Council) of the City of Garden Grove (City);

WHEREAS, the City Council originally adopted the Redevelopment Plan for the Buena-Clinton Project (Plan for the Buena-Clinton Project and the Buena-Clinton Project respectively) by Ordinance No. 1742 on December 16, 1980, which was applicable to that certain project area as designated therein (Buena-Clinton Project Area);

WHEREAS, by Ordinance No. 2303, adopted on October 18, 1994, the City Council amended the Plan for the Buena-Clinton Project for the principal purpose of including certain provisions required by Section 33333.6 of the CRL as set forth in Assembly Bill 1290 (AB 1290 Amendment);

WHEREAS, pursuant to Section 33342.7 of the CRL, which was added by Senate Bill 53 and effective as of January 1, 2007, the legislative body of each redevelopment agency that adopted a final redevelopment plan before January 1, 2007, was required to adopt an ordinance that contains a description of the agency's program to acquire real property by eminent domain;

WHEREAS, on June 12, 2007, the City Council approved Ordinance No. 2710 that described the Agency's program regarding acquisition of real property by eminent domain within the Buena-Clinton Project Area as required by Senate Bill 53 that added CRL Section 33342.7 (SB 53 Ordinance);

WHEREAS, on May 26, 2009, the City Council approved Ordinance No. 2747 that eliminated the time limit on establishment of loans, advances, and indebtedness with respect to the Buena Clinton Project Area pursuant to Senate Bill 211 that amended CRL Section 33333.6 (SB 211 Ordinance);

WHEREAS, the Buena-Clinton Project and the Plan for the Buena-Clinton Project as amended and modified by all those amendments described hereinabove is hereafter referred to as the Existing Plan;

WHEREAS, the Existing Plan authorizes the collection of tax increment as provided for in CRL Section 33670 as to the Buena-Clinton Project Area;

WHEREAS, CRL Section 33333.6(e)(2)(C) as established as an urgency statute under Senate Bill 1045, Chapter 260, Statutes of 2003 (SB 1045) provides in pertinent part (with respect to redevelopment project areas established on or before December 31, 1993):

When an agency is required to make a payment pursuant to Section 33681.9, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) [of Section 33333.6] by one year by adoption of an ordinance. In adopting this ordinance, neither the legislative body nor the agency is required to comply with Section 33354.6, Article 12 (commencing with Section 33450), or any other provision of this part relating to the amendment of redevelopment plans, including but not limited to, the requirement to make the payments to affected taxing agencies required by Section 33607.7;

WHEREAS, the Agency made a payment to the Educational Augmentation Revenue Fund (ERAF) during the 2003-04 fiscal year pursuant to Section 33681.9;

WHEREAS, by Ordinance No. 2762 (SB 1045 Buena-Clinton Project Ordinance), the City Council has extended by one (1) year the respective times for effectiveness of the Existing Plan and for receipt of tax increment for the Buena-Clinton Project Area;

WHEREAS, CRL Section 33333.6(e)(2)(D) as established as an urgency statute under Senate Bill 1096, Chapter 211, Statutes of 2004 (SB 1096) provides in pertinent part (with respect to redevelopment project areas established on or before December 31, 1993):

When an agency is required pursuant to Section 33681.12 to make a payment to the county auditor for deposit in the county's Educational Revenue Augmentation Fund created pursuant to Article 3 (commencing with Section 97) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code, the legislative body may amend the redevelopment plan to extend the time limits required pursuant to subdivisions (a) and (b) [of Section 33333.6] by the following: (i) One year for each year in which a payment is made, if the time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) is 10 years or less from the last day of the fiscal year in which a payment is made ...;

WHEREAS, the Agency made ERAF payments during each of the 2004-05 and 2005-06 fiscal years pursuant to Section 33681.12 (SB 1096 Payments);

WHEREAS, the time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) of Section 33333.6 of the CRL for the Buena-Clinton Project Area is ten (10) years or less from the last day of each of the fiscal years in which the Agency made the SB 1096 Payments;

WHEREAS, the City Council has determined to take advantage of SB 1096 and Section 33333.6(e)(2)(D) and adopt an Ordinance that extends by two (2) years the time limits required pursuant to subdivisions (a) and (b) of Section 33333.6 of the CRL with respect to the Buena-Clinton Project Area (as such time limits have heretofore been extended by the SB 1045 Buena-Clinton Project Ordinance); and

WHEREAS, the enactment of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines as follows: each and every statement set forth in the preceding portion of this Ordinance is true and correct.

Section 2. The City Council further finds and determines as follows: (a) the time limit for the effectiveness of the Existing Plan with respect to the Affected Areas (as the Existing Plan is amended by the SB 1045 Buena Clinton Project Ordinance) as established pursuant to paragraph (2) of subdivision (a) of CRL Section 33333.6 is more than 10 years but less than 20 years from the last day of the fiscal year in which the SB 1096 Payments, and each of them, were made; and (b) with respect to the Buena Clinton Project (as originally enacted and as subsequently amended, including without limitation the SB 1045 Buena Clinton Project Ordinance), all of the following apply: (i) the funds used to make the 2004-2005 and 2005-2006 ERAF payments would otherwise have been used to pay the costs of the projects and activities necessary to carry out the goals and objectives of the Plan for the Buena-Clinton Project; (ii) the Agency is in compliance with the requirements of CRL Sections 33334.2 or 33334.6, as applicable; (iii) the Agency has adopted an implementation plan in accordance with the requirements of Section 33490; (iv) the Agency is in compliance with subdivisions (a) and (b) of CRL Section 33413, to the extent applicable; (v) the Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber, or disburse an excess surplus.

Section 3. The respective times established under the Existing Plan for (i) effectiveness of the Existing Plan and (ii) for receipt of tax increment revenues for the Buena-Clinton Project Area are each extended by two (2) years past the time limits heretofore (under the Existing Plan as amended by the SB 1045 Buena-Clinton Project Ordinance) established pursuant to subdivisions (a) and (b) of Section 33333.6 of the CRL as in effect as of the effective date of this Ordinance for the Buena-Clinton Project Area. Section 1 of this Ordinance shall control over any

contrary provisions of the Existing Plan as amended by the SB 1045 Buena-Clinton Project Ordinance.

Section 4. Except as amended herein, the Existing Plan as amended by the SB 1045 Buena-Clinton Project Ordinance shall remain in full force and effect according to its terms.

Section 5. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

Section 6. The City Clerk is hereby authorized to file a Notice of Exemption with the County of Orange pursuant to CEQA Guidelines Section 15094.

Section 7. The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

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 January 12, 2010, with a vote as follows:

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