

## **MEETING NOTICE AND AGENDA**

### **SPECIAL MEETING OF THE COUNTYWIDE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE FORMER MADERA COUNTY REDEVELOPMENT AGENCIES**

**Thursday, August 9, 2018**

**8:30 a.m. – Regular Session**

City of Madera City Hall – Council Chambers

205 West Fourth Street, Madera, California

#### **1. CALL TO ORDER**

##### **ROLL CALL**

Will Schofield, Chancellor of California Community Colleges

Tom Wheeler, Madera County Board of Supervisors

Andrew J. Medellin, City Selection Committee

Lisa Baker, Independent Special District Selection Committee

Cecilia Massetti, Ed.D., Madera County Superintendent of Schools

Stell Manfredi, Representing Member of the Public at Large

Bob Wilson, Representing Former Agency Employees

#### **2. ELECTION OF OFFICERS/DESIGNATION OF STAFF**

2.1 Election of Chairperson of the Oversight Board

2.2 Election of Vice-Chairperson of the Oversight Board

##### **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.

#### **3. CONSENT CALENDAR**

3.1 Madera Successor Agency Minutes of the Special Meeting of the Oversight Board for March 19, 2018

#### **4. ADMINISTRATIVE ACTIONS**

4.1 Discussion Regarding Appointment of Legal Counsel and Direction to Staff

#### **5. NEW BUSINESS**

5.1 Role of the Oversight Board

## 6. FUTURE MEETINGS

### 6.1 Discussion of Future Oversight Board Meeting Schedule

## 7. BOARD MEMBER REPORTS

## 8. ADJOURNMENT

*The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.*

*Any writing related to an agenda item for the open session of this meeting distributed to the Board less than 72 hours before this meeting is available for inspection at the Successor Agency office located at 428 East Yosemite Avenue, Madera California 93638 during normal business hours.*

*Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5113.*

I, Claudia Mendoza, Recording Secretary, declare under penalty of perjury that I posted the above Meeting Agenda of the Special Meeting of the Countywide Oversight Board of the Successor Agency for the former Madera Redevelopment Agencies for August 9, 2018 to be held at 8:30 a.m. in the Council Chambers at City Hall near the front entrances of City Hall before the close of business on Friday, August 3, 2018.

  
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Claudia Mendoza, Recording Secretary

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# REPORT TO THE COUNTYWIDE OVERSIGHT BOARD

## SUCCESSOR AGENCY OF THE FORMER MADERA COUNTY REDEVELOPMENT AGENCIES

BOARD MEETING OF: August 9, 2018

AGENDA ITEM NUMBERS: 2.1  
2.2

APPROVED BY:



Executive Director, Successor Agency

Subject: Election of Officers

Summary: The Oversight Board will take action related to the following:

- 2.1 Election of Chairperson
- 2.2 Election of Vice-Chairperson

### HISTORY/BACKGROUND

Per Health and Safety Code Section 34179(a), the Oversight Board must elect one of its members to serve as Chairperson. There is no requirement to elect other officers; however, it may be appropriate to consider the following:

- a.) Vice Chairperson to perform the same duties as the Chairperson in the absence of the Chairperson.

### Recommended Voting Procedures:

All actions must be taken on a majority vote of the total membership of the Board. Given that the Oversight Board will have seven (7) members, four (4) affirmative votes are needed to pass a motion. Given the lack of a Chair or Vice Chair, staff will open and close nominations to the Oversight Board for the Chair. The Secretary will call for a motion to nominate the Chair and a second to that motion. Once a nomination has been moved and seconded, a vote will be taken. Once a Chair has been elected, the Chair will preside and call for nomination of a Vice Chair. Once a motion has been made and seconded, a vote will be taken.

The Recording Secretary of the Successor Agency (Claudia Mendoza) is acting in the capacity as the Recording Secretary to the Oversight Board for the purpose of recording and attesting Oversight Board actions, and will be providing the Department of Finance with results of the Oversight Board election, names of the members seated, and a record of Oversight Board actions.

The Department of Finance has asked the County Auditor Controller to designate an official with whom the Department of Finance may communicate. The County has designated the Executive Director of the Madera Successor Agency be designated as the official contact person.

**RECOMMENDATION**

It is recommended that the Oversight Board:

1. Elect a Chairperson
2. Elect a Vice-Chairperson

BW



**SPECIAL MEETING OF THE OVERSIGHT BOARD OF THE  
SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY**  
Monday, March 19, 2018 at 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 Chairperson Stell Manfredi at 9:00 a.m.

