

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

454



FROM: Economic Development Agency

SUBMITTAL DATE:
July 14, 2011

SUBJECT: Urgency Ordinance No. 912 of the County of Riverside Authorizing Participation in the Alternative Voluntary Redevelopment Program

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 912, an Urgency Ordinance of the County of Riverside Authorizing Participation in the Alternative Voluntary Redevelopment Program pursuant to Government Code Section 25123(d);
2. Find that the adoption of Ordinance No. 912 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment; and
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

BACKGROUND: (Commences on Page 2)

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Economic Development Agency Administrative Budget	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Jennifer L. Sargent*
County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: ANITA C. WILLIS
DATE: 7/14/11
Departmental Concurrence

Dept Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.56 of 7/12/11 | District: All | Agenda Number: **3-37**

BACKGROUND:

On June 29, 2011, Governor Brown signed AB1X 26 and AB1X 27. AB1X 26 dissolves redevelopment agencies throughout the State of California effective October 1, 2011; and AB1X 27 creates an alternative redevelopment program that allows agencies to continue redevelopment activity by voluntarily authorizing, via ordinance, the contribution of tax increment to the Riverside County Auditor-Controller (ACO) for deposit into an Educational Revenue Augmentation Fund (ERAF) and a Special District Allocation Fund (SDAF).

AB1X 26 prescribes strict limits on activities that may be conducted by redevelopment agencies between the effective date of June 29, 2011, and the agency elimination date of October 1, 2011; unless the legislative body, pursuant to AB1X 27, enacts an ordinance that commits to make future payments to school districts and special districts via the ACO. Agencies are prohibited from entering into new agreements or indebtedness until enactment of the aforementioned ordinance.

On July 12, 2011, the Board of Supervisors adopted Resolution No. 2011-211, a Nonbinding Resolution of the County of Riverside Indicating the Intent to Enact an Ordinance for Participation in the Alternative Voluntary Redevelopment Program. In addition, the Board of Supervisors directed the Economic Development Agency (EDA) to prepare and process an ordinance that would accept the requirements of the Alternative Voluntary Redevelopment Program as detailed in AB1X 27, and commit to annual payments to the ACO for fiscal years 2011/12 and 2012/13 and annually thereafter.

Ordinance No. 912 was prepared in order to authorize the participation of the County of Riverside in the Alternative Voluntary Redevelopment Program, pursuant to AB1X 27. The adoption of such ordinance will allow the Redevelopment Agency for the County of Riverside to continue redevelopment activities throughout the county.

In accordance with Government Code Section 25123, subsection (d), this ordinance is an urgency measure as it is necessary for the immediate preservation of the public peace, health, and safety because the redevelopment agency will be unable to continue its various efforts to eliminate blight, stimulate and expand the economic growth in redevelopment plan project areas, create and develop local jobs and eliminate deficiencies in public infrastructure. The redevelopment agency is actively engaged in redevelopment activities which include, but not limited to, creating affordable housing units, rehabilitating housing units, constructing libraries, community centers and other public facilities. Adoption of this ordinance as an urgency measure will permit the redevelopment agency to continue these efforts immediately upon adoption.

Staff recommends that the Board of Supervisors adopt Ordinance No. 912 as an urgency measure effective immediately upon adoption.

Ordinance No. 912 is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment. The County's approval of this proposed ordinance does not create a reasonably foreseeable change in the environment; it authorizes the payment of funds associated with the continuance of ongoing redevelopment activities.

The ordinance has been approved as to form by County Counsel.

1 from time to time be amended, adopted pursuant to Assembly Bill
2 1X27.

- 3 b. Community Remittances. The amounts the County agrees to remit
4 on an annual basis, via the County Auditor-Controller, to school
5 entities and special districts as a precondition to continuing
6 redevelopment activities. Such amounts shall be determined by the
7 Director of the Department of Finance on or before August 1, 2011
8 and annually thereafter.
- 9 c. County. The County of Riverside.
- 10 d. County-Auditor Controller. The Riverside County Auditor-
11 Controller.
- 12 e. Department of Finance. The California Department of Finance.
- 13 f. Redevelopment Agency. The Redevelopment Agency for the
14 County of Riverside.
- 15 g. State Auditor. The California State Auditor.

