

RESOLUTION NO. 2665-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR ELECTING TO RECEIVE THAT PORTION OF THE TAX INCREMENTS FROM THE FIFTH AMENDMENT ADDED AREA ATTRIBUTABLE TO TAX RATE INCREASES IMPOSED FOR THE BENEFIT OF THE TOWN OF WINDSOR AFTER THE ADOPTION OF THE PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WINDSOR REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33676

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 to 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, CRL Section 33676(a)(1) provides that, prior to the adoption of the Fifth Amendment, any affected taxing agency may elect to receive, in addition to the portion of taxes allocated to the affected taxing agency pursuant to Section 33670(a) of the CRL, all or any portion of the tax revenues allocated to the Agency from the Added Area pursuant to Section 33670(b) of the CRL which are attributable to the tax rate increases imposed for the benefit of the taxing agency after the tax year in which the ordinance adopting the Fifth Amendment becomes effective (the "Future Tax Rate Increase Revenues"); and

WHEREAS, as an affected taxing agency, the Town Council of the Town of Windsor (the "Town Council") desires to receive its Future Tax Rate Increase Revenues, if any, from the Added Area.

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 Town Council hereby elects to receive its Future Tax Rate Increase Revenues, as defined in the above recitals, resulting from taxes levied on property within the Added Area.

Section 3: The Town Clerk is hereby directed and authorized to transmit a copy of this resolution to the Executive Director of the Agency.


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

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND
MAYOR SALMON**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



SAM SALMON, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK