

OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA

REGULAR MEETING AGENDA MAY 12, 2016 2:00 PM

County Government Center
Hall of Administration
County Executive Office
Atrium Conference Room – 4th Floor
800 S. Victoria Avenue
Ventura, California 93009

Members of the Board:	Bill Bartels	- Chair
	Paula Driscoll	- Vice Chair
	Matt Carroll	
	Tom Kasper	
	David Keebler	
	Christy Madden	
	(Vacancy)	

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Oversight Board per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the County Executive Office, 800 South Victoria Avenue, Loc. #1940, Ventura, CA 93009 or telephonically by calling (805) 654-5027. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

All agenda reports and supporting data, including those filed in accordance with Government Code Section 54957.5 (b) (1) and (2) are available from the County Executive Office, Ventura County Government Center, Hall of Administration, 4th Floor, 800 South Victoria Avenue, Ventura, California. The same materials will be available and attached with each associated agenda item, when received, at the following website: <http://www.ventura.org/county-of-ventura-rda-in-piru/oversight-board-to-the-former-redevelopment-agency>

Welcome to the Meeting of the Oversight Board to the Successor Agency to the Former Redevelopment Agency of the County of Ventura.

The following information is provided to help you understand, follow, and participate in the Board meeting:

Pursuant to California Government Code Section 54953(a), et seq., time is set aside for citizen presentations regarding Oversight Board related matters. Those wishing to speak must fill out a speaker card and submit it to the Secretary. Speaker cards for issues not on the agenda must be submitted to the Secretary prior to the beginning of the public comment period. Agendized item, speaker cards must also be submitted before the item is taken up for consideration. The Secretary may not accept any additional speaker cards once an item commences.

Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of time not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided. The entire public comment period is limited to no more than thirty (30) minutes total for all speakers.

Members of the public who desire to augment their comments with visual or audio presentations using County equipment must submit their materials to the County Executive Office and the Chair for review before use of County equipment will be allowed. The review will be conducted to determine only whether the materials are on matters within the jurisdiction of the Board, would be disruptive of the meeting, or would foster illegality, such as identity theft. If it is determined the materials are about matters not within the Board's jurisdiction, or would be disruptive of the meeting, or would foster illegality, use of County equipment will not be allowed.

OPENING

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance to the Flag of the United States of America.
4. Public Comments – Citizen presentations regarding Board related matters NOT appearing on this agenda. (See Guidelines above)

CONSENT AGENDA

5. Receive and File Without Objection or Amendment the Minutes for the January 21, 2016 Special Meeting.
6. Receive and File the Successor Agency Monthly Administrative Financial Status Report (FSR) for the Period Ending April 30, 2016.
7. Receive and File the Department of Finance (DOF) Determination Letter, Dated March 25, 2016, Regarding the Annual Recognized Obligation Payment Schedule (Annual ROPS 16-17) for July 1, 2016 through June 30, 2017.

REGULAR AGENDA

8. Review the Department of Finance (DOF) Determination Letter, Dated March 25, 2016, Amending the Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS), and Take Action as Needed Thereon.
9. Adoption of Resolution No. 16-05 Approving the Updated Conflict of Interest Code and Direction to Staff Regarding Transmission and Posting Thereof.
10. Adoption of Resolution No. 16-06 Delegating Authority to the Successor Agency Secretary to Reenter into and Sign Three Agreements with the County of Ventura for Fiscal Year 2017-18.

ANNOUNCEMENTS AND FUTURE BUSINESS

Announcements

- Legislation and Litigation Updates
 - o Update on Court of Appeal Decision in *Bellflower v. Department of Finance, Christine Cohen, et al.* Case

Future Business

- Consider cancellation of next regular meeting scheduled for May 11, 2017, 2:00 pm
- Consider scheduling a Special Meeting in July 2017

**OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE
COUNTY OF VENTURA**

**OFFICIAL SUMMARY
MINUTES**

**January 21, 2016
3:00 PM**

County Government Center
Hall of Administration
County Executive Office
Atrium Conference Room, Room - 4th Floor
800 S. Victoria Avenue
Ventura, California 93009

OPENING

1. Call to Order.
2. Roll Call.

Quorum established.

