

**RESOLUTION NO. 02 - 2013**

**A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA,  
ACTING AS THE SUCCESSOR AGENCY TO THE FORMER  
CLAYTON REDEVELOPMENT AGENCY, APPROVING AND  
ADOPTING ITS 5th RECOGNIZED OBLIGATION PAYMENT  
SCHEDULE (ROPS) FOR THE TIME PERIOD OF JANUARY 1, 2014  
THROUGH JUNE 30, 2014, PURSUANT TO SECTION 31471(h) AND  
34177(l)(1) OF THE CALIFORNIA REDEVELOPMENT LAW**

**THE CITY COUNCIL (AS SUCCESSOR AGENCY)  
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 July 20, 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**, 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**, on February 21, 2012 by Resolution No. 06-2012, the Clayton City Council serving in its duly-authorized capacity as the Successor Agency of the former Clayton Redevelopment Agency, did at a regular public meeting approve the 1<sup>st</sup> Recognized Obligation Payment Schedule (ROPS) of the Successor Agency and Successor Housing Agency prior to the March 1, 2012 deadline, setting forth the minimum payment amounts and due dates of payments required by enforceable obligations with said 1<sup>st</sup> ROPS covering the time period from February 1, 2012 through June 30, 2012; and

**WHEREAS**, pursuant to Section 34177(I)(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**, in accordance with that requirement, the City Council on April 17, 2012 did adopt the 2<sup>nd</sup> ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from July 1, 2012 through December 31, 2012 and noted the recognized enforceable obligations accordingly; and

**WHEREAS**, on June 27, 2012 the California Legislature adopted and the Governor signed Assembly Bill 1484 which set further statutory language and laws administering and managing the operations and obligation payments of successor agencies in California, including the requirement that a 3<sup>rd</sup> ROPS for each Successor Agency covering the time period of January 1, 2013 through June 30, 2013 must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the California Department of Finance (DOF) by September 1, 2012; and

**WHEREAS**, in accordance with that requirement, the City Council on July 17, 2012 did adopt the 3<sup>rd</sup> ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from January 1, 2013 through June 30, 2013 and noted the recognized enforceable obligations accordingly; and

**WHEREAS**, on January 1, 2013 the Department of Finance (DOF) posted instructions for completing the 4<sup>th</sup> Recognized Obligation Payment Schedule (ROPS2013-14A) covering the time period of July 1, 2013 through December 31, 2013, including the requirement that the ROPS 2013-14A must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by March 1, 2013; and

**WHEREAS**, in accordance with that requirement, the City Council on February 19, 2013 did adopt the 4<sup>th</sup> (13/14A) ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from July 1, 2013 through June 30, 2013 and noted the recognized enforceable obligations accordingly; and

**WHEREAS**, on August 15, 2013 the Department of Finance (DOF) posted instructions for completing the 5<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2013-14B) covering the time period of January 1, 2014 through June 30, 2014, including the requirement that the ROPS 2013-14B must be adopted by the Successor Agency, approved by its Oversight Board and posted electronically to the DOF by October 1, 2013; 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 Clayton City Council has reviewed and duly considered the Staff Report, the proposed 5<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2013-14B), plus documents and other written evidence presented at the meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California, serving as 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 City Council does hereby approve and adopt the 5<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2013-14B), attached hereto as "Attachment 1" and incorporated herein as if fully set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the 5<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 5<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 Successor Agency's action to adopt the 5<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2013-14B), 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 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 City Council, acting as 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.

Effect

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 17<sup>th</sup> day of September 2013 by the following vote:

AYES: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz and Geller.

NOES: None.

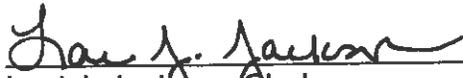
ABSENT: Councilmember Shuey.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA  
serving as the Clayton Successor Agency

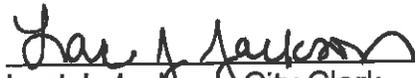
  
\_\_\_\_\_  
Julie Pierce, Mayor

ATTEST:

  
\_\_\_\_\_  
Laci J. Jackson, Clerk

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I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the City Clerk of and for the City of Clayton.

  
\_\_\_\_\_  
Laci J. Jackson, City Clerk

**Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary**

Filed for the January 1, 2014 through June 30, 2014 Period

**Name of Successor Agency:** Clayton  
**Name of County:** Contra Costa

<b>Current Period Requested Funding for Outstanding Debt or Obligation</b>	<b>Six-Month Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>	<b>\$ 200,000</b>
<b>A Sources (B+C+D):</b>	-
B Bond Proceeds Funding (ROPS Detail)	-
C Reserve Balance Funding (ROPS Detail)	200,000
D Other Funding (ROPS Detail)	<b>\$ 242,780</b>
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>	117,780
F Non-Administrative Costs (ROPS Detail)	125,000
G Administrative Costs (ROPS Detail)	<b>\$ 442,780</b>
<b>H Current Period Enforceable Obligations (A+E):</b>	
<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>	
I Enforceable Obligations funded with RPTTF (E):	242,780
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>	<b>\$ 242,780</b>
<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>	
L Enforceable Obligations funded with RPTTF (E):	242,780
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>	<b>242,780</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177(m) of the Health and Safety code, I hereby  
 certify that the above is a true and accurate Recognized Obligation  
 Payment Schedule for the above named agency.

<u>Dan Richardson</u>	
Name	Title
/s/ _____	_____
Signature	Date





**Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances**  
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H	I	J	K			
		Fund Sources									Total	Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF		Total				Comments
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin					
<b>Fund Balance Information by ROPS Period</b>													
<b>ROPS III Actuals (01/01/13 - 6/30/13)</b>													
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)	-	-	-	-	-	-	-	\$ -	-			
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller	-	-	-	-	-	110,521	125,002	\$ 235,523				
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs	-	-	-	-	-	126,326	125,002	\$ 251,328				
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III	-	-	-	-	-	-	-	\$ -				
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.	No entry required					-	-	\$ -	-			
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)				
<b>ROPS 13-14A Estimate (07/01/13 - 12/31/13)</b>													
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)				
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller								\$ -				
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)								\$ -				
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A								\$ -				
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,805)	\$ -	\$ (15,805)				