

**Oversight Board
Agenda Report**

SUBJECT: ACKNOWLEDGMENT OF APPOINTED MEMBERS TO OVERSIGHT BOARD AND GENERAL INFORMATION ABOUT OVERSIGHT BOARDS

DEPARTMENT: Administrative Services

MEETING DATE: March 27, 2012

FROM: Successor Agency

ACKNOWLEDGMENT:

Pursuant to Health and Safety Code 34179, each Successor Agency of the dissolved Redevelopment 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 State Department of Finance on or before May 1, 2012. Members have been selected as follows:

- (1) **One member appointed by the county board of supervisors.** The appointee is John Aguilar.
- (2) **One member appointed by the mayor for the city that formed the redevelopment agency.** The appointee is Kathy De Rosa.
- (3) **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.** The appointee is Greg Pettis.
- (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.** The appointee is Lisa Howell.
- (5) **One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.** The appointee is Wade Ellis.
- (6) **One member of the public appointed by the county board of supervisors.** The appointee is Stan Henry.
- (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.** The appointee is Tami Scott.

The oversight board may direct the staff, via the City Manager of the Successor Agency, to perform work in furtherance of the oversight board's duties and responsibilities under this part. These costs and the cost of meetings of the oversight board are part of the administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.

Oversight board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as oversight board members.

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 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.

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

The Department of Finance (“department”) may review an oversight board action taken pursuant to the AB X1 26. As such, all oversight board actions shall not be effective for three business days, pending a request for review by the department. In the event that the department requests a review of a given oversight board action, it shall have 10 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and such 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.

Discussion Draft
Oversight Board Rules of Procedure

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization is the Oversight Board for the Successor Agency to the Redevelopment Agency of Cathedral City of Cathedral City, California; hereinafter referred to as the Board.

Rules of procedure provide that the Board may establish such rules and regulations as it deems necessary for the conduct of its business. In matters relating to the holding of regular and special meetings, the Board is bound by the provisions of the Ralph M. Brown Act of the state (Section 54950 et seq., California Government Code).

ARTICLE II- PURPOSE

The Board cannot create its own purpose beyond what has been enacted under the law ABX1-26.

ARTICLE III – FUNCTIONS, POWERS AND DUTIES

Pursuant to ABX1-26, Chapter 4, Health and Safety Section 34180, the following successor agency actions shall be approved by the oversight board:

- The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to the date of this part.
- Refunding of outstanding bonds or other debt of the former redevelopment agency by successor agencies in order to provide for savings or to finance debt service spikes; provided, however, that no additional debt is created and debt service is not accelerated.
- Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.
- Merging of project areas.
- Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources.
- Establishment of the Recognized Obligation Payment Schedule.
- A request by the successor agency to enter into an agreement with the city, county, or city and county that formed the redevelopment agency that it is succeeding.
- A request by a successor agency or taxing entity to pledge, or to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178.

Pursuant to ABX1-26, Chapter 4, Health and Safety Section 34181, the oversight board shall direct the successor agency to do all of the following:

- Dispose of all assets and properties of the former redevelopment agency that were funded by tax increment revenues of the dissolved redevelopment agency.
- Transfer ownership of those assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value.
- Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.
- Terminate any agreement, between the dissolved redevelopment agency and any public entity located in the same county, in any instance where the oversight board has found that early termination would be in the best interests of the taxing entities.
- Determine whether any contracts, agreements, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated.

ARTICLE IV – MEMBERSHIP AND APPOINTMENT

Pursuant to Health and Safety Code 34179, the Oversight Board shall be 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 State 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) 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.
- (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.

ARTICLE V – TERM OF OFFICE

Section 1. Term

The Term of office for each member shall be determined by each member’s appointing authority. Should a Board Member determine he/she is no longer able to fulfill his/her duties on the Board, the member must notify the Chair and/or City Manager of the City as well as the member’s appointing authority. Unless the position has been vacated as defined, a member may continue to serve until his/her successor has been appointed.

Should a position remain vacant for more than 60 days, the Governor may appoint individuals to fill any oversight board member position pursuant to Health and Safety Section 34179.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Pursuant to Health and Safety Code 34179, the appointees of the Board shall elect one of their members as the Chairperson. The law does not require the election of a Vice Chair however the Board may choose to elect a Vice Chair.

Section 2. Authority

Each chairperson and vice chairperson shall have authority and perform such duties as are commonly associated with their respective titles, or as may be specially prescribed by law.

