

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA AMENDING
ORDINANCE NUMBERS 3894, 4382 AND 4651 AND
APPROVING AND ADOPTING A THIRD AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE ISLA
VISTA REDEVELOPMENT PROJECT AREA TO
DELETE THE EXISTING DEBT INCURRENCE TIME
LIMIT AND AMEND CERTAIN OTHER TIME LIMITS**

WHEREAS, on November 27, 1990, by Ordinance No. 3894, the Board of Supervisors of the County of Santa Barbara ("Board of Supervisors") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Isla Vista Redevelopment Project ("Project" or "Project Area"); and

WHEREAS, on December 7, 1999, the Board of Supervisors adopted Ordinance Number 4382 amending the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan, the time limit for the establishment of loans, advances and indebtedness, and the time limit on the time limit on the payment of indebtedness and receipt of property taxes; and

WHEREAS, on August 28, 2007 the Board of Supervisors adopted Ordinance Number 4651 amending the Redevelopment Plan to clarify that the Redevelopment Plan no longer contained the power of eminent domain and the Redevelopment Agency could acquire land from voluntary sellers for mixed use, affordable housing and commercial projects; and

WHEREAS, the Redevelopment Agency of the County of Santa Barbara ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, ("CRL") and is vested with the responsibility for carrying out the Plan for the Project Area; and

WHEREAS, by and through Senate Bill 211, effective January 1, 2002, CRL Section 33333.6(e)(2)(B) allows the Board of Supervisors to amend the Redevelopment Plan to eliminate the time limit on the establishment of loans, advances, and indebtedness that was required by the CRL prior to January 1, 2002 (the "Debt Incurrence Time Limit"); and

WHEREAS, CRL Section 33333.6(e)(2)(B) further provides that such ordinance may be adopted without compliance with normal procedures for redevelopment plan amendments; and

WHEREAS, pursuant to CRL Section 33333.6, Ordinance No. 3894 referenced above 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; and

WHEREAS, by and through Senate Bill 1045 effective as of September 2, 2003 (“SB 1045”) CRL Section 33681.9 provides that redevelopment plans that were adopted before January 1, 1994, were required to make a payment to the Educational Revenue Augmentation Fund in fiscal year 2003-2004; and

WHEREAS, SB 1045 also amended CRL at Section 33333.6(e)(2)(C) so as to allow the Board of Supervisors, as the legislative body of the Agency, to enact an ordinance to extend by one year the time limit on the effectiveness of the Redevelopment Plan and the time limit for payment of indebtedness and receipt of property taxes under the Redevelopment Plan; and

WHEREAS, CRL Section 33333.6(e)(2)(C) further provides that such ordinance may be adopted without compliance with normal procedures for redevelopment plan amendments; and

WHEREAS, the Board of Supervisors desires to adopt this ordinance to amend the Redevelopment Plan to delete the Debt Incurrence Time Limit as permitted by CRL Section 33333.6(e)(2)(B) and to extend by one year the time limit on the effectiveness of the Redevelopment Plan and the time limit for payment of indebtedness and receipt of property taxes under the Redevelopment Plan as permitted by CRL Section 33333.6(e)(2)(C); and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan to delete Debt Incurrence Time Limit and to extend by one year the time limit on the effectiveness of the Redevelopment Plan and the time limit for payment of indebtedness and receipt of property taxes under the Redevelopment Plan (the “Third Amendment”) a copy of which is attached hereto as Exhibit A; and

WHEREAS, the enactment of this Ordinance is not a project subject to 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

WHEREAS, all actions required by law have been taken by all appropriate public bodies.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Third Amendment is hereby incorporated in this Ordinance by reference and made a part of this Ordinance as if set out in full in the Ordinance.

Section 2. It is hereby found and determined that the Third Amendment is necessary and desirable. The Redevelopment Plan, as adopted by Ordinance No. 3894, and amended by Ordinances 4382 and 4651, is further amended as

specifically set forth in the Third Amendment. The Executive Director of the Agency is hereby authorized to amend the Redevelopment Plan as provided for by the Third Amendment, and when filed with the County Clerk and the Secretary of the Agency the Redevelopment Plan as amended, shall constitute the official Redevelopment Plan for the Isla Vista Redevelopment Project.

Section 3. Except with respect to the amendments set forth herein, the Redevelopment Plan, and Ordinance Numbers 3894, 3482 and 4651 are and shall remain unchanged and in full force and effect in accordance with its terms.

Section 4. The Clerk of the Board is hereby directed to record with the County Recorder of the County of Santa Barbara a notice of the approval and adoption of the Third Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Redevelopment Plan, as amended by the Third Amendment, have been instituted under the CRL.

Section 5. The Clerk of the Board 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 Redevelopment Plan as amended.

Section 6. The Clerk of the Board is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same or a summary thereof to be published in a newspaper of general circulation, which is published and circulated in Santa Barbara County.

Section 7. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 8. If any part of this Ordinance or the Third Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Third Amendment, and this Board of Supervisors hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Third Amendment, if such invalid portion thereof had been deleted.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Santa Barbara County this ___ day of September, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SALUD CARBAJAL
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By: _____
Deputy

APPROVED AS TO FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