Members Present: Bill Bartels, Christy Madden, Tom Kasper, Matt Carroll

Members Absent: Paula Driscoll, David Keebler

Staff Present: David Brown, Donna McKendry, Roberto Orellana, Gia Allen,
Mary Ann Guariento

3. Pledge of Allegiance to the Flag of the United States of America.
4. Intentionally omitted.
5. **Receive and File Without Objection or Amendment the Minutes for the
September 10, 2015 Regular Meeting.**

The September 10, 2015 Minutes were received and filed by the Board after

making a minor amendment for a typographical error in the summary for Item #7.

6. Review the Successor Agency Monthly Administrative Financial Status Reports and Take Action as Needed Thereon.

David Brown reported on the current financial status of the Successor Agency (SA), through December 2015. Mr. Brown reported that the SA's budget is in great shape, with only minimal expenses from CEO and County Counsel. However, the SA did not receive RPTTF during the prior fiscal year period because it had carryover of excess funds from prior periods. Nevertheless, the SA still has excess funds available for future approved payments. Total expenditures for the period were \$31,422, which is well below the previously budgeted amount. Regarding the six-month budget period ending June 30, 2016, expenses are expected to be well below the amount budgeted for this ROPS period. The SA has received an RPTTF distribution in the amount of \$117,194 and it should have funds in excess of its anticipated expenses on a going forward basis. To the extent that SA funds on hand exceed expenses for the future, the Department of Finance (DOF) is apparently expecting the SA to remit such excess funds to the taxing entities at the end of each fiscal year, though SA staff is waiting for final direction from the DOF on this point. SA staff is therefore not anticipating carrying any balance forward into the next fiscal year.

Motion to receive and file was made and approved.

Moved by Matt Carroll seconded by Tom Kasper. Approved.
Vote: 4-0

7. Receive and File the Department of Finance Determination Letter, Dated October 9, 2015, Regarding Resolution No. 15-04 Approving the Recognized Obligation Payment Schedule (ROPS 15-16B) for January 1, 2016 through June 30, 2016.

There were no comments or objections. Motion to receive and file was made and approved.

Moved by Christy Madden seconded by Tom Kasper. Approved.
Vote: 4-0

8. Adoption of Resolution No. 16-01 Appointing a New Secretary for the Successor Agency to the Former Redevelopment Agency of the County of Ventura and Contact Person for the Oversight Board.

Donna McKendry reported that she was retiring, effective February 12, 2016, and summarized the qualifications for, and recommended the appointment of, Mary Ann Guariento as the new secretary and contact person for the Successor Agency, effective February 12, 2016.

Motion to adopt Resolution No. 16-01 appointing Ms. Guariento.

Moved by Christy Madden seconded by Tom Kasper. Approved.

Vote: 4-0

9. **Adoption of Resolution No. 16-02 Approving the Administrative Budget for the Successor Agency to the Former Redevelopment Agency of the County of Ventura for July 1, 2016 through June 30, 2017, and Approving the Annual Recognized Obligation Payment Schedule (Annual ROPS 16-17) for July 1, 2016 through June 30, 2017, Setting Forth a Schedule of Payments for Obligations of the Successor Agency, and Directing Transmission of the Approved Annual ROPS 16-17 to the Ventura County Auditor-Controller, State Controller's Office, and State Department of Finance, as well as Posting of the Approved Annual ROPS 16-17 Schedule on the Successor Agency's Internet Website.**

David Brown reported that, due to amendments to the Redevelopment Dissolution Law (RDL), the DOF has now created an annual ROPS and that it is no longer necessary to approve a ROPS for any 6-month period of time, as was previously required by former RDL. While the same amendment to the RDL permits the SA to submit a Last and Final ROPS, as presented by Item 10 on today's agenda, the direction from DOF is that your Board must submit an annual ROPS as well for the next fiscal year. As also required by the recent amendments to RDL, the SA's administrative budget has been adjusted so that it does not exceed 50% of the SA's prior year's total Redevelopment Property Tax Trust Fund (RPTTF) distribution, which was \$177,194. Thus, the total administrative budget for the upcoming fiscal year is \$88,597, and this budget was presented to the Board in 6-month increments because the RDL still requires budgets be shown in 6-month increments even though the Annual ROPS is for the entire year.

