

ANALYSIS

This uncodified ordinance determines that the County of Los Angeles shall comply with the provisions of Voluntary Alternative Redevelopment Program set forth in Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the community redevelopment function of the Community Development Commission of the County of Los Angeles.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
BEHNAZ TASHAKORIAN
Deputy County Counsel
Contracts Division

BTK:gjh

Requested: (7/13/11)

Revised: (8/10/11))

ORDINANCE NO. 2011-0050

An ordinance determining that the County of Los Angeles ("County") shall comply with the provisions of the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code (commencing with Section 34192) in order to permit the continued existence and operation of the community redevelopment function of the Community Development Commission of the County of Los Angeles.

WHEREAS, the Board of Supervisors of the County of Los Angeles ("County") has previously approved and adopted the Redevelopment Plans for the Maravilla, Willowbrook, East Rancho Dominguez, West Altadena, and Whiteside Redevelopment Projects ("Redevelopment Plans") covering certain properties within the County ("Project Areas"); and

WHEREAS, the Community Development Commission of the County of Los Angeles ("Commission") is a redevelopment agency duly organized pursuant to the provisions of the California Community Redevelopment Law ("CRL"), Health and Safety Code section 33000, et seq., and pursuant thereto has responsibility to implement the Redevelopment Plans for the County; and

WHEREAS, since adoption of the Redevelopment Plans, the Commission has undertaken redevelopment projects in the Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature recently enacted and the Governor has signed, legislation (AB X1 26 [Chapter 5, Statutes of 2011] and AB X1 27 [Chapter 6, Statutes of 2011] hereinafter "Legislation"), requiring that the Commission's redevelopment functions be dissolved unless the County enacts an ordinance committing it to making certain payments; and

WHEREAS, the Board of Supervisors wishes to have the Commission continue its redevelopment functions and commits to make certain payments set forth in this Ordinance; and

WHEREAS, the Board of Supervisors does not intend, by enactment of this Ordinance, to waive any constitutional and/or legal rights by virtue of the enactment of this Ordinance and, therefore, reserves all of its rights under the law to challenge the validity of any or all provisions of the Legislation in any administrative or judicial proceeding, without prejudice to the County's right to recover any amounts remitted under Health and Safety Code section 34192 et seq.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. In accordance with Health and Safety Code section 34193, and based on the Recitals set forth above, which are incorporated herein by this reference above, the Board of Supervisors hereby determines that the County shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code (commencing with Section 34192).

SECTION 2. Payment Under Protest. Except as set forth in Section 4, below, the Board of Supervisors hereby determines that the County shall make the community

remittances as defined in and in accordance with Health and Safety Code section 34194, et seq.

SECTION 3. Additional Understandings and Intent. It is the understanding and intent of the Board that, once the Commission is again authorized to enter into agreements under the CRL, the County will enter into an agreement with the Commission as authorized under Health and Safety Code section 34194.2, whereby the Commission will transfer annual portions of its tax increment to the County in amounts not to exceed the annual community remittance payments to enable the County, directly or indirectly, to make the annual remittance payments. The Board of Supervisors does not intend, by enactment of this Ordinance, to pledge any County General Fund revenues or assets to make the community remittance payments.

SECTION 4. Effect of Stay or Determination of Invalidity. County shall not make any community remittance payments in the event a court of competent jurisdiction either grants a stay on the enforcement of the Legislation or determines that it is unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance paid pursuant to this Ordinance shall be made under protest and without prejudice to the County's right to recover such amount and interest thereon in the event that there is a final determination that the Legislation, or any part related to the community remittance payments, is unconstitutional. If there is a final determination that the Legislation providing for the community remittance payments are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

SECTION 5. Implementation. The Board of Supervisors hereby authorizes and directs the Executive Director of the Commission to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the County's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code.

SECTION 6. Severability. 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 which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

[ALTREDEVPRGBTCC]

SECTION 8. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich

Mayor

ATTEST:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of August 30, 2011 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Gloria Molina
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

Supervisors None

Effective Date: September 29, 2011

Operative Date: _____

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By *Antal*
Deputy



APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By *Leela Kapur*
Leela Kapur
Chief Deputy County Counsel