

ORDINANCE NO. ____

1
2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE EXTENDING THE EFFECTIVENESS OF AND THE TIME
4 LIMIT TO PAY INDEBTEDNESS AND RECEIVE PROPERTY TAXES
5 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33670 UNDER
6 THE OCEANSIDE DOWNTOWN REDEVELOPMENT PLAN
7 PURSUANT TO HEALTH AND SAFETY CODE SECTION
8 33333.6(e)(2)(D)

9 WHEREAS, the Community Development Commission of the City of Oceanside
10 (“Agency”) is a redevelopment agency established and pursuant to the California Community
11 Redevelopment Law (Part I of Division 24, commencing with Section 33000 of the Health &
12 Safety Code of the State of California) (“CRL”); and

13 WHEREAS, pursuant to City Council of the City of Oceanside Ordinance No. 75-35,
14 adopted on November 12, 1975, the City of Oceanside adopted the Oceanside Downtown
15 Redevelopment Plan (“Redevelopment Plan”); and

16 WHEREAS, the Redevelopment Plan has been amended by the City Council, as follows:
17 (1) by Ordinance No. 82-32, adopted on July 14, 1982; (2) by Ordinance No. 86-48, adopted on
18 December 17, 1986; (3) by Ordinance No. 94-08, adopted on April 20, 1994; (4) by Ordinance
19 No. 98-32, adopted on November 11, 1998; (5) by Ordinance No. 99-12, adopted on June 16,
20 1999; (6) by Ordinance No. 06-0R0697-1, adopted on December 13, 2006;; and

21 WHEREAS, pursuant to Ordinance No. 06-0R0698-1, adopted on December 13, 2006,
22 and pursuant to CRL Sections 33333.6(e)(2)(C) the Redevelopment Plan was amended to extend
23 both: (i) the time limit on the effectiveness of the Redevelopment Plan; and (ii) the time limit for
24 the Agency to pay indebtedness and receive tax increment revenues each by one (1) year ; and

25 WHEREAS, the Redevelopment Plan currently provides, among other things, for a time
26 limit on the effectiveness of the Redevelopment Plan that will expire on November 19, 2016
27 (“Effectiveness Deadline”) and (ii) a time limit for the Agency to pay indebtedness and receive
28 tax increment revenues that will expire on November 19, 2026 (“TI Deadline”); and

WHEREAS, pursuant to CRL Section 33333.6(e)(2)(D), the Redevelopment Plan may be
amended by ordinance to extend both the Effectiveness Deadline and the TI Deadline each by one
(1) year, for each year that the Agency made a payment to the County of San Diego Educational

1 Revenue Augmentation Fund (“ERAF”), pursuant to CRL Section 33681.12, for fiscal years
2 2004/05 and 2005/06; and

3 WHEREAS, pursuant to CRL Section 33333.6(e)(2)(D), such an amendment may be
4 adopted without compliance with the standard CRL process for amendment of a redevelopment
5 plan; and

6 WHEREAS, the Agency was required to and did make ERAF payments for both fiscal
7 years 2004/05 and 2005/06, pursuant to CRL Section 33681.12; and

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

15 NOW, THEREFORE, the City Council of the City of Oceanside does ordain, as follows:

16 **SECTION 1. Findings.** The City Council of the City of Oceanside makes the following
17 findings and determinations:

- 18 1. Notice of the public hearing regarding adoption of this Ordinance was mailed to
19 the governing bodies of all affected taxing entities, at least, 30 days prior to the
20 public hearing and published in a newspaper of general circulation, at least, once,
21 not less than ten (10) days prior to the date of the public hearing.
- 22 2. The funds used to make the ERAF payments pursuant to CRL Section 33681.12
23 would otherwise have been used to pay the costs of projects and activities necessary
24 to carry out the goals and objectives of the Redevelopment Plan.

25 **SECTION 2. Amendments to Redevelopment Plan.** In accordance with CRL Section
26 33333.6(e)(2)(D), the City Council amends and establishes the following limitations for the
27 Redevelopment Plan, subject to all other provisions of this Ordinance:

28 A. Except to the extent a longer period of time may be allowed pursuant to the
provisions of the CRL, as it currently exists or as it may be amended in the future, Section 800 of

1 the Redevelopment Plan is amended to read, in its entirety, as follows:

2 VIII. [Section 800] DURATION OF THIS PLAN. Except for the non-
3 discrimination and non-segregation provisions which shall run in perpetuity,
4 the provisions of this Plan shall be effective and the provisions of other
5 documents formulated pursuant to this Plan may be made effective until
6 November 19, 2018.

7 B. Except to the extent that a longer period of time may be allowed pursuant to
8 provisions of the CRL, as it currently exists or as it may be amended in the future, the Agency shall
9 not pay indebtedness or receive tax increment revenues, pursuant to CRL Section 33670, after
10 November 19, 2028.

11 **SECTION 2. Confirmation of Redevelopment Plan.** The Redevelopment Plan, as
12 previously amended and as amended by this Ordinance, shall be and remain in full force and
13 effect.

14 **SECTION 3. Authorization for Further Acts.** The City Council authorizes and directs
15 the City Manager to undertake such actions and execute such documents as may be reasonably
16 necessary or convenient to the carrying out and administration of the actions authorized by this
17 Ordinance.

18 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or word
19 of this Ordinance is, for any reason, held to be invalid by a court of competent jurisdiction, such
20 decision shall not affect the validity of the remaining portions of this Ordinance.

21 **SECTION 5. Repeal of Conflicting Laws.** All other ordinances of the City of
22 Oceanside or parts of other ordinances of the City of Oceanside that conflict with the provisions
23 of this Ordinance are hereby repealed.