**ROLL CALL**

**Board Members Present:**

Stell Manfredi, Chairperson  
Bob Wilson, Board Member  
Cecilia Massetti, E.D., Board Member  
Derek O. Robinson, Board Member  
Donald Horal, Board Member  
Robert L. Poythress, Board Member

**Board Members Absent:**

Bobby Kahn, Vice Chairperson

**Successor Agency Staff Members Present:**

Recording Secretary Claudia Mendoza and City Attorney Brent Richardson

The Pledge of Allegiance was led by Board Member 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.

*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 January 8, 2018**

Chairperson Manfredi called for questions or comments, there were none.

**Action:** Approval of the Consent Calendar item as presented.  
**Moved by:** Board Member Wilson; seconded by Board Member Horal.  
**Vote:** 5/0. Ayes: Board Members Manfredi, Wilson, Robinson, Horal and Poythress.  
Noes: None.  
Abstain: Board Member Massetti.  
Absent: Board Member Kahn.

### 3. PRESENTATIONS/ADMINISTRATIVE REPORTS

There are no items for this section.

### 4. NEW BUSINESS

#### 4.1 **A Resolution of the Oversight Board of the Successor Agency to the former Madera Redevelopment Agency Approving the Issuance of Refunding Bonds and Making Related Findings and Declarations and Taking Related Actions in Connection Therewith**

**Summary of staff report:** Executive Director Wilson introduced Mr. Ken Dieker who presented board with information of the obligations to be refunded, the refunding plan, the estimated net cash flow savings, estimated refunding summary and the tentative financing schedule.

Mr. Dieker stated that they expect the Department of Finance approval by the end of May, have the final documents in June and we are expecting to close in July.

Discussion followed.

**Action:** **Approval of the Issuance of Refunding Bonds Making Related Findings and Declarations and Taking Related Actions in Connection Therewith**

**Moved by:** **Board Member Poythress; seconded by Board Member Horal.**

**Vote:** **6/0. Ayes: Board Members Manfredi, Massetti, Wilson, Robinson, Horal and Poythress.**

**Noes: None.**

**Abstain: None.**

**Absent: Board Member Kahn.**

### 5. GENERAL

There are no items for this section.

### 6. BOARD MEMBER REPORTS

Board Member Wilson reported that we are still moving forward with the Countywide Oversight Board process.

Discussion followed.

No other reports were given.

### 7. ADJOURNMENT

The meeting was adjourned at 9:25 a.m.

Respectfully submitted by,

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Claudia Mendoza, Recording Secretary

## REPORT TO THE COUNTY OF MADERA COUNTYWIDE OVERSIGHT BOARD

BOARD MEETING OF: August 9, 2018

AGENDA ITEM NUMBERS: 4.1

APPROVED BY:



Executive Director, Successor Agency

**Subject:** Discussion Regarding Appointment of Legal Counsel and Direction to Staff

**Summary:** The Countywide Oversight Board will discuss the appointment of legal counsel for the Board and provide direction to staff as to how to proceed.

The Board will discuss whether or not to obtain legal counsel. The Board can hire an attorney and the cost of the attorney is an allowable use of RPTTF outside of the administrative allowance. If the Board decides to hire an attorney staff can be directed to prepare and process an RFP for legal services and bring back results for review when completed.

Up to this time the Oversight Boards for the City of Chowchilla and City of Madera Successor Agencies have progressed through the more rigorous aspects of dissolution without legal counsel.

The City Attorney acts as legal counsel for the Successor Agency. However, the Successor Agency and the Oversight Board serve separate constituencies in as much as the Successor Agency is representative of the City of Madera and the Oversight Board is representative of the individual taxing entities. Accordingly, a conflict of interest arises where the City Attorney cannot act as legal counsel to the Oversight Board and the same conflict would be present with County Counsel.



## REPORT TO THE COUNTYWIDE OVERSIGHT BOARD MADERA COUNTY

BOARD MEETING OF: August 9, 2018

AGENDA ITEM NUMBER: 5.1

APPROVED BY:



Executive Director, Successor Agency

Subject: Role of Oversight Board

Summary: The provisions of H&S Code 34179 will be provided.

