

ORDINANCE NO. 10-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF AND THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; EXTENDING THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES UNDER THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH.

WHEREAS, the Costa Mesa Redevelopment Agency ("Agency") is a community redevelopment agency duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the California Community Redevelopment Law (Part 1 of Division 24, commencing with Section 33000, of the Health and Safety Code of the State of California) ("CRL"); and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out the Redevelopment Plan ("Redevelopment Plan") for the Downtown Redevelopment Project ("Project Area") which was adopted by the Agency's legislative body, the City Council of the City of Costa Mesa ("City Council"), by Ordinance No. 73-74 on December 24, 1973, and thereafter amended by Ordinance No. 77-27 on July 5, 1977, Ordinance No. 80-22 on November 18, 1980, Ordinance No. 86-24 on December 15, 1986, Ordinance No. 94-15 on November 7, 1994 and Ordinance No. 03-13 on November 17, 2003; and

WHEREAS, Ordinance No. 03-13 extended the original time limit on the effectiveness of the redevelopment plan of December 24, 2013 to December 24, 2014, and also extended the period for payment of indebtedness and receipt of property taxes from December 24, 2023 to December 2024 each by one year pursuant to Section 33333.6 of the CRL as amended by SB 1045; and

WHEREAS, pursuant to CRL Section 33333.6, Ordinance No. 94-15 established a time limit on the effectiveness of the Redevelopment Plan and a time limit on the period for payment of indebtedness and receipt of property taxes under the

Redevelopment Plan, which limits were subsequently amended by Ordinance No. 03-13; and

WHEREAS, Section 33681.12 was added to the CRL by Senate Bill 1096, enrolled on July 29, 2004 and chaptered on August 5, 2004 ("SB 1096"), which required the Agency during the 2004-05 and 2005-06 fiscal years to make a payment for deposit in the Orange County Educational Revenue Augmentation Fund ("ERAF"); and

WHEREAS, with respect to redevelopment plans adopted on or before December 31, 1993 for which the time limit for the effectiveness of the redevelopment plan is less than 10 years, or, under certain conditions, is more than 10 years but less than 20 years, from the last day of the fiscal year in which an ERAF payment is made pursuant to CRL Section 33681.12, Section 33333.6 of the CRL was amended by Senate Bill 1096 to provide that when a redevelopment agency is required to make a payment pursuant to Health and Safety Code Section 33681.12, the legislative body may amend the redevelopment plans to extend by one year for each ERAF payment made pursuant to CRL Section 33681.12 the time limit on the effectiveness of the redevelopment plan and the limit to repay indebtedness or receive property taxes pursuant to CRL Section 33670 by adoption of an ordinance, without the necessity of compliance with CRL Section 33354.6 or Article 12 (commencing with CRL Section 33450) or any other provision of the CRL related to the amendment of redevelopment plans, including, but not limited to, the requirement to make the payment to affected taxing entities required by CRL Section 33607.7 provided the City Council makes certain findings with respect to the Redevelopment Plan; and

WHEREAS, the Agency made the Fiscal Year 2004-05 ERAF payment to the Orange County Educational Revenue Augmentation Fund pursuant to CRL Section 33681.12 on or before May 10, 2005; and

WHEREAS, the Agency made the Fiscal Year 2005-06 ERAF payment to the Orange County Educational Revenue Augmentation Fund pursuant to CRL Section 33681.12 on or before May 10, 2006; and

WHEREAS, the time limit for the effectiveness of the Redevelopment Plan was December 24, 2014 at the time that each payment ERAF payment was made, which time limit was less than 10 years from the end of the each fiscal year in which the ERAF payments were made; and

WHEREAS, the City Council desires to adopt this ordinance to amend and extend certain time limitations of the Redevelopment Plan, as more particularly set forth below, in accordance with CRL Section 33333.6(e)(2)(D)(i) as added by SB 1096; 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; and

NOW THEREFORE, the City Council of the City of Cost Mesa hereby ordains as follows:

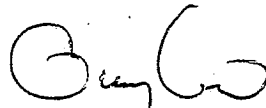
1. The current time limit on the effectiveness of the Redevelopment Plan is hereby extended by two years (from the existing time limit of December 24, 2014) to December 24, 2016, and the Costa Mesa Redevelopment Agency is hereby authorized to act with respect to the Redevelopment Plan at any time during which the Redevelopment Plan is effective.
2. The current time limit on paying indebtedness or receiving property taxes pursuant to the Redevelopment Plan and CRL is hereby extended by two years (from the existing time limit of December 24, 2024) to December 24, 2026, and the Costa Mesa Redevelopment Agency is hereby authorized to act with respect thereto during such extended period.
3. Except with respect to the amendments set forth herein, the Redevelopment Plan, as amended, is and shall remain unchanged and in full force and effect in accordance with its terms.

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

5. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption. 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.

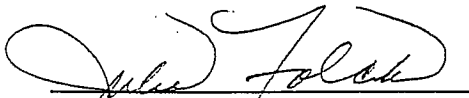
6. At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City; and a notice shall be published once in the Daily Pilot, a newspaper of general circulation in the City of Costa Mesa, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted in accordance with Government Code Section 36933. 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.

PASSED AND ADOPTED this 7th day of December, 2010.



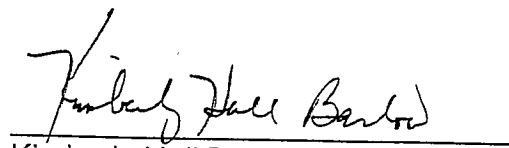
Gary Monahan, Mayor

ATTEST:



Julie Folcik, City Clerk

APPROVED AS TO FORM:



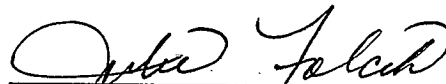
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 10-16 was duly introduced for first reading at a regular meeting of the City Council held on the 16th day of November, 2010, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 7th day of December, 2010, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MONAHAN, RIGHEIMER, BEVER, LEECE, FOLEY
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 8th day of December, 2010.



JULIE FOLCIK, CITY CLERK

(SEAL)

I hereby certify that the above and foregoing is the original of Ordinance No. 10-16 duly passed and adopted by the Costa Mesa City Council at the regular meeting held December 7, 2010, and that summaries of the Ordinance was published in the Newport Beach-Costa Mesa Daily Pilot on November 24, 2010 and December 16, 2010.



JULIE FOLCIK, CITY CLERK

(SEAL)