

ORDINANCE NO. 2009-255

**AN ORDINANCE OF THE TOWN OF WINDSOR ADOPTING THE FOURTH
AMENDMENT TO THE WINDSOR REDEVELOPMENT AGENCY
REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION
33333.6(e)(2)(D), AND AMENDING RELATED ORDINANCES IN CONNECTION
THEREWITH**

WHEREAS, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project; and

WHEREAS, jurisdiction of the Redevelopment Project Area was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency by a Transfer Agreement dated February 24, 1993, and effective July 1, 1993, prepared pursuant to Health and Safety Code section 33215; and

WHEREAS, the Windsor Redevelopment Agency, a public body corporate and politic (the "Agency") is a redevelopment agency duly organized pursuant to Community Redevelopment Law (California Health and Safety Code section 3300 et seq.) and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Town of Windsor Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Town Council of the Town of Windsor adopted Ordinance No. 94-95 on December 14, 1994 amending the Redevelopment Plan Amendment to conform to the limits required by AB1290; and

WHEREAS, the Town Council of the Town of Windsor adopted Ordinance No. 97-93 on February 5, 1997, approving and adopting the Windsor Redevelopment Plan, Amendment to increase financial limits, extend eminent domain and add public improvements; and

WHEREAS, the Town Council of the Town of Windsor adopted Ordinance No. 2004-177 on February 4, 2004 approving and adopting the Windsor Redevelopment Plan, Amendment to extend plan effectiveness and debt repayment/receipt of tax increment per SB1045; and

WHEREAS, the Redevelopment Plan, as amended, contains time limits for conducting certain redevelopment functions meeting the requirements of the Community Redevelopment Law (the "CRL") for such time limits in effect as of the date of adoption and amendment of each Redevelopment Plan; and

WHEREAS, SB 1096 added Health and Safety Code Sections 33333.6(e)(2)(D) to the CRL, which allows the Town Council to amend the Redevelopment Plans to extend the time limits on the effectiveness of the Redevelopment Plan and agency payment on indebtedness or receipt of property taxes by two years; and

WHEREAS, Section 33333.6(e)(3)(A) of the CRL provides that prior to adopting an SB 1096 amendment ordinance, the legislative body shall conduct a public hearing, notice of which shall be 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 public hearing; and

WHEREAS, the Town Council held a public hearing in the Town Council at its regular meeting on Wednesday, August 5th at 6:00 p.m., in the Windsor Council Chambers, Building 400, 9291 Old Redwood Highway to consider adoption of the proposed Fourth Amendment to the Windsor Redevelopment Plan; and

WHEREAS, a notice of said hearing was duly and regularly published in the Windsor Times, a newspaper of general circulation in the Town of Windsor on July 23, 2009, and a copy of said notice and affidavit of publication are on file with the Town Clerk; and

WHEREAS, copies of the notice of public hearing were mailed to the governing body of each affected taxing entity which receives taxes from property in the Project Area on June 30, 2009; and

WHEREAS, the Agency has prepared amendments to the Redevelopment Plan to amend their time limits to the extent permitted by Health and Safety Code Section 33333.6(e)(2)(D) (the "Amendments"), copies of which are on file with the Town Clerk; and

WHEREAS, the Agency will make mandatory pass-through payments to the affected taxing entities including the Windsor Unified School District during the amended time limits of the Redevelopment Plan affected by this Ordinance in accordance with Redevelopment law; and

WHEREAS, the Town Council desires to amend the Redevelopment Plan in accordance with the terms of the Amendment for each Redevelopment Plan as authorized pursuant to Health and Safety Code Section 33333.6(e)(2)(D); and

WHEREAS, the Agency has prepared and submitted and the Town Council has reviewed and considered the staff report on the Amendments; and

WHEREAS, the Agency has prepared and submitted to Town Council for review and approval a CEQA Notice of Exemption for the Amendments; and

WHEREAS, in adopting this Ordinance, Health and Safety Code Section 33333.6(e)(2)(D) states:

In adopting this Ordinance, neither the legislative body nor the agency is required to comply with Section 33354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans.

NOW, THEREFORE, the Town Council of the Town of Windsor does ordain as follows:

Section 1. The Town Council hereby finds and declares that the above recitals are true and correct.

Section 2. The Town Council hereby finds and declares the following:

- (a) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.
- (b) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.
- (c) The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable.
- (d) The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus from its Housing Fund.
- (e) The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund 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 Plans.

Section 3. The Town Council hereby incorporates by reference the staff report prepared in conjunction with this Ordinance which provides evidence to support these findings.

Section 4. The Amendments are hereby incorporated in this Ordinance by reference and made a part of this Ordinance as if set out in full in the Ordinance and is attached hereto as Exhibit "A".

Section 5. It is hereby found and determined that the proposed amendments embodied in the Amendment for the Windsor Redevelopment Plan is necessary and desirable. The Redevelopment Plan, as adopted on November 27, 1984 by Ordinance No. 3378, as amended by Ordinance No. 94-95 adopted on December 14, 1994, Amendment No. 2 adopted by Ordinance No. 97-93 on February 5, 1997 and as further amended by Amendment No. 3 adopted by Ordinance No. 2004-177 on February 4, 2004, (the "Redevelopment Plan") establishing the Windsor Redevelopment Project Area (the "Project Area") is further amended in accordance with the Amendment.

Section 6. The Amendment for the Windsor Redevelopment Plan is hereby adopted, approved, and designated as part of the official Redevelopment Plan for the redevelopment of the Project Area. It is the purpose and intent of the Town Council that the Amendment for the Windsor Redevelopment Plan be implemented as part of the Redevelopment Plan for each Project Area. The Executive Director of the Agency may prepare a document that incorporates the provisions of the Amendment for each Redevelopment Plan into the existing text of the affected Redevelopment Plan, and such document shall then constitute the official Redevelopment Plan for such Project Area.

Section 7. In accordance with Health and Safety Code Section 33333.6(g), the Amendment for each Redevelopment Plan shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to

Health and Safety Code Section 33401, authorized by the Town Council or the Agency prior to January 1, 1994, nor shall the Amendment for each Redevelopment Plan be construed to affect the right of the Agency to receive property taxes pursuant to Health and Safety Code Section 33670, to pay the indebtedness or other obligation described in this Section 8.

Section 8. California Environmental Quality Act (“CEQA”)

The Town Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, either directly or indirectly.

Section 9. Statutory Severability.

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

Section 10. Effective Date and Publication.

This Ordinance shall take effect thirty (30) days from its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, as provided in California Government Code § 36933, shall be published at least once in a newspaper of general circulation published and circulated in the Town of Windsor.

PASSED, APPROVED AND ADOPTED this 19th day of August 2009, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND
 MAYOR GOBLE**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**



ROBIN R. GOBLE, MAYOR

ATTEST:


BRIGITTE GRAHAM, DEPUTY TOWN CLERK

Exhibit "A"
TOWN OF WINDSOR REDEVELOPMENT AGENCY
Windsor Redevelopment Project Area
Windsor Redevelopment Plan Amendment No. 4
SB 1096 Redevelopment Plan Amendment

PROPOSED TIME LIMIT EXTENSIONS

PLAN EFFECTIVENESS

Project Area	Existing Date	New Date
Windsor	November 27, 2015	November 27, 2017

DEBT REPAYMENT TIME LIMIT

Project Area	Existing Date	New Date
Windsor	November 27, 2025	November 27, 2027

RECEIPT OF TAX INCREMENT TIME LIMIT

Project Area	Existing Date	New Date
Windsor	November 27, 2025	November 27, 2027