Motion to adopt Resolution No. 16-02 approving the Administrative Budget and an Annual ROPS for fiscal year 2016-17.

Approval of Resolution moved by Matt Carroll seconded by Tom Kasper. Approved.

Vote: 4-0

10. **Adoption of Resolution No. 16-03 Approving the Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS), Setting Forth a Schedule of Payments for Obligations of the Successor Agency, and Directing Transmission of the Approved Last and Final ROPS to the Ventura County Auditor-Controller, State Controller's Office, and State Department of Finance, as well as Posting of the Approved Last and Final ROPS Schedule on the Successor Agency's Internet Website.**

David Brown reported the proposed Last and Final ROPS is an optional procedure under the RDL, including whether and when to submit such a ROPS to the DOF. In consultation with County Counsel, SA staff determined that the preconditions required for your Board to approve and have the SA submit the proposed Last and Final ROPS to the DOF at this time have been met. Once submitted, the DOF will have 100 days to review and approve (or deny approval for) the proposed Last and Final ROPS after which time, if they do approve it, the Board will not need to approve any future annual ROPS. If the DOF rejects the proposed Last and Final ROPS, SA staff will have to bring a revised Last and Final ROPS to the Board and submit Annual ROPS each year until such time as the DOF approves such a revised Last and Final ROPS.

Motion to adopt Resolution No. 16-03 approving the Last and Final ROPS.

*Approval of Resolution moved by Christy Madden seconded by Bill Bartels. Approved.
Vote: 4-0*

11. Adoption of Resolution No. 16-04 Authorizing the Successor Agency to Reenter into Three Agreements with the County of Ventura and Delegating Authority to the Successor Agency Secretary to Sign These Agreements

Motion to adopt Resolution No. 16-04 authorizing the SA to reenter the three agreements was made without comment or objection.

*Moved by Christy Madden seconded by Tom Kasper. Approved.
Vote: 4-0*

12. Selection of Revised Schedule of Meeting Dates and Times for Regular Oversight Board Meetings.

The Board discussed what schedule should be adopted in view of its approval of the Annual ROPS and Last and Final ROPS. Chair Bartels recommended the Board maintain the current schedule until the DOF acts on the Last and Final ROPS. Secretary McKendry noted that the Board will not have to meet during that time for any other purpose but that it would have to post monthly cancellation notices. Staff noted that the only other business the Board currently has to do this calendar year is adoption of a conflict of interest code. David Brown noted that the Board might want to set a May meeting date because it will need to approve the agreement with the County by June of each year. Assistant County Counsel Orellana noted that the Board could schedule a regular meeting for each May and agendize special meetings as needed and directed by the Chair. Mr. Brown noted that, even if the DOF rejects the Last and Final ROPS, as approved by Resolution No. 16-04, the chances that any changes would need to be made to the approved administrative budget for the next fiscal year are very

slim.

After discussion, the Board decided that its new schedule would be to meet on the second Thursday of May each year and schedule special meetings when and if the need arises. The next regular meeting, therefore, was scheduled for May 12, 2016. Special meetings are to be set as directed by the Chair. The Chair directed staff not to furnish monthly financial status reports unless there is a danger of exceeding the budget.

The Board adjourned at 3:25 p.m., with Chair Bartels expressing special appreciation for Donna McKendry's years of service, including all her work with the Board and for the Successor Agency. Appreciation for her efforts was echoed by all Board members.

