



REGULAR MEETING
SUCCESSOR AGENCY OVERSIGHT BOARD
CITY OF CLAYTON, CA

FRIDAY, JANUARY 29, 2016

4:00 p.m.

*Third Floor Conference Room, Clayton City Hall
6000 Heritage Trail, Clayton, CA 94517*

OVERSIGHT BOARD MEMBERS

Howard Geller, Mayor City of Clayton	Jonah Nicholas, Contra Costa Community College District
Vito Impastato, CCC Fire Protection District	
Mindy Gentry, former RDA staff	Dan Richardson, Clayton resident
Karen Mitchoff, Contra Costa County Supervisor	Ofelia Roxas, County Office of Education

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the Oversight Board after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

MEETING AGENDA
OVERSIGHT BOARD
SUCCESSOR AGENCY, CITY OF CLAYTON

Friday January 29, 2016 at 4:00 pm
3rd Floor Conference Room
City Hall 6000 Heritage Trail, Clayton CA

1. CALL TO ORDER AND ROLL CALL – Board Chairman Dan Richardson

2. CONSENT CALENDAR

Consent Calendar items are typically routine in nature and are considered for approval by the Board with one single motion. Members of the Board, Audience or Staff wishing an item removed from the Consent Calendar for the purpose of public comment, question, input or action different than recommended may request so through the Board Chairman.

(a) Minutes of Regular Meeting of September 24, 2015.

3. INFORMATION ONLY

- (a) Letter dated October 28, 2015 from California Department of Finance regarding review and acceptance of ROPs #9 (2015-16B).
- (b) Letter dated November 30, 2015 from California Department of Finance regarding completion of review and acceptance of the Clayton Successor Agency All Other Funds Due Diligence Report.
- (c) Letter dated December 28, 2015 from California Department of Finance regarding “Final and Conclusive” determination, confirming allowing Refunding Tax Bonds as enforceable obligation.
- (d) Letter dated December 30, 2015 from California Department of Finance providing notice of its Finding of Completion.
- (e) Letter dated January 25, 2016 to California Department of Finance (Mr. Justyn Howard) from City of Clayton regarding repayment of Fire Station Loan.

4. OVERSIGHT BOARD ACTION ITEMS

- a) Consideration of Resolution No. 01-2016 approving the 10th Recognized Obligation Payment Schedules (ROPS 2016-17) for the Successor Agency of the City of Clayton for the time period of July 1, 2016 through June 30, 2017 as required by the CA Department of Finance (DOF) pursuant to Section 3147(h) and 3477(l)(1) of the California Redevelopment Law Dissolution Act [ABx1 26, and AB 1484].

(Kevin Mizuno, Clayton Finance Manager)

Staff Recommendation: Following presentation, public comment, and Board discussion, adopt Resolution No. 1-2016.

- b) Consideration of Resolution No. 02-2016 approving the Long Range Property Plan for the Successor Agency property (The Grove Park) directing staff to take all necessary steps to have the title to be transferred from the former Clayton Redevelopment Agency (Successor Agency) to the City of Clayton.

(Laura Hoffmeister, Asst. to the City Manager/Kevin Mizuno, Clayton Finance Manager)

Staff Recommendation: Following presentation, public comment, and Board discussion, direct adopt Resolution No. 2-2016.

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Members of the public may address the Oversight Board on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Meeting table and submit it in advance to the Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chairperson's discretion. When one's name is called or you are recognized by the Chairperson as wishing to speak, the speaker shall approach the Board and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may at its discretion request Successor Agency Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the Oversight Board.

- 6. ADJOURNMENT** – the meeting is adjourned on call by the Chairperson.

ACTION MINUTES

REGULAR MEETING
OF THE
OVERSIGHT BOARD
SUCCESSOR AGENCY, CITY OF CLAYTON, CA

September 24, 2015

1. CALL TO ORDER AND ROLL CALL

Chair Richardson called the meeting to order at 4:05 pm in the 3rd Floor Conference Room of City Hall, 6000 Heritage Trail; Clayton; CA.

Board Members present: Howard Geller, Vice-Mayor of Clayton; Mindy Gentry former RDA Staff member; Dan Richardson, Clayton resident; Ofelia Roxas, County Office of Education.

Board Members absent: Vito Impastato, Contra Costa Fire Protection District; Jonah Nicholas, Contra Costa Community District; Karen Mitchoff, Contra Costa County Supervisor.

Staff present: Asst to the City Manager/Board Clerk: Laura Hoffmeister; Kevin Mizunio, Finance Manager.

2. CONSENT CALENDAR

(a) Minutes – Special meeting of March 13, 2015

Motion to approve by Geller seconded by Roxas. Motion passed. Vote: 4-0.

3. INFORMATION ONLY

- a. Appointment of Mindy Gentry by Mayor for the former RDA employee position.
- b. Letter dated April 8, 2015 from California Department of Finance regarding review and acceptance of ROPs #8 (2015-16A).
- c. Letter dated April 24, 2015 from California Department of Finance regarding completion of review and acceptance of the Clayton Successor Agency Low-Moderate Income Housing Funds Due Diligence Report.
- d. Updated Oversight Board Roster dated September 20, 2015.

Board Clerk Hoffmeister and Finance Manager Mizuno reviewed the information items with the Oversight Board.

Chair Richardson stated that no action was needed by the Oversight Board on the Information Items.

4. OVERSIGHT BOARD ACTION ITEMS

- (a) Consideration of Resolution No. 05-2015 approving an Amended 9th Recognized Obligation Payment Schedules (ROPS 2015-16B) for the Successor Agency of the City of Clayton for the time period of January 1, 2016 through June 30, 2016 pursuant to Section 3147(h) and 3477(l)(1) of the California Redevelopment Law Dissolution Act [ABx1 26, and AB 1484].

Presentation of the report by the Finance Manager Kevin Mizuno; questions asked by Board Members, and responded to by staff. Motion by Roxas seconded by Geller, to approve Resolution 5-2015 Motion passed. Vote 4-0.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

5. ADJOURNMENT

Upon call by Chairperson Richardson, the Board meeting adjourned at 4:25.

APPROVED BY THE OVERSIGHT BOARD

Dan Richardson, Chairperson

ATTEST:

Laura Hoffmeister, Clerk to the Board

#



Agenda Date: 1/29/16

Agenda Item: 3a

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

October 28, 2015

Mr. Kevin Mizuno, Finance Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Mizuno:

Subject: Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (m) (1) (A), the City of Clayton Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule for the period January 1 through June 30, 2016 (ROPS 15-16B) to the California Department of Finance (Finance) on September 25, 2015. Finance has completed its review of the ROPS 15-16B.

Based on a sample of line items reviewed and application of the law, Finance made the following determinations:

- Item No. 19 –Two Percent Election Agreement Payment in the amount of \$376,424 is not allowed because the Agency was allowed to retain funding through its Other Funds and Accounts (OFA) Due Diligence Review (DDR). The former redevelopment agency (RDA) owed \$501,899 to the City of Clayton (City) for the payment of the Two Percent Election Agreement from inception of the Agency in 1897. The Agency was required to make four annual installments of \$125,475 to the City through fiscal year 2013-14. The RDA made the first annual payment of \$125,475 during 2010-11, leaving a balance of \$376,424. Although this item is considered an enforceable obligation, the Agency was allowed to retain \$376,424 through the OFA DDR process to fully fund the outstanding balance. Therefore, this item is not eligible for Redevelopment Property Tax Trust Fund (RPTTF) funding.
- The administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (b) (2). However, Finance notes the oversight board has approved an amount that appears excessive given the number and nature of the obligations listed on the ROPS. HSC section 34179 (i) requires the oversight board to exercise a fiduciary duty to the taxing entities. Therefore, Finance encourages the oversight board to use adequate discretion when evaluating the administrative resources required to successfully wind-down the Agency.

Pursuant to HSC section 34186 (a) (1), the Agency was required to report on the ROPS 15-16B form the estimated obligations versus actual payments (prior period adjustment) associated with the January through June 2015 period (ROPS 14-15B). HSC section 34186 (a) (1) also

specifies the prior period adjustment self-reported by the Agency is subject to review by the county auditor-controller (CAC). Proposed CAC adjustments were not received in time for inclusion in this letter; therefore, the amount of RPTTF approved in the table below only reflects the Agency's self-reported prior period adjustment.

Except for the item disallowed in whole or in part, Finance is not objecting to the remaining items listed on your ROPS 15-16B. If you disagree with Finance's determination with respect to any items on your ROPS 15-16B, except for those items which are the subject of litigation disputing Finance's previous or related determinations, you may request a Meet and Confer within five business days of the date of this letter. The Meet and Confer process and guidelines are available at Finance's website below:

http://www.dof.ca.gov/redevelopment/meet_and_confer/

The Agency's maximum approved RPTTF distribution for the reporting period is \$125,000 as summarized in the Approved RPTTF Distribution table below:

Approved RPTTF Distribution For the period of January through June 2016	
Total RPTTF requested for non-administrative obligations	376,424
Total RPTTF requested for administrative obligations	125,000
Total RPTTF requested for obligations on ROPS 15-16B	\$ 501,424
Total RPTTF requested for non-administrative obligations	376,424
<u>Denied Item</u>	
Item No. 19	(376,424)
Total RPTTF authorized for non-administrative obligations	\$ 0
Total RPTTF requested for administrative obligations	125,000
Total RPTTF authorized for administrative obligations	\$ 125,000
Total RPTTF authorized for obligations	\$ 125,000
ROPS 14-15B prior period adjustment	0
Total RPTTF approved for distribution	\$ 125,000

On the ROPS 15-16B form, the Agency reported cash balances and activity for the period January 1 through December 31, 2015. Finance will perform a review of the Agency's self-reported cash balances on an ongoing basis. Please be prepared to submit financial records and bridging documents to support the cash balances reported upon request. If it is determined the Agency possesses cash balances that are available to pay approved obligations, HSC section 34177 (l) (1) (E) requires these balances be used prior to requesting RPTTF.

Please refer to the ROPS 15-16B schedule used to calculate the total RPTTF approved for distribution:

<http://www.dof.ca.gov/redevelopment/ROPS>

Absent a Meet and Confer, this is Finance's final determination related to the enforceable obligations reported on your ROPS for January 1 through June 30, 2016. This determination only applies to items when funding was requested for the six-month period. Finance's determination is effective for this time period only and should not be conclusively relied upon for

future ROPS periods. All items listed on a future ROPS are subject to review and may be denied even if it was not denied on this ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of the redevelopment dissolution statutes. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax is limited to the amount of funding available to the Agency in the RPTTF.

Please direct inquiries to Nichelle Thomas, Supervisor, or Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Program Budget Manager

cc: Ms. Laura Hoffmeister, Assistant City Manager, City of Clayton
Mr. Bob Campbell, Auditor-Controller, Contra Costa County



Agenda Date: 1/29/16

Agenda Item: 3b

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

November 30, 2015

Mr. Kevin Mizuno, Finance Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Mizuno:

Subject: Other Funds and Accounts Due Diligence Review

This letter supersedes the California Department of Finance's (Finance) original Other Funds and Accounts (OFA) Due Diligence Review (DDR) determination letter dated October 28, 2015. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Clayton Successor Agency (Agency) submitted an oversight board approved OFA DDR to Finance on March 19, 2015. The purpose of the review was to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities. Finance issued an OFA DDR determination letter on October 28, 2015. Subsequently, the Agency requested a Meet and Confer session on one or more items adjusted by Finance. The Meet and Confer session was held on November 9, 2015.

Based on a review of additional information and documentation provided to Finance during the Meet and Confer process, Finance has completed its review of those specific items being disputed. Specifically, the following adjustment was made:

- Assets transferred to the City of Clayton (City) totaling \$230,983 has been adjusted. Our previous review of the Agency's General Ledger showed the former redevelopment agency (RDA) transferred cash totaling \$230,983 to the City on November 30, 2011. During the Meet and Confer process, the Agency contended the transfer of \$41,825 (out of the \$230,983 in disallowed transfers identified by Finance) is proper as it relates to prior pass-through amounts owed to the City, which is considered an enforceable obligation. Additionally, the Agency claims the \$41,825 is duplicative of amounts already disallowed by the State Controller's Office (SCO).

Our review of the documentation provided by the Agency during the Meet and Confer indicates that during the formation of the RDA, the Clayton City Council took action under HSC section 33676 to receive two-percent of the tax increment allocated to the RDA annually. However, in 2009 the City discovered that no payments had been made to the City for the two-percent election agreement and requested the Contra Costa County Auditor-Controller (CAC) to calculate the outstanding principal balance owed to the City for amounts the City should have received. In 2010, the CAC calculated that amount to be \$501,899. Rather than require full payment from the RDA at that time, the

City agreed to four annual payments of \$125,475 beginning fiscal year 2010-11 and ending 2013-14.

During our initial review of the DDR, Finance allowed a pass-through payment totaling \$62,540 made in November 30, 2011. Additionally, Finance allowed the Agency's request to retain \$376,424 in other funds to fund this obligation (under Procedure 8). Lastly, a payment totaling \$62,738 was made in February 28, 2011 toward this obligation, which was not adjusted for in the DDR. Thus, bringing total payments made on the obligation to \$501,702 (\$62,540 + \$376,424 + \$62,738). As such, the obligation to pay the City for \$501,899 in pass-through payment in arrears requires an additional \$197 to satisfy the obligation and not \$41,825 as the Agency claims.

Finally, the Agency claims the \$41,825 is duplicative of amounts disallowed by the SCO. However, our review indicates the \$230,983 adjustment made by Finance was for transfers made on November 30, 2011 and not duplicative of the February 28, 2011 amounts accounted for in the DDR and the SCO's Asset Transfer Review.

Based on the above, the OFA available balance for distribution to the affected taxing entities is increased by \$230,786 for transfers made to the City on November 30, 2011. The transfers were not made pursuant to an enforceable obligation and are not permitted.

Per HSC section 34179.5 (c) (2), the dollar value of assets and cash transferred by the former RDA or successor agency to the city, county, or city and county that formed the former RDA between January 1, 2011 through June 30, 2012, must be evidenced by documentation of the enforceable obligation that required the transfer. HSC section 34179.5 states enforceable obligation includes any of the items listed in subdivision (d) of section 34171, contracts detailing specific work that were entered into by the former RDA prior to June 28, 2011, with a third party other than the city, county, or city and county that created the former RDA. HSC section 34171 (d) (2) states enforceable obligation does not include any agreements, contracts, or arrangements between the city that created the RDA and the former RDA.

The Agency did not object to the following adjustments made by Finance during the Meet and Confer process. HSC section 34179.6 (d) authorizes Finance to make adjustments. We maintain that the following adjustments are appropriate:

- The Agency's request to retain funds totaling \$1,480,339 for funding of agreements has been adjusted by \$475,000.

The Agency requests \$475,000 for the payment of a Fire Station Loan to the City. The loan resulted from a Purchase and Sale Agreement between the RDA and the City entered into on June 17, 1999 for the purchase of a site for the fire station. The agreement requires payments to be made annually until January 1, 2023.

Pursuant to HSC section 34171 (d) (2), an enforceable obligation does not include any agreements, contracts, or arrangements between the City and the RDA, except such was entered into on or before December 31, 2010 at the time of issuance of indebtedness obligations, and solely for the purpose of securing or repaying those indebtedness obligations. As the Purchase and Sale Agreement was not made for the purpose of securing indebtedness obligations or for repaying any indebtedness

obligation, this item is not an enforceable obligation that requires the retention of funds.

However, pursuant to HSC section 34191.4 (b) (1), the Agency may be able to request repayment of this loan on a Recognized Obligation Payment Schedule once the Agency receives a Finding of Completion.

Therefore, the OFA available balance for distribution to the affected taxing entities will be increased by \$475,000.

The Agency's OFA balance available for distribution to the affected taxing entities is \$1,256,182 (see table below).

OFA Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$550,396
Finance Adjustments	
Add:	
Disallowed transfers to the City	230,786
Requested retained balances not supported	475,000
Total OFA available to be distributed:	\$ 1,256,182

This is Finance's final determination of the OFA balances available for distribution to the taxing entities. HSC section 34179.6 (f) requires successor agencies to transmit to the county auditor-controller the amount of funds identified in the above table within five working days, plus any interest those sums accumulated while in the possession of the recipient. Upon submission of payment, it is requested you provide proof of payment to Finance within five business days.

If funds identified for transmission are in the possession of the successor agency, and if the successor agency is operated by the city or county that created the former redevelopment agency, then failure to transmit the identified funds may result in offsets to the city's or the county's sales and use tax allocation, as well as its property tax allocation. If funds identified for transmission are in the possession of another taxing entity, the successor agency is required to take diligent efforts to recover such funds. A failure to recover and remit those funds may result in offsets to the other taxing entity's sales and use tax allocation or to its property tax allocation. If funds identified for transmission are in the possession of a private entity, HSC 34179.6 (h) (1) (B) states that any remittance related to unallowable transfers to a private party may also be subject to a 10 percent penalty if not remitted within 60 days.

Failure to transmit the identified funds will also prevent the Agency from being able to receive a finding of completion from Finance. Without a finding of completion, the Agency will be unable to take advantage of the provisions detailed in HSC section 34191.4. Specifically, these provisions allow certain loan agreements between the former redevelopment agency (RDA) and the city, county, or city and county that created the RDA to be considered enforceable obligations. These provisions also allow certain bond proceeds to be used for the purposes in which they were sold and allows for the transfer of real property and interests into the Community Redevelopment Property Trust Fund once Finance approves the Agency's Long-Range Property Management Plan.

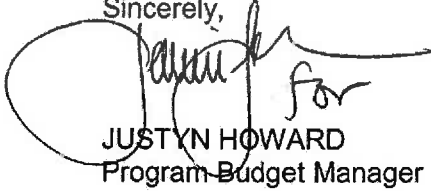
Mr. Kevin Mizuno
November 30, 2015
Page 4

In addition to the consequences above, willful failure to return assets that were deemed an unallowable transfer or failure to remit the funds identified above could expose certain individuals to criminal penalties under existing law.

Pursuant to HSC sections 34167.5 and 34178.8, the SCOA has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter do not in any way eliminate the SCO's authority.

Please direct inquiries to Evelyn Sues, Supervisor, or Danielle Brandon, Analyst, at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Program Budget Manager

cc: Ms. Laura Hoffmeister, Assistant City Manager, City of Clayton
Mr. Bob Campbell, Auditor-Controller, Contra Costa County



Agenda Date: 1/29/16

Agenda Item: 3c

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

December 28, 2015

Mr. Kevin Mizuno, Finance Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Mizuno:

Subject: Request for Final and Conclusive Determination

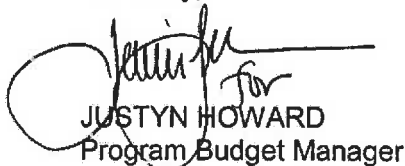
On September 29, 2014, the California Department of Finance (Finance) received the City of Clayton Successor Agency's (Agency) request for a Final and Conclusive determination on Item No. 16 – 2014 Refunding Tax Allocation Bonds as listed on the January through June 30, 2015 Recognized Obligation Payment Schedule (ROPS).

Finance has completed its review of Agency's request, which may have included obtaining clarification on items provided or additional supporting documentation. Pursuant to Health and Safety Code section 34177.5 (i), we are pleased to inform you:

- (i) Finance's approval of Item No. 16 – 2014 Refunding Tax Allocation Bonds as an enforceable obligation, is Final and Conclusive; and
- (ii) Finance's review of this item on future ROPS will be limited to confirming the scheduled payments are required by the obligation.

Please direct inquiries to Nichelle Thomas, Supervisor or Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,


JUSTYN HOWARD
Program Budget Manager

cc: Ms. Laura Hoffmeister, Assistant City Manager, City of Clayton
Mr. Bob Campbell, Auditor-Controller, Contra Costa County



Agenda Date: 1/29/16

Agenda Item: 3d

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

December 30, 2015

Mr. Kevin Mizuno, Finance Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Mizuno:

Subject: Finding of Completion

The California Department of Finance (Finance) has completed the Finding of Completion for the City of Clayton Successor Agency (Agency).

