

**ORDINANCE NO. 4440**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF VENTURA, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA**

**WHEREAS**, on May 23, 1995, the Board of Supervisors for the County of Ventura ("County") approved and adopted the Redevelopment Plan for the Piru Community Earthquake Recovery Redevelopment Project ("Redevelopment Plan") covering certain properties within the County (the "Project Area"); and

**WHEREAS**, the Redevelopment Agency of the County of Ventura ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

**WHEREAS**, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

**WHEREAS**, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, among other purposes; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills ABX1 26 and ABX1 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

**WHEREAS**, specifically, ABX1 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

**WHEREAS**, dissolution of the Agency would be detrimental to the health, safety and economic well-being of the residents of the County and cause irreparable harm to the community because, among other reasons, the redevelopment activities and projects made possible, implemented and funded by the Agency are highly significant and of enduring benefit to the community and the County, and are a critical component of its future; and

**WHEREAS**, ABX1 27 provides that a community may participate in an “Alternative Voluntary Redevelopment Program,” in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

**WHEREAS**, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

**WHEREAS**, under the threat of dissolution pursuant to ABX1 26, and upon the contingencies and reservations set forth herein, the County shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be two hundred sixty four thousand and eighty eight Dollars (\$264,088), as well as the subsequent annual community remittances as set forth in the CRL; and

**WHEREAS**, the County reserves the right to appeal the California Director of Finance’s determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

**WHEREAS**, County understands and believes that an action challenging the constitutionality of ABX1 26 and ABX1 27 has been filed on behalf of cities, counties and redevelopment agencies; and

**WHEREAS**, while the County currently intends to make these community remittances, they shall be made under protest and without prejudice to the County’s right to recover such amounts and interest thereon, to the extent there is a final determination that ABX1 26 and ABX1 27 are unconstitutional; and

**WHEREAS**, the County reserves the right, regardless of any community remittance made pursuant to this Ordinance, and to challenge the legality of ABX1 26 and ABX1 27; and

**WHEREAS**, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program’s payment obligation of ABX1 26 and ABX1 27, the County shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**THE BOARD OF SUPERVISORS FOR THE COUNTY OF VENTURA,  
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** **Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.

**Section 2.** **Participation in the Alternative Voluntary Redevelopment Program.** In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the Board of Supervisors hereby determines that the County shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by ABX1 27.

**Section 3.** **Payment Under Protest.** Except as set forth in Section 4, below, the Board of Supervisors hereby determines that the County shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.*

**Section 4.** **Effect of Stay or Determination of Invalidity.** County shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of ABX1 26 and ABX1 27 or determines that ABX1 26 and ABX1 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the County's right to recover such amount and interest thereon in the event that there is a final determination that ABX1 26 and ABX1 27 are unconstitutional. If there is a final determination that ABX1 26 and ABX1 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

**Section 5.** **Implementation.** The Board of Supervisors hereby authorizes and directs the County Executive Officer or Designee to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Ventura County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the County's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in ABX1 27.

**Section 6.** **Additional Understandings and Intent.** It is the understanding and intent of the Board of Supervisors that, once the Agency is again authorized to enter into agreements under the CRL, the County will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the County in amounts not to exceed the annual community remittance payments to enable the County, directly or indirectly, to make the annual remittance payments. The Board of Supervisors does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

**Section 7.** **CEQA.** The Board of Supervisors finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The Board of

Supervisors, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Ventura in accordance with CEQA Guidelines.

**Section 8. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings are based are located at the Clerk of the Board's office located at 800 South Victoria Ave, Ventura, California 93009.

**Section 9. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 10. Effective Date.** This Ordinance shall become effective thirty (30) days from its adoption.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors on the 27<sup>th</sup> day of September 2011, by the following vote:

AYES: Supervisors Long, Foy and Parks.

NAYS: None

ABSENT: Supervisors Bennett and Zaragoza.

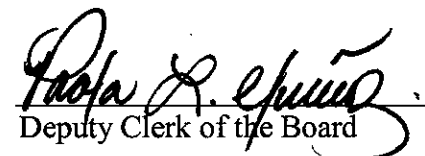
ABSTAIN: None

  
Linda Parks, Chair  
Board of Supervisors



ATTEST:

Michael Powers  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By:   
Deputy Clerk of the Board