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2004 OCT 28 PM 5:54
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12640 C.M.S.

AN ORDINANCE AMENDING THE ACORN URBAN RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS

WHEREAS, the City Council adopted the Acorn Urban Renewal Plan (the "Redevelopment Plan") on November 30, 1961; and

WHEREAS, on July 20, 2004, the Council adopted Ordinance No. 12616 C.M.S., which extended the time limit on the effectiveness of the Redevelopment Plan to January 1, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues to January 1, 2020; and

WHEREAS, Health and Safety Code Section 33333.6(e)(2)(D)(i) authorizes the legislative body by ordinance to amend a redevelopment plan adopted prior to January 1, 1994, if the time limit on plan effectiveness is 10 years or less, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06; and

WHEREAS, Health and Safety Code Section 33333.6(e)(3)(A) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

WHEREAS, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

WHEREAS, the Agency wishes to amend the Acorn Urban Renewal Plan to extend the time limits by two years; and

WHEREAS, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; and

WHEREAS, this action is not subject to the California Environmental Quality Act of 1970 (“CEQA”) because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Section 33681.12 during fiscal year 2004-05 and fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Acorn Urban Renewal Plan.

SECTION 2. The Acorn Urban Renewal Plan is hereby amended to provide that the provisions of the Plan shall be effective, and the provisions of other documents formulated pursuant to the Plan may be made effective, until January 1, 2012, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may be otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

SECTION 3. The Acorn Urban Renewal Plan is hereby further amended to provide that the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after January 1, 2022, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

SECTION 4. The City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 5. 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 this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 6. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

DEC 21 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE
LA FUENTE - 8
NOES- 0
ABSENT- 0
ABSTENTION- 0

ATTEST: *Ceda Floyd*
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: **DEC 07 2004**

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PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS
AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS**

NOTICE AND DIGEST

This ordinance amends the Acorn Urban Renewal Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues by two years, as authorized under Health and Safety Code Section 33333.6(e)(2)(D)(i).