Finance has completed its review of your documentation, which may have included reviewing supporting documentation submitted to substantiate payment or obtaining confirmation from the county auditor-controller. Pursuant to Health and Safety Code (HSC) section 34179.7, we are pleased to inform you Finance has verified the Agency has made full payment of the amounts determined under HSC section 34179.6, subdivisions (d) or (e) and HSC section 34183.5.


This letter serves as notification that a Finding of Completion has been granted. The Agency may now do the following:

- Place loan agreements between the former redevelopment agency and sponsoring entity on Recognized Obligation Payment Schedules, as enforceable obligations, provided the oversight board makes a finding the loans were for legitimate redevelopment purposes, per HSC section 34191.4 (b) (1). Loan repayments will be governed by criteria in HSC section 34191.4 (b).
- Utilize proceeds derived from bonds, pursuant to the conditions outlined in HSC section 34191.4 (c).

Additionally, the Agency is required to submit a Long-Range Property Management Plan to Finance for review and approval.

Please direct inquiries to Derk Symons, Staff Finance Budget Analyst, or Chris Hill, Principal Program Budget Analyst, at (916) 445-1546.

Sincerely,


JUSTYN HOWARD
Program Budget Manager

cc: Ms. Laura Hoffmeister, Assistant City Manager, City of Clayton
Mr. Bob Campbell, Auditor-Controller, Contra Costa County

Laura Hoffmeister

From: Kevin Mizuno <kmizuno@ci.clayton.ca.us>
Sent: Monday, January 25, 2016 10:09 AM
To: Justyn.Howard@dof.ca.gov
Cc: stephen.whittaker@sen.ca.gov; 'Ofurio, Moses'; Barr, Michael; gnapper@ci.clayton.ca.us; 'Laura Hoffmeister'; 'Malathy Subramanian'; 'Brent Hawkins'
Subject: Clayton ROPS 2016-17
Attachments: City of Clayton - 1999 Fire Station on ROPS 2016-17.pdf

Good morning Mr. Howard,

The attached letter was mailed out to your office last Friday. It outlines the Clayton Successor Agency's rationale for requesting payment on the 1999 Fire Station Note in the 2016-17 ROPS. We decided a letter with legal opinion and supporting documentation would be appropriate to provide in addition to the ROPS 2016-17 as the requesting method differs from the one proposed by the DOF the All Other Funds Determination letter. After consultation with legal professionals and an internal analysis, we consider our position to be supported by the law and interpretations of the law in the appellate court.

We believe our letter and its attachments provide a sufficient basis to support the DOF's agreement with our approach in the 2016-17 ROPS. However, should you have additional questions, we will gladly schedule a time for a conference call with the DOF and all other involved parties to discuss the matter further.

Sincerely,

T. Kevin Mizuno, CPA

Finance Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517-1250
Phone: (925) 673-7309
Fax: (925) 672-4917



COMMUNITY
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ENGINEERING (925) 363-7433

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City Council
HOWARD GELLER, MAYOR
JIM DIAZ, VICE MAYOR
KEITH HAYDON, COUNCILMEMBER
JULIE K. PIERCE, COUNCILMEMBER
DAVID T. SHUEY, COUNCILMEMBER

January 22, 2016

Justyn Howard, Program Budget Manager
California Department of Finance
915 L Street
Sacramento, CA 95814-3706

Re: Repayment of Fire Station Note on ROPS 2016-17

Dear Mr. Howard,

The Successor Agency Board and City management have determined not to request repayment of its 1999 fire station promissory note following California *Health and Safety Code* section 34191.4(b)(1). The City of Clayton Successor Agency was previously advised by the California Department of Finance (the "DOF") to follow this pathway in the Other Funds and Accounts Due Diligence Review Determination Letter dated October 28, 2015 as well as in an email from you dated July 7, 2015.

It is the position of the City the 1999 original action approved as a Re-entered Agreement by the lawfully constituted Oversight Board prior to June 27, 2012 (on May 15, 2012), is eligible for full repayment under *Health and Safety Code* section 34178(a). Attached hereto is the opinion letter from our legal counsel summarizing the legal grounds upon which this is an enforceable obligation eligible for full repayment in the ROPS 2016-2017 (Attachment 1). In addition, to accompany the legal opinion letter, we have included Attachments 2-5 which were essential documents reviewed by legal counsel to render its determination.

The Successor Agency Board, Oversight Board and local representation on the California State Senate (7th District State Senator Mr. Steve Glazer) have made statements and already taken action solidifying support for the City of Clayton's full recovery of this obligation, which became a critical step in a multi-agency cooperation leading to the eventual construction of the sole fire station in the City of Clayton by a separate public taxing entity. Given these facts, we look forward to the smooth resolution of this matter in the DOF's review of the ROPS 2016-2017.

Sincerely,

Gary A. Napper
City Manager
925-673-7300

Kevin Mizuno
Finance Manager
925-673-7309

Mr. Justyn Howard
January 22, 2016
Page 2 of 2

Attachments: 1. Best, Best, & Krieger Legal Opinion Letter
 2. Original 1999 Fire Station Purchase & Sale Agreement
 3. Successor Agency Resolution to Re-Enter into Fire Station Note
 4. City Council Resolution to Re-Enter into Fire Station Note
 5. Oversight Board Direction to Re-Enter into Fire Station Note

Cc: The Honorable Steve Glazer, State Senator, 7th District
 Brent Hawkins, Partner, BB&K
 Mala Subramanian, Clayton City Attorney (BB&K)



BEST BEST & KRIEGER
ATTORNEYS AT LAW

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Walnut Creek
(925) 977-3300
Washington, DC
(202) 785-0600

T. Brent Hawkins
(916) 551-2086
brent.hawkins@bbklaw.com

January 13, 2016

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Listing of "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements" on ROPS for Period of July 1, 2016 – June 30, 2017

Dear Mr. Napper:

You have requested our advice concerning how to list the "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements By and Between the City of Clayton and the Successor Agency to the Former Redevelopment Agency of the City of Clayton" ("Reentered Agreement") on the Recognized Obligation Payment Schedule ("ROPS") for the period July 1, 2016 to June 30, 2017. As discussed in greater detail below, we advise that the Reentered Agreement be listed as a reentered agreement pursuant to Health and Safety Code Section 34178(a).

FACTS

On June 17, 1999, the Redevelopment Agency of the City of Clayton ("Redevelopment Agency") and the City of Clayton ("City") entered into a Purchase and Sale Agreement and Promissory Note pursuant to which the City agreed to sell certain real property to the Redevelopment Agency for the construction of a fire station and took a promissory note for the purchase price in the amount of \$475,000.

In June of 2011, the Legislature enacted and the Governor signed ABx1 26 which dissolved all redevelopment agencies in the State of California and established successor agencies in every community in which a redevelopment agency had functioned. Successor Agencies were charged with carrying out the enforceable obligations of the former redevelopment agencies and winding down their affairs. ABx1 26 added Section 34178(a) to the Health and Safety Code which provides generally that agreements between a redevelopment agency and its sponsor city are not binding on the successor agency. However, Section 34178(a) also provided that ". . . a successor entity wishing to enter or reenter into agreements with the city . . . may do so upon the approval of the oversight board."



BEST BEST & KRIEGER
ATTORNEYS AT LAW

January 13, 2016

Page 2

On May 15, 2012, the City and the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") entered into the Reentered Agreement pursuant to Section 34178(a). Pursuant to the Reentered Agreement, the City and the Successor Agency reentered into the Purchase and Sale Agreement and Promissory Note. The Oversight Board approved the Reentered Agreement on April 26, 2012.

In June of 2012, the Legislature enacted AB 1484 which effectively revoked the authority of successor agencies and their host cities to reenter into agreements under Section 34178(a).

ANALYSIS

Following the failure of the Department of Finance ("DOF") to approve reentered agreements under Section 34178(a), several successor agencies filed legal actions challenging DOF's determinations. The lead case was *City of Emeryville v. Cohen* 233 Cal.App.4th 293, decided in January, 2015, in a published appellate court opinion. The court concluded that reentered agreements between a city and a successor agency under the authority of Section 34178(a) were valid enforceable obligations and should have been approved by DOF if they were entered into prior to June 27, 2012, the effective date of AB 1484.

Because the Reentered Agreement was entered into and approved by the Oversight Board prior to June 27, 2012, it qualifies as an enforceable obligation under Section 34178(a) and the *Emeryville* decision. It should be listed on the ROPS as a reentered agreement.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T. Brent Hawkins'.

T. Brent Hawkins
of BEST BEST & KRIEGER LLP

TBH:lmg

Cc: Malathy Subramanian, City Attorney
Kevin Mizuno

PURCHASE AND SALE AGREEMENT

**FUTURE FIRE STATION SITE
SOUTHEAST CORNER OF CLAYTON ROAD AND
FUTURE EXTENSION OF OAKHURST DRIVE**

1. **PARTIES.**

This Agreement is made on June 17, 1999, between the CITY OF CLAYTON, a municipal corporation (herein referred to as "CITY") and the REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON (herein referred to as "AGENCY").

2. **AGREEMENT TO SELL AND TO PURCHASE: DESCRIPTION OF PROPERTY.**

CITY agrees to sell, and AGENCY agrees to purchase, the 1.1 acre parcel more or less situated at the southeast corner of Clayton Road and the future extension of Oakhurst Drive in the City of Clayton, County of Contra Costa, California, more particularly described in Exhibit "A-1" attached hereto and made a part hereof including any subsequent adjustments to said parcel by lot line adjustment between the CITY and Presley Homes.

3. **PURCHASE PRICE.**

The purchase price for the property is FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$475,000.00), payable as follows:

By promissory note from AGENCY to CITY in the amount of the full purchase price, bearing interest at the rate of six and one half percent (6 1/2%) per annum, interest payable quarterly, the principal balance payable in full on or before January 1, 2023. Said note to be an obligation of the AGENCY and its assets but otherwise unsecured by the property.

4. **CLOSE OF TRANSACTION.**

The subject transaction shall close by recording of a Grant Deed from CITY to AGENCY in exchange for receipt of the aforementioned promissory note from AGENCY to CITY, all to be handled by CITY staff. AGENCY may elect to require title insurance in the amount of the purchase price at AGENCY'S cost, in which event AGENCY shall make the appropriate arrangements to obtain such insurance. Both CITY and AGENCY shall adopt resolutions approving this Agreement. Each parties obligation thereunder is subject to compliance with all applicable laws, rules or regulations covering sale by CITY and purchase by AGENCY of the property. Recordation shall occur when

both parties are prepared to conclude this purchase and AGENCY adopts a resolution accepting the Grant Deed for recordation.

5. NO ASSIGNMENT OF AGREEMENT BY AGENCY.

AGENCY may not assign this Agreement without CITY's prior written consent.

6. NO REAL ESTATE AGENTS INVOLVED.


The parties acknowledge that neither of them has been represented by any real estate agents in this transaction and there are no commissions or other obligations owing by either party to realtors or other sales agents.

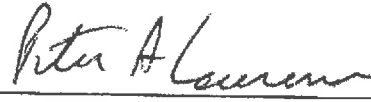
Executed in duplicate this 17th day of June, 1999.

CITY OF CLAYTON

REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON

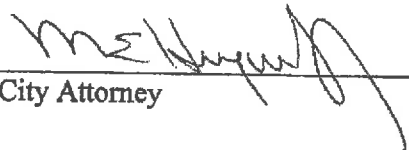
By 
City Manager

By 
Chairperson

By 
Mayor

By 
Executive Director

APPROVED AS TO FORM:


City Attorney

MEH:pcb/ph
PurchaseandSaleAgrmt990609 (rev)

RESOLUTION NO. 24 - 2012

**A RESOLUTION AUTHORIZING AND APPROVING AN
AGREEMENT REENTERING INTO REIMBURSEMENT OF
TWO PREVIOUS LOAN AGREEMENTS BY AND BETWEEN THE
CITY OF CLAYTON AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON**

**THE SUCCESSOR AGENCY
OF THE FORMER CLAYTON REDEVELOPMENT AGENCY
City of Clayton, California**

WHEREAS, on June 15, 1999 at a public meeting thereof the former Redevelopment Agency of the City of Clayton (the "Agency") took action approving an Agreement with the City of Clayton (the "City") for its purchase of a real property (approximately 1.18 acres) from the City for a future fire station site to be constructed by the Central Contra Costa County Consolidated Fire District; and

WHEREAS, the Board of Directors of the former Redevelopment Agency of the City of Clayton, by adoption of Resolution No. 99-6, did approve and execute a Promissory Note to the City of Clayton for the sum of \$475,000.00 for said City land, which principle and interest amount was to fully be repaid on or before January 1, 2023; and

WHEREAS, on February 16, 2010 at a public meeting thereof the former Redevelopment Agency of the City of Clayton took action acknowledging and approving a four (4) year repayment plan (without interest incurred) to the City of Clayton in recognition of unpaid "2% Election" monetary payments due the City since inception of the Agency in 1987, which debt obligation of the Agency totaled a principle amount of \$501,898.64; and

WHEREAS, by legislative action of the State of California in the form of ABx1 26 (the "Dissolution Act"), every redevelopment agency in the state was terminated and dissolved effective February 1, 2012, including the former Redevelopment Agency of the City of Clayton; and

WHEREAS, the draconian nature of the Agency's demise caused its expiration before the Agency could fulfill its lawful intent and contractual agreement to repay the City the full monetary amounts due the City that were tendered in its support of the Agency's projects, programs and activities within the Redevelopment Project Area; and

WHEREAS, the Dissolution Act generally provides that such loan agreements described above between the former Agency and the City are not Enforceable Obligations yet the Dissolution Act does authorize the Successor Agency and the City, with Oversight Board approval, to reenter into said loan agreements pursuant to Section 34178(a) of the California Health and Safety Code; and

WHEREAS, at its duly-noticed public meeting held on April 26, 2012, the Oversight Board for the Successor Agency to the former Redevelopment Agency of the City of Clayton took action by unanimous vote authorizing the Successor Agency to reenter into the loan agreements described in the above Recitals; and

WHEREAS, upon the recommendation of staff and legal counsel the City Council, acting as the Successor Agency to the former Redevelopment Agency of the City of Clayton, has determined that reentering into the loan agreements noted above is in the best interests and welfare of the Successor Agency such that the City is fully repaid its monetary loans which benefited the Agency and the Clayton community alike.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, acting as the Successor Agency to the former Redevelopment Agency of the City of Clayton, does hereby find and determine the following:

Section 1. The above Recitals are true and correct facts pertaining to this matter and combined with the presentations and recommendations by staff and legal counsel at this meeting coupled with its own determinations do constitute the basis for the City Council’s action herein acting as the Successor Agency.

Section 2. That an Agreement Reentering into Reimbursement of Two Previous Loan Agreements by and between the City of Clayton and the Successor Agency to the Former Redevelopment Agency of the City of Clayton, a copy of said Agreement attached hereto as “Attachment A” and incorporated herein as if fully set forth, is hereby authorized and approved.

Section 3. The Mayor of the City of Clayton is herewith authorized to sign and execute said Agreement (“Attachment A”) for and in behalf of the City Council of Clayton acting in behalf of the Successor Agency to the former Redevelopment Agency of the City of Clayton.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, acting as the Successor Agency to the former Redevelopment Agency, at a regular public meeting thereof held on the 15th day of May 2012 by the following vote:

- AYES:** Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey and Stratford.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** None.

**AN AGREEMENT REENTERING INTO REIMBURSEMENT OF TWO
PREVIOUS LOAN AGREEMENTS BY AND BETWEEN THE CITY OF
CLAYTON AND THE SUCCESSOR AGENCY TO THE FORMER
REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON**

This Agreement Reentering into Reimbursement Agreement ("Agreement") is entered into this 15th day of May 2012 by and between the City of Clayton, a California municipal corporation ("City") and the City of Clayton acting as the Successor Agency to the former Redevelopment Agency of the City of Clayton ("Successor Agency").

WHEREAS, the City and the Redevelopment Agency of the City of Clayton ("Redevelopment Agency") entered into two (2) certain Loan Agreements, one dated 17 June 1999 attached hereto as Exhibit A and the second dated 16 February 2010 attached hereto as Exhibit B (collectively "Loan Agreements") whereby the City agreed to loan the former Redevelopment Agency funds to be used for purposes of completing projects and activities benefitting the Redevelopment Project Area and the community, of which the former Redevelopment Agency lawfully agreed to repay the City over time from available tax increment revenues; and

WHEREAS, on February 1, 2012, pursuant to ABx1 26 (the "Dissolution Act") the former Redevelopment Agency, along with all redevelopment agencies in the State of California, was dissolved, and all assets and obligations of the former Redevelopment Agency were transferred by operation of law to the Successor Agency and by affirmative action of the Clayton City Council at a regular public meeting thereof held on 17 January 2012 (ref. City Resolution No. 03-2012); and

WHEREAS, the Dissolution Act creates an oversight board for each redevelopment agency to oversee the wind down of the former Redevelopment Agency ("Oversight Board"); and

WHEREAS, the Dissolution Act requires that the Successor Agency prepare and the Oversight Board approve a Recognized Obligation Payment Schedule (ROPS) setting forth all Enforceable Obligations (as defined in the Dissolution Act) of the former Redevelopment Agency. The Dissolution Act generally provides that such Loan Agreements between the former Redevelopment Agency and the City are not Enforceable Obligations yet the Dissolution Act does authorize the Successor Agency and the City, with Oversight Board approval, to reenter into such loan agreements (ref. Section 34178(a) of the California Health and Safety Code); and

WHEREAS, at its 26 April 2012 duly noticed public meeting the Oversight Board for the Successor Agency by unanimous vote authorized the Successor Agency to reenter into the Loan Agreements noted and referenced above and attached hereto as Exhibits A and B; and

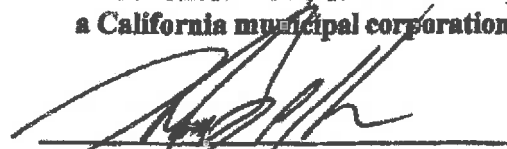
WHEREAS, the City and the Successor Agency have determined that reentering into the Loan Agreements is in the best interests of the City and the Successor Agency.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Successor Agency and the City hereby agree to reenter into the two Loan Agreements, attached hereto as Exhibits A and Exhibit B incorporated herein by reference, under the terms and conditions set forth in the Loan Agreements, provided, however, all references in the Loan Agreements to the Redevelopment Agency of the City of Clayton or Agency shall be deemed to refer to the Successor Agency. The City and the Successor Agency agree that notwithstanding anything set forth in the Loan Agreements, with approval of the Oversight Board the Successor Agency can prepay the full amount owed under the Loan Agreements at any time without penalty.
2. In executing this Agreement and reentering into the Loan Agreements, the City is acting in its capacity as a municipal corporation, while the Successor Agency is acting in its capacity as the successor to the former Redevelopment Agency; and both the City and the Successor Agency are acting pursuant to the specific authority granted by the Oversight Board and by Health & Safety Code Sections 34178(a) and 34180(h) authorizing agreements between the City and the Successor Agency. In consequence, the parties to this Agreement and the Loan Agreements are not merged.
3. Nothing in this Agreement shall be deemed to invalidate or amend the terms of the Loan Agreements, except as specifically amended by the provisions of this Agreement (the "Amendments"). The Loan Agreements shall remain in full force and effect according to its original terms, as modified by the Amendments, notwithstanding those provisions of the Dissolution Act regarding Enforceable Obligations.
4. Nothing in this Agreement shall abrogate, waive, impair or in any other manner affect the right or ability of the City to initiate and prosecute any litigation with respect to any agreement or other arrangement between the City and the former Redevelopment Agency, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act.
5. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.
6. Except as amended by the foregoing provisions of this Agreement, the Loan Agreements shall remain in full force and effect.
7. This Agreement shall take effect from and after the date of execution of this Agreement by both parties.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereof as of the date first written above.

