

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: County Counsel MMK

BOARD AGENDA # *E-1

Urgent Routine

AGENDA DATE January 8, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 2.06.210 to Eliminate and Amend Certain Time Limitations with Respect to the Redevelopment Plan for the Modesto Redevelopment Project

STAFF RECOMMENDATIONS:

1. Find that the subject ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code sections 21000 et seq.) pursuant to CEQA Guidelines section 15378 (b) (2), (4) and (5); and
2. Introduce and waive the first reading of an ordinance amending Stanislaus County Code Section 2.06.210 to eliminate and amend certain time limitations with respect to the Redevelopment Plan for the Modesto Redevelopment Project.

FISCAL IMPACT:

This action will not result in an impact to the general fund. Pursuant to an agreement between the City of Modesto and the County approved November 5, 1991, the County does not receive a portion of future incremental property tax revenue growth over the life of the Modesto Redevelopment Project. The proposed ordinance does not affect that agreement.

BOARD ACTION AS FOLLOWS:

No. 2008-017

On motion of Supervisor Grover, Seconded by Supervisor O'Brien
and approved by the following vote,
Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1019

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-F-1

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 2.06.210 to Eliminate and Amend Certain Time Limitations with Respect to the Redevelopment Plan for the Modesto Redevelopment Project

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DISCUSSION:

Stanislaus County Code Section 2.06.200 delegated to the City of Modesto and its redevelopment agency the authority to undertake redevelopment activities in the unincorporated areas of the County within the City's sphere of influence. Accordingly, on November 19, 1991, the Board adopted Ordinance C.S. 454 to adopt the Amended Redevelopment Plan for the Modesto Redevelopment Project. That Plan was again amended by Ordinance C.S. 580 on November 8, 1994 to add Stanislaus County Code Section 2.06.210, which reflected certain statutory time limits on establishing of loans, advances and indebtedness to mirror amendments made by the City to its Plan. In 2001, the State Legislature passed Senate Bill 211, which allows communities to amend a pre-1994 redevelopment plan to totally eliminate the time limit to incur debt. The City of Modesto amended its Redevelopment Plan as authorized by SB 211 on October 2, 2007, and has requested the County to similarly amend the County ordinance that adopted and amended its Plan. The proposed ordinance implements the changes made by the City of Modesto to its Redevelopment Plan.

Health and Safety Code section 33333.6 (e)(2) specifically provides that a legislative body adopting an ordinance implementing the changes prescribed by SB 211 is not required to follow the normal procedures for amending a redevelopment plan. Therefore, this ordinance can be adopted without notice and public hearing.

POLICY ISSUES:

Approval of this ordinance supports the Board's priority effective partnerships.

STAFFING:

There is no staffing impact associated with this request.

AN ORDINANCE AMENDING STANISLAUS COUNTY CODE SECTION 2.06.210 TO ELIMINATE AND AMEND CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE MODESTO REDEVELOPMENT PROJECT

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Section 2.06.210 of the Stanislaus County Code is amended to read as follows:

"A. The Redevelopment Plan for the Modesto Redevelopment Project, as previously amended by County Ordinance C.S. 580 on December 20, 1994, and by Modesto City Ordinance No. 2931-C.S., is hereby amended to eliminate the time limits on the establishing of loans, advances and indebtedness with respect to that portion of the Project referred to as the Added Area located within the unincorporated area of the county, as set forth in the last paragraph of Section 502 of the Redevelopment Plan.

"B. In accordance with Section 33333.6 (e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan with respect to that portion of the Added Area, located within the unincorporated area of the county, as set forth in Section 800 of the Redevelopment Plan, and as previously amended by County Ordinance C.S. 580 and by Modesto City Ordinance No. 2931-C.S., currently scheduled to terminate on November 5, 2031, with respect to the Added Area, shall be extended by one year. Based upon such extension, the effectiveness of the Redevelopment Plan with respect to the added area shall terminate on November 5, 2032.

"C. In accordance with Section 33333.6 (e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 from the Added Area after ten years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in subsection B of this section, the agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after November 5, 2042, with respect to the added area; provided, however, that loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after the dates establish above to repay such debt accordingly.

"D. The ordinance codified in this section amending the redevelopment plan is adopted pursuant to Health and Safety Code Section 33333.6. In addition to the specific limitations established and amended as provided in subsections A through C of this section, this section incorporates by reference those provisions of subsections (g) and (h) of Section 33333.6."

Section 2. County Ordinance C.S. 454 is continued in full force and effect except as amended by this Ordinance.

Section 3. The clerk of the board of supervisors is directed to send a certified copy of this Ordinance to the Redevelopment Agency of the City of Modesto.

Section 4. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2008, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:


ABSENT: Supervisors:

Thomas W. Mayfield, Chair of the Board
of Supervisors of the County of
Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By 
John P. Doering
Assistant County Counsel