

ORDINANCE NO. 369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE MOORPARK REDEVELOPMENT PROJECT AREA EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF THE PLAN AND PAYMENT OF INDEBTEDNESS AND RECEIPT OF PROPERTY TAXES BY ONE YEAR AND ELIMINATING THE TIME LIMIT ON THE ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6.

WHEREAS, the Redevelopment Agency of the City of Moorpark, California (the "Agency"), has been designated as the official redevelopment agency in the City of Moorpark to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out the Redevelopment Plan ("Plan") for the Moorpark Redevelopment Project Area ("Project Area"). The Plan area was adopted by the Agency's legislative body, the City Council of the City of Moorpark. The Plan was adopted by Ordinance No. 110 on July 5, 1989; and

WHEREAS, the plan was amended by Ordinance No. 111 on July 5, 1989 ("Amendment No. 1") and Ordinance No. 202 on December 14, 1994 ("Amendment No. 2" (collectively, the "Amended Plan"); and

WHEREAS, the Amended Plan has a time limit of July 5, 2009, within which the Agency may incur debt in conjunction with implementation thereof in conformity with the California Community Redevelopment Law (CCRL; California Health and Safety Code Section 33000, et seq.); and

WHEREAS, pursuant to section 33333.6 of the Health and Safety Code, 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 have been established; and

WHEREAS, the provisions of the Redevelopment Plan are currently effective until July 5, 2029 and no loan, advance or indebtedness to be repaid by tax revenues shall be incurred by the Agency after July 5, 2009; and

WHEREAS, Section 33681.9 of the Health and Safety Code was added by Senate Bill 1045 ("SB 1045") which took effect on September 1, 2003, which requires the Agency during the 2003-04 fiscal year to make a payment for deposit in Ventura County's Educational Revenue Augmentation Fund ("ERAF"); and

WHEREAS, on March 17, 2004 the Agency paid \$135,608 into Ventura County's Educational Revenue Augmentation Fund (ERAF) during the 2003-04 fiscal year; and

WHEREAS, by and through Senate Bill 211, Section 33333.6 of the Health and Safety code was amended to provide that after January 1, 2002, a legislative body may amend a pre-1994 redevelopment plan to eliminate the time limit to incur indebtedness and to further provide that such ordinance may be adopted without compliance with CCRL Section 33354.6 Article 12 of the CCRL, or any other provision of the CCRL pertaining to amendments of redevelopment plans, except that the redevelopment agency must make the payments to affected taxing entities required by CCRL Section 33607.7 from the date each constituent plan reaches the previously existing deadline(s) to incur debt; and

WHEREAS, by and through Senate Bill 1045, Section 33333.6 of the Health and Safety Code was amended to provide that as to redevelopment plans originally adopted before January 1, 1994, and when such redevelopment agency is required to make payment to the ERAF in fiscal year 2003-2004 pursuant to Section 33681.9 of the Health and Safety Code the City Council as the legislative body of the Agency may amend the Redevelopment Plan to extend by one year the time limit on the effectiveness of the Redevelopment Plan and eliminate the time limit to repay indebtedness and receipt of property taxes under the Redevelopment Plan; and

WHEREAS, Section 33333.6 further provides that such ordinance may be adopted without compliance with the normal procedures for redevelopment plan amendments; and

WHEREAS, the City Council desires to adopt this ordinance to amend and eliminate certain time limitations of the Redevelopment Plan, as more particularly set forth below, in accordance with Section 33333.6, as amended by SB 1045 and SB 211 ; 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 MOORPARK DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The current time limit on the effectiveness of the Redevelopment Plan, is hereby extended by one year, to July 4, 2030. The Moorpark Redevelopment Agency is hereby authorized to act with respect to the Redevelopment Plan at any time during which the Redevelopment Plan is effective.

SECTION 2. The current time limit on paying indebtedness or receiving property taxes pursuant to the Redevelopment Plan and Health and Safety Code Section 33670 is hereby extended for one year to July 4, 2040. The Moorpark Redevelopment Agency is hereby authorized to act with respect to the Redevelopment Plan at any time during which the Redevelopment Plan is effective.

SECTION 3. The time limit on the establishment of loans, advances and indebtedness set forth in the Amended Plan and the implementation thereof, is hereby eliminated; and the Agency is hereby authorized to establish loans, advances and indebtedness with respect to the Amended Plan in accordance with all remaining provisions of the Amended Plan, at any time during which the Amended Plan is effective.

SECTION 4. Except with respect to the amendments set forth herein, the Amended Plan, is and shall remain unchanged and in full force and effect in accordance with its terms.

SECTION 5. The City Clerk is hereby directed to file a Notice of Exemption with the County Clerk of the County of Ventura pursuant to CEQA Guidelines Section 15094.

SECTION 6. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 7. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 8. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 2nd day of July 2008

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk