

**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 05/02/06  
AGENDA ITEM 3  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of an Ordinance Extending the Time Limit for Effectiveness of the Redevelopment Plan for the Downtown Redevelopment Project

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Ordinance.

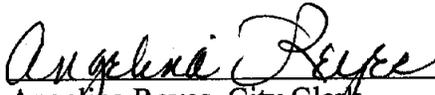
**BACKGROUND:**

The ordinance was introduced at the April 25, 2006, meeting of the City Council with the following vote:

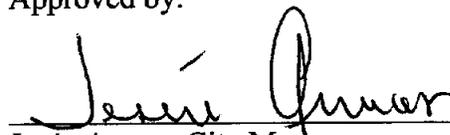
**AYES:** Council Members: Jimenez, Quirk, Halliday, Ward, Dowling, Henson  
Mayor: Cooper  
**NOES:** Council Members: None  
**ABSENT:** Council Members: None  
**ABSTAIN:** Council Members: None

The ordinance was published in the Hayward Daily Review on April 29, 2006. Adoption at this time is therefore appropriate.

Prepared by:

  
\_\_\_\_\_  
Angelina Reyes, City Clerk

Approved by:

  
\_\_\_\_\_  
Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY  
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA, EXTENDING THE TIME  
LIMIT FOR EFFECTIVENESS OF THE REDEVELOPMENT PLAN FOR THE  
DOWNTOWN REDEVELOPMENT PROJECT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

WHEREAS, the City Council of the City of Hayward, California (the "City Council"), adopted Ordinance No. 75-029 on December 30, 1975 approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Downtown Hayward Redevelopment Project (the "Project"); and

WHEREAS, on December 6, 1986, the City Council adopted Ordinance No. 86-041, amending section V E pertaining to property acquisition and sections VIII A and B concerning the methods of financing; and

WHEREAS, on April 21, 1987, the City Council adopted Ordinance No. 87-009, adding Project Expansion Area No. 1 to the Redevelopment Project Area; and

WHEREAS, on July 28, 1992, the City Council adopted Ordinance No. 92-21, making certain technical changes to the Redevelopment Plan; and

WHEREAS, on December 20, 1994, the City Council adopted Ordinance No. 94-30, establishing certain limitations with respect to the Redevelopment Plan; and

WHEREAS, on November 10, 1998, the City Council adopted Ordinance No. 98-16, adding Project Expansion Area No. 2 to the Redevelopment Project Area; and

WHEREAS, on June 25, 2001, the City Council adopted Ordinance No. 01-07, adding Project Expansion Area No. 3 to the Redevelopment Project Area; and

WHEREAS, on March 16, 2004 the City Council adopted Ordinance No. 04-03, extending the time limit on the effectiveness of the Redevelopment Plan by one year and extending the time limit for incurring indebtedness with respect to the Redevelopment Plan; and

WHEREAS, the current time limits on the effectiveness of the Redevelopment Plan established pursuant to Section XI the Redevelopment Plan, as amended, is as set forth below:

Original Project Area	December 30, 2016
Project Expansion Area No. 1	December 30, 2021
Project Expansion Area No. 2	November 10, 2029
Project Expansion Area No. 3	June 25, 2032

WHEREAS, with respect to the Original Project Area and Project Expansion Area No. 1, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety

Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established above, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after:

Original Project Area	December 30, 2026
Project Expansion Area No. 1	December 30, 2026

WHEREAS, with respect to Project Expansion Nos. 2 and 3, the current time limit to repay indebtedness with the proceeds of taxes received pursuant to Health and Safety Code Section 33670 is forty-six (46) years from the adoption of the amendments to the Redevelopment Plan adding those Project Expansion Areas, respectively:

Project Expansion Area No. 2	November 10, 2044
Project Expansion Area No. 3	June 25, 2047

WHEREAS, the Redevelopment Agency of the City of Hayward, California (the "Agency") has been designated as the official redevelopment agency in the City of Hayward to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 1096 which took effect on September 5, 2004, and which provides that when an agency is required to make a payment pursuant to Section 33681.12 the legislative body may, in certain circumstances, amend the redevelopment plan to extend by one year the time limit on the effectiveness of the redevelopment plan and the time limit on receipt of tax increment and payment of indebtedness by one year for each year the Agency makes such a payment; and

WHEREAS, Section 33333.6 was also amended to state that if the time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) of Section 33333.6 is more than 10 years but less than 20 years from the last day of the fiscal year in which a payment is made, the legislative body must make certain findings; and

WHEREAS, Subparagraph (e)(2)(D)(iii) of Section 33333.6 states that if the time limit for the effectiveness of the redevelopment plan established pursuant to subdivision (a) of Section 33333.6 is more than 20 years after the last day of the fiscal year in which such a payment is made the amendments described above do not apply; and

WHEREAS, pursuant to Health and Safety Code Section 33681.12 the Agency is required to make a payment to the Alameda County Educational Revenue Augmentation Fund for the fiscal years 2004-2005 and 2005-2006.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby ordain as follows:

Section 1. The time limit on the effectiveness of the Redevelopment Plan with respect to the Original Project Area and Project Expansion Area No. 1, as set forth in Section XI of the Redevelopment Plan, as amended, is hereby amended as follows:

Original Project Area	December 30, 2018
Project Expansion Area No. 1	December 30, 2023

Section 2. With respect to the Original Project Area and Project Expansion Area No. 1, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Section 1 of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after:

Original Project Area	December 30, 2028
Project Expansion Area No. 1	December 30, 2028

Section 3. With respect to Project Expansion Area Nos. 2 and 3, the Agency cannot apply the extension because the effectiveness of the plans are more than 20 years from the last day of the fiscal year in which a payment was made.

Section 4. The City Council hereby finds and determines with respect to the original Project Area and the Project Expansion Area No. 1, all of the following:

- a. The Agency is in compliance with the requirements of Section 33334.2 or 33334.6, as applicable.
- b. The Agency has adopted an implementation plan in accordance with the requirements of Section 33490.
- c. The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable.
- d. The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus.

Section 5. Ordinance Nos. 75-029, 86-041, 87-009, 92-21, 94-30, 98-16, 01-07, and 04-03 are continued in full force and effect except as amended by this Ordinance.

Section 6. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 7. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 8. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Hayward, California, and cause the same to be published once in the Daily Review, a newspaper of general circulation, published and circulated in the City of Hayward, and it will take effect thirty (30) days after its final passage.

Introduced at a meeting of the Hayward City Council held April 25, 2006, the above-entitled ordinance was introduced by Council Member .

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on May2, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: April 29, 2006

Angelina Reyes, City Clerk  
City of Hayward