

ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING SECTION 21-32 (CREDIT FOR TAXES DUE TO REDEVELOPMENT AGENCY OF THE CITY OF WEST COVINA) OF ARTICLE II (SALES AND USE TAX) OF CHAPTER 21 (TAXATION) OF THE WEST COVINA MUNICIPAL CODE

WHEREAS, in 1989, the former West Covina Redevelopment Agency took several actions related to the formation of the West Covina Fashion Plaza Community Facilities District ("CFD"), including establishing the CFD, determining the necessity to incur bonded indebtedness within the CFD, authorizing the levy of a special tax within the CFD and adopting an ordinance that allowed the Redevelopment Agency to receive sales tax generated from the expansion of the Fashion Plaza project; and

WHEREAS, on July 10, 1989, the City Council adopted Ordinance No. 1818, adding a new Section 21-32 to Article II of Chapter 21 of the West Covina Municipal Code; and

WHEREAS, Section 21-32 provides for a credit against the sales and use taxes due to the City in an amount equal to the amount of sales and use taxes due to the Redevelopment Agency pursuant to Section 7202.6 of the California Revenue and Taxation Code; and

WHEREAS, Section 21-32 also provides that in the event the Redevelopment Agency issues obligations secured in whole or in part by taxes levied pursuant to Section 7202.6 of the California Revenue and Taxation Code, the City shall not revoke the credit in whole or in part, nor shall it reduce its sales and use tax rate, so long as such obligations are outstanding; and

WHEREAS, in 1990, the former Redevelopment Agency issued bonds to facilitate the Fashion Plaza expansion. The bonds were secured by an annual special tax levy, incremental property taxes, and incremental sales taxes generated within the CFD; and

WHEREAS, the bonds were refunded in 1996; and

WHEREAS, the refunding bonds matured in September 2022; and

WHEREAS, since the sales and use taxes generated from the Fashion Plaza expansion are no longer pledged to any debt, the City Council may repeal Section 21-32; and

WHEREAS, the City Council now desires to repeal Section 21-32 in its entirety; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that all of the recitals set forth herein are true and correct.

SECTION 2. Repeal of Section 21-32. The City Council hereby repeals Section 21-32 (Credit for Taxes Due to Redevelopment Agency of the City of West Covina) of Article II (Sales and

Use Tax) of Chapter 21 (Taxation) of the West Covina Municipal Code in its entirety.

SECTION 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the City Council finds that this Ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 1st day of November, 2022.



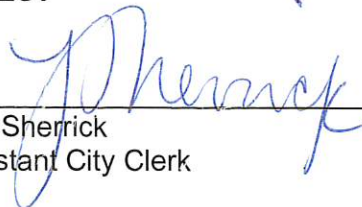
Dario Castellanos
Mayor

APPROVED AS TO FORM



Thomas P. Duarte
City Attorney

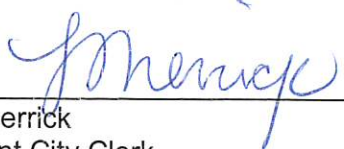
ATTEST



Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2505 was introduced at a regular meeting of the City Council held on the 18th day of October, 2022, and adopted at a regular meeting of the City Council on the 1st day of November, 2022 by the following vote of the City Council:

AYES:	Castellanos, Diaz, Lopez-Viado, Tabatabai, Wu
NOES:	None
ABSENT:	None
ABSTAIN:	None



Lisa Sherrick
Assistant City Clerk