

ORDINANCE NO. O-03-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, REPEALING ORDINANCE NO. O-03-11 ELECTING TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO HEALTH AND SAFETY CODE SECTION 34192 ET SEQ.

WHEREAS, the City Council of the City of Colton (“City”) has five redevelopment projects: (1) the Cooley Ranch Redevelopment Project (adopting Ordinance No. 1478, dated July 29, 1975); (2) the Santa Ana River Redevelopment Project (adopting Ordinance No. 1632, dated December 29, 1982); (3) the West Valley Redevelopment Project (adopting Ordinance No. O-10-86, dated July 15, 1986 and its amendment adopting Ordinance No. O-9-87, dated June 30, 1987); (4) the Mt. Vernon Corridor Redevelopment Project (adopting Ordinance No. O-8-87, dated June 30, 1987); and (5) the Rancho/Mill Redevelopment Project (adopting Ordinance No. O-13-94, dated July 5, 1994) (collectively and as amended, the “Project Areas”); and

WHEREAS, prior to February 1, 2012, the Redevelopment Agency for the City of Colton (“Agency”) had been engaged in activities to redevelop the Project Areas pursuant to the provisions of the California Community Redevelopment Law (Health & Saf. Code, § 33000 et seq.); and

WHEREAS, on June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill 1X 26 (“AB 1X 26”) and Assembly Bill 1X 27 (“AB 1X 27”) were enacted, suspending all new redevelopment activity of the Agency and dissolving the Agency, unless the City, by ordinance, elected to participate in the “Alternative Voluntary Redevelopment Program” established by AB 1X 27 and agreed to pay an annual “community remittance” payment to the County of San Bernardino; and

WHEREAS, on July 18, 2011, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Legal Action”), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on September 6, 2011, the City enacted its Ordinance No. O-03-11, electing to participate in the Alternative Voluntary Redevelopment Program established by AB 1X 27; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the Legal Action, upholding AB 1X 26 and invalidating AB 1X 27 and dissolving all redevelopment agencies throughout the State, effective February 1, 2012; and

WHEREAS, because AB 1X 27 has been invalidated by the California Supreme Court, City Ordinance No. O-03-11, enacted pursuant to AB 1X 27, is also invalid; and

WHEREAS, the City desires to repeal the enactment of City Ordinance No. O-03-11 because the authority under which the Ordinance was enacted is no longer valid.

THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. The action taken by enactment of this Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Council directs City staff to file a Notice of Exemption within five (5) days following adoption of this Ordinance with the Clerk of the Board of Supervisors of the County of San Bernardino.

SECTION 3. The City Council hereby repeals City Ordinance No. O-03-11 in its entirety.

SECTION 4. The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

SECTION 5. 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 that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular portion of this Ordinance.

SECTION 6. This Ordinance shall take force and effect thirty (30) days after its adoption.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and cause this Ordinance or a summary of this Ordinance to be published in a newspaper of general circulation printed and published within the City of Colton in accordance with law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this 6th day of March, 2012.

SARAH S. ZAMORA

Mayor

City of Colton

ATTEST:

EILEEN C. GOMEZ, CMC

City Clerk

City of Colton

CERTIFICATION

I, EILEEN C. GOMEZ, City Clerk of the City of Colton, California, do hereby certify that the foregoing ordinance (O-03-12) was properly introduced and subsequently adopted at a regular meeting of the City Council of the City of Colton, California, duly held on the 6th day of March, 2012 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Colton, California, this _____ day of _____, 2012.

Eileen C. Gomez, CMC
City Clerk
City of Colton