

RESOLUTION NO. 03 - 2014

**A RESOLUTION APPROVING AND ADOPTING THE
7th RECOGNIZED OBLIGATION PAYMENT SCHEDULE
(ROPS 2014-15B) FOR THE TIME PERIOD OF
JANUARY 1, 2015 THROUGH JUNE 30, 2015,
PURSUANT TO SECTION 31471(h) AND 34177(l)(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 June 28, 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 August 11, 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 December 29, 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 February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, on January 17, 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, pursuant to Section 34177(l)(1) of the Redevelopment Law, each Successor Agency is further required to periodically prepare a six-month Recognized Obligation Payment Schedule (ROPS) covering the time increment from July-December

of each year and then again for January-June of each year until such time the enforceable obligations of its former redevelopment agency have been fully retired or serviced; and

WHEREAS, Section 34177(l)(2) of the Health and Safety Code requires the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") to submit to the State Department of Finance ("DOF"), the State Controller, and the Contra Costa County Auditor-Controller ("County Auditor") for review, the 7th Recognized Obligation Payment Schedule (ROPS 2014-15B), for the period January 1, 2015 through June 30, 2015 that has been reviewed and approved by the Oversight Board for the Successor Agency City of Clayton ("Board"); and

WHEREAS, Section 34177(m) of the Health and Safety Code requires that the 7th ROPS be submitted to the State of California Department of Finance, after approval by the Oversight Board, no later October 3, 2014; and

WHEREAS, in accordance with that requirement, the City Council, serving as the Successor Agency, at its September 16, 2014 meeting, reviewed, considered the Staff Report plus documents and other written evidence presented at the meeting, then approved the proposed 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) by its adoption of Successor Agency Resolution No. 03-2014; and

WHEREAS, at its regular duly posted public meeting on September 26, 2014, the Oversight Board received the Successor Agency's approved 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) and did duly consider the listed bonded indebtedness payments, contractual obligation expenses and other items allow for payment by ABx26 and AB 1484; 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.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency for the City of Clayton, California 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 5th Recognized Obligation Payment Schedule (ROPS 2014-15B), for the Period of January 1, 2015 – June 30, 2015 attached hereto as "Exhibit A" 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 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) Schedule (Exhibit A) on the City's website; (2)

designate a City representative to whom all questions related to the 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) 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 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) Schedule 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, including if necessary, making modifications to the 7th Recognized Obligation Payment Schedule (ROPS 2014-15B) Schedule determined by the Successor Agency's City Manager to be reasonable and financially feasible to meet its legally required financial obligations.

BE IT FURTHER RESOLVED that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not effect the validity or effectiveness of the remaining portions of this Resolution, Exhibit A 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 Exhibit A 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 Exhibit A 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 26th day of September 2014 by the following vote:

AYES: Geller, Richardson, Mullen, Nicholas.
NOES: None
ABSENT: Mitchoff, Impastato, Shamieh.
ABSTAIN: None

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



Dan Richardson, Chair

ATTEST:



Laura Hoffmeister, Clerk of the Board