SUCCESSOR AGENCY TO THE VENTURA COUNTY (PIRU) REDEVELOPMENT AGENCY

PP01 ROF 5500

FINANCIAL STATUS REPORT

For the Period Ending April 30, 2016 - AP10

Item #6

Fiscal Year 2014-15		
ROPS 14-15 A & B 7/1/14 - 6/30/15		
Approved ROPS	Actuals	
Revenue		
RPTTF Distribution	683,379	473,347
Interest Earned		1,213
Total Revenue	683,379	474,560
Expenditures		
RPTTF - Admin	250,000	
CEO Admin		14,708
CEO Admin (pending available budget)		0
Accounting/Auditing Services		0
Legal Counsel		24,830
Auditing Services		0
Total RPTTF - Admin	250,000	39,538
RPTTF - Non-Admin (Current Period)		
GSA Maintenance Contract	40,000	0
Utilities - Electric	3,600	0
Utilities - Gas	120	0
Utilities - Water	2,100	0
Utilities - Sewer	360	0
Tax Allocation Bonds - 2002	74,131	74,130
Tax Allocation Bonds - 2008	46,985	46,983
CDBG Loan (Due 6/2016)	0	0
Total RPTTF - Non-Admin (Current Period)	167,296	121,114
Total Expenditures	417,296	160,652
Net RPTTF Available (Current Period Transactions):	266,083	313,908
Prior Period Unfunded Liability - RPTTF Non- Admin		
Prior Period Carryforward amount	(225,083)	(36,034)
Add'l Needed Maint; delayed to 10/2014	(41,000)	(41,000)
Total Prior Period Unfunded Liability	(266,083)	(77,034)
Net RPTTF: Current Year + Prior Period Unfunded Liability	0	
Prior Period Excess Revenue Over Expenditures		
Prior Period Carryforward Amount		
Less: Returns to CAC for Dist. to Taxing Entities		
Net Prior Period Excess Rev over Exp		
Net RPTTF: Current Year + Prior Period Excess Rev over Exp		236,874

Fiscal Year 2015-16									
ROPS 15-16A (Approved 2/12/15) 7/1/15 - 12/31/15				ROPS 15-16B (Approved 9/10/15) 1/1/16 - 6/30/16				ROPS 15-16 A & B 7/1/15 - 6/30/16	
Approved ROPS	Admin Line Item Limit	Period Actuals		Approved ROPS	Admin Line Item Limit	Period to Date Actual	Period End Projection	Approved ROPS	Year End Projection
0		0		177,194		177,194 401	177,194 401	177,194	177,194 586
0		186		177,194		177,595	177,595	177,194	177,780
50,000				200,000				250,000	
	16,000	4,906			45,000	6,953	13,906		18,813
		0			50,000	0	0		0
		0			30,000	0	0		0
	34,000	10,050			50,000	7,960	15,920		25,970
		0			25,000	0	0		0
50,000	50,000	14,956		200,000	200,000	14,913	29,826	250,000	44,782
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
3,131		3,130		67,531		0	67,531	70,662	70,661
13,337		13,336		30,737		0	30,737	44,074	44,073
17,500		0		17,500		0	17,500	17,500	17,500
16,468	0	16,466		115,768	0	0	115,768	132,236	132,234
66,468		31,422		315,768		14,913	145,594	382,236	177,016
(66,468)		(31,237)		(138,574)		177,595	32,001	(205,042)	764
								0	0
								0	0
								0	0
								0	0
98,298		236,874		138,574		205,637		236,872	236,874
0		0				(237,638)		0	(237,638)
98,298		236,874		138,574		0	(32,001)	236,872	(764)
31,830		205,637		0		177,595	0	31,830	0

Fiscal Year 2016-17					
ROPS 16-17A (Approved 7/1/16 - 12/31/16)		ROPS 16-17B 1/1/17 - 6/30/17		ROPS 16-17 A & B 7/1/16 - 6/30/17	
Approved ROPS	Admin Line Item Limit	Approved ROPS	Admin Line Item Limit	Approved ROPS	Year End Projection
14,579		31,078		45,657	45,657 0
14,579		31,078		45,657	45,657
0		0		0	
	0		0		0
	0		0		0
	0		0		0
	0		0		0
0	0	0	0	0	0
1,601		0		1,601	1,601
12,978		31,078		44,056	44,056
0		0		0	0
14,579	0	31,078	0	45,657	45,657
14,579		31,078		45,657	45,657
0		0		0	0
0		0		0	0
0				0	0
0				0	0
0				0	0

