

RESOLUTION NO. 2660-10 RDA

A RESOLUTION OF THE TOWN OF WINDSOR REDEVELOPMENT AGENCY MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WINDSOR REDEVELOPMENT PROJECT

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 (“Redevelopment Plan” or “Plan”); and

WHEREAS, jurisdiction of the Windsor Redevelopment Project Area (“Project Area”) was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“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 Agency, a public body corporate and politic, is a redevelopment agency duly organized pursuant to Community Redevelopment Law [(“CRL”)] (California Health and Safety Code Section 33000 et seq.) and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Project Area and to formulate a redevelopment project or projects within the Town of Windsor; and

WHEREAS, the Redevelopment Plan has been amended four times (as amended, the “Existing Plan”) to, among other things, conform the limits as required by Assembly Bill 1290, increase the financial limits, extend eminent domain and add public improvements, extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1045 by one year for payments made to the Education Revenue Augmentation Fund (“ERAF”) in fiscal year 2003/04, and to extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1096 for two years for payments made to the ERAF in fiscal years 2004/05 and 2005/06; and

WHEREAS, the Agency again desires to amend the Existing Plan (“Fifth Amendment” or “Amendment”) to: 1) extend plan effectiveness by 10 years; 2) extend the time period for collection of tax increment/repayment of debt by 10 years; 3) increase the tax increment limit; 4) increase the bond debt limit; 5) repeal the debt establishment limit; 6) re-establish eminent domain over non-residential uses; 7) add certain public improvements and facilities to the list of eligible projects and facilities the Agency may undertake; 8) add territory; and 9) make certain technical corrections to the Redevelopment Plan; and

WHEREAS, on August 19, 2009, by Resolution No. 2531-09, the Town Council designated a redevelopment survey area and directed the Planning Commission of the Town of Windsor (“Planning Commission”) to select the boundaries of the area to be added to the Project Area from within the boundaries of the redevelopment survey area and formulate a Preliminary Plan for the redevelopment of the proposed added areas; and

WHEREAS, on August 25, 2009, the Planning Commission of the Town of Windsor (“Planning Commission”), by Resolution No. 573-09, selected and designated the boundaries of the area

proposed to be included within the Project Area (“Fifth Amendment Added Area” or “Added Area”), approved a Preliminary Plan and submitted said Preliminary Plan to the Agency; and

WHEREAS, on October 21, 2009, the Agency, by Resolution No. 2561-09 RDA, accepted the Preliminary Plan and directed preparation of a Preliminary Report for the Fifth Amendment; and

WHEREAS, the Agency has prepared a proposed Amended and Restated Redevelopment Plan (“Amended and Restated Redevelopment Plan”) incorporating the Fifth Amendment; and

WHEREAS, on December 2, 2009, by Resolution No. 2592-09 RDA, the Agency approved the Preliminary Report for the Fifth Amendment to the Redevelopment Plan for Windsor Redevelopment Project and authorize transmittal of the report to the affected taxing agencies, the Department of Finance (“DOF”), the Department of Housing and Community Development (“HCD”) and other interested persons and organizations; and

WHEREAS, on December 2, 2009, by Resolution No. 2593-09 RDA, the Agency received the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan and authorized the transmittal of the Amended and Restated Redevelopment Plan to the Planning Commission for its report and recommendation and to the affected taxing agencies and other interested persons and organizations; and

WHEREAS, on December 2, 2009, by Resolution No. 2594-09 RDA, the Agency accepted and authorized the circulation of the Draft Environmental Impact Report prepared for the Fifth Amendment; and

WHEREAS, on December 2, 2009, by Resolution No. 2595-09, the Town Council determined that a Project Area Committee need not be formed in the preparation of the Fifth Amendment and directed the Fifth Amendment be provided to and the Agency consult with residents, property owners, business owners, and existing civic and business organizations; and

WHEREAS, on December 8, 2009, the Planning Commission, by Resolution No. 576-09, determined the Amended and Restated Redevelopment Plan to be consistent with the Town of Windsor General Plan and recommended that the Agency and Town Council approve and adopt the Fifth Amendment; and

WHEREAS, on February 17, 2010, the Agency, by Resolution No. 2619-10 RDA, amended the Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in the Windsor Redevelopment Project Area; and

WHEREAS, on February 17, 2010, the Agency, by Resolution No. 2618-10 RDA, approved and adopted the Agency’s Report to Town Council on the Fifth Amendment, submitted said Report and Amended and Restated Redevelopment Plan to the Town Council, consented to a joint public hearing with the Town Council on the Fifth Amendment and authorized and directed the transmittal of the Report to Town Council with the notice of the joint public hearing to each of the affected taxing entities, HCD, DOF and to other interested persons and organizations; and

WHEREAS, on February 17, 2010, the Town Council, by Resolution No. 2620-10, acknowledged receipt of the Report to Town Council and the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan from the Agency and consented to and call for a joint public hearing with the Agency on the Fifth Amendment; and

WHEREAS, Section 33333.10(h) of the CRL requires that the Agency adopt a resolution making certain findings prior to the adoption of an amendment pursuant to CRL Section 33333.10(a) and the proposed Fifth Amendment includes an amendment pursuant to CRL Section 33333.10(a).

NOW, THEREFORE BE IT RESOLVED:

Section 1: The foregoing recitals are true and correct and are a substantive part of this resolution.


Section 2: The Agency hereby finds and determines that the Town of Windsor Housing Element, adopted by the Town Council on July 15, 2009, has been determined by the Department of Housing and Community Development (“HCD”) to be in full compliance with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based on the fact the Department of Housing and Community Development reported to the Town in writing on October 23, 2009, finding the Housing Element to be in full compliance with State housing element law.

Section 3: The Agency hereby finds and determines that during the three preceding fiscal years (2006-07, 2007-08 and 2008-09) the Agency was not included in the report sent by the State Controller to the Attorney General as an agency that had a “major violation” (as defined in CRL Section 33080.8). This finding is based on the facts that: (a) the State Controller is required to notify each affected agency and its legislative body when it reports them to the Attorney General and neither the Agency nor the Town Council have been notified that the State Controller reported the Agency to the Attorney General as having a major violation during fiscal years 2006-07 through 2008-09 or any other fiscal year; and (b) the independent financial audit reports for fiscal years 2006-07 through 2008-09 did not identify any “major violation” (as defined in CRL Section 33080.8).

Section 4: The Agency hereby finds and determines that the Agency has not accumulated an excess surplus (as defined in CRL Section 33334.12) in its Low and Moderate Income Housing Fund. This finding is based on the facts that: (a) the Department of Housing and Community Development reported in writing on February 26, 2010, that the Agency was not included on its list of redevelopment agencies having an excess surplus of housing funds; and (b) the annual report of the Agency for fiscal year 2008-09, prepared in accordance with CRL Section 33080.1, including the Agency’s independent financial audit report, does not indicate that the Agency has an excess surplus of housing funds.

PASSED, APPROVED AND ADOPTED this 7th day of April 2010, by the following vote:

AYES: MEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND CHAIR SALMON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



SAM SALMON, CHAIR

ATTEST:



MARIA DE LA O, SECRETARY