

**RESOLUTION NO. 04-2012**

**A RESOLUTION APPROVING AND ADOPTING THE 3<sup>rd</sup> RECOGNIZED  
OBLIGATION PAYMENT SCHEDULE (ROPS III) OF THE SUCCESSOR  
AGENCY FOR THE CITY OF CLAYTON COVERING THE TIME PERIOD  
OF JANUARY 2013 THROUGH JUNE 2013**

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

**WHEREAS**, on 17 April 2012 by Resolution No. 17-2012, the Clayton City Council as Successor Agency did review and adopt the 2<sup>nd</sup> Recognized Obligation Payment Schedule (ROPS) setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for the subsequent six-month fiscal period, with said 2<sup>nd</sup> ROPS covering that time period from 01 July 2012 through 30 December 2012; and

**WHEREAS**, the appointed Oversight Board to the Successor Agency met at a duly-noticed public meeting on 26 April 2012 wherein it did review, consider and then approve the 1<sup>st</sup> and 2<sup>nd</sup> ROPS as submitted to it by the Successor Agency for approval; 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 (ROPS III) 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 said law in a timely fashion, the Clayton City Council, serving in its capacity as the Successor Agency, did receive at its regular meeting held on 17 July 2012 a recommended ROPS III prepared by City staff and did review, consider and then adopt its ROPS III through approval of City Resolution No. 46 – 2012; and

**WHEREAS**, at its regular meeting held on 26 July 2012, the Oversight Board received the Successor Agency's approved ROPS III and did duly consider the listed bonded indebtedness payments, contractual obligation expenses and other items allowed for payment by ABx1 26 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; and

**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 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 Oversight Board 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 Oversight Board does hereby approve and adopt the 3<sup>rd</sup> Recognized Obligation Payment Schedule (ROPS III), attached hereto as "Exhibits A and B" and incorporated herein as if fully set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the Oversight Board authorizes and instructs the Clayton City Manager or the City Manager's designee to: (1) post the 3<sup>rd</sup> Recognized Obligation Payments Schedule (Exhibits A and B) on the City website; (2) designate its 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

Oversight Board's action to adopt the 3<sup>rd</sup> Recognized Obligation Payment Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Board'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 3<sup>rd</sup> Recognized Obligation Payment Schedule on behalf of the Oversight Board.

**BE IT FURTHER RESOLVED** that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibits A or B, 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, Exhibits A or B 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 Exhibits A or B 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 Exhibits A or B 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 July 2012 by the following vote:

**AYES:** Richardson, Geller, Jackson, Mitchoff, Shamieh

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Impastato, Nejedly

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



Dan Richardson, Chairperson

**ATTEST:**



Laura Hoffmeister, Clerk of the Board



**EXHIBIT B**

**ROPS III**

**January 1, 2013 – June 30, 2013**

Description	Total Due During Fiscal Year	Total
Sr. Housing Facility Loan - 9th Anniv. Pymt	200,000	-
Bonds issued to fund non-housing projects	12,363	6,181
Bonds issued to fund non-housing projects	516,140	114,780
Fire Station Loan not approved by D.O.F. (\$475,000)		-
Inter-Loan for S.E.R.A.F. payment	148,103	74,052
RDA State Controller's Report 2010/11 & 2011/12	1,800	-
RDA Audit 2010-11	4,124	-
Arbitrage Reporting	2,400	-
Paying Agent Fee	5,365	5,365
Housing Element higher density codes (EIR)	35,294	-
Legal advice	15,000	3,000
Expenses for Successor Agency operation	250,000	125,000
2% Election payments per Section 33576 (\$501,899)	-	-
Property Tax Administration Fees	53,000	53,000
	1,243,589	381,378