**CITY OF CLAYTON, CALIFORNIA,
a California municipal corporation**



Howard Geller, Mayor

Approved as to Form:



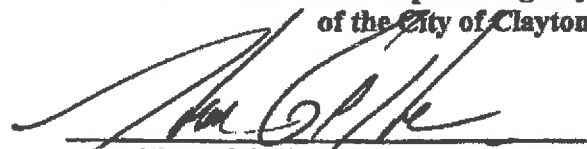
Mala Subramanian, City Attorney

Attest:



Laci J. Jackson, City Clerk

**CITY OF CLAYTON, CALIFORNIA,
a California municipal corporation
acting as the Successor Agency
to the former Redevelopment Agency
of the City of Clayton**



Howard Geller, Mayor

Approved as to Form:



Karen M. Tiedemann, Special Legal Counsel

Attest:



Laci J. Jackson, City Clerk

RESOLUTION NO. 21-2012

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT REENTERING INTO REIMBURSEMENT OF TWO PREVIOUS LOAN AGREEMENTS BY AND BETWEEN THE CITY OF CLAYTON AND THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, on June 15, 1999 at a public meeting thereof the former Redevelopment Agency of the City of Clayton (the "Agency") took action approving an Agreement with the City of Clayton (the "City") for its purchase of a real property (approximately 1.18 acres) from the City for a future fire station site to be constructed by the Central Contra Costa County Consolidated Fire District; and

WHEREAS, the Board of Directors of the former Redevelopment Agency of the City of Clayton, by adoption of Resolution No. 99-6, did approve and execute a Promissory Note to the City of Clayton for the sum of \$475,000.00 for said City land, which principle and interest amount was to fully be repaid on or before January 1, 2023; and

WHEREAS, on February 16, 2010 at a public meeting thereof the former Redevelopment Agency of the City of Clayton took action acknowledging and approving a four (4) year repayment plan (without incurred interest) to the City of Clayton in recognition of unpaid "2% Election" monetary payments due the City since inception of the Agency in 1987, which debt obligation of the Agency totaled a principle amount of \$501,898.64; and

WHEREAS, by legislative action of the State of California in the form of ABx1 26 (the "Dissolution Act"), every redevelopment agency in the state was terminated and dissolved effective February 1, 2012, including the former Redevelopment Agency of the City of Clayton; and

WHEREAS, the draconian nature of the Agency's demise caused its expiration before the Agency could fulfill its lawful intent and contractual agreement to repay the City the full monetary amounts due the City that were tendered in its support of the Agency's projects, programs and activities within the Redevelopment Project Area; and

WHEREAS, the Dissolution Act generally provides that such loan agreements described above between the former Agency and the City are not Enforceable Obligations yet the Dissolution Act does authorize the Successor Agency and the City, with Oversight Board approval, to reenter into said loan agreements pursuant to Section 34178(a) of the California Health and Safety Code; and

WHEREAS, at its duly-noticed public meeting held on April 26, 2012, the Oversight Board for the Successor Agency to the former Redevelopment Agency of the City of Clayton took action

by unanimous vote authorizing the Successor Agency to reenter into the loan agreements described in the above Recitals with the City; and

WHEREAS, upon the recommendation of staff and legal counsel the City Council has determined that reentering into the loan agreements noted above is in the best interests and welfare of the City such that the City is fully repaid its monetary loans which benefited the Agency, the City and the Clayton community alike.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find and determine the following:

Section 1. The above Recitals are true and correct facts pertaining to this matter and combined with the presentations and recommendations by staff and legal counsel at this meeting coupled with its own determinations do constitute the basis for the City Council's action herein.

Section 2. That an Agreement Reentering into Reimbursement of Two Previous Loan Agreements by and between the City of Clayton and the Successor Agency to the Former Redevelopment Agency of the City of Clayton, a copy of said Agreement attached hereto as "Attachment A" and incorporated herein as if fully set forth, is hereby authorized and approved.

Section 3. The Mayor of the City of Clayton is herewith authorized to sign and execute said Agreement ("Attachment A") for and in behalf of the City Council of Clayton.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of May 2012 by the following vote:

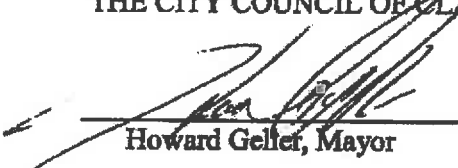
AYES: Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey and Stratford.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CALIFORNIA



Howard Geller, Mayor

ATTEST:



Laci J. Jackson, City Clerk

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**AN AGREEMENT REENTERING INTO REIMBURSEMENT OF TWO
PREVIOUS LOAN AGREEMENTS BY AND BETWEEN THE CITY OF
CLAYTON AND THE SUCCESSOR AGENCY TO THE FORMER
REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON**

This Agreement Reentering into Reimbursement Agreement ("Agreement") is entered into this 15th day of May 2012 by and between the City of Clayton, a California municipal corporation ("City") and the City of Clayton acting as the Successor Agency to the former Redevelopment Agency of the City of Clayton ("Successor Agency").

WHEREAS, the City and the Redevelopment Agency of the City of Clayton ("Redevelopment Agency") entered into two (2) certain Loan Agreements, one dated 17 June 1999 attached hereto as Exhibit A and the second dated 16 February 2010 attached hereto as Exhibit B (collectively "Loan Agreements") whereby the City agreed to loan the former Redevelopment Agency funds to be used for purposes of completing projects and activities benefitting the Redevelopment Project Area and the community, of which the former Redevelopment Agency lawfully agreed to repay the City over time from available tax increment revenues; and

WHEREAS, on February 1, 2012, pursuant to ABx1 26 (the "Dissolution Act") the former Redevelopment Agency, along with all redevelopment agencies in the State of California, was dissolved, and all assets and obligations of the former Redevelopment Agency were transferred by operation of law to the Successor Agency and by affirmative action of the Clayton City Council at a regular public meeting thereof held on 17 January 2012 (ref. City Resolution No. 03-2012); and

WHEREAS, the Dissolution Act creates an oversight board for each redevelopment agency to oversee the wind down of the former Redevelopment Agency ("Oversight Board"); and

WHEREAS, the Dissolution Act requires that the Successor Agency prepare and the Oversight Board approve a Recognized Obligation Payment Schedule (ROPS) setting forth all Enforceable Obligations (as defined in the Dissolution Act) of the former Redevelopment Agency. The Dissolution Act generally provides that such Loan Agreements between the former Redevelopment Agency and the City are not Enforceable Obligations yet the Dissolution Act does authorize the Successor Agency and the City, with Oversight Board approval, to reenter into such loan agreements (ref. Section 34178(a) of the California Health and Safety Code); and

WHEREAS, at its 26 April 2012 duly noticed public meeting the Oversight Board for the Successor Agency by unanimous vote authorized the Successor Agency to reenter into the Loan Agreements noted and referenced above and attached hereto as Exhibits A and B; and

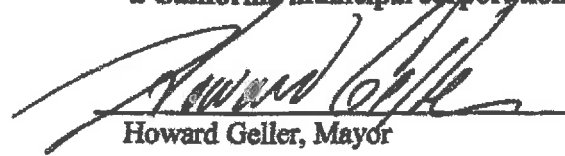
WHEREAS, the City and the Successor Agency have determined that reentering into the Loan Agreements is in the best interests of the City and the Successor Agency.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Successor Agency and the City hereby agree to reenter into the two Loan Agreements, attached hereto as Exhibits A and Exhibit B incorporated herein by reference, under the terms and conditions set forth in the Loan Agreements, provided, however, all references in the Loan Agreements to the Redevelopment Agency of the City of Clayton or Agency shall be deemed to refer to the Successor Agency. The City and the Successor Agency agree that notwithstanding anything set forth in the Loan Agreements, with approval of the Oversight Board the Successor Agency can prepay the full amount owed under the Loan Agreements at any time without penalty.
2. In executing this Agreement and reentering into the Loan Agreements, the City is acting in its capacity as a municipal corporation, while the Successor Agency is acting in its capacity as the successor to the former Redevelopment Agency; and both the City and the Successor Agency are acting pursuant to the specific authority granted by the Oversight Board and by Health & Safety Code Sections 34178(a) and 34180(h) authorizing agreements between the City and the Successor Agency. In consequence, the parties to this Agreement and the Loan Agreements are not merged.
3. Nothing in this Agreement shall be deemed to invalidate or amend the terms of the Loan Agreements, except as specifically amended by the provisions of this Agreement (the "Amendments"). The Loan Agreements shall remain in full force and effect according to its original terms, as modified by the Amendments, notwithstanding those provisions of the Dissolution Act regarding Enforceable Obligations.
4. Nothing in this Agreement shall abrogate, waive, impair or in any other manner affect the right or ability of the City to initiate and prosecute any litigation with respect to any agreement or other arrangement between the City and the former Redevelopment Agency, including, without limitation, any litigation contesting the purported invalidity of such agreement or arrangement pursuant to the Dissolution Act.
5. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.
6. Except as amended by the foregoing provisions of this Agreement, the Loan Agreements shall remain in full force and effect.
7. This Agreement shall take effect from and after the date of execution of this Agreement by both parties.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereof as of the date first written above.

**CITY OF CLAYTON, CALIFORNIA,
a California municipal corporation**


Howard Geller, Mayor

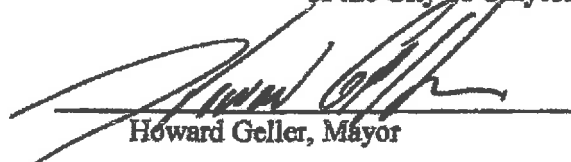
Approved as to Form:


Mala Subramanian, City Attorney

Attest:


Laci J. Jackson, City Clerk

**CITY OF CLAYTON, CALIFORNIA,
a California municipal corporation
acting as the Successor Agency
to the former Redevelopment Agency
of the City of Clayton**


Howard Geller, Mayor

Approved as to Form:


Karen M. Tiedemann, Special Legal Counsel

Attest:


Laci J. Jackson, City Clerk

ACTION MINUTES
OF THE
SPECIAL MEETING

OVERSIGHT BOARD
SUCCESSOR AGENCY, CITY OF CLAYTON, CA

APRIL 26, 2012

1. CALL TO ORDER AND ROLL CALL

Constituting the initial meeting of the Oversight Board and at the time a Chairperson had not yet selected, the meeting was called to order by City Manager Gary Napper at 3:05 pm in the 1st Floor Conference Room of City Hall, 6000 Heritage Trail Clayton CA.

Board Members present: Howard Geller, Mayor of Clayton; Vito Impastato, CCC Fire Protection District; Laci Jackson, former RDA Secretary; Karen Mitchoff, Contra Costa County Supervisor; Dan Richardson, Clayton resident; Jane Shamieh, County Office of Education.

Board Members absent: John Nejedly, Contra Costa Community College District.

Staff present: City Manager Gary Napper; Special Legal Counsel Karen Tiedemann;
Asst to the City Manager/Board Clerk: Laura Hoffmeister

2. WELCOME AND SELF- INTRODUCTIONS OF BOARD MEMBERS AND STAFF ASSIGNED TO THE OVERSIGHT BOARD

Oversight Board members and Successor Agency staff made self-introductions.

3. OVERVIEW OF THE STATUTORY PURPOSE OF THE OVERSIGHT BOARD

Clayton City Manager Gary Napper noted there were extensive written materials included in the Oversight Board agenda packet for background purpose. Mr. Napper summarized the background materials, the Oversight Board statutory authorities and its purpose. Mr. Napper mentioned the main missions of the Board are to wind down the affairs of the former Redevelopment Agency of the City, and to pay down the debt of the former Redevelopment Agency. Mr. Napper noted that should a Board member resign and is not replaced by the designated public taxing entity, the Governor makes the replacement appointment.

4. REQUIREMENTS OF THE BROWN ACT (PUBLIC MEETING LAW) AND OTHERS

Special Legal Counsel Karen Tiedemann pointed out the Oversight Board is subject to all the rules and regulations of the State Open Meeting Laws, commonly referred to as the Brown Act. Ms. Tiedemann provided a quick overview of these requirements, the Board being subject to FPPC conflict of interest filing requirements, Form 700; and the Public Records Act.

Specifically noted was if a quorum of members are present in the same social setting it is okay provided they not discuss Oversight Board matters. Additionally noted was if there was an email sent out from Staff to the Oversight Board– to reply directly back to staff; do not hit “Reply All.”

5. SUMMARY OF FORMER CLAYTON REDEVELOPMENT AGENCY PROJECTS, PROGRAMS AND ACTIVITIES

Assistant to the Clayton City Manager Laura Hoffmeister referred to the listing provided in the agenda packet and reviewed the highlights of the former Clayton Redevelopment Agency's projects, programs and activities, which categories included: Downtown revitalization, economic development, street infrastructure rehabilitation/improvements, flood prevention improvements and creek rehabilitation; municipal sewer, storm drainage & lighting infrastructure, traffic and pedestrian safety, historic building preservation, public safety infrastructure, land for a County fire district station, cultural/recreation/educational facility, and affordable housing units.

Board members noted the use of redevelopment funds in Clayton was done as the law had originally intended; there were many good projects to various public entities that improved the quality of life and the economic vitality of the overall community.

6. OVERSIGHT BOARD ACTION ITEMS

(a) Election of Board Chairperson and Vice Chairperson.

City Manager Gary Napper called for nominations for the Oversight Board Chair.

Board Member Mitchoff stated that philosophically she believed the public member-at-large should be Chair, as all other Board members are representatives of various public taxing agencies that have a stake in the outcomes. After short discussion by the Board members, a motion was made by Board Member Mitchoff, seconded by Board Member Geller, to nominate Dan Richardson, the public member, as Chairperson of the Oversight Board. Motion passed. (vote 6-0).

Chairperson Richardson then assumed the conduct of the meeting. Chairperson Richardson asked for nominations for Vice Chair. Board members discussed the infrequencies of the meetings and noted there was not a need to select a Vice Chair at this time. It was the general consensus of the members to not select a Vice Chair.

(b) Designation of Contact Person for the State Department of Finance and Administrative Support Staff to the Oversight Board.

Chairperson Richardson called for the staff report. City Manager Gary Napper noted that these actions were statutory-required administrative items.

Motion by Board Member Jackson, seconded by Board Member Mitchoff, to designate Gary Napper, Clayton City Manager and staff to the Successor Agency of the City of Clayton, as the primary contact person for the California Department of

Finance concerning Clayton Oversight Board actions, and City Finance Manager Merry Pelletier as the alternate contact person. Motion passed (vote 6-0).

Motion by Board Member Jackson, seconded by Board Member Mitchoff, to designate Laura Hoffmeister, Assistant to the Clayton City Manager and staff to the Successor Agency of the City of Clayton as Clerk of the Clayton Oversight Board. Motion passed (vote: 6-0).

(c) Consideration of Resolution No. 01-2012 adopting Oversight Board Rules of Procedure.

Chairperson Richardson called for the staff report. City Manager Gary Napper noted these actions were statutory-required administrative items and provided an overview of the recommendations. Mr. Napper noted the Board would need to set the time/place for conduct of its meetings and include this as part of the action, including selection of a day/time to meet to be included in the resolution. Board members discussed dates/times and their availability, and were generally supportive of meeting as needed on the last Thursday of the month at 3:00pm.

Motion by Board Member Geller, seconded by Board Member Shamieh, to approve Resolution No 01-2012 adopting Oversight Board Rules of Procedure, adding to page 4, that meetings will be held as needed on the last Thursday of the month at 3:00pm. Motion passed (vote 6-0).

(d) Consideration of Resolutions No. 02-2012 and 03-2012 approving the 1st and 2nd Recognized Obligation Payment Schedules (ROPS) for the Successor Agency of the City of Clayton for the time periods of February 2012 through June 2012, and July 2012 through December 2012, respectively.

Chairperson Richardson called for the staff report. Merry Pelletier, Clayton Finance Manager, referred to the detail ROPS I included in the agenda materials. Ms. Pelletier noted she was prepared to review each obligation individually if the Board so desired. Board Member Mitchoff stated the listing was self-explanatory and the clear, and suggested not going through each one but to answer Board members questions on the ROPS, if any. There was agreement by other Board members with this approach.

Board Member Mitchoff asked if there was anything different, unusual or specific the Board should be aware of. City Manager Gary Napper mentioned the State Department of Finance role and rules on inter-agency loan repayments are only loans made within the first 2 years of the RDA formation (1987 for Clayton) are currently eligible for repayment. Mr. Napper noted there is State legislation proposed (AB 1585) to make changes to this limitation. As examples, Mr. Napper reported that for Clayton the County Fire Station land sale loan was done after this time period, and the City's 2% election payments (which was originally done in 1987 but the County neglected to implement and concurred payments were due) Ms. Tiedemann further elaborated on the State Department of Finance review process of the Successor Agency ROPS. In response to questions Ms. Pelletier explained that the ROPS 1 and RPOS 2 information for LMI is slightly different as the ROPS 2 schedule consolidated the LMI information.

Board Member Mitchoff commended the good work of the Finance Manager and staff as she found the ROPs information is complete, clear, easy to follow and understandable.

Chairperson Richardson asked about the prospect of the Oversight Board's authority to re-enter into inter-agency loan agreements with the Successor Agency for Items #4 (Fire Station Loan); #5 (2% Election payments per Section 33676); #6 (2% Election payments for Low Moderate Income Housing); and #7 (Low Moderate Income Housing SERF)

Ms. Tiedemann indicated ABx1 26 allows for Successor Agency's to re-enter into loan repayment agreements and this Board can move forward with this process now. After brief discussion Board members indicated a strong preference to re-enter into such loan agreements finding the former Clayton Redevelopment Agency undertook these transactions in good faith and delayed payment to benefit the receiving entities and the Clayton community.

Chairperson Richardson called for public comment regarding the Board's intent. There was no public comment.

Motion by Board Member Mitchoff, seconded by Board Member Geller, to re-enter into the noted inter-agency loan agreements pursuant to California Health and Safety Code Section 37418 (a). Motion passed (vote 6-0).

Motion by Board Member Geller, seconded by Board Member Impastato, to adopt Resolution 02-2012 approving the 1st Recognized Obligation Schedule (ROPS) of the Successor Agency for the City of Clayton covering the time period of February 2012 through June 2012. Motion passed (vote 6-0).

Motion by Board Member Geller, seconded by Board Member Shamieh, to adopt Resolution 03-2012 approving the 2nd Recognized Obligation Schedule (ROPS) of the Successor Agency for the City of Clayton covering the time period of July 2012 through December 2012. Motion passed (vote 6-0).

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

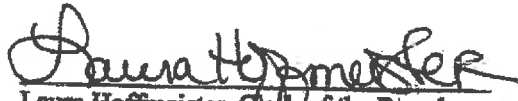
8. **ADJOURNMENT**

Upon call by Chairperson Richardson, the Board meeting adjourned at 3:45 p.m.



Dan Richardson, Chairperson

ATTEST:



Laura Hoffmeister, Clerk of the Board



Approved:

 Gary A. Napper
 City Manager

AGENDA REPORT

TO: MEMBERS OF THE OVERSIGHT BOARD

FROM: CITY MANAGER

DATE: 26 APRIL 2012

**SUBJECT: CONSIDERATION AND APPROVAL OF THE 1ST AND 2ND ROPS
 RECOGNIZED OBLIGATION PAYMENT SCHEDULES
 SUCCESSOR AGENCY OF THE FORMER CLAYTON RDA**

RECOMMENDATION

Following staff presentation and Board discussion, it is recommended the Board adopt the following Resolutions:

1. A motion to adopt Resolution No. 02-2012 approving the 1st Recognized Obligation Payment Schedule (ROPS) for the Successor Agency of the former Clayton Redevelopment Agency ("RDA") for the time period of 01 February 2012 through 30 June 2012; and
2. A motion to adopt Resolution No. 03-2012 approving the 2nd Recognized Obligation Payment Schedule for the Successor Agency covering the time period of 01 July 2012 through 31 December 2012.

BACKGROUND

In late December 2011 the California Supreme Court ruled that ABx1 26 (the "Dissolution Act") was constitutional, litigated in the case of *California Redevelopment Association, et al v. Matosantos, et al*, thereby effectively dissolving all redevelopment agencies in California. The Court further overturned ABx1 27 (the "Voluntary Alternative Redevelopment Act") setting the stage for redevelopment agencies and their activities/ programs to end 01 February 2012.

In the wake of the Court's decision, the Clayton City Council on 17 January 2012 exercised its priority right under the new law and took action to become the Successor Agency and the Successor Housing Agency of the its Clayton Redevelopment Agency (by City Resolution No. 03-2012). By doing so, the new Successor Agency retained the assets, liabilities and performance obligations of the former redevelopment agency as enumerated in the amended and re-adopted Enforceable Obligations Payment Schedule (EOPS) of the former Clayton Redevelopment Agency.