16 Section 5. AGREEMENT TO COMPLY. The County agrees to do each of
17 the following:

- 18 a. Comply with the requirements and obligations of the Alternative
19 Voluntary Redevelopment Program.
- 20 b. Notify the County Auditor-Controller, the State Auditor, and the
21 Department of Finance of its agreement to comply with the
22 requirements and obligations of the Alternative Voluntary
23 Redevelopment Program.
- 24 c. Commit to making community remittances to the County Auditor-
25 Controller for fiscal years 2011-2012, 2012-2013 and subsequent
26 years in accordance with Health and Safety Code section 34194 et.
27 seq., as it now exists or as it may from time to time be amended.
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1 Section 6. PAYMENT OF REMITTANCES. The County shall pay
2 community remittances to the County Auditor-Controller in equal installments on January 15 and
3 May 15 of each year. The Economic Development Agency shall submit a staff report and obtain
4 approval of the funding source from the Board of Supervisors and the Redevelopment Agency
5 shall submit a staff report and obtain approval of the funding source from the Board of Directors
6 of the Redevelopment Agency before remitting each payment to the County Auditor-Controller.

7 Section 7. APPEAL OF REMITTANCES. The County reserves the right to
8 appeal community remittances as provided in Health and Safety Code section 34194, as it now
9 exists or as it may from time to time be amended.

10 Section 8. EFFECT OF STAY OR DETERMINATION OF INVALIDITY.
11 The County shall not make community remittances in the event a court of competent jurisdiction
12 either grants a stay of enforcement of the Alternative Voluntary Redevelopment Program or
13 makes a final determination that the Alternative Voluntary Redevelopment Program is
14 unconstitutional. Community remittances shall be made under protest and without prejudice to
15 the County's right to recover such amount and interest thereon in the event that there is a final
16 determination that the Alternative Voluntary Redevelopment Program is unconstitutional.

17 Section 9. SEVERABILITY. If any provision, clause, sentence or
18 paragraph of this ordinance or the application thereof shall be held invalid, such invalidity shall
19 not affect the other provisions of this ordinance which can be given effect without the invalid
20 provision or application, and to this end, the provisions of this ordinance are hereby declared
21 severable.

22 Section 10. EFFECTIVE DATE. This ordinance is hereby declared to be an
23 urgency measure and shall take effect immediately upon its adoption. In accordance with the
24 requirements of Government Code section 25123, subdivision (d), the Board of Supervisors
25 hereby declares that the provisions contained herein are necessary for the immediate preservation
26 of the public peace, health, and safety and serve the public interest for the following reasons:
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- a. Assembly Bill 1X26 effective June 29, 2011 prohibits redevelopment agencies from taking numerous actions until the County adopts an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code, including but not limited to, incurring new financial or legal obligations or expanding any existing obligations, and entering into new agreements.
- b. If this ordinance is not adopted, the Redevelopment Agency will be unable to continue efforts to eliminate or prevent blight, stimulate and expand the economic growth in redevelopment plan project areas, create and develop local job opportunities and eliminate deficiencies in public infrastructure.
- c. Blighting conditions in redevelopment plan project areas constitute substantial threats to the public peace, health and safety, and are so prevalent they cannot be eliminated without redevelopment agency action.
- d. The Redevelopment Agency is actively engaged in redevelopment activities including but not limited to, rehabilitating housing units, creating affordable housing units, constructing libraries, community centers and other public facilities. Adoption of this ordinance as an urgency measure will permit the Redevelopment Agency to continue these efforts immediately.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Bob Buster, Chairman

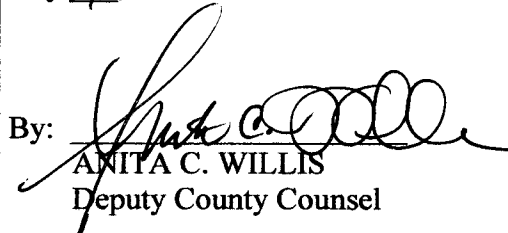
ATTEST:

CLERK OF THE BOARD:

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
July 24, 2011

By: 
ANITA C. WILLIS
Deputy County Counsel

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