SUCCESSOR AGENCY TO THE VENTURA COUNTY (PIRU) REDEVELOPMENT AGENCY

PP01 ROF 5500

FINANCIAL STATUS REPORT

For the Period Ending April 30, 2016 - AP10

Item #6 - REVISED

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0		186		177,194		177,595	177,595	177,194	177,780
50,000				200,000				250,000	
	16,000	4,906			45,000	6,953	13,906		18,813
		0			50,000	0	0		0
		0			30,000	0	0		0
	34,000	10,050			50,000	7,960	15,920		25,970
		0			25,000	0	0		0
50,000	50,000	14,956		200,000	200,000	14,913	29,826	250,000	44,782
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
0		0		0		0	0	0	0
3,131		3,130		67,531		0	67,531	70,662	70,661
13,337		13,336		30,737		0	30,737	44,074	44,073
0		0		17,500		0	17,500	17,500	17,500
16,468	0	16,466		115,768	0	0	115,768	132,236	132,234
66,468		31,422		315,768		14,913	145,594	382,236	177,016
(66,468)		(31,237)		(138,574)		177,595	32,001	(205,042)	764
98,298		236,874		138,574			205,637	236,872	236,874
0		0						0	0
98,298		236,874		138,574		0	205,637	236,872	236,874
31,830		205,637		0		177,595	237,638	31,830	237,638

Fiscal Year 2016-17					
ROPS 16-17A (Approved 7/1/16 - 12/31/16)		ROPS 16-17B 1/1/17 - 6/30/17		ROPS 16-17 A & B 7/1/16 - 6/30/17	
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14,579		31,078		45,657	45,657 0
14,579		31,078		45,657	45,657
0		0		0	
	0		0		0
	0		0		0
	0		0		0
	0		0		0
0	0	0	0	0	0
1,601		0		1,601	1,601
12,978		31,078		44,056	44,056
0		0		0	0
14,579	0	31,078	0	45,657	45,657
14,579		31,078		45,657	45,657
0		0		0	0
0		0		0	237,638
0				0	0
0		0		0	237,638
0		0		0	237,638

**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

March 25, 2016

Ms. Mary Ann Guariento, Management Analyst
Ventura County
800 South Victoria Avenue, L# 1940
Ventura, CA 93009

Dear Ms. Guariento:

Subject: 2016-17 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the Ventura County Successor Agency (Agency) submitted a Recognized Obligation Payment Schedule for the period July 1, 2016 through June 30, 2017 (ROPS 16-17) to the California Department of Finance (Finance) on January 22, 2016. Additionally, the Agency submitted a Last and Final ROPS to Finance on January 22, 2016, which also included the ROPS 16-17 period. Finance has completed its review of the ROPS 16-17.

Pursuant to HSC section 34191.6 (c), a Last and Final ROPS approved within 15 days prior to the date of a Redevelopment Property Tax Trust Fund (RPTTF) distribution shall be effective on the first day of the subsequent RPTTF distribution period. Finance approved the Agency's Last and Final ROPS in our letter dated March 25, 2016. Accordingly, pursuant to HSC section 34191.6 (c), the Last and Final ROPS will become effective July 1, 2016. Therefore, Finance's approval of the Agency's ROPS 16-17 is not necessary. The Agency's payment of approved enforceable obligations should be in accordance with the approved Last and Final ROPS.

Please direct inquiries to Cindie Lor, Supervisor, or Satveer Ark, Lead Analyst at (916) 445-1546.

