

ORDINANCE NO. 1248

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE REDEVELOPMENT PROJECT-1994 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.2(d), AMENDING RELATED ORDINANCES AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS, the City Council of the City of Perris approved and adopted the Redevelopment Plan for the Redevelopment Project-1994 (the "Original Plan") pursuant to Ordinance No. 982 adopted on June 27, 1994, thereby creating the "Redevelopment Project-1994" which encompassed the certain area within the City of Perris (the "Project Area"); and

WHEREAS, the Original Plan was adopted pursuant to the California Redevelopment Law, constituting Health and Safety Code Section 33000 *et seq.* ("CRL"); and

WHEREAS, the Original Plan was subsequently amended with respect to certain limitations by Ordinance No. 1171 adopted on September 27, 2005 to add one year to the effectiveness and tax increment limitations pursuant to SB 1045 (the Original Plan, as amended by said Ordinances shall be referred to herein and the "Redevelopment Plan"); and

WHEREAS, Section 33333.2(d) of the CRL (enacted by SB 1096, Stats. 2004, Chap. 211) provides that when an agency is required to make a payment to the county's Educational Revenue Augmentation Fund ("ERAF") pursuant to Section 33681.12 of the CRL (during fiscal year 2004-05 and/or 2005-06), the legislative body may amend the redevelopment plan by adoption of an ordinance to extend, by one year for each year in which a payment is made, the time limit on the effectiveness of the redevelopment plan and the time limit on the repayment of indebtedness and receipt of tax increment funds (hereinafter referred to as an "SB 1096 Amendment") upon the making of certain findings if time limit for the effectiveness of the redevelopment plan is more than 10 years but less than 20 years from the last day of the fiscal year in which a payment is made; and

WHEREAS, Redevelopment Plan has more than 10 years but less than 20 years remaining from the last day of the Fiscal Years 2004/05 and 2005/06 in which the ERAF payment was made for such fiscal years; and

WHEREAS, because the Agency made payments to the County of Riverside ERAF pursuant to Section 33681.12 of the CRL during Fiscal Years 2004/05 and 2005-06, the Agency has proposed that the Redevelopment Plan be amended for the purpose of extending, by two years, the time limit on the effectiveness of the Redevelopment Plan and the time limit on the repayment of indebtedness and receipt of tax increment funds; and

WHEREAS, Section 33333.2(d) of the CRL further provides that in adopting an SB 1096 Amendment, neither the legislative body nor the redevelopment agency is required to comply

with Section 33354.6 or Article 12 of the CRL or any other provision of the CRL relating to the amendment of redevelopment plans; and

WHEREAS, the City Council held a public hearing in the City Council Chambers, 101 North D. Street, Perris, California, on September 30, 2008, to consider adoption of the proposed SB 1096 Amendment to the Redevelopment Plan with respect to the Project Area; and

WHEREAS, a notice of said hearing was duly and regularly published in *The Perris Progress*, a newspaper of general circulation in the City of Perris on September 17, 2008, and a copy of said notice and affidavit of publication are on file with the City Clerk; and

WHEREAS, copies of the notice of public hearing were mailed to each taxing entity which receives taxes from property in the Project Area on or before August 31, 2008; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has received and considered all written and oral evidence and testimony presented for or against any and all aspects of the proposed SB 1096 Amendment to the Redevelopment Plan with respect to the Project Area; and

WHEREAS, the Perris Redevelopment Agency (the "Agency") has analyzed the provisions of the Redevelopment Plan and the provisions of Health and Safety Code Section 33333.2(d), and has determined that the Redevelopment Plan may be amended as provided herein; and

WHEREAS, the City Council desires to amend the Redevelopment Plan in accordance with the terms hereof as authorized pursuant to Health and Safety Code Section 33333.2(d); and

WHEREAS, pursuant to the Agency's request, the City Council desires to restate certain of the financial limitations related to the Redevelopment Plan; and

WHEREAS, the Agency has prepared and submitted and the City Council has reviewed and considered the staff report on the SB 1096 Amendment; and

WHEREAS, the amendment is not a "project" under the California Environmental Quality Act pursuant to Section 15378(b) (2), (4) and (5) of the CEQA Guidelines;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERRIS:

Section 1. The City Council hereby finds and declares that the above recitals are true and correct.

Section 2. The City Council has reviewed the items submitted herewith, the information related to the findings in the Staff Report, the Redevelopment Plan, the testimony at the hearing and the current Five Year Implementation Plan, adopted November 29, 2005, relating to the Agency's project areas and hereby finds and declares that:

(a) The Agency is in compliance with the requirements of Sections 33334.2 and 33334.6 of the CRL, as applicable; and

(b) The Agency has adopted an implementation plan in accordance with the requirements of Section 33490 of the CRL; and

(c) The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable; and

(d) The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus from its Housing Fund; and

(e) The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

Section 3. The Redevelopment Plan amendment, attached hereto as Exhibit A and by this reference incorporated herein is hereby adopted as an official amendment to the Redevelopment Plan (the "Amendment").

