

ORDINANCE NO. 2948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING ORDINANCE NO. 2938 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 Ontario ("City") approved and adopted the Redevelopment Plan(s) ("Redevelopment Plan") for the Ontario Redevelopment Project Area(s) covering certain properties within the City; and

WHEREAS, prior to February 1, 2012, the Redevelopment Agency of the City of Ontario ("Agency") was engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); 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 August 16, 2011, the City enacted its Ordinance No. 2938, 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 of California, effective February 1, 2012; and

WHEREAS, because AB 1X 27 has been invalidated by the California Supreme Court, City Council Ordinance No. 2938, enacted pursuant to AB 1X 27, is also invalid; and

WHEREAS, the City desires to repeal the enactment of Ordinance No. 2938 because the authority under which the Ordinance was enacted is no longer valid.

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

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

SECTION 2. CEQA. 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.

SECTION 3. Repeal of Ordinance No. 2938. The City Council hereby repeals City Council Ordinance No. 2938 in its entirety.

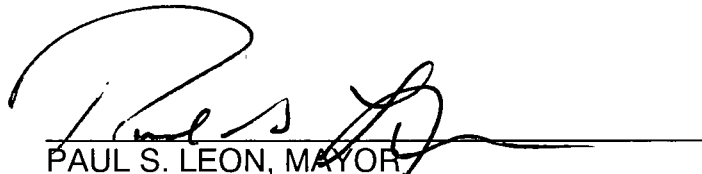
SECTION 4. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

SECTION 5. 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 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. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption, in a newspaper of general circulation printed and published within the City of Ontario, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code section 36933.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of April 2012.

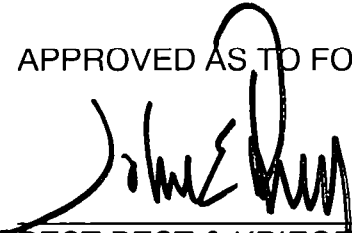


PAUL S. LEON, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

  
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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2948 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 20, 2012 and adopted at the regular meeting held April 3, 2012 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, MAUTZ, WAPNER, BOWMAN  
AND DORST-PORADA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2948 duly passed and adopted by the Ontario City Council at their regular meeting held April 3, 2012 and that Summaries of the Ordinance were published on March 27, 2012 and April 10, 2012 in the Inland Valley Daily Bulletin newspaper.

MARY E WIRTES, MMC, CITY CLERK

(SEAL)