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Subsequent to its dissolution on 01 February 2012, the Successor Agency [City Council] on February 21st (by City Resolution No. 06-2012) did publicly review and approve its 1st ROPS setting forth numerically the minimum payment amounts and due dates of payments required as "enforceable obligations and debt service" for the remaining time period of this current fiscal year (February thru June 2012). That action was preparatory to this Oversight Board's review and approval of the 1st ROPS for submittal to the State Department of Finance (DOF) for its certification, which sets the stage for release/authorization of revenue by the Contra Costa County Auditor-Controller for expenditure to be made by the Successor Agency.

Under the law, "enforceable obligations" of a redevelopment agency include the following financial arrangements (the ROPS of a city or county):

- Bonds (issued-debt service)
- Loans
- Payments required by state or federal government
- Obligations to former RDA employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x 28
- Contracts for RDA administration, Successor Agency administration, and Oversight Board administration

OVERVIEW OF 1ST ROPS

Proceeding in chronological order, the 1st ROPS (Exhibit A) is herein tendered to the Oversight Board for its approval prior to official submittal to the DOF for its certification along with copies to the County Auditor-Controller and the State Controller's Office. Once the 1st ROPS becomes effective it replaces the previously-adopted EOPS as the basis of future Successor Agency payments for February through June 2012. Staff has on file the referenced agreements and documents related to each line item listed in the 1st ROPS and these documents can be provided to the Oversight Board if members so wish. The 1st ROPS essentially comprises the following line item obligations of the Successor Agency:

Line Items

- 1). RDA contractual subsidy entered into on 01 October 2001 between the former Clayton Redevelopment Agency and Diamond Terrace Investors to partially assist/subsidize the construction of a private-development senior housing facility known as "Diamond Terrace" located on Center Street in Clayton. The \$2.0 million housing-assistance subsidy is to be paid to Diamond Terrace Investors in \$200,000 increments over a period of ten (10) years and has an outstanding payment balance of \$400,000.
- 2). A 1996-issued Tax Allocation Bond (Series A) capitalized for non-housing projects of the former RDA that has remaining variable debt service payments of principal and interest totaling \$1,682,220 and is slated to mature in Fiscal Year 2020.

3). A 1999-issued Tax Allocation Bond capitalized for non-housing projects of the former RDA that has remaining variable debt service payments of principal and interest totaling \$6,675,000, slated for maturity in Fiscal Year 2024.

4). A RDA loan due and payable to the City of Clayton entered into on 17 June 1999 for transfer of title to real property to the County of Contra Costa for its construction of Fire Station No. 11 currently owned and operated by the Contra Costa County Fire Protection District. The principal amount still due and payable is \$475,000 that is due the City on or before 01 January 2023, with annual interest payments payable to the City at the rate of 6.5% per annum (\$30,875 per year) commencing 01 October 1999 [Promissory Note].

5). A RDA loan due and payable to the City of Clayton entered into on 16 February 2010 (ref. RDA Resolution No. 02-2010) in the principal amount of \$501,898.64 in four (4) annual payments of \$125,474.66 per year commencing FY 2010-11 through FY 2013-14.

During the RDA's formation in July 1987, the Clayton City Council took corollary action to order "2% election" payments be made each year to the City from RDA tax increment as authorized by Section 33676 of the *California Health and Safety Code*. It was later discovered by the City in 2009 that the County Auditor-Controller's Office never made these 2% election payments to the City from the RDA's tax increment that should have commenced in FY 1988-89. At the City's request, the County Auditor-Controller's Office then calculated the amount of monetary oversight during the previous 21 years until discovery, which concluded the RDA had been overpaid the "2% election" monies due the City. Rather than require full repayment upon its discovery (so as not to decimate a RDA already being fiscally constrained by state SERAF diversions), the City and the RDA agreed upon a 4-year repayment schedule (note: without interest). The non-housing Project Fund of the RDA owed \$401,518.92 (80%) of the principal due commencing in FY 2010-11, and has an outstanding loan balance of \$301,139 with three (3) remaining annual payments of \$100,380 due the City through Fiscal Year 2013-14.

6). A RDA loan due and payable to the City of Clayton entered into on 16 February 2010 (ref. RDA Resolution No. 02-2010) in the principal amount of \$501,898.64 in four (4) annual payments of \$125,474.66 per year commencing FY 2010-11 through FY 2013-14.

Reference to the obligation liability noted above in Line Item 5, this line item represents the housing set-aside loan obligation portion (20%) of the "2% election" payment omission since FY 1988-89 due the City of Clayton. The principal amount due was \$100,379.72 and presently it has an outstanding loan balance of \$75,285 with three (3) remaining annual payments of \$25,094.93 due the City through Fiscal Year 2013-14.

7). An intra-agency RDA loan entered into on 19 May 2010 from the former RDA non-housing fund due the former RDA housing fund in the principal amount of \$592,412 caused by insufficient tax increment revenues of the RDA in FY 2009-2010 to pay the State of California its mandated diversion of local redevelopment agency monies that fiscal year to help patch its State Budget deficit. Pursuant to the state legislation that permitted RDA's to "borrow" monies from its housing set-aside funds to pay its state-mandated "Supplemental Education Relief Augmentation Fund" ("SERAF"), the borrowed monies must ultimately be

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repaid to the housing set-aside fund. The principal amount of \$592,412 is scheduled for repayment, pursuant to the intra-agency loan terms, in four (4) equal payments of \$148,103 commencing FY 2011-12 and ending in FY 2014-15.

8 & 9). A RDA-obligation contract with Thales Consulting entered into on 23 March 2010 for professional accounting services to prepare the former RDA's portion of the annually-required State Controller's Report and the unaudited Financial Statement. The RDA's proportionate share is \$5,400 this year allocated 80% to the non-housing project fund (\$4,320) and the balance of 20% to the housing project fund (\$1,080) for RDA operations ending 30 June 2011 (FY 2010-11).

10 & 11). A RDA-obligation contract with Cropper Accountancy Corporation entered into on 22 March 2010 to perform the independent audit of the former RDA's operations ending 30 June 2011 (FY 2010-11). The RDA's proportionate share to conduct the independent audit is \$12,372 this year spread 80% to the non-housing project fund (\$9,898) and 20% balance to the housing project fund (\$2,474).

12). A RDA-obligation contract with NBS Local Government Solution in the amount of \$8,700 in FY 2011-12 for the required arbitrage calculation and reporting associated with the RDA's bond(s) issuances.

13). A RDA-obligation contract with US Bank entered into on 01 December 1993 in the amount of \$16,095 for FY 2011-12 for required professional services and fees as the Paying Agent associated with the RDA's previous bond issuances.

14). A RDA-obligation contract for professional services with Roney Planning & Management entered into on 22 February 2011 in the original amount of \$154,744 for preparation of the environmental studies, General Plan amendments, and zoning ordinance revisions necessary to accommodate/implement multiple affordable housing land use designations, re-designations and regulatory provisions required by the state-certified Housing Element of the City (2009-2012). An amount of \$35,294 is expected for payment in this fiscal year.

15 & 16). A RDA-obligation contract with the law firm of Goldfarb & Lipman entered into on 01 February 2011 to perform legal services as appointed "Special Legal Counsel" to the former RDA and now the Successor Agency. The total amount of \$15,000 is listed as the expectant expense for legal services in Fiscal Year 2011-12 with proportionate share of \$12,000 borne by the former non-housing project fund (80%) and the remaining 20% of \$3,000 drawn from the former housing project fund.

17). Section 34171(b) of the Dissolution Act (AB1x 26) stipulates an administrative cost allowance is allowed to the Successor Agency for its continued management and oversight of the former RDA's dissolution involving the retirement of debt and enforceable obligations. The law specifically states a successor agency is allocated these funds for each fiscal year thereafter, "... provided, however, that the amount shall not be less than two hundred fifty

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thousand (\$250,000) for any fiscal year...." This line item lists the minimum \$250,000 administrative expense for FY 2011-12.

16). Omitted.

19 – 27). The listed amounts are Section 33676 Payments due the Contra Costa Community College District, the Contra Costa County Superintendent of Education, the Contra Costa County Resource Conservation Department, the City of Clayton, and the County of Contra Costa by the former RDA under *California Redevelopment Law* (CRL). The statutory payments are obligations of the former RDA/current Successor Agency due each year to the public taxing entities within the former RDA's Project Area and must continue until such time all issued debt service and enforceable obligations of the Successor Agency are retired. The monetary amounts are split between the non-housing project fund (80%) and the housing project fund (20%).

28 – 36). The listed amounts are "Pass Through" obligation payments of the former Clayton Redevelopment Agency due the various public taxing entities within the former RDA's Project Area pursuant to Section 33401 and AB860 of the *California Redevelopment Law* (CRL). Once again, these varying Pass Through payments remain an obligation of the Successor Agency until such time it officially ends having retired all debt and enforceable obligations. The recipient public taxing entities include the County of Contra Costa, the County Flood Control District, the Contra Costa County Public Library System, and the Contra Costa County Fire Protection District.

37 – 38). The listed amounts are statutory payments calculated by and due each year to the County of Contra Costa to pay the County for its levy and collection of real property taxes each year from private property owners. Referred to as "Property Tax Administration Fees" (PTAF), the law allows the County to be paid fees by each redevelopment agency for its management and dispersal of each redevelopment agency's tax increment revenues from the collected real property taxes. For FY 2011-12, the obligatory amount has been calculated by the County to be about \$53,000 from the Successor Agency of the Clayton Redevelopment Agency. Again, these County tax administration fees remain each year until the Clayton Successor Agency is fully retired.

In summation, the total outstanding amount of debt and enforceable obligations of the Successor Agency is \$16,290,248 as of 01 February 2012. The necessary expenditures of the Successor Agency during the entire Fiscal Year of 2012 is \$3,364,251 (including Pass-Throughs), of which approximately \$3.27 million of that amount expected for expense during the 6-month period of January through June 2012. In December 2011 the former Clayton RDA received an allocation totaling \$2,755,501 in tax increment revenues to address the obligations of the Successor Agency for the balance of this fiscal year (note: Pass-Throughs are disbursed directly by the Auditor-Controller, not by the Successor Agency).

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OVERVIEW OF 2ND ROPS

Exhibit B (attached) contains the Successor Agency's 2nd ROPS for the subsequent time period of July 2012 through December 2012. At its regular public meeting held on 17 April 2012, the Clayton City Council, serving as the governing body of the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, considered and approved the 2nd Recognized Obligation Payment Schedule for the time period noted. The 2nd ROPS (and in theory each ROPS hereafter) is essentially the same as the 1st ROPS such that it carries forward the recurring Successor Agency obligations, namely previously-issued debt service payments, contractual obligations, legally-enforceable intra- and inter-agency loans, as well as Successor Agency administrative costs.

In summary, the 2nd ROPS recognizes approximately \$13.5 million in total outstanding debt or obligations of the Successor Agency commencing 01 July 2012, a reduction of \$2,774,947 from the total amount declared in the 1st ROPS (from \$16,290,248). These numbers are predicated on the Department of Finance certifying the 1st ROPS and its declared obligations. For Fiscal Year 2012-13, Successor Agency staff projects the total amount due is \$2,792,152, of which amount approximately \$ 636,951 must be expensed during the first six months of the fiscal year. It is noted that Line 4 incorporates a debt retirement payment schedule for the principal amount of \$475,000 owed to the City for gifting the land upon which Fire Station No. 11 (Contra Costa County Fire Protection District) is located within the City of Clayton. In order to avoid a lump sum payment of \$475,000 in January 2023, consistent with directive to "wind down" the debt service of the former RDA, staff has prepared a new debt service schedule that includes principal and interest payments as opposed to the existing schedule of interest-only payments until January 2023.

Approval of the 2nd ROPS is necessary at this time to ensure continuity of payment schedules with sufficient revenues due the Successor Agency when the 1st ROPS expires on 30 June 2012. Approval of the 2nd ROPS at this time allows the Successor Agency to draw upon real property taxes (former tax increment revenues) for disbursement by the County Auditor-Controller for payment of the prior obligations of the former Clayton RDA. Staff recommends the 2nd ROPS be approved by the Oversight Board for submittal to the County Auditor-Controller for certification and to the State Department of Finance for its approval.

CONCLUSIONS

It is recommended the Oversight Board receive staff's presentation of the details concerning the 1st and 2nd ROPS of the Successor Agency, take public comments, and then adopt Resolution No. 02-2012 and No. 03-2012 approving the 1st and 2nd ROPS, respectively.

Exhibits: A. Resolution No. 02-2012 + Exhibit (1st ROPS) [4 pp.]
B. Resolution No. 03-2012 + Exhibit (2nd ROPS) [4 pp.]

RESOLUTION NO. 02-2012

**A RESOLUTION APPROVING AND ADOPTING THE 1ST RECOGNIZED
OBLIGATION PAYMENT SCHEDULE (ROPS) OF THE SUCCESSOR
AGENCY FOR THE CITY OF CLAYTON COVERING THE TIME PERIOD
OF FEBRUARY 2012 THROUGH JUNE 2012**

**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 21 February 2012 by Resolution No. 06-2012, the Clayton City Council as did review and adopt the 1st Recognized Obligation Payment Schedule (ROPS) setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period, with said initial ROPS covering that time period from 01 February 2012 through 30 June 2012; 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 appointed Oversight Board to the Successor Agency met at a duly-noticed public meeting on 26 April 2012 wherein it did review and consider the 1st ROPS submitted to it for approval by the Successor 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 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 Oversight Board does hereby approve and adopt the 1st 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 Oversight Board authorizes and instructs the Clayton City Manager or the City Manager's designee to: (1) post the 1st Recognized Obligation Payments Schedule (Exhibit A) on the City website; (2) designate its representative to whom all questions related to the 1st 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 1st 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 1st 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 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 April 2012 by the following vote:

AYES: Chairperson Richardson, Board Members Geller, Impastato, Jackson, Mitchoff, and Shamieh.

NOES: None.

ABSTAIN: None.

ABSENT: Board Member Nejedly.

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



Dan Richardson, Chairperson

ATTEST:



Laura Hoffmeister, Clerk of the Board

Name of Redevelopment Agency:
Project Area(s):

City/County Redevelopment Agency
All

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EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34107 and 34108

Project Name / Debt Obligation	Funds	Description	Funding Source	Total Outstanding Debt or Deficiency	Total Due During Fiscal Year	PAYMENTS BY MONTH						PAYMENTS BY YEAR			
						Jan	Feb	Mar	Apr	May	June	2012/13	2013/14	2014/15	Total
0) RDA purchased address entered on 10/1/01	Redevelopment Property Investment	St. Norbert Family Loan - St. Norbert, Calif.	Low and Moderate Income Housing Fund	400,000	200,000		200,000					200,000			400,000
1) High Tech Alternative Bonds - Section A	US Bonds	Bonds issued in bond anticipation advance	Redevelopment Property Tax Trust Fund	1,662,250	724,994		724,994					724,994			1,662,250
2) High Tech Alternative Bonds	US Bonds	Bonds issued in bond anticipation advance	Redevelopment Property Tax Trust Fund	6,671,000	141,489		141,489					141,489			6,671,000
3) City Loans entered into on 01/17/08	City of Clayton	Loan provided on Public Power Station land	Redevelopment Property Tax Trust Fund	478,000	30,878	2,873	2,878	2,873	2,873	2,873	2,873	17,237	26,615	26,615	478,000
4) City Loans entered into on 01/18/08	City of Clayton	2% Revenue advance per Section 34079	Redevelopment Property Tax Trust Fund	201,128	100,280	18,730	18,730	18,730	18,730	18,730	18,730	100,280	100,280	100,280	201,128
5) City Loans entered into on 01/18/08	City of Clayton	2% Revenue advance per Section 34079	Redevelopment Property Tax Trust Fund	78,888	29,085	4,183	4,183	4,183	4,183	4,183	4,183	29,085	29,085	29,085	78,888
6) City Loans entered into on 01/18/08	Clayton RDA LHM Receipts	Imp. Loan for S.E. R.A.P. project	Low and Moderate Income Housing Fund	882,412	141,103	14,810	14,810	14,810	14,810	14,810	14,810	14,810	14,810	14,810	882,412
7) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	4,320	1,440							1,440			4,320
8) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	1,000	360							360			1,000
9) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	8,000	3,200							3,200			8,000
10) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	2,400	930							930			2,400
11) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	8,700	2,930							2,930			8,700
12) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	15,000	5,000							5,000			15,000
13) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	184,744	37,200	6,753						6,753			184,744
14) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	36,900	12,300							12,300			36,900
15) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	6,800	2,600							2,600			6,800
16) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	780,000	220,200	41,887	41,887	41,887	41,887	41,887	41,887	250,000	250,000	250,000	780,000
17) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	780,780	44,260							44,260			780,780
18) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	38,197	11,818							11,818			38,197
19) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	27,871	8,284							8,284			27,871
20) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	6,918	2,308							2,308			6,918
21) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	488	158							158			488
22) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	117	39							39			117
23) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	174,820	55,053							55,053			174,820
24) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	43,593	14,821							14,821			43,593
25) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	2,820,889	874,691							874,691			2,820,889
26) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	895,241	318,414							318,414			895,241
27) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	6,800	1,764							1,764			6,800
28) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	1,218	429							429			1,218
29) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	308,820	86,843							86,843			308,820
30) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	63,282	17,681							17,681			63,282
31) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	308,280	120,000							120,000			308,280
32) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	34,886	11,292							11,292			34,886
33) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	401,712	123,704							123,704			401,712
34) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	100,228	33,408							33,408			100,228
35) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	127,290	42,400							42,400			127,290
36) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	11,400	3,800							3,800			11,400
37) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Redevelopment Property Tax Trust Fund	10,000	3,000							3,000			10,000
38) Contract for Consulting Services	Trustee Consultant	RDA State Controller's Report 2010-11	Low and Moderate Income Housing Fund	10,000	3,000							3,000			10,000
1 (Total - This Page)				10,240,708	3,224,257	70,282	1,104,943	1,073,885	1,073,885	1,073,885	1,073,885	42,400	1,073,885	42,400	10,240,708

RESOLUTION NO. 03-2012

**A RESOLUTION APPROVING AND ADOPTING THE 2nd RECOGNIZED
OBLIGATION PAYMENT SCHEDULE (ROPS) OF THE SUCCESSOR
AGENCY FOR THE CITY OF CLAYTON COVERING THE TIME PERIOD
OF JULY 2012 THROUGH DECEMBER 2012**

**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 1967 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 2nd 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 2nd ROPS covering that time period from 01 July 2012 through 30 December 2012; 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 appointed Oversight Board to the Successor Agency met at a duly-noticed public meeting on 26 April 2012 wherein it did review and consider the 2nd ROPS submitted to it for approval by the Successor 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 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 Oversight Board 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 Oversight Board authorizes and instructs the Clayton City Manager or the City Manager's designee to: (1) post the 2nd Recognized Obligation Payments Schedule (Exhibit A) on the City website; (2) designate its 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 Oversight Board's action to adopt the 2nd 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 2nd 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 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 April 2012 by the following vote:

AYES: Chairperson Richardson, Board Members Geller, Impastato, Jackson, Mitchoff, and Shamieh.

NOES: None.

ABSTAIN: None.


ABSENT: Board Member Nejedly.