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

26 **SECTION 7. CEQA Notice of Exemption.** The City Council authorizes and directs the
27 City Clerk to file a Notice of Exemption, pursuant to CEQA Guidelines Section 15062, with the
28 Clerk of the Board of Supervisors of the County of San Diego, regarding the adoption of this
Ordinance, within five (5) calendar days following the date of the adoption of this Ordinance.

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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 _____, 2007 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 _____, 2007 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

OCEANSIDE DOWNTOWN REDEVELOPMENT PLAN & AMENDMENTS

	1975 Plan Adoption	First Plan Amendment (FY1982/83)	Second Plan Amendment (Limitations on the Redevelopment Project Areas H&S33333.4)	Third Plan Amendment (AB 1290)	Fourth Amendment 1998 (Extension of Eminent Domain)	Action to Extend the Plan To the Full 40-Year Term & Receive Property Tax Increment (AB1342) In Response to AB1290	ERAF Action- Pursuant to SB1045, H&S Code 33333.6(e)(2)(C)	Eliminated the Time Limit for Establishment of Indebtedness and Repayable with Tax Increment Revenues per SB211 H&S 33333.6(e)(2)(B)	ERAF Actions- For FY2004/05 FY2005/06 Pursuant to SB1096, H&S Code 33333.6(e)(2)(D)
Ordinance	Ordinance #:75-35 1 st Reading: 11/19/1975 2 nd Reading: 11/19/1975 Effective Date: 11/19/1975	Ordinance #: 82-32 1 st Reading: 07/14/1982 2 nd Reading: 08/14/1982 Effective Date: 08/14/1982	Ordinance #:86-48 1 st Reading: 12/17/1986 2 nd Reading: 12/17/1986 Effective Date: 12/17/1986	Ordinance #:094-08 1 st Reading: 04/05/1994 2 nd Reading: 04/20/1994 Effective Date: May 20, 1994	Ordinance #: 098-32 1 st Reading: 04/15/1998 2 nd Reading: 07/15/1999 Effective Date: November 11, 1998	Ordinance #: 99-012 1 st Reading: 05/05/1999 2 nd Reading: 06/16/1999 Effective Date: 07/15/1999	Ordinance #:06-OR0697-1 1 st Reading: 12/06/06 2 nd Reading: 12/13/06 Effective Date: 01/13/07	Ordinance #:06-OR0698-1 1 st Reading: 12/06/06 2 nd Reading: 12/13/06 Effective Date: 01/13/07	Ordinance #:06-33333.6(e)(2)(D) 1 st Reading: 11/19/06 2 nd Reading: 11/19/06 Effective Date: 11/19/06
Time Limit To Incur Debt	35-years following adoption of this plan November 19, 2010	35-years from adoption of the Plan November 12, 2010	35-years from adoption of the Plan November 12, 2010	20 years from the adoption of the Plan or January 1, 2004 whichever is later January 1, 2004	20 years after adoption of the Plan or January 1, 2004 whichever is later January 1, 2004	20 years after adoption of the Plan or January 1, 2004 whichever is later January 1, 2004	Eliminates the Time Limit for Establishment of Debt	Eliminates the Time Limit for Establishment of Debt	Extends the Plan two years November 19, 2018
Effectiveness of the Plan	35-years following adoption of this plan November 19, 2010	35-years following adoption of this plan November 19, 2010	35-years following adoption of this plan November 19, 2010	40 years following the adoption of the Plan November 19, 2010	40 years from the adoption of the Plan November 19, 2015	40 years from the adoption of the Plan November 19, 2015	Extends the Plan One year November 19, 2016	Extends the Plan two years November 19, 2018	Extends Two Years November 19, 2028
Limit on CDC's Ability to Receive Tax Increment & Repay Debt	35-years following adoption of this plan November 19, 2010	Financing debt time limit 40 years after adoption of the Plan November 19, 2015	Financing debt time limit 40 years after adoption of the Plan November 19, 2015	10 years after the termination of effectiveness of the Plan November 19, 2020	Extended an additional five years November 19, 2025	Extended an additional five years November 19, 2025	Extends One year November 19, 2026	Extends Two Years November 19, 2028	Extends Two Years November 19, 2028
Eminent Domain Limitation	Limits effectiveness of Eminent Domain to a 12-year period December 17,1998	Limits effectiveness of Eminent Domain to a 12-year period December 17,1998	Limits effectiveness of Eminent Domain to a 12-year period December 17,1998	Extends Eminent Domain 12-years to: November 19, 2010	Extends Eminent Domain 12-years to: November 19, 2010	Extends Eminent Domain 12-years to: November 19, 2010	Extends Eminent Domain 12-years to: November 19, 2010	Extends Eminent Domain 12-years to: November 19, 2010	Extends Eminent Domain 12-years to: November 19, 2010
Bond Capacity									
Amount of increment	Shall not exceed \$1.2 Billion Dollars	Shall not exceed \$1.2 Billion Dollars	Shall not exceed \$1.2 Billion Dollars				Tax Increment Paid to ERAF FY03/04- \$ 254,416 FY04/05- \$ 488,768 FY05/06- \$ 520,774 Total- \$1,263,958	Tax Increment Paid to ERAF FY03/04- \$ 254,416 FY04/05- \$ 488,768 FY05/06- \$ 520,774 Total- \$1,263,958	Tax Increment Paid to ERAF FY03/04- \$ 254,416 FY04/05- \$ 488,768 FY05/06- \$ 520,774 Total- \$1,263,958