



BILL NO. B-27

ORDINANCE NO. 2008-26

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE FRESNO AIR TERMINAL REDEVELOPMENT PROJECT AREA PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(E)(2) DELETING THE DEBT INCURRENCE TIME LIMIT

WHEREAS, the Redevelopment Agency of the City of Fresno ("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 has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Fresno ("City Council"); and

WHEREAS, on July 18, 1988, by Ordinance No. 88-96, the City Council adopted a redevelopment plan for the Fresno Air Terminal Redevelopment Area (the "Plan") which contained a debt incurrence limit of 40 years from the effective date of the ordinance adopting the Original Plan, in effect, establishing a Debt Incurrence Limit of July 18, 2028; and

WHEREAS, on December 6, 1994, by Ordinance No. 94-123 the Plan was amended to comply with the requirements of CRL Section 33333.6, which required that the Council adopt an Ordinance establishing certain limitations on or before December 31, 1994, where one of the amendments provided for the shortening of the time duration for the Debt Incurrence Limit to August 18, 2008 ("Expiration Date"); and

WHEREAS, on February 26, 2008, by Ordinance No. 2008-9, the Plan was amended to extend by one year the Expiration Date to become July 18, 2029, and to extend by one year the Last Date to Receive Tax Increment to become August 18, 2029; and

WHEREAS, the Plan, as amended, contains time limits for conducting certain redevelopment functions meeting the requirements of the CRL for such time limits in effect as of the date of adoption and amendments of the Plan; and

WHEREAS, effective January 1, 2002, the California legislature passed Senate Bill 211, codified in part at CRL Section 33333.6(e)(2), which permits the Council to amend the Plan to delete the debt incurrence time limit from the Plan; and

WHEREAS, SB 211 further provides that the ordinance amending a redevelopment plan may be adopted without compliance with the normal procedures for redevelopment plan amendments, except that the Agency shall make payment to affected taxing entities required by CRL Section 33607.7; and

Adopted 5/6/08
Approved 5/13/08
Effective 6/5/08



WHEREAS, the City desires to adopt an ordinance to amend the Plan to delete the debt incurrence time limit from the Plan pursuant to SB 211, which otherwise would limit the Agency's financial and redevelopment activities beginning August 18, 2008; and

WHEREAS, on April 23, 2008 at a regular meeting, the Housing and Community Development Commission heard the testimony of staff and interested citizens, considered the proposed plan amendment, and recommended that the Council adopt the proposed ordinance approving the amendment to the Plan as recommended by staff.

WHEREAS, the City has taken all other actions required by law to prepare and present the proposed Amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FRESNO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment of Plan. The proposed Amendment, including all related documents, correspondence and transmittals, copies of which are on file in the office of the City Clerk, is hereby approved, and the Plan is hereby amended to delete from the Plan any and all time limits stated in the Plan that place, or purport to place, on the Agency any deadline on the establishment of loans, advances, and indebtedness with respect to the Plan or Project Area.

Section 2. Compliance with Health and Safety Code. The City Council finds and determines that the amendment to the Plan as adopted by this ordinance is in compliance with the time limitation provisions set forth in Section 33333.6 of the Health and Safety Code.

Section 3. Certification. The City Clerk 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 Amendment.

Section 4. Effect of Amendment. It is hereby found and determined that the foregoing Amendment is necessary and desirable. Except as expressly provided in this Ordinance, the Plan, as previously amended, shall remain unchanged and in full force and effect.

Section 5. Partial Invalidity; Severability. If any part of this Ordinance or the Amendment that 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 Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Amendments if such invalid portion thereof had been deleted.

Section 6. The Executive Director of the Redevelopment Agency shall notify the appropriate public entities of the adoption of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after adoption.



* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 6th day of May, 2008.

AYES : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Xiong
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: May 13, 2008

Mayor Approval/No Return: N/A, 2008

Mayor Veto: N/A, 2008

Council Override Vote: N/A, 2008

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
~~Deputy~~

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Sammi Fredison
Deputy

LAA:cs;44851cs/ORD;-4/23/08

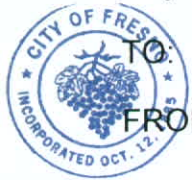
May 7, 2008

Council Adoption: 5/6/08

Mayor Approval:

Mayor Veto:

Override Request:



MAYOR ALAN AUTRY

REK

RECEIVED

FROM:

REBECCA E. KLISCH, CMC
City Clerk

2008 MAY 13 PM 3:18

CITY CLERK, FRESNO, CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 5/06/08, Council adopted the attached Ordinance No. 2008-26 entitled **Delete Debt Incurrence Time Limit from FAT Redevelopment Plan**, Item No. **2:30 p.m. - A**, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Xiong
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before May 19, 2008. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Alan Autry, Mayor

Date: 5/13/08

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	