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



Dan Richardson, Chairperson

ATTEST:



Laura Hoffmeister, Clerk of the Board

Name of Redevelopment Agency: Redevelopment Retirement Trust Fund

Page 1 of 1 Pages

2nd RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per ABX125 - Section 34107 and 34169

EXHIBIT A

Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	7/1/2012						Total
						July	August	September	October	November	December	
1) RDA contractual liability entered on 10/1/2001	Diamond Terrace Investors	Loan - Final Amortization disbursement	RDA Retirement Trust	200,000.00	200,000.00						200,000.00	\$ 200,000.00
2) 1999 Tax Allocation Bonds Series A	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	254,694.00	6,181.25		6,181.25					\$ 6,181.25
3) 1999 Tax Allocation Bonds	US Bank	Bonds issued to fund non-housing projects	RDA Retirement Trust	6,666,693.00	316,149.00							\$ 316,149.00
4) City Loan entered into on 9/17/1999	City of Clayton	Loan P & I on CCCO Fire Station Land	RDA Retirement Trust	475,000.00	76,376.00		76,376.00					\$ 76,376.00
5) City Loan entered into on 6/18/10	Clayton RDA LHM Housing	Loan for S.E.R.A.F. payment	RDA Retirement Trust	622,412.00	148,103.00		12,342.00	12,342.00	12,342.00	12,342.00		\$ 78,376.00
6) Contract for Consulting Services	Thales Consulting	RDA State Controller's Report 2010/11-2011/12	RDA Retirement Trust	5,200.00	1,800.00		1,800.00					\$ 1,800.00
7) Contract for Consulting Services	Chopper Accountancy	RDA Audit 2010-11-2011/12	RDA Retirement Trust	12,372.00	4,124.00		4,124.00					\$ 4,124.00
8) Contract for Consulting Services	RSS Local Gov't Solution	Arbitrage Reporting	RDA Retirement Trust	6,700.00	2,400.00							\$ 2,400.00
9) Contract for Consulting Services	US Bank	Paying Agent Fee	RDA Retirement Trust	16,095.00	5,385.00					1,200.00		\$ 2,400.00
10) Contract for Consulting Services	Rainey 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		\$ 77,350.00
11) Contract for Consulting Services	Geotitles/land Transfer Blkx	Legal advice	RDA Retirement Trust	45,000.00	16,000.00		2,000.00	2,000.00	2,000.00	2,000.00	10,000.00	\$ 12,000.00
12) Successor Agency Fundings	City of Clayton	Expenses for Successor Agency operations	RDA Retirement Trust	780,000.00	280,000.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	20,833.00	\$ 124,888.00
13) Section 33676 Payments	Carroll College	Payments per former CRL 33676	RDA Retirement Trust	128,764.00	30,288.00	(19,894.00)						\$ (18,094.00)
14) Section 33676 Payments	County Supd Schools	Payments per former CRL 33676	RDA Retirement Trust	27,039.00	7,558.00	(3,974.50)						\$ (3,974.50)
15) Section 33676 Payments	County Rec Center	Payments per former CRL 33676	RDA Retirement Trust	466.00	184.00							\$ -
16) Section 33676 Payments	City of Clayton	Payments per former CRL 33676	RDA Retirement Trust	(66,237.00)	72,804.00							\$ -
17) Section 33676 Payments	County	Payments per former CRL 33676	RDA Retirement Trust	2,416,572.00	1,092,098.00	(634,236.00)						\$ -
18) Pass Through Agreement	Flora Control Dist	Payments per former CRL 33401	RDA Retirement Trust	5,500.00	2,183.00							\$ (2,183.00)
19) Pass Through Agreement	Library	Payments per former CRL 33401	RDA Retirement Trust	244,584.00	97,361.00							\$ -
20) Pass Through Agreement	County Fire	Payments per former CRL 33401	RDA Retirement Trust	373,707.00	187,603.00							\$ -
21) Pass Through Agreement	County	Payments per former CRL 33401/AB660	RDA Retirement Trust	498,184.00	(181,824.00)	(181,824.00)						\$ -
22) City Loan entered into on 2/18/2010	City of Clayton	2% Election payments per Section 33676	RDA Retirement Trust	376,423.88	125,476.00	10,456.00	10,456.00	10,456.00	10,456.00	10,456.00	10,456.00	\$ (181,824.00)
23) Statutory Payments	County	Property Tax Administrative Cost	RDA Retirement Trust	708,000.00	0.00							\$ -
Totals				\$ 13,519,301.00	\$ 2,781,192.00	\$ (249,948.00)	\$ 484,372.00	\$ 65,631.00	\$ 65,631.00	\$ 65,631.00	\$ 265,634.00	\$ 638,151.25

* P & I Debt Retirement Schedule



Agenda Date: 1/29/16

Agenda Item: 4a

STAFF REPORT

TO: CITY OF CLAYTON SUCCESSOR AGENCY OVERSIGHT BOARD

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: JANUARY 29, 2016

SUBJECT: CONSIDER A RESOLUTION TO APPROVE AND ADOPT THE 10TH RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2016-2017), PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the Successor Agency Oversight Board, adopt the attached Resolution approving the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017) covering the timeframe July 1, 2016 through June 30, 2017 pursuant to Section 31471(h) and 34177(l)(1) of the California Redevelopment Law – the Dissolution Act, [ABx1 26 and AB 1484].

BACKGROUND

Under the Dissolution Act, “enforceable obligations” of the former redevelopment agency (e.g. Clayton Redevelopment Agency) include the following financial arrangements (the ROPS of a city or county):

- Bonds
- Loans
- Payments required by state or federal government
- Obligations to employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x26
- Contracts for RDA administration, Successor Agency administration, and Oversight Board administration

The monies to fund the requested ROPS funding are issued by the Contra Costa County Auditor-Controller (CAC) to our City's "Redevelopment Obligation Retirement Fund". As its name implies, this fund replaces the former Redevelopment Agency's three Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is then dissolved.

DISCUSSION

Recognized Obligation Payment Schedule (ROPS)

Included herein, as Attachment 1 to this staff report, is the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017). Pursuant to Health and Safety Code section 34177(o)(1), commencing with the ROPS covering the period July 1, 2016 to June 30, 2017 and thereafter, agencies shall now submit an Oversight Board approved annual ROPS to the State Department of Finance (DOF) and the CAC by February 1, 2016 and each February 1, thereafter. The DOF will make its determination by April 15, 2016, and each April 15 thereafter. On this ROPS, the Successor Agency is requesting redevelopment property tax trust fund (RPTTF) monies to pay for obligations totaling \$973,028 and \$753,465 for the six month periods ending December 31, 2016 and June 30, 2017, respectively.

For the six month period ending December 31, 2016 the Successor Agency is requesting payment for the following enforceable obligations:

- Principal and interest on the 2014 Refunding Tax Allocation Bonds,
- Full repayment of the Fire Station Note (re-entered into by the City of Clayton and Successor Agency on May 15, 2012),
- Administrative costs under *Health and Safety Code* section 34171(b), and
- Trustee and other professional service fees directly related to the bonds.

For the six month period ending June 30, 2017 the Successor Agency is requesting payment for the following enforceable obligations:

- Interest on the 2014 Refunding Tax Allocation Bonds,
- Full repayment of the SERAF cash loan from the Successor Housing Fund (No. 616) to Successor Agency Fund (No. 615), and
- Administrative costs under *Health and Safety Code* section 34171(b).

The DOF Determination Letter pertaining to the Successor Agency's ROPS 2015-16B dated October 28, 2015 approved all obligations requested by the Successor Agency. A payment for the prior ROPS period was received in full in early January 2016.

Notice of Completion Received

Both the Low-Moderate Income (LMI) Assets and All Other Assets DDRs were approved by the Successor Agency Oversight Board and submitted to the DOF for review and final approval on March 19, 2015. On April 24, 2015, the Successor Agency received a Final Determination Letter from the DOF approving the LMI DDR “as is” and ordering the release of the “unencumbered” balance of the LMI fund (No. 616) to the CAC totaling \$3,679,225. This payment was remitted on May 1, 2015.

On October 28, 2015, the Successor Agency received a Determination Letter from the DOF demanding two modifications to the All Other Assets DDR. The first modification (Modification 1) was an increase to the balance owed totaling \$230,983 for inter-agency transfers and payments during the 13 month “claw-back” period from January 1, 2011 through January 31, 2012. City Management disagreed with Modification 1 as an internal review revealed the demanded increase included double counting of items already included in the DOF’s approval of the LMI DDR. The second modification (Modification 2) demanded by the DOF was to disallow the retention of funds for the Fire Station Note totaling \$475,000 and a corresponding increase to the balance owed to on the DDR. In a Meet and Confer held with the DOF on November 9, 2015, Management of the Successor Agency communicated our disagreement with both modifications and provided supporting documentation. In the Meet and Confer meeting, Management communicated our agreement with Modification 2 under the condition that the DOF could provide assurance the Fire Station Note would be “fully recoverable” after receipt of a Notice of Completion through the ROPS filing process.

On November 30, 2015, the Successor Agency received a Final Determination Letter on the All Other Assets DDR after the completion of the Meet and Confer. In the letter, the DOF disagreed with the Successor Agency’s protest to Modification 1 and made reference to *Health and Safety Code* section 34191.4 outlining a pathway for obtaining repayment on the Fire Station Note to alleviate our concerns regarding Modification 2. As the Successor Agency had now fully exhausted any means of contesting the DOF under their post-dissolution administrative procedures, the final pathway to seek restitution was to file a lawsuit with the DOF. However, weighing the risks associated with litigation against the benefits of a favorable ruling on the potential litigation, Successor Agency management elected to concede to the November 30, 2015 DOF letter. The final revised All Other Assets DDR obligation totaling \$1,256,182 was remitted to the CAC on December 16, 2015. To accompany this payment and to solidify the City’s position on the two modifications, management issued a letter dated December 1, 2015 to the DOF also copying California 7th District State Senator Steve Glazer, who has been supportive of the Successor Agency’s position on the Fire Station loan.

Shortly following payment of the All Other Assets DDR “unencumbered balance” to the CAC, the Successor Agency received a Finding of Completion dated December 30, 2015. After receipt of this letter, the Successor Agency is now authorized to do the following:

- Place loan agreements between the former redevelopment agency and sponsoring entity on the ROPS as enforceable obligations, provided the oversight board makes a finding the loans were for legitimate redevelopment purposes, per *Health and Safety Code* section 34191.4(b)(1). Loan repayment will be governed by criteria in *Health and Safety Code* section 34191.4(b).
- Utilize proceeds derived from bonds, pursuant to the conditions outlined in *Health and Safety Code* section 34191.4(c).

Fire Station Promissory Note

In June 1999, the City Council and Redevelopment Agency (former Agency) Board approved an agreement selling title to unimproved City real property (approximately 1.18 acres) generally located at the southeast corner of Clayton Road abutting what is now considered Center Street. The Former Agency approved and executed a Promissory Note to the City in the principal amount of \$475,000 for the land with an annual interest rate of 6.5% until the principal loan was paid in full to the City on or before January 1, 2023. In turn, the former Agency gifted the vacant parcel to the Central Contra Costa County Consolidated Fire District (now known as the Contra Costa County Fire Protection District) for its eventual construction of its existing Fire Station No. 11 on Center Street.

In 2012, special legal counsel of the Successor Agency (Karen Tiedemann, esq.) advised management thereof that California Health and Safety Code does allow and authorize a successor agency and its local governing body (i.e. City Council) to re-enter into said loan agreements provided the action receives Oversight Board approval. Specifically, *Health and Safety Code* Section 34178(a), as originally enacted in ABx1 26, provided that agreements between a redevelopment agency and city were generally invalid, however, it also provided that “a successor entity wishing to enter or reenter into agreements with the city... may do so upon approval of its oversight board”. As such, at its initial meeting held on April 26, 2012, Ms. Tiedemann advised the Oversight Board of this option and the Oversight Board swiftly and unanimously took action to approve such an agreement. It was the Oversight Board’s clear expression and sentiment that the Fire Station loan agreement was legally enacted during the lawful existence of the Former Agency, that said loans not only benefited the City of Clayton but also its former Agency, the Clayton Community, and in particular the Contra Costa County Fire Protection District (a separate public taxing entity), and that it was not right for the state to deny the repayments.

Consequently, and pursuant to Successor Agency Oversight Board action and recommendation, the City Council of the City of Clayton and the Clayton Successor Agency Board approved and executed Resolution 12-2012 and 24-2012, respectively, thereby reentering into the Fire Station loan agreement and restoring the legal and ethical obligations owed the City of Clayton in this regard.

Ultimately, the DOF took the position that *Health and Safety Code* Section 34178(a) did not mean what it said and sponsored AB 1484, effective June 27, 2012, effectively revoking the authority of successor agencies to enter or re-enter agreements. In response to this action,

several California cities filed legal challenges to DOF's determinations that re-entered into agreement approved before the enactment of AB 1484 were not authorized. The lead case was *City of Emeryville v. Cohen*. This case was finally decided in January of 2015 in a published appellate court decision. It held that re-entered agreements between a successor agency and its sponsoring city were valid under Section 34178(a) if they were approved prior to the effective date of AB 1484 -- June 27, 2012.

For this reason, under guidance from current legal counsel (Attachment 2), the ROPS 2016-2017 lists the re-entered Fire Station loan agreement (ROPS Detail Line No. 13) and is requesting full payment from the RPTTF under Section 34178(a). Requesting repayment via *Health and Safety Code* section 34191.4, though technically a possibility, would subject loan repayments to the City to numerous negative limitations (e.g., amount that can be repaid, amount of interest, use of funds), resulting in repayment of less money under less favorable terms.

SERAF Loan

During FY 2009-10, as part of the State of California's emergency measures address its own budgetary issues they imposed a two year raid on local redevelopment agencies in the form of Supplemental Education al Revenue Augmentation Fund (SERAF) demands. To the former Agency, this meant an astounding \$2,371,940 in SERAF payments was required to be made to the CAC between FY 2009-10 and FY 2010-11. In order to meet this massive obligation, an intra-agency loan of \$592,412 was established from the low-moderate income fund to the non-housing fund on May 19, 2010. The principal amount of this loan was originally scheduled for repayment in four equal installments of \$148,103 commencing FY 2011-12 and ending in FY 2014-15. With the state-imposed dissolution of redevelopment agencies effective February 1, 2012 and the rigorous new restrictions on SERAF loan repayments established through AB1484, the full principal balance the SERAF loan is currently outstanding and unpaid.

SERAF loans became eligible for repayment starting in the six month period ending December 31, 2014, provided that the following three circumstances are met: (1) The Successor Agency has completed its Due Diligence Reviews (DDR); (2) the results of the DDRs are reviewed by the Oversight Board; and (3) the Successor Agency has received a Notice of Completion by the DOF. As the Successor Agency has met each of these requirements, this ROPS includes a request for re-payment of the SERAF loan in full in the six month period ending June 30, 2017. Repayment of the SERAF loan is an inter-fund transaction between the Successor Agency and Successor Housing Agency.

FISCAL IMPACT

Once approved by the DOF, ROPS 2016-2017 will be in place for the Successor Agency to make payments on agreements and other obligations of the former Redevelopment Agency for the period of time July 1, 2016 through June 30, 2017. Absence this approval the Successor Agency is not permitted to make such payments.

Respectively submitted,

A handwritten signature in blue ink that reads "Kevin Mizuno" with a flourish at the end. The signature is written over a horizontal line.

Kevin Mizuno, CPA
Finance Manager

Attachments:

1. Oversight Board Resolution approving the 10th ROPS 2016-2017 Resolution (3 pp.)
 - o Exhibit A: 10th Recognized Obligation Payment Schedule (ROPS 2016-2017)
2. Legal Opinion Letter (Best, Best & Krieger)

RESOLUTION NO. 01- 2016

**A RESOLUTION APPROVING AND ADOPTING THE
10th RECOGNIZED OBLIGATION PAYMENT SCHEDULE
(ROPS 2016-2017) FOR THE TIME PERIOD OF
01 JULY 2016 THROUGH 30 JUNE 2017,
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 28 June 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 11 August 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 29 December 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 1 February 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, 29 December 2015 the California Department of Finance (DOF) posted instructions for completing the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017) covering the time period of 01 July 2016 through 30 June 2017, including the requirement that the ROPS 2016-2017 must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by 01 February 2016; 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 Oversight Board to the City of Clayton Successor Agency has reviewed and duly considered the Staff Report, the proposed 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), plus documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for 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 Oversight Board does hereby approve and adopt the 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), 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 10th Recognized Obligation Payments Schedule (Exhibit A) on the City's website; (2) designate a City representative to whom all questions related to the 10th 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 10th Recognized Obligation Payment Schedule (ROPS 2016-2017), 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.

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 affect the validity or effectiveness of the remaining portions of this Resolution, Exhibit A

ATTACHMENT 1

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 29th day of January 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Dan Richardson, Chair

ATTEST:

Laura Hoffmeister, Clerk of the Board

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary
 Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Clayton
 County: Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ 41,828	\$ 36,053	\$ 77,881
B	Bond Proceeds Funding	41,828	36,053	77,881
C	Reserve Balance Funding	-	-	-
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 931,200	\$ 717,412	\$ 1,648,612
F	Non-Administrative Costs	806,200	592,412	1,398,612
G	Administrative Costs	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 973,028	\$ 753,465	\$ 1,726,493

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (a) 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 successor agency.

 Name Title
 /s/ _____
 Signature Date

**Clayton Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail
July 1, 2016 Through June 30, 2017**

EXHIBIT A

A	B	C	D	E	F	G	H	I	J
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired
3	City Loan entered into on 5/19/10	SERAF/ERAF	5/19/2010	6/30/2017	Successor Agency LMI	Inter-loan for SERAF payment to State of CA	All	\$ 5,196,290	
4	Contract for Consulting Services	Fees	11/1/1996	8/31/2024	US Bank	Paying Agent Fees	All	592,412	N
7	Successor Agency Functions	Admin Costs	1/1/2014	6/30/2017	City of Clayton	Expenses for Successor Agency Operation	All	1,980	N
9	Contract for Consulting Services	Housing Entity Admin Cost	2/22/2011	12/31/2015	Rannay Planning	Housing Element Implementation	All	250,000	N
11	Contract for Consulting Services	Fees	6/7/1988	9/10/2019	NBS Local Government Solutions	RDA Arbitrage Reporting	All	50,000	N
13	City Loan entered into on 6/17/99	Reentered Agreements	6/17/1999	1/1/2023	City of Clayton	City Loan entered into on 6/17/99 Firestation Project	All	1,200	N
16	Refunding Tax Allocation Bonds 2014	Refunding Bonds Issued After 6/27/12	6/25/2014	8/1/2024	US Bank	Bonds issued to refund the 1996 and 1999 non-housing RDA Tax Allocation Bonds	All	475,000	N
17	Contract for bond covenant consulting services (cap analysis)	Professional Services	9/4/2014	8/1/2024	Fraser & Associates	Bond covenant required analysis/report.	All	3,825,698	N
19	Section 33686 2% election pass through payments	Miscellaneous	2/16/2010	6/30/2016	City of Clayton	County-confirmed 2% Election Payments per Section 33686 owed (FY 1988-89 through FY 2008-09)	All	-	Y

Clayton Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), 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. For tips on how to complete the Report of Cash Balances Form, see [CASH BALANCE TIPS SHEET](#)

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin		
Cash Balance Information by ROPS Period								Comments	
ROPS 15-16A Actuals (07/01/15 - 12/31/15)									
1	Beginning Available Cash Balance (Actual 07/01/15)	274,093	-	1,325,017	-	111,832	8,921		
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015	9	-	368,286	-	10,165	588,829	E2- \$368,286 pertains to receipt from City General Fund pursuant to DOF final approval of All Other Funds DDR.	
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)	45,565	-	1,832,606	-	-	591,700	E3- Includes payment to County Auditor Controller's Office of \$1,256,182 pursuant to the DOF Determination Letter on the All Other Funds DDR. Also includes repayment to City of Clayton on the 2% Election Agreement of \$376,424.	
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	-	-	-		
5	RCPS 15-16A RPTTF Balances Remaining	No entry required							
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 228,537	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050		
ROPS 15-16B Estimate (01/01/16 - 06/30/16)									
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 228,537	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050		
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016	-	-	-	-	-	125,000		
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)	39,848	-	-	-	-	125,000		
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-	-	-	-	-		
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 188,689	\$ -	\$ 60,697	\$ -	\$ 121,997	\$ 6,050		



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brent.hawkins@bbklaw.com

January 13, 2016

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Listing of "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements" on ROPS for Period of July 1, 2016 – June 30, 2017

Dear Mr. Napper:

You have requested our advice concerning how to list the "Agreement Reentering Into Reimbursement of Two Previous Loan Agreements By and Between the City of Clayton and the Successor Agency to the Former Redevelopment Agency of the City of Clayton" ("Reentered Agreement") on the Recognized Obligation Payment Schedule ("ROPS") for the period July 1, 2016 to June 30, 2017. As discussed in greater detail below, we advise that the Reentered Agreement be listed as a reentered agreement pursuant to Health and Safety Code Section 34178(a).

