

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ELIMINATING THE TIME LIMIT FOR ESTABLISHING LOANS, ADVANCES AND OTHER INDEBTEDNESS TO BE REPAYED WITH TAX INCREMENT REVENUES UNDER THE OCEANSIDE DOWNTOWN REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B)

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 (the “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; and (5) Ordinance No. 99-12, adopted on June 16, 1999; and

WHEREAS, City Council of the City of Oceanside Ordinance No. 94-08 amended the Redevelopment Plan to provide, among other things, that the Agency’s authority to establish loans, advances and other indebtedness to be repaid with tax increment revenues received by the Agency pursuant to the Redevelopment Plan expired on January 1, 2004; and

WHEREAS, pursuant to CRL Section 33333.6(e)(2)(B), the Redevelopment Plan may be amended by the City Council of the City of Oceanside to eliminate the time limit on the Agency’s authority to establish loans, advances and other indebtedness to be repaid with tax increment revenues received by the Agency pursuant to the Redevelopment Plan, through adoption of an ordinance, without compliance with any other provision of the CRL relating to amendment of redevelopment plans; and

1 WHEREAS, pursuant to CRL Section 33333.6, after elimination of the time limit on the
2 Agency’s authority to establish loans, advances and other indebtedness to be repaid with tax
3 increment revenues received by the Agency pursuant to the Redevelopment Plan, the Agency
4 shall begin making payments to affected taxing entities, pursuant to CRL Section 33607.7; and

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

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

15 **SECTION 1. Amendment of Redevelopment Plan.** The time limit on the Agency’s
16 authority to establish loans, advances and other indebtedness to be repaid with tax increment
17 revenues received by the Agency pursuant to the Redevelopment Plan is hereby eliminated.

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

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

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

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

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

5 **SECTION 8. CEQA Notice of Exemption.** The City Council authorizes and directs the
6 City Clerk to file a Notice of Exemption, pursuant to Title 14 California Code of Regulations
7 Section 15062, with the Clerk of the Board of Supervisors of the County of San Diego or other
8 appropriate official designated by the County of San Diego for such filing, within five (5)
9 calendar days following the date of adoption of this Ordinance.

10 **SECTION 9. Effective Date.** This Ordinance shall take effect and be in force on the
11 thirtieth (30th) day following the date of its adoption.

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

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

- 16 AYES:
17 NOES:
18 ABSENT:
19 ABSTAIN:

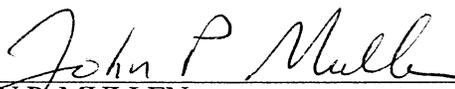
20
21
22
23
24
25
26
27
28

JIM WOOD
MAYOR

ATTEST:

APPROVED AS TO FORM:

BARBARA REIGEL WAYNE
CITY CLERK



JOHN P. MULLEN
CITY ATTORNEY

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO)ss.
3 CITY OF OCEANSIDE)

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

9 AYES:
10 NOES:

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

12 ATTEST: APPROVED AS TO FORM:

13 _____
14 BARBARA REIGEL WAYNE
15 CITY CLERK

16 
17 JOHN P. MULLEN
18 CITY ATTORNEY

19
20
21
22
23
24
25
26
27
28