

**RESOLUTION NO. 2- 2015**

**A RESOLUTION APPROVING AND ADOPTING THE  
8th RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
(ROPS 2015-16A) FOR THE TIME PERIOD OF  
01 JULY 2015 THROUGH 31 DECEMBER 2015,  
PURSUANT TO SECTION 31471(h) AND 34177(I)(1)  
OF THE CALIFORNIA REDEVELOPMENT LAW**

**THE OVERSIGHT BOARD  
Successor Agency for the City of Clayton, California**

**WHEREAS**, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on 20 July 1987 adopting the Redevelopment Plan for the Clayton Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

**WHEREAS**, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to said Redevelopment Law; and

**WHEREAS**, Assembly Bill X1 26 (the "Dissolution Act") and Assembly Bill X1 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on 28 June 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

**WHEREAS**, on 11 August 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of these Redevelopment Restructuring Acts; and

**WHEREAS**, on 29 December 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

**WHEREAS**, the Court's decision means that all California redevelopment agencies, including the Clayton Redevelopment Agency, are now terminated and have been automatically dissolved on 1 February 2012 pursuant to the Dissolution Act; and

**WHEREAS**, on 17 January 2012 by Resolution No. 03-2012, the Clayton City Council did exercise its priority right and took action to become the Successor Agency and the Successor Housing Agency of the former Clayton Redevelopment Agency; and

**WHEREAS**, 07 January 2015 the Department of Finance (DOF) posted instructions for completing the 8<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16A) covering the time period of 01 July 2015 through 31 December 2015, including the requirement that the ROPS 2015-16A must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by 03 March 2015; and

**WHEREAS**, under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of the ROPS is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program because it merely lists enforceable obligations previously entered into and approved by the former Clayton Redevelopment Agency; and

**WHEREAS**, the Oversight Board to the City of Clayton Successor Agency has reviewed and duly considered the Staff Report, the proposed 8<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16A), plus documents and other written evidence presented at the meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the Oversight Board for the Successor Agency does hereby find the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

**BE IT FURTHER RESOLVED** that the Oversight Board does hereby approve and adopt the 8<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16A), attached hereto as "Attachment 1" and incorporated herein as if fully set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the Oversight Board authorizes and directs its City Manager or the City Manager's designee to: (1) post the 8<sup>th</sup> Recognized Obligation Payments Schedule (Attachment 1) on the City's website; (2) designate a City representative to whom all questions related to the 8<sup>th</sup> Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the Oversight Board's action to adopt the 8<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16A), and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the Oversight Board, Successor Agency, and City.

**BE IT FURTHER RESOLVED** that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Attachment 1, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not

affect the validity or effectiveness of the remaining portions of this Resolution, Attachment 1 or any part thereof. The Oversight Board, acting for the Successor Agency, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Attachment 1 irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Resolution and of Attachment 1 are declared to be severable.

**AND BE IT FURTHER RESOLVED** that this Resolution shall and does take immediate effect upon its adoption.

**PASSED, APPROVED AND ADOPTED** by the Oversight Board for the Successor Agency of the City of Clayton, California at a regular public meeting thereof held on the 26<sup>th</sup> day of February 2015 by the following vote:

AYES: Impastato, Nicholas, Richardson, Roxas.

NOES: None.

ABSENT: Geller, Mullen, Mitchoff.

ABSTAIN: None.

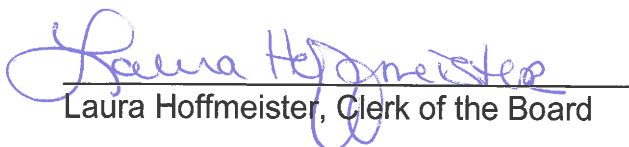
THE OVERSIGHT BOARD FOR THE  
SUCCESSOR AGENCY FOR THE  
CITY OF CLAYTON, CA



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Dan Richardson, Chair

ATTEST:



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Laura Hoffmeister, Clerk of the Board