

**REGULAR MEETING OF THE
OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
TO THE FORMER MADERA REDEVELOPMENT AGENCY**

Monday, June 17, 2013

9:00 a.m. – Regular Session

City of Madera City Hall – Council Chambers
205 West Fourth Street, Madera, California

Action/Summary Minutes

1. CALL TO ORDER – REGULAR SESSION

Meeting called to order by Vice-Chairperson Stell Manfredi at 9:03 a.m.

ROLL CALL

Board Members Present:

Stell Manfredi, Vice-Chairperson
Donald Horal, Board Member
Cecilia Massetti, Ed.D, Board Member
Bob Wilson, Board Member
Max Rodriguez, Board Member
Ric Arredondo, Board Member

Board Members Absent:

Brett Frazier, Chairperson

Successor Agency Staff Members Present:

City Attorney Brent Richardson and Office Assistant Claudia Mendoza

The Pledge of Allegiance was led by Board Member Bob Wilson

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Board on items which are within the subject matter jurisdiction of the Board. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Board does not respond to public comment at this time.

Vice-Chairperson Manfredi opened the public comment portion of the meeting. There being no comments offered, the public comment portion of the meeting was closed.

2. CONSENT CALENDAR

- 2.1 Minutes of the Regular Meeting of the Oversight Board for April 15, 2013**
- 2.2 Minute Order – Rejecting all bid for the East Yosemite Avenue (SR 145) & Elm Avenue Traffic Signal – RDA Project No. RDA 13-01**
- 2.3 Consideration of Resolution Acknowledging and Approving the Conveyance of an Easement Deed from the City of Madera Successor Agency to the Former Madera Redevelopment Agency to the City of Madera to Complete a Projected 80 Foot Right of Way for “E” Street at Clinton Street**

Vice-Chairperson Manfredi pulled item 2.1 at the request of Successor Agency staff. Item will be brought back at next regular meeting of the Oversight Board.

Action: Approval of the Consent Calendar items as presented. Including the adoption of Resolution No. OB 13-08, Acknowledging and Approving the Conveyance of an Easement Deed from the City of Madera Successor Agency to the Former Madera Redevelopment Agency to the City of Madera to Complete a Projected 80 Foot Right of Way for "E" Street at Clinton Street

Moved by: Board Member Wilson; seconded by Board Member Rodriguez.

Vote: 6/0. Ayes: Board Members Manfredi, Arredondo, Horal, Massetti, Rodriguez, and Wilson.

Noes: None;

Absent: Board Member Frazier.

3. **PRESENTATIONS/ADMINISTRATIVE REPORTS**

3.1 **Update on Pending Legislation Related to Infrastructure, Economic Development and Affordable Housing**

Summary of staff report:

In absence of Executive Director Taubert, City Attorney Brent Richardson presented the staff report providing the members of the Oversight Board with updates on various legislation that is in the works. The one that caught his attention is AB 564, which would make Oversight Board actions final upon receiving the Finding of Completion (which we have).

Board Member Massetti stated that she is aware of a number of projects that were built with pass through dollars. She is concerned with where the schools fall within the RDA lite legislation (AB 1080).

Vice-Chairperson Manfredi asked that Mr. Taubert continue to update Oversight Board on the status of any upcoming legislation.

No further questions or comments were made.

Informational staff report only – no formal action required.

4. **NEW BUSINESS**

4.1 **Discussion Regarding Department of Finance Objection to Oversight Board Action Related to the Successor Agency Acquisition of the property located at 300 South "G" Street (APN 010-162-001) and Reconsideration of Prior Approval of this Item.**

Summary of staff report:

In absence of Executive Director Taubert, City Attorney Brent Richardson presented staff report that the Department of Finance objected to the acquisition of the property located at 300 South "G" Street. This property was acquired as part of the Courthouse Project, which the Successor Agency maintains is an enforceable obligation. The Department of Finance has objected to the transaction and they have asked the Oversight Board to reconsider that item. If the Oversight Board would like to reaffirm its prior decision, it would take a motion reaffirming that decision with the findings listed on the recommendation on the staff report. Those findings include: 1) that the MOU constitutes an enforceable obligation that existed prior to June 27, 2011. 2)The Successor Agency approved that acquisition as a means to satisfy that enforceable obligation. 3)On April 10, 2013, the Oversight Board acknowledged and approved the Successor Agency action related to acquisition. 4)The Oversight Board finds this action in compliance with HSC 34163(b) and HSC 34177.3(a). Staff requests that the Oversight Board reaffirm its prior decision based on those findings. If the decision is reaffirmed it will then be submitted to the Department of Finance.