FACTS

On June 17, 1999, the Redevelopment Agency of the City of Clayton ("Redevelopment Agency") and the City of Clayton ("City") entered into a Purchase and Sale Agreement and Promissory Note pursuant to which the City agreed to sell certain real property to the Redevelopment Agency for the construction of a fire station and took a promissory note for the purchase price in the amount of \$475,000.

In June of 2011, the Legislature enacted and the Governor signed ABx1 26 which dissolved all redevelopment agencies in the State of California and established successor agencies in every community in which a redevelopment agency had functioned. Successor Agencies were charged with carrying out the enforceable obligations of the former redevelopment agencies and winding down their affairs. ABx1 26 added Section 34178(a) to the Health and Safety Code which provides generally that agreements between a redevelopment agency and its sponsor city are not binding on the successor agency. However, Section 34178(a) also provided that "... a successor entity wishing to enter or reenter into agreements with the city ... may do so upon the approval of the oversight board."



BEST BEST & KRIEGER
ATTORNEYS AT LAW

January 13, 2016
Page 2

On May 15, 2012, the City and the Successor Agency to the Redevelopment Agency of the City of Clayton ("Successor Agency") entered into the Reentered Agreement pursuant to Section 34178(a). Pursuant to the Reentered Agreement, the City and the Successor Agency reentered into the Purchase and Sale Agreement and Promissory Note. The Oversight Board approved the Reentered Agreement on April 26, 2012.

In June of 2012, the Legislature enacted AB 1484 which effectively revoked the authority of successor agencies and their host cities to reenter into agreements under Section 34178(a).

ANALYSIS

Following the failure of the Department of Finance ("DOF") to approve reentered agreements under Section 34178(a), several successor agencies filed legal actions challenging DOF's determinations. The lead case was *City of Emeryville v. Cohen* 233 Cal.App.4th 293, decided in January, 2015, in a published appellate court opinion. The court concluded that reentered agreements between a city and a successor agency under the authority of Section 34178(a) were valid enforceable obligations and should have been approved by DOF if they were entered into prior to June 27, 2012, the effective date of AB 1484.

Because the Reentered Agreement was entered into and approved by the Oversight Board prior to June 27, 2012, it qualifies as an enforceable obligation under Section 34178(a) and the *Emeryville* decision. It should be listed on the ROPS as a reentered agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Brent Hawkins'.

T. Brent Hawkins
of BEST BEST & KRIEGER LLP

TBH:img


Cc: Malathy Subramanian, City Attorney
Kevin Mizuno



Agenda Date: 1/29/16

Agenda Item: 4b

STAFF REPORT

TO: CITY OF CLAYTON SUCCESSOR AGENCY OVERSIGHT BOARD
FROM: LAURA HOFFMEISTER, ASST. TO THE CITY MANAGER 
DATE: JANUARY 29, 2016
SUBJECT: CONSIDER A RESOLUTION APPROVING THE LONG RANGE PROPERTY MANAGEMENT PLAN, PURSUANT TO THE DISSOLUTION ACT

RECOMMENDATION

It is recommended the Successor Agency Oversight Board adopt the attached Resolution approving the Long Range Property Management Plan pursuant to Health and Safety Code Section 34191.5 of the California Redevelopment Law – the Dissolution Act, [ABx1 26 and AB 1484].

BACKGROUND

Governor Brown signed Assembly Bill 1484 (AB 1484) on June 27, 2012; resulting in substantial changes to the Redevelopment Agency dissolution process implemented by Assembly Bill 1X 26. A key component of AB 1484 is the requirement that each Successor Agency develop a Long Range Property Management Plan (LRPMP), that will govern the disposition and use of the former non-housing Redevelopment Agency properties.

Successor Agency staff prepared the final LRPMP (Exhibit A to Resolution 2-2016 in accordance with Health and Safety Code (HSC) §34191.5 for the one property owned by the former Redevelopment Agency of the City of Clayton. The final LRPMP is required to be submitted to the Department of Finance (DoF) within six months of receiving the Successor Agency's Finding of Completion from DoF, which was received on December 30, 2015. The Successor Agency of the former Redevelopment Agency of the City of Clayton's LRPMP is therefore due to DoF by June 30, 2016.

The staff recommends the Oversight Board review the LRPMP, take public comment and adopt Resolution 2-2016 (Attachment 1) approving the LRPMP, which includes directing staff to forward to LRPMP to DoF for its review and approval and directing the Successor Agency to transfer title to the City of Clayton for "The Grove Park".

AB 26 and AB 1484, the “Dissolution Act.”, eliminated Redevelopment Agencies throughout the state of California on February 1, 2012; initiating the “wind down” of the former Redevelopment Agencies’ activities and obligations. The Successor Agency for the Redevelopment Agency for the City of Clayton has complied with all facets of the Dissolution Act including:

- Prepared and received approval from the Concord Oversight Board and the Department of Finance on five Recognized Obligation Payment Schedules.
- Prepared and received approval from the Concord Oversight Board and the Department of Finance on two mandated Due Diligence Reviews: Low/Moderate Income Housing Funds and Non-Affordable Housing Funds.
- Complied with the mandated True Up Payment to Contra Costa County.
- Complied with the DoF’s Housing Asset Transfer requirements.
- Filed and received a Finding of Completion from DoF on December 30, 2015 stating that the Successor Agency has complied with Due Diligence Reviews and True up Payments.

California Health & Safety Code Section 34191.5 directs that after a Successor Agency receives a Finding of Completion from the DoF, it shall then prepare a LRPMP to address the disposition and use of the former Redevelopment Agency’s real properties. The LRPMP must be submitted to the Agency’s Oversight Board for approval prior to final submission to the DoF for approval, no later than six months following the issuance of the Finding of Completion. The LRPMP is considered by the State as a benefit to cities, as it could allow a city to retain certain properties for governmental purposes (and for future development that fulfilled the former Redevelopment Agency’s plan if applicable).

The Successor Agency received its Finding of Completion on December 30, 2015 and the LRPMP is therefore due to the DoF by June 30, 2015.

DISCUSSION

There is only one parcel held in title by the Clayton Redevelopment Agency. The property is the downtown park a 1.14 acre property known as “The Grove Park”, located at 6100 Main Street. The site is fully developed as an active public park, including amenities such as a gazebo, picnic tables, paved paths, grass/irrigation, lighting and sound speakers, a restroom building and tot lot.

The final LRPMP was prepared as required by statute and as directed by the DoF, and is attached for the Oversight Board’s review (Attachment 1). The LRPMP contains property inventory information including:

Parcel Data : • Address • Assessor parcel number • Lot size • Current zoning (in Redevelopment Plan or Specific, Community or General Plan)

Acquisition Information • Date of acquisition • Value of the property at time of acquisition • Purpose for which the property was acquired • Current Value and Revenue Generation • Estimate of current value • Date/value basis for estimate • Estimate of any lease, rental or other revenues generated by the property (if applicable) • Description of any contractual requirements regarding the disposition of such revenues

Environmental Information • History of environmental contamination • Designation as a brownfield site • Summary of related environmental studies • History of remediation efforts

Development Plans and Activity • History of previous development proposals and activity for the property

Potential for Transit Oriented Development and Advancement of Planning Objectives: Description of the property's potential

Property Disposition: Proposed disposition of property

AB 1484 sets forth the following permissible uses or disposition categories under the LRPMP process:

- A. Retention of the property for governmental use pursuant to HSC §34181(a)
- B. Retention of the property for future development
- C. Sale of the property
- D. Use of the property to fulfill an enforceable obligation

HSC Section 34181 states “The oversight board shall direct the successor agency to.... dispose of

all assets and properties of the former redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset....”

The Clayton Redevelopment Agency (Successor Agency) property The Grove Park should therefore be transferred to the City and retained for government purpose. This property was developed and improved and serves as government purpose asset in accordance with Section 3418: public park.

FISCAL IMPACT

Once approved by the DOF, the Successor Agency can then take the steps to transfer the Title from the Clayton Redevelopment Agency to the City of Clayton. There is not any financial impact to either with this other than nominal document preparation cost and recording fee.

ATTACHMENTS

1. Resolution 2-2016
2. Exhibit A to Resolution 2-2016
3. DOF Long Range Property Management Plan Checklist
4. Background Materials related to Long Range Property Management Plan

RESOLUTION 2-2016

**A RESOLUTION APPROVING THE LONG RANGE PROPERTY MANAGEMENT
PLAN OF THE SUCCESSOR AGENCY FOR THE CITY OF CLAYTON
REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND
SAFETY CODE SECTION 34181 and 34191.5 (b)**

**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 28 June 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 11 August 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 29 December 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 1 February 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, by letter of December 30, 2015, the California Department of Finance ("DOF") issued to the Successor Agency a finding of completion in accordance with Health and Safety Code Section 34179.7 ("Finding of Completion"), signifying the Successor Agency's full compliance with specified payment obligations under the Redevelopment Act; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b) of the Dissolution Act, no later than six months following the issuance to the Successor Agency of the Finding of Completion, the Successor Agency is required to prepare a Long-Range Property Management Plan ("LRPMP") to address the disposition and use of the real properties of the Redevelopment Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b) of the Dissolution Act, the LRPMP is to be submitted to the Oversight Board and the DOF for approval; and

WHEREAS, the of the Clayton Redevelopment Agency (Successor Agency) owns only one parcel, Assessor's parcel No. 119-015-007, a 1.14 acre developed and improved public downtown park, known as The Grove Park; and

WHEREAS, pursuant to and 34191.5(b) the property must be disposed of by and it is appropriate to transfer it to a public agency as it is property that is used for a public purpose as is allowed under Health and Safety Code Section 34181; and

WHEREAS, as a public park maintained by the City of Clayton, via a special maintenance and operation parcel tax approved by the Clayton electorate, it is appropriate to transfer title from the Clayton Redevelopment Agency (Successor Agency) to the City of Clayton; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency has prepared and is submitting the LRPMP to the Oversight Board; and

WHEREAS, in accordance with the Dissolution Act, the Oversight Board desires to approve the LRPMP; and

WHEREAS, the approval of the Long Range Property Management Plan through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act ("CEQA"); and

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board 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 of the Successor Agency for the City of Clayton Redevelopment Agency does hereby approve and adopt the Long Range Property Management Plan, 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 post a copy of this Resolution and actions taken herein, as approved and fully executed by the Oversight Board on the City's website; (2) submit copies of this Resolution and actions taken herein, as approved and fully executed by the Oversight Board, to the DOF (electronically); and (3) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Long Range Property Management Plan on behalf of the Oversight Board, Successor Agency, and City.

BE IT FURTHER RESOLVED that the Oversight Board hereby authorizes the Executive Director, or designee, of the Successor Agency to take such other actions and negotiate and execute such instruments and documents on behalf of the Successor Agency as are necessary and appropriate to confirm, implement and effectuate the Successor Agency's LRPMP.

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 affect 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 29th day of January 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Dan Richardson, Chair

ATTEST:

Laura Hoffmeister, Clerk of the Board

Successor Agency: Clayton
 County: Contra Costa

LONG RANGE PROPERTY MANAGEMENT PLAN: PROPERTY INVENTORY DATA

Ms.	HSC 34191.5 (c)(1)(C)		HSC 34191.5 (c)(2)			HSC 34191.5 (c)(1)(A)			SALE OF PROPERTY		Property Value/Status Info	HSC 34191.5 (c)(1)(E)		HSC 34191.5 (c)(1)(C)		C 34191.5 (c)(1)		HSC 34191.5 (c)(1)(E)		HSC 34191.5 (c)(1)(F)		HSC 34191.5 (c)(1)(G)		HSC 34191.5 (c)(1)(H)	
	Address or Description	APN	Property Type	Permissible Use	If Sale of Property, specify intended use of sale proceeds	Permissible Use	Acquisition Date	Value at Time of Acquisition	Estimated Current Value	Date of Estimated Current Value		Estimated Current Value	Proposed Sale Value	Proposed Sale Date	Purpose for which property was acquired	Lot Area	Current Zoning	Estimate of Current Parcel Value	Annual Estimate of Income/Revenue	Are there any contractual requirements for use of income/revenue?	Has there been historic environmental contamination, studies, and/or remediation, and designation as a brownfield site?	Does the property have the potential as a transit oriented development?	Were there advancements to the successor agency's planning objectives?	Does the property have a history of previous development proposals and activity?	
1	The Grove Park - 6001 Main Street	119-015-007	Park/Open Spa	Governmental Use		public owned facility improved downtown park	Sept/Oct 1999	626,000	2,627,000	June 2008	Agency Estimate	N/A	N/A	public park	1.14 ac	PD	2,626,000	N/A none	No	No	No	Yes	No		

Contra Costa Property Info



LONG-RANGE PROPERTY MANAGEMENT PLAN CHECKLIST

Instructions: Please use this checklist as a guide to ensure you have completed all the required components of your Long-Range Property Management Plan. Upon completion of your Long-Range Property Management Plan, email a PDF version of this document and your plan to:

Redevelopment_Administration@dof.ca.gov

The subject line should state “[Agency Name] Long-Range Property Management Plan”. The Department of Finance (Finance) will contact the requesting agency for any additional information that may be necessary during our review of your Long-Range Property Management Plan. Questions related to the Long-Range Property Management Plan process should be directed to (916) 445-1546 or by email to Redevelopment_Administration@dof.ca.gov.

Pursuant to Health and Safety Code 34191.5, within six months after receiving a Finding of Completion from Finance, the Successor Agency is required to submit for approval to the Oversight Board and Finance a Long-Range Property Management Plan that addresses the disposition and use of the real properties of the former redevelopment agency.

GENERAL INFORMATION:

Agency Name: **City of Clayton**

Date Finding of Completion Received: **December 30, 2015**

Date Oversight Board Approved LRPMP: **January 29, 2016**

Long-Range Property Management Plan Requirements

For each property the plan includes the date of acquisition, value of property at time of acquisition, and an estimate of the current value.

Yes No **The estimated value at acquisition in September 1999 is \$626,000 based on County Assessor information; current value is apx. \$2,627,000 (\$2,100,000 final improvement construction cost from City CIP documents, plus the \$626,000 in land acquisition costs – June 2008)**

For each property the plan include the purpose for which the property was acquired.

Yes No **Downtown Economic Development Stimulus opportunity**

For each property the plan includes the parcel data, including address, lot size, and current zoning in the former agency redevelopment plan or specific, community, or general plan.

Yes No **Assessor’s Parcel No.(APN): 119-015-007; 6100 Main Street, Clayton CA.; 1.14 acres; Zoning-Planned Development (PD); Town Center Specific Plan: Public Owned Facility (PF); General Plan: Public Park (PU).**

For each property the plan includes an estimate of the current value of the parcel including, if available, any appraisal information.

Yes No **The estimated final improvement construction cost and land costs: \$2,627,000 (\$626,000 land acquisition cost based on County Assessor information; \$2,100,000 final improvement construction cost from City CIP documents.)**

For each property the plan includes an estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds.

Yes No **Not applicable public park.**

For each property the plan includes the history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts.

Yes No **Not applicable the site is a developed downtown public park.**

For each property the plan includes a description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency.

Yes No **Not applicable the site is a developed downtown public park.**

For each property the plan includes a brief history of previous development proposals and activity, including the rental or lease of the property.

Yes No **Not applicable the site is a developed downtown public park.**

For each property the plan identifies the use or disposition of the property, which could include 1) the retention of the property for governmental use, 2) the retention of the property for future development, 3) the sale of the property, or 4) the use of the property to fulfill an enforceable obligation.

Yes No **Retention of the property for governmental use as it is a developed downtown public park. (construction included use of Roberti - Zberg State Park grant funds that require the park to be maintained as such for a minimum of 20 years. Completion was apx. 2008 thus the site must remain a developed public park through apx. 2028. It is an active and popular downtown gathering place with many public amenities and improvements that draws people to our downtown, as such the only future plan would be for the title to be transferred from the Redevelopment Agency to the City.**

The plan separately identifies and list properties dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation.

Yes No **Retention of the property for governmental use as it is a developed downtown public park. Construction included use of Roberti - Zberg State Park grant funds that require the park to be maintained as such for a minimum of 20 years. Completion was apx. 2008 thus the site must remain a developed public park through apx. 2028.**

ADDITIONAL INFORMATION

- If applicable, please provide any additional pertinent information that we should be aware of during our review of your Long-Range Property Management Plan.

There is only one parcel that the RDA (now SA) has in ownership that is currently a public use property and needs to have title transferred to the City of Clayton. The property to have title transfer is an apx. one acre downtown public park. It is fully developed as a public park and the funding for the development included state grant (Roberti-Zeberg) funds. The funding requires it to remain a public park for a minimum of 20 years. The City does not have any intention of not having this as a public park as it is very well used by the community and for community events. There are no RDA/SA funds used in the capital or operations as it has a public passed special tax that is used to fund its operations and maintenance.

Attached (pg. 3) are some pictures of our downtown "The Grove Park" and supplemental supporting information (Att. 2)

**The Grove Park
Downtown Clayton
6100 Main Street**



Agency Contact Information

Name: Laura Hoffmeister

Title: Assistant to the City Manager

Phone: 925-673-7308

Email: LHoffmeister@ci.clayton.ca.us

Date: January 29, 2016

Name: Kevin Mizuno

Title: Finance Manager

Phone: 925-673-7309

Email: kmizuno@ci.clayton.ca.us

Date: January 29, 2016

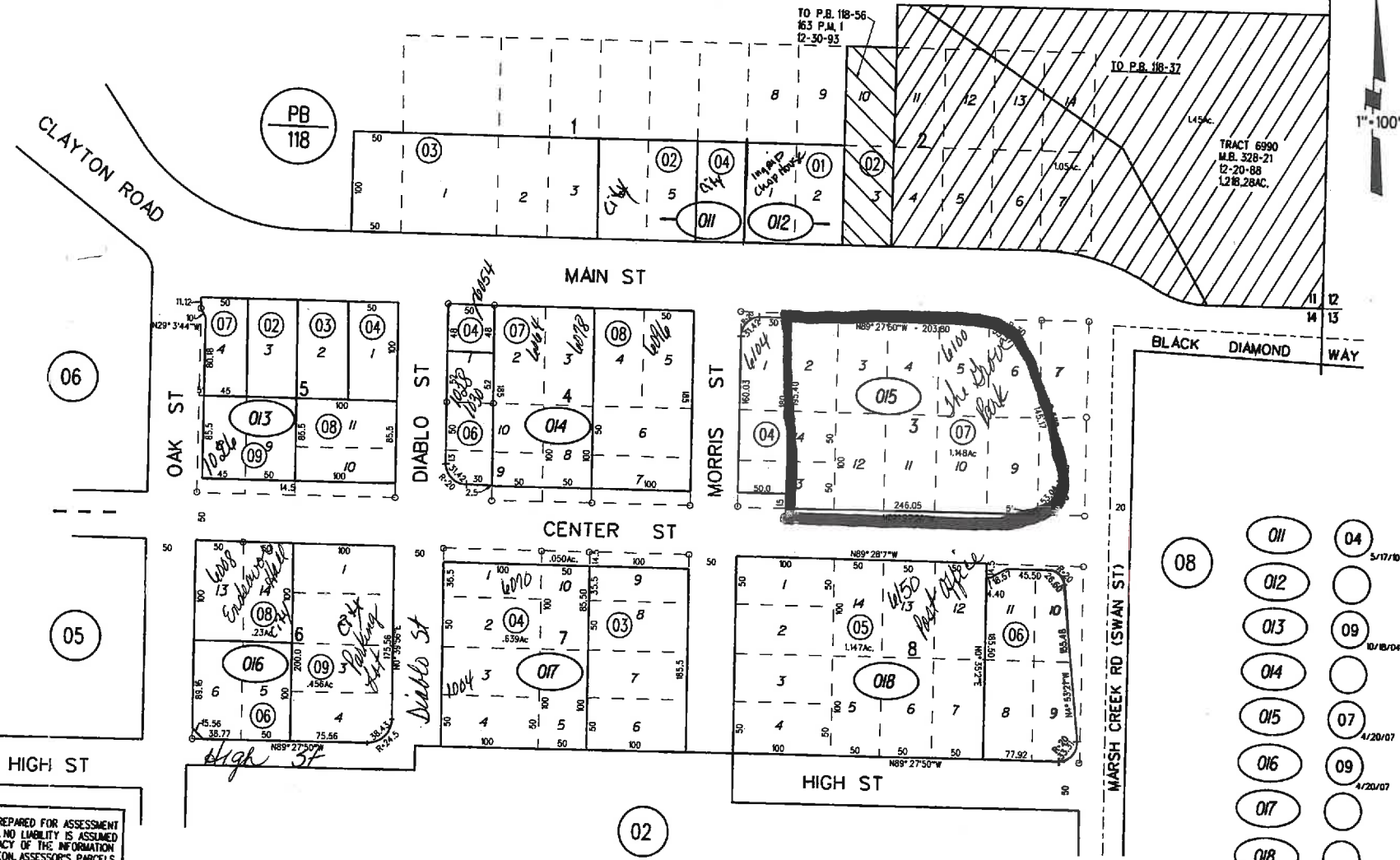
Department of Finance Local Government Unit Use Only

DETERMINATION ON LRPMP: APPROVED DENIED

APPROVED/DENIED BY: _____ DATE: _____

APPROVAL OR DENIAL LETTER PROVIDED: YES DATE AGENCY NOTIFIED: _____

POR SE 1/4 SEC 11 T1N R1W MDBM
TOWN OF CLAYTON



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ASSESSOR'S MAP
BOOK 119 PAGE 1
CONTRA COSTA COUNTY, CALIF.


