

**RESOLUTION NO. 46 - 2012**

**A RESOLUTION OF THE CITY OF CLAYTON, CALIFORNIA,  
ACTING AS THE SUCCESSOR AGENCY TO THE FORMER  
CLAYTON REDEVELOPMENT AGENCY, APPROVING AND  
ADOPTING ITS 3<sup>RD</sup> RECOGNIZED OBLIGATION PAYMENT  
SCHEDULE (ROPS) FOR THE TIME PERIOD OF JANUARY 1, 2013  
THROUGH JUNE 30, 2013, PURSUANT TO SECTION 31471(h) AND  
34177(I)(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 1<sup>st</sup> 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, the City Council on 17 April 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 01 July 2012 through 31 December 2012 and noted the recognized enforceable obligations accordingly; and

**WHEREAS**, on 27 June 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 01 January 2013 through 30 June 2013 must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the California Department of Finance (DOF) by 01 September 2012; and

**WHEREAS**, in order to comply with that requirement in a timely fashion, City staff has duly prepared the 3<sup>rd</sup> ROPS for the Successor Agency for the City of Clayton for the specified time period, a copy of which is attached hereto and labeled as "Attachment 1"; 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 3<sup>rd</sup> 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, 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 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 3<sup>rd</sup> Recognized Obligation Payment Schedule (ROPS), 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 3<sup>rd</sup> Recognized Obligation Payments Schedule (Attachment 1) on the City's website; (2) designate a City representative to whom all questions related to the 3<sup>rd</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 3<sup>rd</sup> 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 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 effect 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.

**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 July 2012 by the following vote:


AYES: Mayor Geller, Vice Mayor Medrano and Councilmember Shuey.

NOES: None.

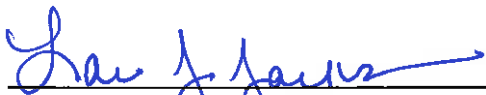
ABSENT: Councilmembers Pierce and Stratford.

ABSTAIN: None.

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

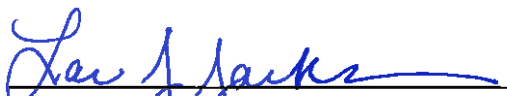
  
Howard Geller, Mayor

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, City Clerk

Name of Redevelopment Agency:  
Project Area(s)

Clayton Redevelopment Agency  
All

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**3rd RECOGNIZED OBLIGATION PAYMENT SCHEDULE (Jan-June 2013)**  
Per AB 26 - Section 34167 and 34169

	Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	PAYMENTS BY MONTH 2013						Total	
							Jan	Feb	Mar	Apr	May	June		
1)	RDA contractual subsidy entered on 10/1/2001	Diamond Terrace Investors	Sr. Housing Facility Loan - Final Payment	RDA Retirement Trust	200,000	200,000								
2)	1996 Tax Allocation Bonds Series A	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	317,075	12,363		6,181						6,181
3)	1999 Tax Allocation Bonds	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	6,655,813	516,140		114,780						114,780
4)	CCCo Fire Station Land Loan	City of Clayton	Fire Station Land Loan Principal	RDA Retirement Trust	475,000									
5)	RDA Loan entered into on 5/19/10	Clayton RDA LMI Housing	Intra-Fund Loan for S.E.R.A.F. payment	RDA Retirement Trust	592,412	148,103	12,342	12,342	12,342	12,342	12,342	12,342		74,052
6)	Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010/11-2011/12	RDA Retirement Trust	3,600	1,800								
7)	Contract for Consulting Services	Cropper Accountancy	RDA Audit 2010-11	RDA Retirement Trust	12,372	4,124								
8)	Contract for Consulting Services	NBS Local Gov't Solution	Arbitrage Reporting	RDA Retirement Trust	8,700	2,400								
9)	Contract for Consulting Services	US Bank	Paying Agent Fee	RDA Retirement Trust	16,095	5,365	5,365							5,365
10)	Contract for Consulting Services	Raney Planning	Housing Element higher density codes (EIR)	RDA Retirement Trust	35,294	35,294								
11)	Contract for Consulting Services	Goldfarb&Lipman/ Turner/ BB&K	Legal advice	RDA Retirement Trust	45,000	15,000	1,000	1,000	1,000					3,000
12)	Successor Agency functions	City of Clayton	Expenses for Successor Agency operation	RDA Retirement Trust	750,000	250,000	20,833	20,833	20,833	20,833	20,834	20,834		125,000
13)	2% Election Payments 1987-2009	City of Clayton	2% Election payments unpaid per Section 33676	RDA Retirement Trust	501,899									
14)	Statutory Payments	County	Property Tax Administration Fees	RDA Retirement Trust	108,000	53,000							53,000	53,000
24)														
	Totals - This Page				9,719,259	1,243,589	39,540	155,136	34,175	33,175	33,176	86,176		381,378
	Grand total - All Pages				9,719,259	1,243,589	39,540	155,136	34,175	33,175	33,176	86,176		381,378