

**CDA RESOLUTION NO. 322**

**RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF  
THE CITY OF MENLO PARK APPROVING AND ADOPTING A FIRST  
AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**

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 Menlo Park (the "City"), adopted, in accordance with the Redevelopment Law, Ordinance No. 670, dated November 24, 1981, as amended and restated by Ordinance No. 826, dated September 10, 1991, as further amended by Ordinance No. 861, dated October 18, 1994, as further amended by Ordinance No. 925, dated December 9, 2003, and as further amended by Ordinance No. 929, dated April 6, 2004 adopting and amending the Community Development Plan for the Las Pulgas Community Development Project Area (the "Redevelopment Plan"); and

WHEREAS, the Community Development Agency of the City of Menlo Park (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, ABx1 26 (the "Dissolution Act") was enacted on June 28, 2011; and

WHEREAS, through its December 29, 2011 decision in the case of California Redevelopment Association v. Matosantos (the "Supreme Court Decision"), the California Supreme Court declared the Dissolution Act to be constitutional and revised certain dates for performance of actions under the Dissolution Act; and

WHEREAS, the Dissolution Act provides for dissolution of the Agency as of February 1, 2012, at which time the assets and payment obligations (defined in the Dissolution Act as "Enforceable Obligations") of the dissolving Agency will be transferred to the City, acting in its capacity as "Successor Agency" (as defined in the Dissolution Act) to the dissolving Agency; and

WHEREAS, pursuant to Section 34167(h) and Section 34177(a) of the Redevelopment Law (as added by the Dissolution Act), after August 29, 2011 and until the first "Recognized Obligation Payment Schedule" (as defined in the Dissolution Act) is operative, the Agency or the Successor Agency, as applicable, can only make payments on Enforceable Obligations listed and required on an "Enforceable Obligation Payment Schedule" (as defined in the Dissolution Act); and

WHEREAS, in accordance with the foregoing requirements, the Agency adopted its Enforceable Obligation Payment Schedule on August 23, 2011 (the "Initial Schedule"), and transmitted the adopted Initial Schedule to the San Mateo County Auditor-Controller, the State Controller, and the State Department of Finance, all in accordance with Section 34169(g) of the Redevelopment Law; and

WHEREAS, to facilitate an orderly transfer of its Enforceable Obligations payment responsibilities on February 1, 2012 to the City, acting in its capacity as Successor Agency to the Agency, and as authorized pursuant to Section 33169(g)(2) of the Redevelopment Law, the Agency now desires to amend its previously adopted Initial Schedule in the form of a First Amended Enforceable Obligation Payments Schedule (the "First Amended Schedule"), a copy of which is on file with the Agency Secretary and City Clerk; and

WHEREAS, the First Amended Schedule amends the Initial Schedule to update the schedule of payments for Enforceable Obligations and to extend that schedule of payments through June 2012 when the Recognized Payment Obligation Schedule is now expected to become operative under the revised dates for Dissolution Act implementation set forth in the Supreme Court Decision; and

WHEREAS under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of the Initial Schedule and the First Amended Schedule 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 Agency; and

WHEREAS, the Agency's board of directors (the "Agency Board") has reviewed and duly considered the Staff Report, the proposed First Amended Schedule, and documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that 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; and

BE IT FURTHER RESOLVED, that the Agency Board finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this resolution is exempt from the requirements of CEQA in that it is not a project. The Agency Board therefore directs that a Notice of Exemption be filed with the County Clerk of the County of San Mateo in accordance with the CEQA guidelines, and

BE IT FURTHER RESOLVED, that the Agency Board hereby approves and adopts the First Amended Schedule and declares that the First Amended Schedule amends and replaces the Initial Schedule in its entirety, and

BE IT FURTHER RESOLVED, that the Agency Board authorizes and directs the Agency's Executive Director or the Executive Director's designee to: (1) post the First Amended Schedule on the Agency or the City's websites; (2) designate an Agency representative to whom all questions related to the First Amended Schedule can be directed; (3) notify, by mail or electronic means, the San Mateo County Auditor-Controller, the State Department of Finance, and the State Controller of the Agency's

action to adopt the First Amended Schedule and to provide those persons with the internet website location of the posted schedule and the contact information for the Agency'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 First Amended Schedule on behalf of the Agency, and

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

I, Margaret S. Roberts, Agency Secretary of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Agency on the twenty-fourth day of January, 2012, by the following votes:

AYES: Cline, Cohen, Fergusson, Keith, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the Agency Secretary of the Community Development Agency of the City of Menlo Park.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Community Development Agency of the City of Menlo Park, twenty-fourth day of January, 2012.



Margaret S. Roberts, MMC  
Agency Secretary



## CITY OF MENLO PARK, CALIFORNIA

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Office of the City Clerk  
701 Laurel Street  
Menlo Park, California 94025  
Telephone (650) 330-6620  
FAX (650) 328-7935

### CERTIFICATION OF OFFICIAL RECORD

State of California     )  
County of San Mateo    )

I, **Pamela Aguilar**, Deputy City Clerk for the City of Menlo Park, California, hereby certify under penalty of perjury that the foregoing is a full, true and correct copy of **Community Development Agency Resolution No. 322** as duly adopted by the Community Development Agency for the City of Menlo Park by a 5-0 vote, at a meeting thereof held on the twenty-fourth day of January, 2012. The City Council voted as noted below:

Ayes:           Cline, Cohen, Fergusson, Keith, Ohtaki

Noes:           None

Abstain:       None

Absent:         None

Given under my hand and seal of this City on January 25, 2012.

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**Pamela Aguilar**  
Deputy City Clerk, City of Menlo Park