

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE EXTENDING THE TIME LIMIT FOR THE EFFECTIVENESS OF THE OCEANSIDE DOWNTOWN REDEVELOPMENT PLAN AND THE TIME LIMIT TO PAY INDEBTEDNESS AND RECEIVE PROPERTY TAXES PURSUANT TO HEALTH AND SAFETY CODE SECTION 33670 UNDER THE OCEANSIDE DOWNTOWN REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

WHEREAS, the Community Development Commission of the City of Oceanside (“Agency”) is a redevelopment agency established and acting pursuant to the California Community Redevelopment Law (California Health & Safety Code Sections 33000, *et seq.*) (“CRL”); and

WHEREAS, pursuant to City Council of the City of Oceanside Ordinance No. 75-35, adopted on November 19, 1975, the City Council of the City of Oceanside adopted the Oceanside Downtown Redevelopment Plan (“Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan has been amended by the City Council of the City of Oceanside through the following ordinances: (1) Ordinance No. 82-32, adopted on July 14, 1982; (2) Ordinance No. 86-48, adopted on December 17, 1986; (3) Ordinance No. 94-08, adopted on April 20, 1994; (4) Ordinance No. 98-32, adopted on November 11, 1998; (5) Ordinance No. 99-12, adopted on June 16, 1999; and (6) Ordinance No. _____, adopted on December 13, 2006; and

WHEREAS, City Council of the City of Oceanside Ordinance No. 99-12 established both a time limit on the effectiveness of the Redevelopment Plan of November 19, 2015 and a time limit for the Agency to pay indebtedness and receive tax increment revenues pursuant to CRL Section 33670 under the Redevelopment Plan of November 19, 2025 ; and

WHEREAS, pursuant to CRL Section 33333.6(e)(2)(C), the Redevelopment Plan may be amended by ordinance, without compliance with any other CRL requirements for amendment of a redevelopment plan, to extend both the time limit on the effectiveness of the Redevelopment Plan and the time limit for the Agency to pay indebtedness and receive tax increment revenues

1 pursuant to CRL Section 33670 under the Redevelopment Plan by one (1) year, as a result of the
2 payment required of and made by the Agency to the County of San Diego Educational Revenue
3 Augmentation Fund (“ERAF”) in fiscal year 2003/2004, pursuant to CRL Section 33681.9; and

4 WHEREAS, the Agency was required to make and made an ERAF payment for fiscal
5 year 2003/2004, pursuant to CRL Section 33681.9; and

6 WHEREAS, City staff has determined that the enactment of this Ordinance is exempt
7 from the California Environmental Quality Act (Public Resources Code section 21000 et seq.)
8 (“CEQA”), pursuant to Title 14 California Code of Regulations Section 15061(b)(3), because
9 there is no possibility that enactment of this Ordinance may have a significant effect on the
10 environment, and pursuant to Title 14 California Code of Regulations Section 15378(b)(4),
11 because this Ordinance creates a government funding mechanism that does not involve any
12 commitment to any specific project that may result in a potentially significant physical impact on
13 the environment.

14 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
15 ORDAIN, AS FOLLOWS:

16 **SECTION 1. Amendments to Redevelopment Plan.** In accordance with CRL Section
17 33333.6(e)(2)(C), the following limitations for the Redevelopment Plan are established, subject to
18 all other provisions of this Ordinance:

19 A. Except to the extent that a longer period of time may be allowed pursuant to the
20 provisions of the CRL, as it may be amended from time to time, and notwithstanding any
21 provision of the Redevelopment Plan, the Redevelopment Plan shall be effective until November
22 19, 2016.

23 B. Except to the extent that a longer period of time may be allowed pursuant to the
24 provisions of the CRL, as it may be amended from time to time, the Agency shall not pay
25 indebtedness or receive tax increment revenues, pursuant to CRL Section 33670, after November 19,
26 2026.

27 **SECTION 2. Confirmation of Redevelopment Plan.** The Redevelopment Plan, as
28 amended by this Ordinance, shall be and remain in full force and effect.

1 **SECTION 3. Authorization for Further Acts.** The City Council authorizes and directs
2 the City Manager to undertake such actions and execute such documents as may be reasonably
3 necessary or convenient to carry out and administer the actions authorized by this Ordinance.

4 **SECTION 4. Severability.** If any provision of this Ordinance as applied to any person
5 or to any circumstance is adjudged by a court of competent jurisdiction to be void or
6 unenforceable for any reason, this fact shall in no way affect (to the maximum extent permissible
7 by law) any other provision of this Ordinance, the application of any such provision regarding
8 another person or under circumstances different from those adjudicated by the court, or the
9 validity or enforceability of this Ordinance as a whole.

10 **SECTION 5. Repeal of Conflicting Laws.** The parts of other ordinances of the City of
11 Oceanside that are in conflict with the provisions of this Ordinance are hereby repealed.

12 **SECTION 6. Publication.** The City Council authorizes and directs the City Clerk to
13 publish this Ordinance in the manner and time required by law.

14 **SECTION 7. CEQA Notice of Exemption.** The City Council authorizes and directs the
15 City Clerk to file a Notice of Exemption, pursuant to Title 14 California Code of Regulations
16 Section 15062, with the Clerk of the Board of Supervisors of the County of San Diego or other
17 appropriate official designated by the County of San Diego for such filing, regarding the adoption
18 of this Ordinance, within five (5) calendar days following the date of adoption of this Ordinance.

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SECTION 8. Effective Date. This Ordinance shall take effect and be in full force on the thirtieth (30th) day following the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2006, and, thereafter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2006, by the following vote:

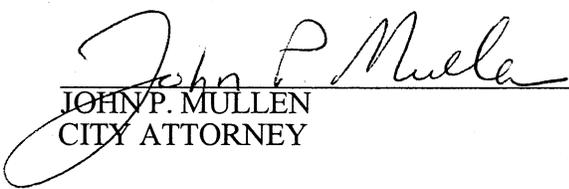
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

JIM WOOD
MAYOR

APPROVED AS TO FORM:

ATTEST:

BARBARA REIGEL WAYNE
CITY CLERK



JOHN P. MULLEN
CITY ATTORNEY

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STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)ss.
CITY OF OCEANSIDE)

I, Barbara Reigel Wayne, City Clerk of the City of Oceanside California, **DO HEREBY CERTIFY** that Ordinance No.____, having been regularly introduced at the meeting of _____, 2006 was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on _____, 2006 and said Ordinance was passed and adopted by the following stated vote, to wit:

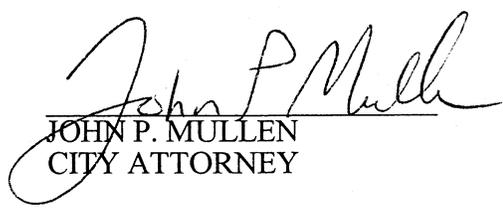
AYES:
NOES:

And was thereafter on said day signed and approved by the Mayor of said City.

ATTEST:

APPROVED AS TO FORM:

BARBARA REIGEL WAYNE
CITY CLERK



JOHN P. MULLEN
CITY ATTORNEY