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

ATTACHMENT 4

PRYOR PROPERTIES 1655 GARNET LN CONCORD CA TOWN OF CLAYTON POR LOT 1 BLK 4	94519	119-014-004-4 01026/132 2001	18,475	26,058	44,533	13001	119-014-004-4
PRYOR PROPERTIES 1655 GARNET LN CONCORD CA TOWN OF CLAYTON POR LOTS 1,9,10 BLK 4	94519	119-014-006-9 01026/129 2001	47,491	93,903	141,394	13001	119-014-006-9
GIOVANNI DORENDA TRE C/O BARBARA M CARNEY 963 HAWTHORNE DR WALNUT CREEK CA TOWN OF CLAYTON POR BLK 14	94596	119-014-007-7 16777/964 1991	44,336	207,798	252,134	13001	119-014-007-7
AUSTIN DOLORES L TRE 21 FREITAS DR MORAGA CA TOWN OF CLAYTON LOTS 4-6 & POR LOT 7 BLK 4	94556	119-014-008-5 16142/791 1990	183,964	33,474	217,438	13001	119-014-008-5
SANDHU SUKHDEV & BALWINDER K SANDHU BALWINDER KAUR 6104 MAIN ST CLAYTON CA TOWN OF CLAYTON POR LOTS 1,13&14 BLK 3	94517	119-015-004-3 95212/310 1995	182,266	769,302	951,568	13001	119-015-004-3
CLAYTON REDEVELOPMENT AGENCY 6000 HERITAGE TRL CLAYTON CA	94517	119-015-007-6 99266/034 1999	626,890		626,890	13001	119-015-007-6 NONTAXABLE CY
DOMINA JOANN B TRE PO BOX 466 CLAYTON CA TOWN OF CLAYTON LOT 5 & POR LOT 6 BLK 6	94517	119-016-006-7 08046/999 2008	129,840	114	129,954	13006	119-016-006-7
CLAYTON CITY OF 6000 HERITAGE TRAIL CLAYTON CA TOWN OF CLAYTON LOTS 13 & 14 BLK 6	94517	119-016-008-3 01280/779 2001	176,626	1,865,153	2,041,779	13006	119-016-008-3 NONTAXABLE CY
CLAYTON CITY OF C/O ENGINEERING DEPT 6000 HERITAGE TRL CLAYTON CA	94517	119-016-009-1 06407/394 2006	321,228		321,228	13006	119-016-009-1 NONTAXABLE CY
ALDERETTE MACIAN L & ALICE TRE C/O CAROLYN J SADER 630 N SAN MATEO DR SAN MATEO CA TOWN OF CLYTN LOTS 6-8 & POR OF 9 BLK 7	94401	119-017-003-3 13287/028 2013	73,850		73,850	13006	119-017-003-3
RONALD NUNN FAMILY 10500 BRENTWOOD BLVD BRENTWOOD CA TOWN OF CLAYTON LOTS 2/5 POR LOT 1&10 BLK 7	94513	119-017-004-1 13019/668 2013	497,247	100,454	597,701	13006	119-017-004-1
OCEAN WEST NEVADA CORP 5900 N GRANITE REEF RD STE 100 SCOTTSDALE AZ POR TOWN OF CLAYTON	85250	119-018-005-7 00016/173 2000	768,577	1,625,640	2,394,217	13006	119-018-005-7
BALES NATHAN J TRE BUSCAGLIA RICHARD & CHERYL TRE 45 VIA FARALLON ORINDA CA TOWN OF CLAYTON LOT 8 & POR LOTS 9-11 BLK 8	94563	119-018-006-5 13009/586 2013	194,701	607,053	801,754	13006	119-018-006-5

4

RECORDING REQUESTED BY
NORTH AMERICAN TITLE COMPANY
Escrow No. 99100975 Order No. 99100975
AND WHEN RECORDED MAIL TO


CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 1999-0266034-00
Acct 8- North American Title
T, OCT 07, 1999 08:00:00
CLA \$550.00 FRE \$0.00
Ttl Pd \$550.00 Nbr-0000003725
Ima/R2/1-4

Name REDEVELOPMENT AGENCY OF THE
CITY OF CLAYTON
Street
Address 924 Main Street
Martinez, CA 94553
City &
State

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INDIVIDUAL GRANT DEED

A.P.N. 119-015-005 and 006

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 550.00 City Transfer Tax is \$ _____

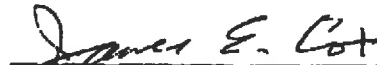
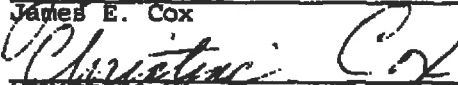
- (x) computed on full value of property conveyed, or
- () computed on full value less value of liens and encumbrances remaining at time of sale.
- () Unincorporated area: (x) City of Clayton, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JAMES E. COX, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND CHRISTINE COX, AN UNMARRIED WOMAN, WHO AQUIRED TITLE AS HUSBAND AND WIFE AS JOINT TENANTS hereby GRANT(S) to REDEVELOPMENT AGENCY OF THE CITY OF CLAYTON

the following described real property in the CITY OF CLAYTON
County of Contra Costa, State of California:

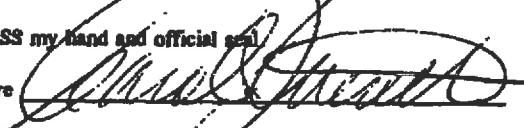
PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: 9/24/99


James E. Cox

CHRISTINE COX

STATE OF CALIFORNIA)SS.
COUNTY OF Contra Costa)
On October 5, 1999 before me,
CAROL J. EVERETT, personally appeared
James E. Cox

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Signature 



(This area for official notarial seal)

MAIL TAX
STATEMENTS TO: SAME AS ABOVE

NAME

ADDRESS

CITY/STATE/ZIP

State of California

266 J34

County of Contra Costa

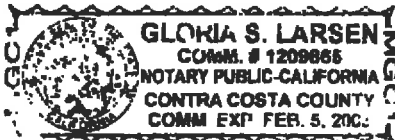
On September 24, 1999 before me, Gloria S. Larsen
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Christine Cox
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY



DESCRIPTION OF ATTACHED DOCUMENT

Grant Deed

DESCRIPTION OF DOCUMENT (OPTIONAL)

State of _____

County of _____

On _____ before me, _____
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared _____
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

DESCRIPTION OF ATTACHED DOCUMENT

DESCRIPTION OF DOCUMENT (OPTIONAL)

"Exhibit A"

266034

Description: The land referred to herein is situated in the State of California, County of CONTRA COSTA, CITY OF CLAYTON, and is described as follows:

ALL OF LOTS 10 THROUGH 12 AND PORTIONS OF LOTS 2 THROUGH 9, 13, AND 14, IN BLOCK 3, AS SAID LOTS AND BLOCK ARE DELINEATED ON THAT MAP ENTITLED "MEMORANDUM MAP OF THE TOWN OF CLAYTON", AS FILED IN THE OFFICE OF THE RECORDER, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, IN BOOK E OF MAPS AT PAGE 101 1/2, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 (E MAPS 101 1/2); THENCE SOUTH 00° 32' 10" WEST, ALONG THE WEST LINE OF SAID LOT 2, 5.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF MAIN STREET; THENCE SOUTH 89° 27' 50" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 203.80 FEET; THENCE, ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 64° 38' 32" AN ARC DISTANCE OF 33.57 FEET TO A POINT OF COMPOUND CURVATURE, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE, FOLLOWING SAID RIGHT OF WAY LINE, ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 64° 38' 42" WEST AND HAVING A RADIUS OF 570.00 FEET, THROUGH A CENTRAL ANGLE OF 14° 35' 33", AN ARC DISTANCE OF 145.17 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 79° 14' 15" WEST AND HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 101° 17' 55", AN ARC DISTANCE OF 53.04 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CENTER STREET; THENCE, ALONG SAID RIGHT OF WAY, SOUTH 00° 32' 10" WEST, 5.00 FEET; THENCE NORTH 89° 27' 50" WEST, 247.71 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 00° 32' 10" EAST, 195.00 FEET TO THE TRUE POINT OF BEGINNING.

**A.P. NOS.: 119-015-005
 119-015-006**

END OF DOCUMENT

Order No. 99100975

RESOLUTION NO. 99-12

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
CLAYTON AUTHORIZING ACCEPTANCE OF A GRANT DEED FROM
JAMES E. COX, ET AL, FOR "THE GROVE" PARCEL**

WHEREAS, the City Council and Redevelopment Agency Board of Directors of the City of Clayton have previously authorized purchase of unimproved property commonly known as "The Grove" in Clayton (herein the "Property") from owners, JAMES E. COX, et al; and

WHEREAS, said purchase transaction is closing through Escrow No. 99100975 at North American Title, Walnut Creek, California, office, consistent with the terms of a purchase agreement previously approved of by the City Council and the Redevelopment Agency Board of Directors as aforesaid.

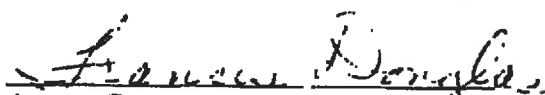
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the City of Clayton Redevelopment Agency hereby accepts the Grant Deed executed by JAMES E. COX, et al, for "The Grove" parcel, more particularly described in Exhibit "A" attached hereto and made a part hereof, and authorizes the Agency officials to cause said deed to be recorded in the Contra Costa County Recorder's office at close of the aforementioned escrow.

Adopted by the Board of Directors of the City of Clayton Redevelopment Agency at a regular meeting of said Agency held on October 5, 1999, by the following vote:

AYES: Agency Members Laurence, Littorno, Pierce, Vice Chair Manning, Chair Peterson
NOES: None
ABSENT: None


Chairperson


ATTEST:

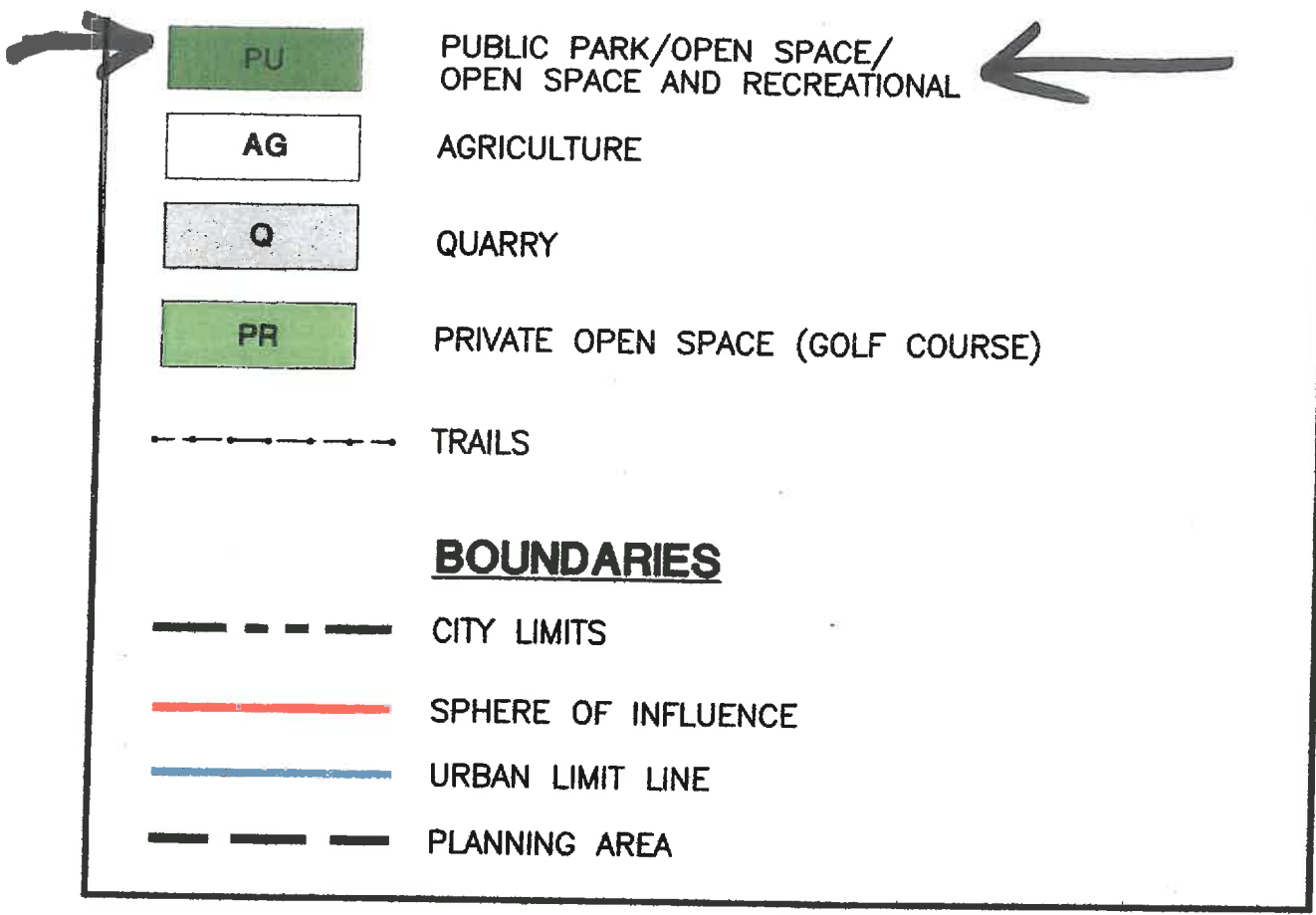

Agency Secretary

APPROVED BY ADMINISTRATION:


Executive Director

I hereby certify that the foregoing resolution was duly and regularly passed by the Redevelopment Agency of the City of Clayton at a duly noticed regular meeting held on October 5, 1999.


Agency Secretary



GENERAL PLAN MAP

DATE	RESOLUTION NUMBER	AMENDMENT
7/17/85	22-85	ADOPTION OF CLAYTON 2000 GENERAL PLAN
5/6/87	21-87	KELLER RANCH
3/2/88	13-88	GREYSTONE ESTATES
4/17/90	25-90	OAKWOOD SUBDIVISION
6/15/93	43-93	DOUGLAS ROAD
2/21/95	06-95	MARSH CREEK CIRCLE
6/28/95	43-95	MARSH CREEK ROAD SPECIFIC PLAN
12/1/98	64-98	DIABLO VILLAGE
7/18/00	49-2000	MARSH CREEK ROAD/CLAYTON ROAD
6/1/04	23-2004	DOWNTOWN PARK
7/19/05	03-05	CITY HALL / COMMUNITY LIBRARY
4/5/05	13-2005	OAK CREEK CANYON
12/21/04	63-2004	DIABLO POINTE
2/6/07	05-2007	TOWN CENTER AND VICINITY
4/3/12	11-2012	OLD MARSH CREEK ROAD/CLAYTON ROAD

RURAL PLAN DIAGRAM



Official Zoning Map

February 2013*

Legend

Residential Districts

R-10	10,000 S.F. Minimum Lot Size
R-12	12,600 S.F. Minimum Lot Size
R-15	15,000 S.F. Minimum Lot Size
R-20	20,000 S.F. Minimum Lot Size
R-40	40,000 S.F. Minimum Lot Size
R-40-H	40,000 S.F. Minimum Lot Size (Horses Allowed)

M-R MULTIPLE FAMILY LOW DENSITY
(7.6-10 UNITS PER GROSS ACRE)

M-R-M MULTIPLE FAMILY MEDIUM DENSITY
(10.1-15 UNITS PER GROSS ACRE)

M-R-H MULTIPLE FAMILY HIGH DENSITY
(15.1-20 UNITS PER GROSS ACRE)

Other Districts

→ PD	Planned Development ←
PF	Public Facility
L-C	Limited Commercial
A	Agricultural

Zoning Map

-----	City Limits
=====	Zoning Boundary
_____	Lot Line

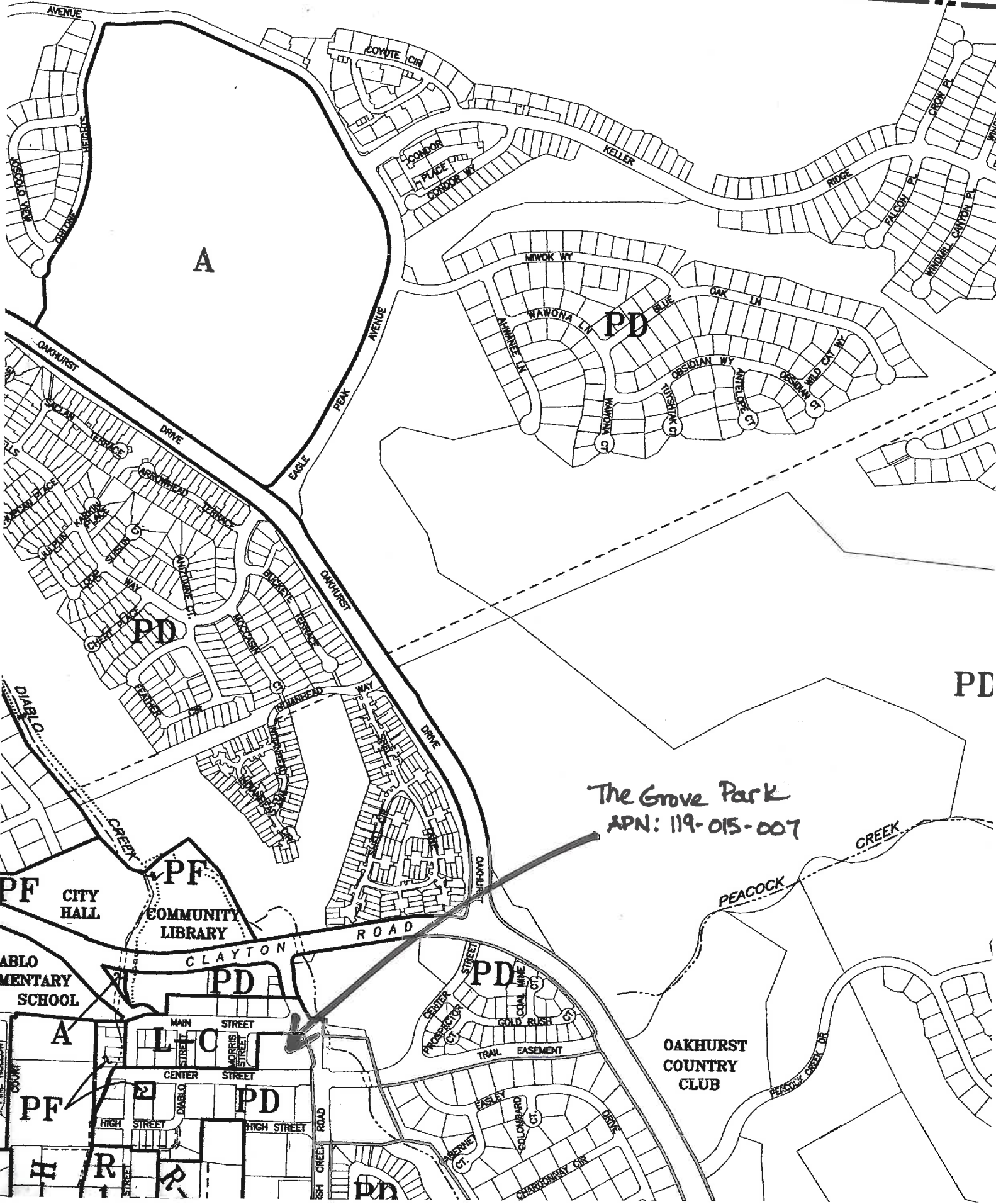
COUNTER COPY

*Thru Ord. No. 440

CITY OF CONCORD

COUNTY OF CONTRA COSTA

CITY OF CLAYTON



A

PD

PD

PD

The Grove Park
APN: 119-015-007

PF

PF

ABLO
MENTARY
SCHOOL

PD

A

C

PD

OAKHURST
COUNTRY
CLUB

PF

E

PD

PD

condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

INSTITUTIONAL RESIDENTIAL— Senior housing at a density of 7.6 to 20 units per gross acre. This designation is intended for development of various forms of senior housing under the sponsorship of public or quasi-public agencies. Group dining, limited vehicles, medicine-dispensing services, and other characteristics and amenities make this form of housing unique. Development intensity can reach 100 percent structural coverage for individual parcels. Structural coverage shall not exceed 50 percent of the site area.