### HISTORY/BACKGROUND

Oversight Boards are responsible for supervising the dissolution of the former Redevelopment Agencies. The legislation gives the Oversight Board considerable authority over the financial affairs of the former RDA. Activities include:

- 1) Supervise the disposal of all assets and properties. Disposal of properties is to be done in a manner consistent with the Long Range Property Management Plan.
- 2) Adopt the Recognized Obligation Payment Schedule (ROPS), including the Successor Agency's administrative budget.
- 3) Terminate all existing agreements that do not qualify as enforceable obligations.
- 4) Determine whether any contracts or agreements between the dissolved redevelopment agencies and any private party should be terminated or renegotiated. Actions of an Oversight Board do not go into effect for three (3) business days. During this time, the Department of Finance may request a review of the Oversight Board's action. The Department of Finance has ten (10) days to approve the action or return it for reconsideration.
- 5) On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.

The legislation also provides:

- 1) The City of Madera selected by the County Auditor to staff the Oversight Board shall recoup all of the costs of meetings of the Oversight Board.
- 2) Oversight Board members shall have personal immunity from lawsuits arising from their actions.
- 3) A majority of the total membership shall constitute a quorum (4 members). A majority vote of the entire membership is required for action.
- 4) The Oversight board shall be deemed to be a local entity for the purposes of the Ralph M. Brown Act, Public Records Act and the Political Reform Act of 1974.

- 5) Each member of an Oversight Board shall serve at the pleasure of the entity that appointed such member.
- 6) Oversight Board members shall serve without compensation or reimbursement for expenses.
- 7) An oversight board may direct staff to provide additional legal or financial advice than what was given by staff.
- 8) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.

HSC Section 34179 is attached to provide a more detailed summary of the Oversight Board.

**RECOMMENDATION**

Report provided for your information – no action is required.

BW




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## HEALTH AND SAFETY CODE - HSC

**DIVISION 24. COMMUNITY DEVELOPMENT AND HOUSING [33000 - 37964]** (*Heading of Division 24 amended by Stats. 1975, Ch. 1137.*)

**PART 1.85. DISSOLUTION OF REDEVELOPMENT AGENCIES AND DESIGNATION OF SUCCESSOR AGENCIES [34170 - 34191.6]** (*Part 1.85 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.*)

**CHAPTER 4. Oversight Boards [34179 - 34181]** (*Chapter 4 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.*)

**34179.** (a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before May 1, 2012. Members shall be selected as follows:

- (1) One member appointed by the county board of supervisors.
- (2) One member appointed by the mayor for the city that formed the redevelopment agency.
- (3) (A) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.  
(B) On or after the effective date of this subparagraph, the county auditor-controller may determine which is the largest special district for purposes of this section.
- (4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- (5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- (6) One member of the public appointed by the county board of supervisors.
- (7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees. If a recognized employee organization does not exist for either the employees of the former redevelopment agency or the city or county employees performing administrative duties of the former redevelopment agency, the appointment shall be made from among the employees of the successor agency. In voting to approve a contract as an enforceable obligation, a member appointed pursuant to this paragraph shall not be deemed to be interested in the contract by virtue of being an employee of the successor agency or community for purposes of Section 1090 of the Government Code.
- (8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.
- (9) If there are no special districts of the type that are eligible to receive property tax pursuant to Section 34188, within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.



(10) If a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, if that appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to Section 34188, one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city if that appointment is subject to confirmation by the county board of supervisors, to represent the largest number of former redevelopment agency employees employed by the successor agency at that time.

(11) Each appointing authority identified in this subdivision may, but is not required to, appoint alternate representatives to serve on the oversight board as may be necessary to attend any meeting of the oversight board in the event that the appointing authority's primary representative is unable to attend any meeting for any reason. If an alternate representative attends any meeting in place of the primary representative, the alternate representative shall have the same participatory and voting rights as all other attending members of the oversight board.

(b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by May 15, 2012, or any member position that remains vacant for more than 60 days.

(c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's and the successor agency's duties and responsibilities under this part. The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.

(d) Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

(e) A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. All actions taken by the oversight board shall be adopted by resolution.

(f) All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.

(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.

(h) (1) The department may review an oversight board action taken pursuant to this part. Written notice and information about all actions taken by an oversight board shall be provided to the department as an approved resolution by electronic means and in a manner of the department's choosing. Without abrogating the department's authority to review all matters related to the Recognized Obligation Payment Schedule pursuant to Section 34177, oversight boards are not required to submit the following oversight board actions for department approval:

(A) Meeting minutes and agendas.

(B) Administrative budgets.

