

RESOLUTION NO. 17 - 2012

**A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA,
ACTING AS THE SUCCESSOR AGENCY TO THE FORMER
CLAYTON REDEVELOPMENT AGENCY, APPROVING AND
ADOPTING ITS 2ND RECOGNIZED OBLIGATION PAYMENT
SCHEDULE (ROPS) FOR THE TIME PERIOD OF JULY 1, 2012
THROUGH DECEMBER 31, 2012, 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 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 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, on 21 February 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 1st Recognized Obligation Payment Schedule (ROPS) of the Successor Agency and Successor Housing Agency prior to the 01 March 2012 deadline, setting forth the minimum payment amounts and due dates of payments required by enforceable obligations with said 1st ROPS covering the time period from 01 February 2012 through 30 June 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, Staff did prepare the 2nd ROPS for the Successor Agency for the City of Clayton to cover the fiscal time period from 01 July 2012 through 31 December 2012 and noting the recognized enforceable obligations accordingly; 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 2nd Recognized Obligation Payment Schedule (ROPS), plus documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council 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 City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this action and Resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Contra Costa, California in accordance with the CEQA guidelines.

BE IT FURTHER RESOLVED that the City Council does hereby approve and adopt the 2nd Recognized Obligation Payment Schedule (ROPS), attached hereto as "Exhibit A" 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 2nd Recognized Obligation Payments Schedule (Exhibit A) on the City's website; (2) designate a City representative to whom all questions related to the 2nd 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 City's action to adopt the 2nd Recognized Obligation Payment Schedule (ROPS) 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 City.

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 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 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 City Council of the City of Clayton, California at a regular public meeting thereof held on the 17th day of April 2012 by the following vote:

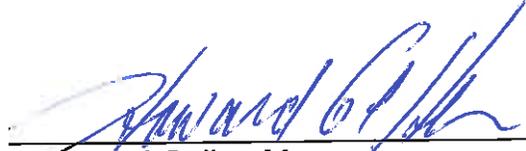
AYES: Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey and Stratford.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

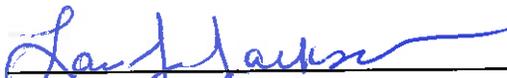

Howard Geller, Mayor

ATTEST:


Laci J. Jackson, Clerk

#

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, Clerk

2nd RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per ABX126 - Section 34167 and 34169

Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	7/1/2012						12/31/12	
						Payments by month						December	Total
						July	August	September	October	November	December		
				200,000.00	200,000.00						200,000.00	\$ 200,000.00	
1) City Loan entered into on 12/1/1990	Diamond Terrace Investors	Loan - Final Anniversary disbursement	RDA Retirement Trust	200,000.00	200,000.00							\$ 6,181.25	
2) 1996 Tax Allocation Bonds Series A	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	254,994.00	6,181.25		6,181.25					\$ 401,360.00	
3) 1999 Tax Allocation Bonds	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	6,655,883.00	516,140.00		401,360.00					\$ 78,375.00	
4) City Loan entered into on 6/17/1999	City of Clayton	Loan P & I on CCCo Fire Station Land*	RDA Retirement Trust	475,000.00	78,375.00	78,375.00						\$ 74,052.00	
5) City Loan entered into on 5/19/10	Clayton RDA LMI Housing	Loan for S.E.R.A.F. payment	RDA Retirement Trust	592,412.00	148,103.00	12,342.00	12,342.00	12,342.00	12,342.00	12,342.00	12,342.00	\$ 1,800.00	
6) Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010/11-2011/12	RDA Retirement Trust	5,400.00	1,800.00	1,800.00						\$ 4,124.00	
7) Contract for Consulting Services	Cropper Accountancy	RDA Audit 2010-11-2011/12	RDA Retirement Trust	12,372.00	4,124.00	4,124.00						\$ 2,400.00	
8) Contract for Consulting Services	NBS Local Gov't Solution	Arbitrage Reporting	RDA Retirement Trust	8,700.00	2,400.00		1,200.00			1,200.00		\$ -	
9) Contract for Consulting Services	US Bank	Paying Agent Fee	RDA Retirement Trust	16,095.00	5,365.00							\$ 87,350.00	
10) Contract for Consulting Services	Raney Planning	Housing Element Implementation	RDA Retirement Trust	154,744.00	147,350.00	37,350.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	\$ 12,000.00	
11) Contract for Consulting Services	Goldfarb&Lipman/ Turner/ BB&K	Legal advice	RDA Retirement Trust	45,000.00	15,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	\$ 20,833.00	
12) Successor Agency Functions	City of Clayton	Expenses for Successor Agency operations	RDA Retirement Trust	750,000.00	250,000.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	\$ (19,094.00)	
13) Section 33676 Payments	Comm College	Payments per former CRL 33676	RDA Retirement Trust	129,754.00	36,235.00	(19,094.00)	-	-	-	-	-	\$ (3,974.00)	
14) Section 33676 Payments	County Supt Schools	Payments per former CRL 33676	RDA Retirement Trust	27,033.00	7,556.00	(3,974.00)	-	-	-	-	-	\$ -	
15) Section 33676 Payments	County Res Consv	Payments per former CRL 33676	RDA Retirement Trust	455.52	194.00	-	-	-	-	-	-	\$ -	
16) Section 33676 Payments	City of Clayton	Payments per former CRL 33676	RDA Retirement Trust	169,287.00	72,604.00	-	-	-	-	-	-	\$ (232,236.00)	
17) Section 33676 Payments	County	Payments per former CRL 33676	RDA Retirement Trust	2,416,372.00	1,092,068.00	(232,236.00)	-	-	-	-	-	\$ -	
18) Pass Through Agreement	Flood Control Dist	Payments per former CRL 33401	RDA Retirement Trust	5,200.00	2,193.00	-	-	-	-	-	-	\$ -	
19) Pass Through Agreement	Library	Payments per former CRL 33401	RDA Retirement Trust	244,284.00	87,304.00	-	-	-	-	-	-	\$ -	
20) Pass Through Agreement	County Fire	Payments per former CRL 33401	RDA Retirement Trust	373,707.00	157,609.00	-	-	-	-	-	-	\$ (161,924.00)	
21) Pass Through Agreement	County	Payments per former CRL 33401/AB860	RDA Retirement Trust	496,184.00	(161,924.00)	(161,924.00)	-	-	-	-	-	\$ -	
22) City Loan entered into on 2/16/2010	City of Clayton	2% Election payments per Section 33676	RDA Retirement Trust	376,423.98	125,475.00	10,456.00	10,456.00	10,456.00	10,456.00	10,456.00	10,459.00	\$ -	
23) Statutory Payments	County	Property Tax Administrative Cost	RDA Retirement Trust	106,000.00	0.00							\$ -	
												\$ -	
Totals				\$ 13,515,301	\$ 2,794,152	\$ (249,948)	\$ 464,372	\$ 55,631	\$ 55,631	\$ 56,831	\$ 255,634	\$ 638,151.25	

* P & I Debt Retirement Schedule