

Ordinance No.: 9886
Adopted: 9/26/07 (3)

AN ORDINANCE ELIMINATING THE TIME LIMIT FOR ESTABLISHING LOANS,
ADVANCES OR INDEBTEDNESS TO CARRY OUT THE REDEVELOPMENT PLAN FOR
THE UPPER SAN DIEGO RIVER IMPROVEMENT PROJECT

WHEREAS, on July 18, 1989, the Board of Supervisors of the County of San Diego [Board of Supervisors], adopted Ordinance No. 7652, on file with the Clerk of the Board of Supervisors, approving and adopting a Redevelopment Plan for the Upper San Diego River Improvement Project [USDRIP]; and

WHEREAS, on March 17, 1995, the Board of Supervisors adopted Ordinance No. 8508 amending the USDRIP Redevelopment Plan to conform to AB 1290 limitations; and

WHEREAS, the Redevelopment Agency of the County of San Diego [Agency] is engaged in activities necessary to carry out in the unincorporated areas of the County of San Diego the functions and requirements of the Community Redevelopment Law, Health & Safety Code sections 33000 et seq., [CRL] and to implement redevelopment plans for the County of San Diego; and

WHEREAS, CRL Section 33333.6(e)(2)(B) provides that on or after January 1, 2002, a redevelopment plan may be amended by a legislative body by adoption of an ordinance to eliminate the time limit on the establishment of loans, advances, and indebtedness required by the section prior to January 1, 2002; and

WHEREAS, CRL Section 33333.6(e)(2)(B) further provides that in adopting an ordinance eliminating the time limit on the establishment of loans, advances, and indebtedness, neither the legislative body nor the redevelopment agency is required to comply with CRL section 33354.6 or CRL Article 12 or any other provision of the CRL relating to the amendment of redevelopment plans, except the redevelopment agency shall make the payments to affected taxing entities required by CRL section 33607.7; and

WHEREAS, section VII. B of the USDRIP Redevelopment Plan provides that no loan, advance of indebtedness shall be established or incurred by the Agency after July 17, 2009, and the Agency has proposed that the USDRIP Redevelopment Plan be amended for the purpose of eliminating that time limit as authorized by CRL section 33333.6(e)(2)(B); NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors of the County of San Diego as follows:

Section 1. The Redevelopment Plan for the Upper San Diego River Improvement Project is hereby amended to eliminate the July 17, 2009 time limit for the Agency to establish or incur loans, advances or indebtedness to finance the Project. Specifically, the last two paragraphs in

section VII.B. of the Redevelopment Plan for the Upper San Diego River Improvement Project shall be deleted and shall be amended in their entirety to read as follows:

“There shall be no time limitation restricting the Agency’s ability to establish or incur loans, advances or indebtedness to finance the Redevelopment Project during which the Redevelopment Plan is in effect, provided, however, that the Agency may not repay indebtedness or receive tax increments after ten (10) years from the termination of the Redevelopment Plan, except to pay for the Agency’s affordable housing or replacement housing obligations or for pre-existing debt, or as otherwise allowed by state law.”

Section 2. In connection with the amendment to the USDRIP Redevelopment Plan approved and adopted in this Ordinance, the Agency shall make the payments to affected taxing entities required by CRL, Section 33607.7.

Section 3. Ordinance No. 7652, as amended by Ordinance No. 8508, are continued in full force and effect except as amended by this Ordinance.

Section 4. The Clerk of the Board of Supervisors is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the USDRIP Redevelopment Plan as amended by this Ordinance.

Section 5. CEQA. The amendment to the USDRIP Redevelopment Plan approved and adopted in this Ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

Section 6. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the Board of Supervisors hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof has been deleted.

Section 7. Effective Date. This Ordinance shall be in full force and will take effect thirty days from and after its passage.

Section 8. Publication. The Clerk of the Board of Supervisors is hereby ordered and directed to cause this Ordinance to be published in the manner and time required by law.

PASSED, APPROVED, AND ADOPTED THIS 26th day of September, 2007.

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