

Resolution No. 2023-XX

of the Petaluma Community Development Successor Agency

ADOPTING A JULY 1, 2023 – JUNE 30, 2024, RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, the City of Petaluma (City) resolved to act as the Petaluma Community Development Commission Successor Agency (PCDSA) to, and assumed all rights and obligations of, the former Petaluma Community Development Commission (PCDC), by Resolution No. 2012-03; and

WHEREAS, the City Council established the PCDSA as an independent public entity pursuant to Health and Safety Code Section 34173(g), on August 6, 2012, by Resolution No. 2012-118 N.C.S.; and

WHEREAS, the liability of the PCDSA is limited pursuant to Health and Safety Code Section 34173(e) and other applicable law; and

WHEREAS, the PCDSA was required to adopt a six-month enforceable obligation payment schedule referred to as the Recognized Obligation Payment Schedule (ROPS), and an administrative budget, which it has done for each of the initial six-month periods of the newly formed PCDSA; and

WHEREAS, newly adopted legislation requires a yearlong period for the ROPS; and

WHEREAS, the ROPS 23-24 and administrative budget, covering the period from July 1, 2023 – June 30, 2024, are due to the State Department of Finance (DOF) by February 1, 2023; and

WHEREAS, in adopting ROPS 23-24, the PCDSA will comply with all applicable posting and notification requirements, including posting the ROPS 23-24 on the PCDSA's website and providing a copy thereof to the Oversight Board for the PCDSA, the County Administrative Officer, the Department of Finance, and the Sonoma County Auditor-Controller; and

WHEREAS, the Oversight Board for the PCDSA must review and approve the ROPS 23-24 and administrative budget prior to their submission to DOF; and

WHEREAS, the Sonoma County Consolidated Oversight Board was established on July 1, 2018 to approve the ROPS for the PCDSA; and

WHEREAS, a draft ROPS 23-24 and administrative budget for the period July 1, 2023 – June 30, 2024, a copy of which is attached as Exhibit A & B, and made part hereof, has been presented to the PCDSA, the PCDSA is familiar with the contents thereof, and the Executive Director has recommended approval of the same, subject to the contingencies and reservation of rights set forth in this Resolution; and

WHEREAS, the PCDSA reserves the right to challenge the legality of Assembly Bills x1 26 and 1484 and/or any implementing regulations, and to rescind its acceptance of PCDSA rights and obligations, and reserves any and all rights concerning Assembly Bill x1 26 and AB 1484 pursuant to applicable law; and

WHEREAS, the PCDSA reserves the right to further amend the ROPS 23-24 and administrative budget; and

WHEREAS, in adopting the ROPS 23-24 and administrative budget, the PCDSA does not intend to waive, nor shall the PCDSA be deemed to have waived, any rights the PCDSA may have pursuant to or in connection with any obligation listed on the ROPS 23-24 and administrative budget, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on the ROPS 23-24 or the administrative budget; and

WHEREAS, this action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(4)&(5), in that adopting a resolution for the ROPS 23-24 does not meet CEQA's definition of a "project," because the action is a fiscal activity which does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED that the Petaluma Community Development Successor Agency, Pursuant to Health and Safety Code 34171(I), hereby:

1. Finds that the Recitals set forth above are true and correct and are incorporated herein by reference.
2. Approves the Recognized Obligation Payment Schedule for the July 1, 2023 – June 30, 2024 (ROPS 23-24) and the administrative budget, attached hereto as Exhibit A & B, pursuant to Health and Safety Code section 34177(I), subject to all reservations of rights and contingencies set forth above
3. Authorizes and directs the Executive Director or his designee to take all actions necessary to implement this Resolution, including without limitation, the submission of the draft ROPS 23-24 simultaneously to the Sonoma County Consolidated Oversight Board, the Sonoma County Administrative Officer, the Sonoma County Auditor-Controller, and the State Department of Finance; and the posting of this Resolution and the Recognized Obligation Payment Schedule 23-24 on the PCDSA's website.
4. Declares that if any provision, sentence, clause, section, or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remainder.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Petaluma Community Development Successor Agency at a Regular meeting on the 9th day of January 2023, by the following vote:

Approved as to
form:

General Counsel

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Recording Secretary

Chair