Vice-Chairperson Manfredi and Board Member Wilson concurred with Executive Taubert's staff report .

Board Member Wilson stated that the County MOU is definitely an enforceable obligation. The Department of Finance has also recognized this obligation on all of our ROPS. I agree that this action will be applied to that enforceable obligation and the Oversight Board does find that this action is in compliance with HSC 34163(b) and HSC 34177.3(a)

Board Member Arredondo asked aside from the date, is there anything else that can exclude this action from going forward?

City Attorney Richardson responded, it is our contention that this is part of that enforceable obligation that was enacted prior to June 27, 2011. It is part of the Courthouse Project, part of the obligation that Redevelopment Agency and now the Successor Agency had. It is part of the overall transaction. It is our contention that it is part of a previous enforceable obligation.

It was pointed out by Vice-Chairperson Manfredi that three of the Oversight Board members present were involved in the original MOU.

Vice Chairperson Manfredi asked what would happen if the escrow was not closed in time? City Attorney Richardson responded that escrow has not closed. Executive Taubert has left instructions that if the Oversight Board reaffirms the prior action, and if we do not receive a response from Department of Finance, escrow will close on June 28th or June 29th. That will be enough time for the clock to run on it. If they respond before that and object, escrow cannot close.

Vice Chairperson Manfredi asked Board Member Wilson if the Department of Finance decision was based on the fact that escrow had not closed?

Board Member Wilson stated that the Department of Finance is looking at this and determined that this is a new agreement, and not part of satisfying our MOU with the County.

Board Member Arredondo also asked that the Department of Finance is considering the amended agreement a new agreement?

City Attorney Richardson responded that this acquisition has not closed escrow. It is an acquisition that is occurring now. The Department of Finance is ignoring that it was required of an existing enforceable obligation, and that the failure to acquire the property was essentially a breach of the MOU.

Vice Chairperson Manfredi addressed Board Member Arredondo's question, because the transaction has not been fully completed in reference to the agreement that the City and RDA had with the County. The Department of Finance is saying it is not completed so it's not an enforceable agreement.

City Attorney Richardson stated, it is an obligation we had existing prior to the cutoff date. It is part of the MOU. For some reason, the Department of Finance is wanting to break it off because we are acquiring a piece of property now, treating it as a separate deal, and acting as if nothing that actually required us to do this in this in the first place has ever existed with this project. It is an incorrect determination.

Board Member Arredondo stated that as he read the body of the letter from the Department of Finance and it mentions the amended agreement and escrow instructions. They are pointing out to the modification that took place on April 15, 2013.

City Attorney Richardson stated that this obligation existed before June 27, 2011. There was no modification to the MOU. Originally, there was an error on the title report, and that is the reason for the modification. The actual MOU that created this agreement existed prior to that date.

No further questions or comments were made.

Action: Oversight Board reaffirmed their prior action that the property located at 300 South "G" Street (APN 010-162-001) is an enforceable obligation and finds that the Successor Agency is in compliance of HSC 34163(b) and HSC 34177.3(a). This was done by motion which incorporated the following findings:

- 1. The County MOU constitutes an Enforceable Obligation that occurred prior to June 27, 2011.**
- 2. The Successor Agency approved the acquisition 300 South "G" Street as a means to satisfy this Enforceable Obligation.**
- 3. On April 10, 2013 the Oversight Board acknowledged and approved the Successor Agency action related to the acquisition of 300 South "G" Street.**
- 4. The Oversight Board finds this action to be in compliance with HSC 34163(b) and HSC 34177.3(a).**

Moved by: Board Member Rodriguez; seconded by Board Member Massetti.

Vote: 6/0. Ayes: Board Members Manfredi, Arredondo, Horal, Massetti, Rodriguez, and Wilson;

Noes: None

Absent: Board Member Frazier.

5. **GENERAL**

There are no items for this section.

6. **BOARD MEMBER REPORTS**

No reports were offered.

7. **ADJOURNMENT**

The meeting was adjourned at 9:21 a.m.



Claudia Mendoza, Agency Secretary



Max Rodriguez, Interim Chairperson

/cm