PUBLIC FACILITY—Publicly-owned facilities such as government offices and facilities, community centers, museums, parks and recreational areas, the Community Library, the fire station, the Clayton Corporation Yard, and ancillary structures and uses.

2.4 HISTORIC RESOURCES

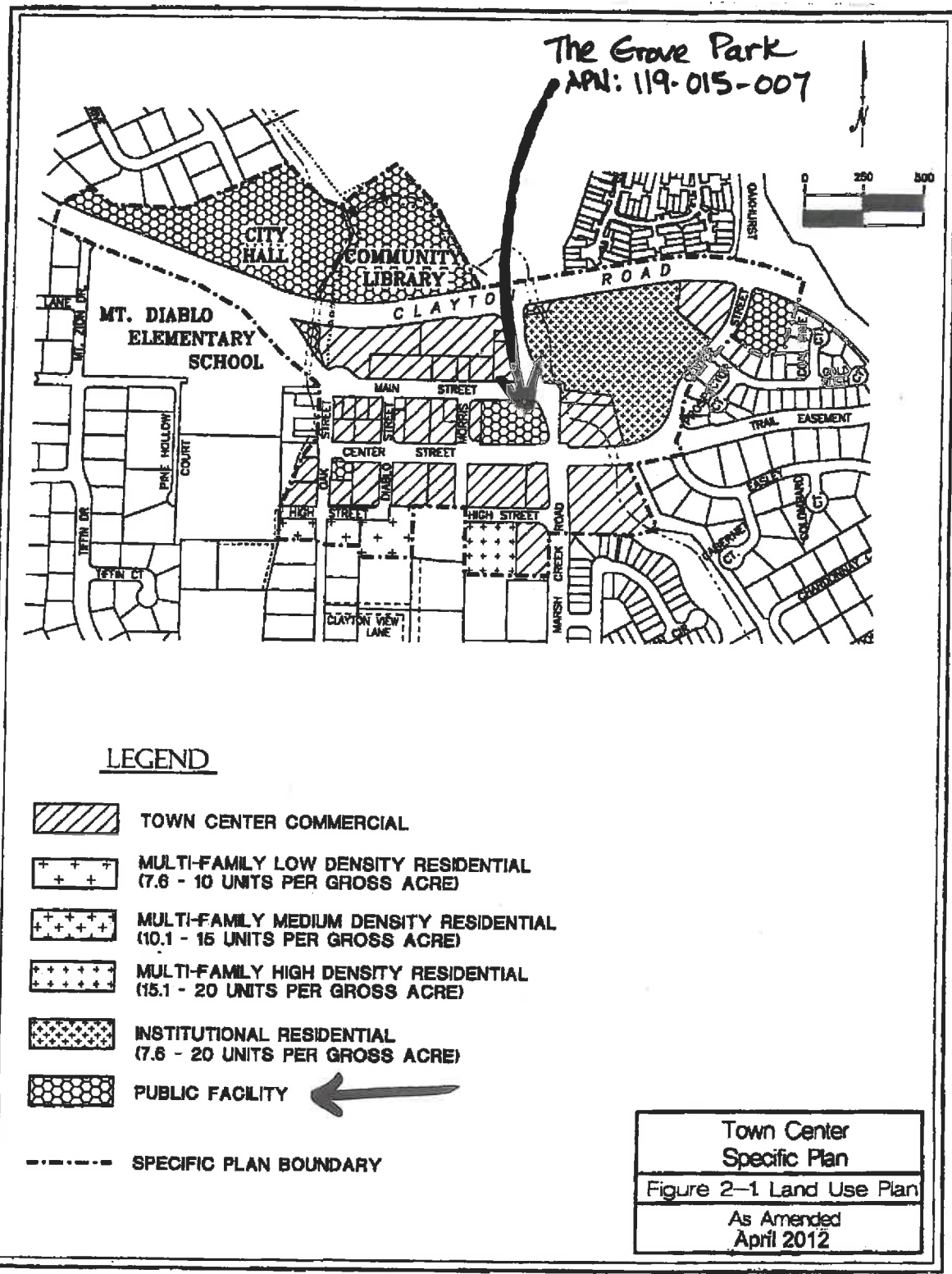
The Town Center contains a variety of historic buildings, sites, and features which add character and charm to the community. Some of these historic buildings have been in continual use for commercial purposes. Other buildings have been restored or converted to various commercial and civic uses. Based upon the *Clayton Heritage Preservation Task Force Report*, the following buildings and structures are recognized as historic resources in the Town Center.

Endeavor Hall
Keller Ranch House
De Martini Winery
Joel Clayton Dairy Cellar
Keller Lane Bridge
Clayton-Pape House
Clayton Club
Former Pioneer Inn
Former La Cocotte Restaurant

PAGES 15-22 DELETED BY RESOLUTION NO. 05-2008, DATED 2/5/08

(Chapter 2 amended by Resolution No. 05-2008, dated 2/5/08)

MON, MAY 07, 2012 09:35 A RIBAR FIG 6 A 2: (C:\2010\355 ZONING & CP MAPS\DWG)\TOWN CENTER SPECIFIC PLAN V4 PROP AMENDMENTS MAY 2012.DWG





DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001
(916) 653-7423

Major General Anthony L. Jackson, USMC (Ret), Director

June 5, 2013

Received

JUN 06 2013

City of Clayton

Dear Grant Recipient,

Your agency has one or more projects funded with State Bond and/or Federal Land and Water Conservation Fund grants administered through the Office of Grants and Local Services (OGALS). The grant contract associated with these programs requires that the grantee properly operate and maintain these grant-funded sites in return for the public's investment.

In July 2013, OGALS representatives will begin conducting site inspections to verify that this contract requirement is being met. Project visits will help OGALS determine if the site is present and functioning, clean and inviting, and reasonably open to the public.

If you need a list of your agency's grant-funded sites, or if you would like to discuss these inspections further, please contact your Project Officer. A list of Project Officers can be found on OGALS website at www.parks.ca.gov/grants.

OGALS looks forward to its continued partnership with your agency. Working together, we can ensure that the recreational opportunities these sites provide remain available to your local community for years to come.

Sincerely,

Jean Lacher, Chief
Office of Grants and Local Services



DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001

Major General Anthony L. Jackson, USMC (Ret), Director

June 6, 2013

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517-1250

C: GARY NAPPER
Received
JUN 11 2013
City of Clayton
Laci
Pdt Z. ben
Grove PK
File
RZtt

Re: Audit of Project #02-07-019 Clayton Downtown Park (aka The Grove Park)
(APN: 119-015-007)

Dear Gary Napper,

Enclosed is a copy of the Audit Report that was completed by the California Department of Parks and Recreation, Audits Office on the above referenced grant. The auditors determined that there are no audit exceptions and recommend that your project be closed with no further action. Congratulations on your project's successful conclusion!

If you have any questions regarding the audit process or the enclosed report, please call me at (916) 654-8686 or by email at Cristelle.Taillon@parks.ca.gov.

Sincerely,

Luan Aubin for
Cristelle Taillon
Project Officer

Enclosure

cc: Project File

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
AUDIT REPORT

DATE MAY 31 2013

PROJECT Clayton Downtown Park PROJECT NO. 02-07-019

GRANT PARTICIPANT City of Clayton CONTRACT NO. C0207037

I. PROJECT DATA

Bond Act/Program: 2002 Bond: Per Capita

Related Grant Project No(s): None

Other Source of Funds: City Redevelopment Agency Fund, City Parkland Dedication Fees

Year of Appropriation:	Final Billing \$	Project Type	Development
<u>2003/04</u>	<u>2,021,855.59</u>	<u>Project</u>	<u>Development</u>
Grant Amount \$ <u>220,000.00</u>	Match Amount \$ <u>0.00</u>	Total Amount \$ <u>220,000.00</u>	Interest Amount \$ <u>0.00</u>
Date Agreement Signed by DPR <u>11/4/2005</u>	Project Period <u>7/1/2003</u>	to <u>6/30/2011</u>	

II. PROJECT SCOPE PER GRANT AGREEMENT

Per Contract:

These funds are for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities.

Per Application:

Construction of a 1 acre community downtown park on publicly owned property that was designed by a citizens committee as an "active" park.

III. AUDIT FINDINGS

The Participant completed the project as proposed through a properly awarded construction contract. Total eligible costs of \$1,359,060.12 exceed the grant amount. For further details, see Supplemental Audit Information.

IV. GRANT PARTICIPANT'S COMMENT

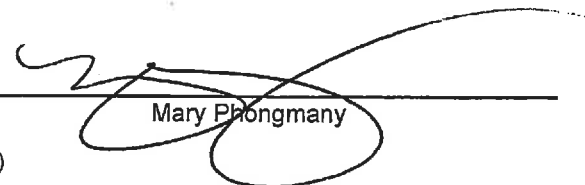
The Participant was notified of the audit findings and is in agreement.

V. RECOMMENDATION

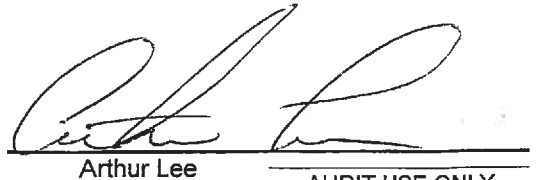
Close the project with no further action.

RECEIVED
JUN 03 2013
OFFICE OF GRANTS
& LOCAL SERVICES

AUDITOR


Mary Phongmany

REVIEWER


Arthur Lee

SUPPLEMENTAL AUDIT INFORMATION

Clayton Downtown Park
City of Clayton
Project Number 02-07-019

Cost Summary

Construction Contract	<u>Eligible Costs</u>
Total	<u>\$ 1,359,060.12</u>
	<u>\$ 1,359,060.12 *</u>
Grant Amount	\$ 220,000.00
Less Payments to Date	<u>(220,000.00)</u>
Amount Due to Participant	<u>\$ -</u>

* Balance of the total eligible costs less the grant amount was paid through City Redevelopment Agency Fund and City Parkland Dedication Fees

Agency Report for the City of Clayton

OGALS
Grants
Management
System

DIRECTOR

Gary Napper, City Manager

Email: gnapper@ci.clayton.ca.us

Phone: (925) 673-7300 ext.

Fax: (925) 672-4917

Mobile: ()

6000 Heritage Trail, Clayton, CA 94517-1250

GRANTS COORDINATOR

Charlie Mullen, Community Services Director

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6000 Heritage Trail, , Clayton, CA 94517-

NO CURRENT PROJECT CONTACTS FOUND

NO CURRENT BLOCK GRANT CONTRACTS FOUND

NO UNENCUMBERED CONTRACTS FOUND

NO CURRENT PROJECTS FOUND

SITES THAT NEED TO BE OPEN AND MAINTAINED

Clayton Downtown Park (aka The Grove Park : APN 119-015-007)

Westwood Park

**CITY OF CLAYTON
REDEVELOPMENT AGENCY
BUDGET
FISCAL YEAR 2007-2008**



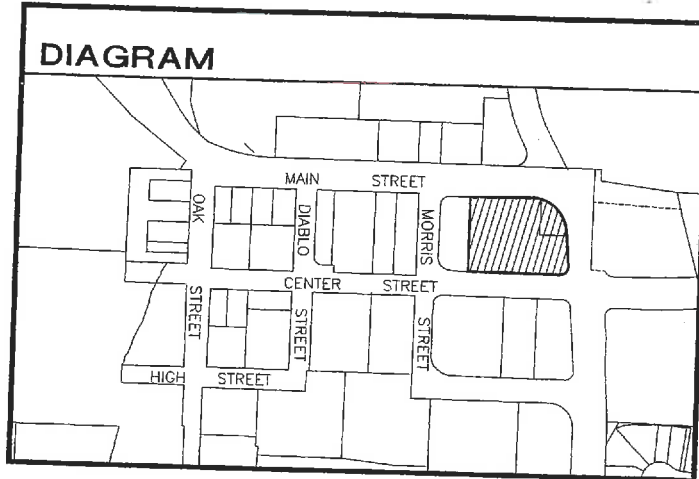
**Clayton, California
www.ci.clayton.ca.us**

2007/08-2011/12 Capital Improvement Program

Category	Project Number	Project
Parks	10367	Downtown Park

DESCRIPTION - LOCATION

Install landscaping improvements in downtown park on former "Grove" property.



COMMENTS

Construction delayed until maintenance funding established

Estimated Cost	Prior Yrs.	2007-08	2008-09	2009-10	2010-11	2011-12	Future	TOTAL
Preliminary Design								
Final Design	\$124,000							\$124,000
Construction		\$1,760,700						\$1,760,700
CM/Inspection		\$125,000						\$125,000
ROW Acquisition								
Other								
TOTAL	\$124,000	\$1,885,700						\$2,009,700

Funding (Sources)	Prior Yrs.	2007-08	2008-09	2009-10	2010-11	2011-12	Future	TOTAL
RDA	\$1,702,682							\$1,702,682
Prop. 40	\$249,784							\$249,784
Park Dedication	\$57,234							\$57,234
Total	\$2,009,700							\$2,009,700

CITY OF CLAYTON
CAPITAL IMPROVEMENT PROGRAM FY 2009/10 to 2013/14

Completed and Active Projects - FY 98/99 thru 07/09

Project Number	Project Category	Project	Comp. Sched.	Comp. Actual	Original Budget	Actual Cost
10330	Streets	Overlays	99/00	99/00	\$ 570,000.00	\$ 514,000.00
10331	Streets	Slurry Seals	na	na	\$ -	included in 10330
10332	Streets	High Street Bridge	98/99	98/99	\$ 65,000.00	\$ 65,000.00
10333	Streets	Marsh Creek Road - TEA-21	99/00	02/03	\$ 1,300,000.00	\$ 1,300,000.00
10334	Parks	Community Dog Park	99/00	00/01	\$ 27,500.00	\$ 27,500.00
10335	Parks	El Molino Park	98/99	98/99	\$ 76,000.00	\$ 30,000.00
10336	Parks	Lydia Lane Park Ph. II	future		\$ 60,000.00	
10337	Facilities	Keller House Preservation	05/06	05/06	\$ 219,523.00	\$ 219,523.00
10337A	Facilities	Keller House Rehabilitation	future		\$ 1,780,477.00	
10338	Facilities	Endeavor Hall	00/01	00/01	\$ 1,500,000.00	\$ 1,450,000.00
10339	Facilities	Youth Center/Gym	01/02	02/03	\$ 4,900,000.00	\$ 4,900,000.00
10340	Landscape	Marsh Creek Road Landscape	98/99	98/99	\$ 630,000.00	\$ 400,000.00
10341	Streets	Center Street Crossing	99/00	00/01	\$ 172,000.00	\$ 172,000.00
10342	GHAD	Windmill Debris Basin	98/99	98/99	\$ 75,000.00	\$ 75,000.00
10343	GHAD	Crow Debris Basin	future		\$ 100,000.00	
10344	GHAD	Obsidian Landslide	02/03	04/05	\$ -	included in 10347
10345	GHAD	Clayton Rd. Landslides	99/00	00/01	\$ 1,315,000.00	\$ 1,240,000.00
10346	GHAD	Black Diamond Landslide**	na	na	\$ -	\$ -
10347	GHAD	V-ditch Repairs	02/03	04/05	\$ 150,000.00	\$ 144,063.00
10347A	GHAD	Eagle Peak Slope Repair	future		\$ 1,125,000.00	
10348	GHAD	Keller Ridge Drive Area Slope Repair	future		\$ 50,000.00	
10349	GHAD	Community Park Slide Repair	future		\$ 100,000.00	
10350	Facilities	Downtown Elec. Conn.	99/00	99/00	\$ 25,000.00	\$ 40,000.00
10351	Facilities	Fire Station	00/01	00/01	\$ 1,680,000.00	\$ 1,610,000.00
10352	Landscape	Library Landscaping	00/01	02/03	\$ 157,000.00	\$ 194,000.00
10353	Streets	Downtown Revitalization	00/01	01/02	\$ 2,000,000.00	\$ 3,003,500.00
10354	Streets	Four Oaks Area	01/02	01/02	\$ 175,000.00	\$ 237,700.00
10355	Streets	Oak Street Bridge	00/01	00/01	\$ 60,000.00	\$ 62,000.00
10356	Landscape	Westwood Open Space	01/02	01/02	\$ 205,000.00	\$ 166,000.00
10357	Facilities	Old City Hall Renovation	98/99	98/99	\$ 80,000.00	\$ 72,000.00
10358	Facilities	Grove Property Acquisition	99/00	99/00	\$ 500,000.00	\$ 500,000.00
10359	Facilities	Endeavor Hall Parking I	00/01	01/02	\$ 107,000.00	\$ 108,000.00
10360	Facilities	Endeavor Hall Parking II	07/08	07/08	\$ 150,000.00	\$ 165,500.76
10361	Facilities	Stanley Property Acquisition	future		\$ 325,000.00	
10362	Facilities	Stanley Property Parking**	future		\$ -	\$ -
10363	Facilities	Corp. Yard Expansion	99/00	03/04	\$ 483,000.00	\$ 589,720.00
10364	Streets	Downtown Signage**	na	na	\$ -	\$ -
10365	Facilities	Library Parking Expansion	00/01	01/02	\$ -	included in 10352
10366	Facilities	Police Parking Expansion	01/02	03/04	\$ -	included in 10363
10367	Parks	Downtown Park	07/08	07/08	\$ 1,387,018.00	\$ 2,100,000.00
10368	Parks	City Hall Park**	na	na	\$ -	\$ -
10369	Streets	Marsh Creek Road Narrowing**	na	na	\$ -	\$ -
10370	Creeks	Creek Revitalization	future		\$ 3,000,000.00	
10371	Streets	Survey Monuments	02/03	04/05	\$ 30,000.00	\$ 30,000.00
10372	Streets	Traffic Signal Modifications	99/00	00/01	\$ 10,000.00	\$ 9,900.00
10373	Streets	Peacock Creek Dr. Signal	01/02	02/03	\$ 175,000.00	\$ 155,000.00
10374	Parks	North Valley Park	99/00	00/01	\$ 50,000.00	\$ 45,000.00
10375	Parks	Samuel Ct. Park	future		\$ 75,000.00	
10376	Facilities	Equestrian Staging Area	99/00	01/02	\$ 140,000.00	\$ 140,000.00
10377	Streets	DVMS - Right Turn Lane	01/02	01/02	\$ 42,000.00	\$ 51,100.00
10378	Streets	Keller Ridge Drive Planters	99/00	00/01	\$ 100,000.00	\$ 100,000.00
10379	Streets	Pine Hollow Road - Entry	future		\$ 300,000.00	