

RESOLUTION NO. 7515

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOUTH GATE REAFFIRMING THE CITY'S INTENT TO
RECEIVE STATUTORY PAYMENTS FROM LOCATION No. 10.**

WHEREAS, the Community Development Commission of the City of South Gate ("CDC") is a public body, corporate and politic, formed, organized, existing and exercising its powers pursuant to Section 34100, *et seq.* of the California Health and Safety Code, and exercising all of the power, authority, functions, and jurisdiction of a redevelopment agency formed, organized, existing and exercising its powers pursuant to the California Community Redevelopment Law, Health & Safety Code, Section 33000, *et seq.* ("CRL"), and specifically formed by the City Council ("City Council") of the City of South Gate ("City"); and

WHEREAS, the City Council of the City of South Gate established South Gate Redevelopment Project No. 1 and approved the Redevelopment Plan for the Project ("Redevelopment Plan") by City Council adoption of Ordinance No. 1238 on July 15, 1974 and as originally adopted, the Project consisted of eight, non-contiguous sub-areas that were designated as Redevelopment Location Nos. 1, 2, 3, 4, 5, 6, 7, and 8, inclusive; and

WHEREAS, on April 11, 1977, the City Council adopted Ordinance No. 1326 that amended the Redevelopment Plan: (a) to permit the development of a shopping center and residential uses in Redevelopment Location No. 1; and (b) to allow continued residential uses in Redevelopment Location No. 4 ("First Amendment"); and

WHEREAS, on August 10, 1981, the City Council adopted Ordinance No. 1490 that amended the Redevelopment Plan to exclude part (but not all) of Redevelopment Location No. 4, as then constituted, from the Project Area ("Second Amendment"); and

WHEREAS, on September 21, 1981, the City Council adopted Ordinance No. 1497 that amended the Redevelopment Plan to correct *nunc pro tunc* certain inadvertent errors in Ordinance No. 1490 ("Third Amendment"); and

WHEREAS, on December 15, 1981, the City Council adopted Ordinance No. 1502 that amended the Redevelopment Plan to exclude and delete the sub-area designated as Redevelopment Location No. 6 from the Project Area and from that date forward the pre-January 1, 1994 areas of the Project include only Redevelopment Location Nos. 1, 2, 3, 4, 5, 7, and 8 ("Fourth Amendment"); and

WHEREAS, on December 8, 1986, the City Council adopted Ordinance No. 1719 that amended the Redevelopment Plan: (a) to establish a tax increment limit of \$792,782,000 from and after December 8, 1986; (b) to establish a time limit to incur debt of January 8, 2010; and (c) to establish a time limit to exercise eminent domain of January 8, 1999, which changes made by Ordinance No. 1719 were required by new CRL, Section 33333.4 ("Fifth Amendment"); and

WHEREAS, on November 13, 1990, the City Council adopted Ordinance No. 1849 that amended the Redevelopment Plan: (a) to conform Project design development standards to the requirements of the City's Municipal Code; (b) to conform permitted land uses of the Project to those permitted under the City's General Plan; (c) to permit billboards subject to certain conditions within a limited sector of the Project; (d) to update, clarify, and correct typographical errors with respect to

certain provisions of the Redevelopment Plan; and (e) to incorporate certain requirements made applicable to the Project by legislative amendments to the CRL (“Sixth Amendment”); and

WHEREAS, in compliance with Assembly Bill 1290 (“AB 1290”) on January 10, 1995, the City Council adopted Ordinance No. 1979 that amended the Redevelopment Plan: (a) to shorten the time limit to incur debt to January 1, 2004; and (b) to establish a time limit to repay debt of July 15, 2019, further the time limit of July 15, 2009 for the term of effectiveness of the Redevelopment Plan remained unchanged, and which foregoing changes to the Redevelopment Plan were required by new CRL Section 33333.6 added by AB 1290 (“Seventh Amendment”); and

WHEREAS, on June 11, 1996, the City Council adopted Ordinance No. 2004 that amended the Redevelopment Plan to add territory to the Project, specifically a new sub-area called Redevelopment Location No. 9, for which Ordinance No. 2004 specified the following time and financial limitations applicable only to Redevelopment Location No. 9 pursuant to AB 1290 for post-January 1, 1994 amendments that add territory: (a) a time limit on the effectiveness of the Redevelopment Plan of June 11, 2026; (b) a cumulative debt limit of \$103,000,000; (c) a time limit to incur debt of June 11, 2016; and (d) a time limit to repay debt of June 11, 2041. As noted, the limitations in Ordinance No. 2004 apply only to Redevelopment Location No. 9 of the Project (“Eighth Amendment”); and