Section 3. Term of Office

The term of office for the Chair and Vice Chair shall be determined by a majority of the Board. The term of office of all members shall be determined by each member’s appointing authority. The Oversight Board to the Successor Agency to the Redevelopment Agency of Cathedral City will be in existence until July 1, 2016 when the Oversight Board’s responsibility will shift to a county/regional oversight board.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded. A member may withdraw his/her name if placed in nomination, announcing that, if elected, s/he would not be able to

serve; but s/he shall not withdraw in favor of another member. Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required. The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote. The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting. The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election or change in appointments by any appointing authority, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Board at a regularly scheduled meeting of the Board, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; his/her decision shall be final unless overruled by a vote of the Board. The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Board before Successor Agency whenever the Board or Successor Agency considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance may be provided, but Board Members do not have supervisory authority over City/Successor Agency employees. While they may work closely with Board Members, staff members remain responsible to their immediate supervisors and ultimately to the City Manager of the Successor Agency.

The City Manager may designate appropriate staff to act as staff person(s) to assist and support the Board to carry out its duties as defined by AB X1 26 pursuant to the administrative budget of the adopted ROPS. Staff shall attend all regular and special Board meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Board in the conduct of its business according to AB X1 26 and the Brown Act.

Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Board meetings. Staff shall record the minutes of the meetings in accordance the standing practices of the City; shall make recommendations, prepare reports and proposals to the Board, and shall perform administrative tasks. Staff shall be responsible for the maintenance of proper records and files pertaining to Board business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Board in support of, or in opposition to, any question before the Board. Staff shall sign all notices prepared in connection with Board business,

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shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Board

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Board. If a member has a research or report request, it shall be brought to the Board for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Board, the individual member shall be responsible for his/her own research or report. Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Board shall meet at least _____. The Board will hold its regular meeting on the _____ of each fiscal year, which shall begin at ____ a.m./p.m. in the Successor Agency Study Session Room and will adjourn at the conclusion of the meeting.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Board, City Manager, City Manager designee, a majority of the membership of the Board, or Successor Agency may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Board on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Board shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Board. Points of order and conduct shall comply with the Roberts Rules of Order (most current edition), the Brown Act, and these Bylaws. The Chair will consult with staff as necessary. Unresolved issues may be referred to the City Attorney/Oversight Board Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Board member, or Successor Agency. With the exception of a Board direction, the Chair and City Manager will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on a Board agenda.

Section 4. Quorum

A quorum of the Board shall consist of four (4) members, whether or not there are vacancies on the Board.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff. A meeting may be declared adjourned for lack of a quorum after a

15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff 30 provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and Executive Director shall jointly set the meeting agenda and its format shall conform to the following template:

- Call to Order
- Roll Call
- Public Comments
- Agenda Finalization
- Urgency Items
- Approval of Minutes
- Informational Items
- Approval of Minutes
- Business Session
- Staff Comments
- Board Comments
- Future Board Initiated Agenda Items
- Adjournment
- Notes to the Public

Section 7. Order of Business

The Chair or a majority vote of the Board may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Commission and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at his/her discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Commission, or to avoid public input on an agenda item under consideration by the Commission.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made. No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Cathedral City, as the Successor Agency, has adopted a Conflict of Interest Code, which states any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the basis that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse him/herself from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest may be referred to the City Attorney of the Board and/or Successor Agency.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where s/he has a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Commission staff shall call the roll and each member shall state his/her vote for the record.

Section 4. Sealed Ballot Votes

No Board shall take a sealed ballot.

Section 5. Adoption of a Motion

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Board, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Board

All agenda items require a written report or an oral report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Oral and written reports shall include recommendation(s) and background. If a report is initiated by a Board member, a draft of that report shall be provided to staff for formatting at least 21 business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of Board agenda reports. Draft reports not submitted in a timely manner shall be placed on a future agenda. Additionally, the agenda report shall include a section called analysis, which may include the pros, cons, and foreseeable consequences of the recommendation(s).

All resolutions and recommendations adopted by the Board and addressed to the Board shall be delivered to the Executive Director/City Manager’s office as soon as possible. If the action requests Board direction, the item may be placed on a future Board agenda. Agenda reports shall be written reports consistent with content, style, and formatting of Successor Agency agenda reports.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the Successor Agency/City of Cathedral City records management policies and procedures.

Section 2. Minutes

Action-only minutes will be produced for all Board meetings in the similar format as that used for Successor Agency/City Council meetings. Board members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and/or amended and approved by the Commission at a subsequent meeting. Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Board may amend these Rules of Procedure.

ARTICLE XVI – ADOPTION OF RULES OF PROCEDURE

Immediately upon favorable vote of not less than a majority of the full membership of the Oversight Board to the Successor Agency of the Redevelopment Agency of the City of Cathedral City these Rules of Procedure shall be in full force and effect. Any and all previously adopted Rules of Procedure are hereby superseded. These Rules of Procedure shall not be considered or construed as superseding any portion of ABX1-26, Chapter 4 Oversight Boards or applicable Health and Safety Code Sections 34179, 34180 and 34181.