

**ORDINANCE NO. 24-2404**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING A NEW CHAPTER 3 (ECONOMIC DEVELOPMENT) TO ARTICLE X OF THE CARSON MUNICIPAL CODE SPECIFICALLY AUTHORIZING CITY TO ENTER INTO AGREEMENTS FOR ECONOMIC DEVELOPMENT ACTIVITIES**

**WHEREAS**, Section 206 of the City of Carson ("City") Charter authorizes a comprehensive set of economic development incentives and programs to promote development given the unique developmental constraints in the City of Carson, to create jobs and to preserve the sound fiscal basis of the City; and

**WHEREAS**, Section 206 also provides that it is a significant goal of the Charter to allow the City to pursue economic development to the maximum degree permitted by the California Constitution, for purposes of eliminating blight, encouraging private investment, providing public infrastructure, and causing the development and redevelopment of property; and

**WHEREAS**, the City's Charter powers include the authority for City to loan, grant, fund, or finance private projects which will provide public benefit and protect the public health, safety and welfare of the community, in a manner to promote the economic development objectives set forth in Section 206 of the Charter; and

**WHEREAS**, the City's Charter powers for economic development may be invoked by the City in a multitude of ways. Specifically, Section 206D states "[i]n exercising the powers granted pursuant hereto, the city council may by ordinance exercise the above authorities, or create a subordinate economic development authority, and/or enable the Carson Reclamation Authority to so act to incentivize private investment by the grant or loan of public resources...." Section 206 also states that City may enter into agreements for certain purposes in connection with disposition of real or personal property (Section 206C(9)), and to incentivize tax rebates or tax credits (Section 206C(14)), but does not specifically authorize City to enter into agreements to loan, grant, fund, or finance projects outside the scope of those projects enumerated that concern property disposition or tax incentives and

**WHEREAS**, additionally, Government Code Section 53083 authorizes the City to provide financial incentives of \$100,000 or more to businesses to promote economic activity within the City's jurisdiction, including, but not limited to, bonds, grants, loans, loan guarantees, enterprise zone or empowerment zone incentives, fee waivers, land price subsidies, matching funds, tax abatements, tax exemptions, and tax credits, provided that certain procedures set out thereunder are satisfied; and

**WHEREAS**, Section 206 of the Charter provides that any economic development assistance provided by the City may be approved only after a duly noticed public hearing; and

**WHEREAS**, Section 206 of the Charter states that the City may adopt a comprehensive ordinance with measures to carry out the provisions set forth thereunder; and

**WHEREAS**, the City Council now sees fit to adopt this Ordinance for the purpose of specifically authorizing the City to pursue economic development activities by entering into agreements for provision of loans or grants to certain commercial property owners, irrespective of whether the loan or grant is subject to Government Code Section 53083, and to establish the noticing requirement for duly noticed public hearings; and

**WHEREAS**, this Ordinance is intended to be interpreted and implemented in conjunction with, and not inconsistent with, Section 206 of the Charter.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The forgoing recitals are true and correct and are incorporated herein by this reference as findings of fact.

**SECTION 2.** In accordance with the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 et seq.), and any applicable local CEQA policies and procedures, adoption of this Ordinance is not a “project” for purposes of CEQA, as that term is defined by the CEQA Guidelines Section 15378, because the Ordinance merely contemplates a government funding mechanism or other government fiscal activity, which does not involve any commitment to any specific project which may result in potentially significant physical impact on the environment, pursuant to Guidelines Section 15378(b)(4), or alternatively, it constitutes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment pursuant to Guidelines Section 15378(b)(5).

**SECTION 3.** A new Chapter 3 (Economic Development) is hereby added to Article X of the Carson Municipal Code, to read in its entirety as follows:

### **“CHAPTER 3**

### **ECONOMIC DEVELOPMENT**

#### **Sections:**

#### **§10200 Purpose.**

#### **§10201 Authorized Agreements.**

#### **§10202 Notices.**

#### **10200 Purpose.**

Section 206 of the City of Carson’s Charter sets out various options as to how the City can engage in economic development activity. The City’s Charter powers provide that “[i]n exercising the powers granted pursuant hereto, the city council may by ordinance exercise the above authorities, or create a subordinate economic development authority, and/or enable the Carson Reclamation Authority to so act to incentivize private investment by the grant or loan of public resources....” 206D also permits the City to adopt a comprehensive ordinance with measures to carry out the provisions of Section 206. The declared purpose of this Chapter is to provide supplemental authorization for the City of Carson to enter into agreements to provide loans or grants to commercial property owners for the purpose of increasing economic development irrespective of whether the loan or grant is subject to Government Code Section 53083, and to establish the noticing requirement for duly noticed public hearings. This Chapter is to be interpreted and implemented in conjunction with, and not inconsistent with, Section 206 of the Charter.

#### **§10201 Authorized Agreements.**

(a) The City is authorized to provide loans or grants to commercial property owners pursuant to Section 206 of its Charter by entering into an agreement with the property owner, whether or not the loan or grant is provided in connection with disposition of real or personal property or to incentivize tax rebates or tax credits.

(b) All such public assistance provided by City shall have a sufficient public purpose and must include a comprehensive report identifying the following:

- (1) the nature of the project that is the subject of the agreement;
- (2) the necessity of the assistance;
- (3) the amount of the assistance;
- (4) the public benefits of the project that is the subject of the agreement;
- (5) the return on the project that is the subject of the agreement; and
- (6) the regulations and conditions governing the project that is the subject of the agreement.

(c) To the extent Government Code Section 53083 is applicable, all requirements thereunder must be adhered to for provision of all City loans or grants given for economic development purposes.

#### **§10202 Notices.**

Agreements authorizing provision of loans or grants may only be approved after a duly noticed public hearing. The notice must be given at least 10 calendar days prior to the hearing date."

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 6.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 6<sup>th</sup> day of March 2024.

APPROVED AS TO FORM:

CITY OF CARSON:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney

\_\_\_\_\_  
Lula Davis-Holmes, Mayor

ATTEST:

\_\_\_\_\_  
Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss.  
CITY OF CARSON                 )

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 24-2404 passed first reading on the 6<sup>th</sup> day of March 2024, adopted by the Carson City Council at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
RECUSED:	COUNCIL MEMBERS:

\_\_\_\_\_  
Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss.  
CITY OF CARSON                        )

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, do hereby certify that Ordinance No. 24-2404 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in Our Weekly, newspaper of general circulation on the following date:

Adopted Ordinance: \_\_\_\_\_

In witness whereof, I have hereunto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_,  
2024.

\_\_\_\_\_  
Dr. Khaleah K. Bradshaw, City Clerk