WHEREAS, pursuant to Assembly Bill 1342 on April 13, 1999, the City Council adopted Ordinance No. U 2045 that amended the Redevelopment Plan (Location Nos. 1, 2, 3, 4, 5, 7, and 8 only) as to three limitations: (a) to extend the time limit on the effectiveness of the Redevelopment Plan five years from July 15, 2009 to July 15, 2014; (b) to extend the time limit to incur debt ten years from January 1, 2004 to January 1, 2014; and (c) to extend the time limit to repay debt five years from July 15, 2019 to July 15, 2024 (“Ninth Amendment”); and

WHEREAS, on December 9, 2002, the City Council adopted Ordinance No. 2122 pursuant to California Health & Safety Code Sections 34120(a) and 34115.5, respectively, declaring the need for a community development commission and transferring all duties, powers and responsibilities of the Redevelopment Agency of the City of South Gate to the Community Development Commission of the City of South Gate (i.e., the CDC) and thereafter, the CDC has acted as the City’s redevelopment agency; and

WHEREAS, pursuant to Senate Bill 1045 (“SB 1045”) on June 28, 2005, the City Council adopted Ordinance No. U 2198 that amended the Redevelopment Plan: (a) to extend the time limit on the effectiveness of the Redevelopment Plan to July 15, 2015 (1-year ERAF extension), and (b) to extend the time limit to repay debt to July 15, 2025 (1-year ERAF extension), which changes to the Redevelopment Plan were adopted pursuant to CRL Sections 3333.6(e)(2)(C) and 33680, *et seq.*, as modified by SB 1045 (“Tenth Amendment”); and

WHEREAS, pursuant to Senate Bill 1096 (“SB 1096”) on August 9, 2005, the City Council adopted Ordinance No. 2199 that amended the Redevelopment Plan: (a) to extend the time limit on the effectiveness of the Redevelopment Plan to July 15, 2016 (1-year ERAF extension), and (b) to extend the time limit to repay debt to July 15, 2026 (1-year ERAF extension), which changes to the Redevelopment Plan were adopted pursuant to CRL Sections 33681.12 and 33333.6(e)(2)(D), as modified by SB 1096 (“Eleventh Amendment”); and

WHEREAS, the City Council, by Ordinance Nos. 2235, 2236, and 2237 all adopted on July 10, 2007, amended and corrected *nunc pro tunc* certain inadvertent and unintended wording and provisions of the Ninth Amendment, including (a) Ordinance No. 2235 that amended *nunc pro tunc* Ordinance No. U-2045 to clarify that the changes contained therein apply only to Redevelopment Location Nos. 1, 2, 3, 4, 5, 7 and 8 and to further clarify that the limits applicable to Redevelopment Location No. 9 are those limits set forth in Ordinance No. 2004, (b) Ordinance No. 2236 that

amended *nunc pro tunc* Ordinance No. U-2198 to clarify that the changes contained therein apply only to Redevelopment Location Nos. 1, 2, 3, 4, 5, 7 and 8 and to further clarify that the limits applicable to Redevelopment Location No. 9 are those limits set forth in Ordinance No. 2004, (c) Ordinance No. 2237 that amended *nunc pro tunc* Ordinance No. 2199 to clarify that the changes contained therein apply only to Redevelopment Location Nos. 1, 2, 3, 4, 5, 7 and 8 and to further clarify that the limits applicable to Redevelopment Location No. 9 are those limits set forth in Ordinance No. 2004; and

WHEREAS, further on July 10, 2007 Ordinance No. 2238 was adopted pursuant to Senate Bill 211 and CRL Section 33333.6(e)(2)(B) to eliminate the date and time to incur debt of January 1, 2014 as to Redevelopment Locations added and included prior to January 1, 1994; and

WHEREAS, further on July 10, 2007 Ordinance No. 2239 was adopted pursuant to CRL Sections 33333.6(e)(2)(D) and 33680, *et seq.*, as amended by SB 1096 that amended the Redevelopment Plan: (a) to extend the time limit on the effectiveness of the Redevelopment Plan to July 15, 2017 (another 1-year ERAF extension), and (b) to extend the time limit to repay debt to July 15, 2027 (another 1-year ERAF extension), which were expressly limited to pre-January 1, 1994 Locations of the Project, specifically Redevelopment Location Nos. 1, 2, 3, 4, 5, 7 and 8 (collectively the July 10, 2007 amendments by Ordinance Nos. 2235, 2236, 2237, 2238 and 2239 are referred to as the “Twelfth Amendment”); and