Section 4. The amendment to the Redevelopment Plan to extend by two years the effectiveness to June 27, 2027 and the time for receipt of tax increment and payment of indebtedness to June 27, 2042 is hereby adopted, approved and designated as part of the official Redevelopment Plan for the Project Area. It is the purpose and intent of the City Council that the Amendment be implemented as part of the Redevelopment Plan for the Project Area.

Section 5. To the extent of the amendment set forth in the Amendment, this Ordinance amends the prior Ordinances enacting and amending the Redevelopment Plan for the Project Area.

Section 6. The City Council hereby authorizes the filing of a CEQA Notice of Exemption for the Amendment.

Section 7. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Amendment is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Amendment.

Section 8. All provisions of the Redevelopment Plan not specifically amended or repealed in this Amendment shall continue in full force and effect.

Section 9. This Ordinance shall be posted according to the City's normal practice before its final passage, and shall be in full force and effect thirty (30) days after its final passage.

ADOPTED, SIGNED AND APPROVED this 14th day of October, 2008.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, City Clerk

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Ordinance No. 1248 was duly and regularly introduced and presented for first reading on the 30th day of September, 2008, and passed and adopted, on second reading, by the City Council of the City of Perris at a regularly scheduled City Council meeting held on the 14th day of October, 2008 by the following vote:

AYES:	COUNCIL MEMBERS:	Yarbrough, Landers, Motte, Busch
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Rogers
ABSTAIN:	COUNCIL MEMBERS:	None

Judy L. Haughney, City Clerk

EXHIBIT A

Amendment to Redevelopment Plan for the Redevelopment Project-1994

Pursuant to Ordinance No. 1248, adopted on October 14, 2008, this Amendment ("Amendment") is adopted and incorporated into the Redevelopment Plan for the Redevelopment Project-1994 as follows:

I. The following definitions shall apply to this Amendment.

"Community Redevelopment Law" shall mean the Community Redevelopment Law of the State of California, constituting Sections 33000 *et. seq.* of the California Health and Safety Code.

"Plan" or "Redevelopment Plan" shall mean the Redevelopment Plan for the Redevelopment Project-1994, adopted by the City Council of the City of Perris pursuant to Ordinance No. 982 adopted on June 27, 1994, as amended by Ordinance No. 1171 adopted on September 27, 2005, as amended by Ordinance No. 1248 adopted on October 14, 2008, and as the same may be amended from time to time by action of the City Council of the City of Perris.

II. Pursuant Ordinance No. 1248 adopted on October 14, 2008 and Ordinance No. 1171, adopted on September 27, 2005, Section 640 of the Plan is hereby deleted in its entirety and replaced as set forth below:

"E. (640*) Financing Limitations

Consistent with Sections 33333.2 and 33334.1 of the Community Redevelopment Law and notwithstanding anything to the contrary in the Plan the following financing limitations are imposed on this Plan:

1. The time limit for the effectiveness of the Plan is June 27, 2027.
2. No loans, advances or indebtedness to finance, in whole or in part, the Perris Redevelopment Project-1994, and to be repaid from the allocation of taxes to the Agency shall be established or incurred by the Agency beyond twenty (20) years from the date of adoption of the Redevelopment Plan unless such time limitation is extended by an amendment to the Plan. However, such loans advances or indebtedness may be repaid over a period of time longer than such time limit.
3. The time limit for the receipt of tax increment and repayment of debt pursuant to Section 33670 of the California Health and Safety Code is June 27, 2042.
4. From time to time as may be appropriate, the agency may issue bonds and/or notes for any of its corporate purposes. The Agency may issue such types of bond on which the principal and interest are payable in whole or in part from tax increments. The total outstanding principal of any bonds so issued and repayable from said tax

increment shall not exceed one hundred million dollars (\$100,000,000) at any one time, except by amendment of the Plan.

For purposes of determining the above limitations, the base year assessment roll applicable for the Redevelopment Project-1994 shall be the 1993/94 assessment roll."

III. Section 710 of the Redevelopment Plan for the Redevelopment Project-1994 is hereby deleted and replaced as set forth below:

"B. (710) Duration of This Plan's Development Controls

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective and the provisions of the other documents pursuant to this Plan may be made effective from the effective date of the Ordinance approving this Plan until the effectiveness of the Plan expires as set forth in Section 640."

IV. Except as amended by this Amendment, the Plan shall remain in full force and effect. From and after the effectiveness of this Amendment, any references to "Plan" or "Redevelopment Plan" shall refer to the Plan, as amended hereby and as may be amended from time to time by action of the City Council of the City of Perris.