(C) Changes in oversight board members, or the selection of an oversight board chair or vice chair.

(D) Transfers of governmental property pursuant to an approved long-range property management plan.

(E) Transfers of property to be retained by the sponsoring entity for future development pursuant to an approved long-range property management plan.

(2) An oversight board action submitted in a manner specified by the department shall become effective five business days after submission, unless the department requests a review of the action. Each oversight board shall designate an official to whom the department may make those requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. Except as otherwise provided in this part, in the event that the department requests a review of a given oversight board action, it shall have 40 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and the oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department. If the department reviews a Recognized Obligation Payment Schedule, the department may eliminate or modify any item on that schedule prior to its approval. The county auditor-controller shall reflect the actions of the department



in determining the amount of property tax revenues to allocate to the successor agency. The department shall provide notice to the successor agency and the county auditor-controller as to the reasons for its actions. To the extent that an oversight board continues to dispute a determination with the department, one or more future Recognized Obligation Payment Schedules may reflect any resolution of that dispute. The department may also agree to an amendment to a Recognized Obligation Payment Schedule to reflect a resolution of a disputed item; however, this shall not affect a past allocation of property tax or create a liability for any affected taxing entity.

(i) Oversight boards shall have fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards.

Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.

(j) Except as specified in subdivision (q), commencing on and after July 1, 2018, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board, which shall be staffed by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department. Pursuant to Section 34183, the county auditor-controller may recover directly from the Redevelopment Property Tax Trust Fund, and distribute to the appropriate city or county entity, reimbursement for all costs incurred by it or by the city or county pursuant to this subdivision, which shall include any associated startup costs. However, if only one successor agency exists within the county, the county auditor-controller may designate the successor agency to staff the oversight board. The oversight board is appointed as follows:

(1) One member may be appointed by the county board of supervisors.

(2) One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.

(3) One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.

(4) One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.

(5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public may be appointed by the county board of supervisors.

(7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

(k) The Governor may appoint individuals to fill any oversight board member position described in subdivision (j) that has not been filled by July 15, 2018, or any member position that remains vacant for more than 60 days.

(l) Commencing on and after July 1, 2018, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (j).

(m) Any oversight board for a given successor agency, with the exception of countywide oversight boards, shall cease to exist when the successor agency has been formally dissolved pursuant to Section 34187. A county oversight board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to Section 34187.

(n) An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.

(o) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.

(p) On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.

(q) (1) Commencing on and after July 1, 2018, in each county where more than 40 oversight boards were created by operation of the act adding this part, there shall be five oversight boards, which shall each be staffed in the same manner as specified in subdivision (j). The membership of each oversight board shall be as specified in paragraphs (1) through (7), inclusive, of subdivision (j).

(2) The oversight boards shall be numbered one through five, and their respective jurisdictions shall encompass the territory located within the respective borders of the first through fifth county board of supervisors districts, as those borders existed on July 1, 2018. Except as specified in paragraph (3), each oversight board shall have jurisdiction over each successor agency located within its borders.

(3) If a successor agency has territory located within more than one county board of supervisors' district, the county board of supervisors shall, no later than July 15, 2018, determine which oversight board shall have jurisdiction over that successor agency. The county board of supervisors or their designee shall report this information to the successor agency and the department by the aforementioned date.

(4) The successor agency to the former redevelopment agency created by a county where more than 40 oversight boards were created by operation of the act adding this part, shall be under the jurisdiction of the oversight board with the fewest successor agencies under its jurisdiction.

*(Amended by Stats. 2015, Ch. 325, Sec. 11. (SB 107) Effective September 22, 2015.)*

## REPORT TO THE COUNTYWIDE OVERSIGHT BOARD MADERA COUNTY

BOARD MEETING OF: August 9, 2018

AGENDA ITEM NUMBER: 6.1

APPROVED BY:

  
Executive Director, Successor Agency

**Subject:** Discussion of Future Countywide Oversight Board Meeting Schedule

**Summary:** The Oversight Board will discuss alternative meeting dates and times for future Oversight Board meetings.

### **SITUATION**

The members of the Oversight Board will discuss alternative meeting dates and times of future Oversight Board meetings that are agreeable to the majority of the members. Upon the direction of the Board, staff will bring back bylaws for the Board's consideration that will include the meeting schedule.

### **RECOMMENDATION**

Staff is requesting direction from the members of the Oversight Board for future meeting dates and times.

BW