WHEREAS, on July 13, 2010, the City Council adopted Ordinance No. 2273 expanding the Project by including additional territory, known as Redevelopment Location No. 10, and amending and restating the Redevelopment Plan (referred to as the “Thirteenth Amendment”). The Thirteenth Amendment authorized the collection of tax increment revenue within Redevelopment Location No. 10 and established certain plan limitations applicable only to Location No. 10, including a \$250,000,000 limit on the amount of debt which may be outstanding at one time, a twenty (20) year time limit to incur debt, a thirty (30) year time limit on the effectiveness of the Redevelopment Plan, and a forty-five (45) year time limit on the collection of tax increment revenue; and

WHEREAS, as used herein, the term “Redevelopment Plan” means the initial Redevelopment Plan as amended by applicable provisions of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Amendments; and

WHEREAS, as used herein, the term “Pre-1994 Project Area” means Redevelopment Location Nos. 1, 2, 3, 4, 5, 7, and 8 that were part of the initial Redevelopment Plan as adopted by Ordinance No. 1238 on July 15, 1974, as thereafter amended as described above but excluding the two “Post-1994 Project Area” consisting exclusively of Redevelopment Location No. 9, added by the Eighth Amendment, and Redevelopment Location No. 10, added by the Thirteenth Amendment; and

WHEREAS, CRL Sections 33607.5 and 33607.7 set forth the manner in which pass-through payments are distributed to affected taxing entities, including the community that has adopted a redevelopment project area, from redevelopment projects adopted or amended after January 1, 1994 as set forth therein; and

WHEREAS, CRL Section 33607.5(b) provides that the City may elect to receive a portion of tax increment related to post-1994 plan amendments, including those that add territory or increase or eliminate certain time limitations; and

WHEREAS, the City has previously made its election and the City Council hereby desires to affirm, re-affirm, ratify, and make again the election that the City of South Gate, as the community that has adopted the redevelopment project area, receive the maximum payment as to and from both the Pre-1994 Project Area and the Post-1994 Project Area of the Redevelopment Project, as amended and in particular due to the amendments referred to in applicable provisions of the Eighth

Amendment, Ninth Amendment, Twelfth Amendment and Thirteenth Amendment, to which the City is entitled pursuant to CRL Section 33607.5(b) and other applicable provisions of the CRL.

NOW THEREFORE, the City Council of the City of South Gate does hereby resolve as follows:


SECTION 1. The City Council hereby affirms, re-affirms, ratifies, and makes the City of South Gate's election to receive the maximum amounts with respect to both the Project Area, including the Pre-1994 Project Area and the Post-1994 Project Area, as amended, and in particular due to in applicable provisions of the amendments described above as the Eighth Amendment, Ninth Amendment, Twelfth Amendment, and Thirteenth Amendment to which the City of South Gate is entitled as the community that has adopted the Redevelopment Plan and Project Area, as amended, and that are authorized by paragraph (b) of Section 33607.5 of the CRL.

SECTION 2. The City Council hereby directs the City Clerk, in cooperation with the staff of the Finance Department, to transmit a copy of this Resolution to the appropriate officers of the County of Los Angeles who administer and allocate the tax increment funds with respect to the Redevelopment Project.

SECTION 3. The Mayor shall sign and the City Clerk shall attest to the passage and adoption of this Resolution and thereupon the same shall take effect and be in full force and effect.

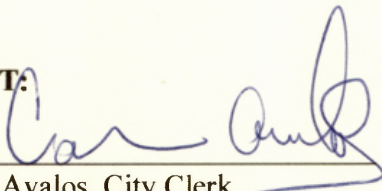
PASSED, APPROVED AND ADOPTED this 28th day of August, 2012.

CITY OF SOUTH GATE:



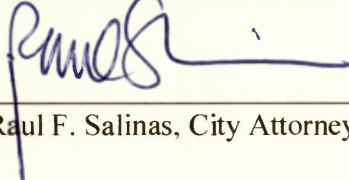
W.H. (Bill) De Witt, Mayor

ATTEST:



Carmen Avalos, City Clerk
(Seal)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

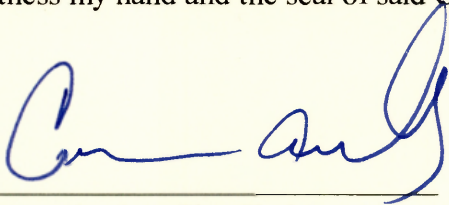
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7515 was adopted by the City Council at their Regular Meeting held on August 28, 2012, by the following vote:

Ayes: Council Members: De Witt, Hurtado, Gonzalez and Morales
Noes: Council Members: None
Absent: Council Members: Davila
Abstain: Council Members: None

Witness my hand and the seal of said City on September 12, 2012.



Carmen Avalos, City Clerk
City of South Gate, California