Sincerely,

JUSTYN HOWARD
Program Budget Manager

cc: Mr. David M. Brown, Accounting Officer, Ventura County
Ms. Rhoda Farrell, Property Tax Fiscal Manager, Ventura County

**OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE
COUNTY OF VENTURA
STAFF REPORT**

DATE: May 12, 2016

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Review the Department of Finance (DOF) Determination Letter, Dated March 25, 2016, Approving, Subject to Acceptance of Certain Amendments, the Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS) Submitted by Your Board on January 21, 2016, and Take Action as Needed Thereon

RECOMMENDATION:

1. Review, receive and file the DOF's determination letter setting forth its two requested amendments to the Last and Final ROPS previously submitted by your Board to the DOF. (Should your Board not agree with the two requested amendments, direct staff as to how to respond to the DOF.)

FISCAL IMPACT:

Possible impact on future administrative allowance due to nature of second of DOF's requested amendments.

DISCUSSION:

On January 21, 2016, your board approved Resolution No. 16-03, approving a Last and Final ROPS for submission to the DOF. The Last and Final ROPS contains a schedule of payments for all future obligations of the Successor Agency until its termination (after all bond obligations have been satisfied).

On March 25, 2016, the DOF transmitted a Determination Letter, approving the Last and Final ROPS with the following amendments and changes (Exhibit A):

- Reclassifying the fund source for the 2002 and 2008 Tax Allocation Bonds final payments.

- Reducing the annual administrative budget allowances from a lifetime total of \$1,060,074 to \$463,453, based on the DOF's interpretation of recent amendments to state law regarding calculation of funds available for administrative budget.

The reclassification of funding source for the bond repayments is a clerical point with no fiscal impact, therefore staff recommends accepting this amendment.

The reduction of annual administrative budget allowances is two-fold. The 2016-17 reduction was caused by the manner in which the DOF interpreted recent changes to state law and the Successor Agency's (SA's) 2015-16 actual Redevelopment Property Tax Trust Fund (RPTTF) distribution, which they determined was 100% administrative cost allowance. The Health and Safety Code (HSC) states the administrative allowance for any given year shall be 50% of RPTTF *actually received* in the prior fiscal year, reduced by the SA's administrative allowance for that year. SA administrative allowance for the current fiscal year is \$250,000, which exceeds the RPTTF of \$177,194 actually received in the current fiscal year, resulting in the DOF's determination that our 2016-17 administrative allowance is therefore reduced to zero (Exhibit B).

The reductions for years 2017-18 and beyond were caused by guidance provided by the DOF for calculating future year administrative cost allowance, which was in conflict with the amended legislation. As a result, when staff prepared the Last and Final ROPS, the calculations made for administrative allowance per DOF guidance was contrary to the legislation. The DOF recalculated the allowance, and has asked the SA to accept the corrections (Exhibit B).

The final 2014-15 administrative expenses were \$39,538, and 2015-16 expenses are projected to be about the same. Due to the sale of the SA's assets and frequent changes in the law, including adoption of provisions regarding the Last and Final ROPS, these last two fiscal years required significantly more effort from County Counsel and CEO staff to research, review, and implement various new aspects of that dissolution legislation, as well as to prepare for monthly board meetings. Given the DOF's approval of a Last and Final ROPS, as amended, coupled with your Board's shift to a single, annual Oversight Board meeting, staff thinks that the need for similar efforts will be greatly diminished, thereby reducing associated administrative costs. It is also staff's opinion the administration allowance approved by the DOF in the Last and Final ROPS, as amended, will be sufficient for all future years, with the exception of 2016-17, and that an appeal of the DOF's determination would likely be both administratively burdensome, cost prohibitive and, ultimately, unsuccessful. Staff therefore recommends accepting the DOF's amendments to the Last and Final ROPS.

Exhibit A – March 25, 2016 DOF Determination Letter

Exhibit B – Comparison of Staff vs. DOF Administrative Cost Allowance Calculations

**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. ■ GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

March 25, 2016

Ms. Donna McKendry, Management Analyst
Ventura County
800 South Victoria Avenue, L# 1940
Ventura, CA 93009

Dear Ms. McKendry:

Subject: Last and Final Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34191.6 (b) the County of Ventura Successor Agency (Agency) submitted a Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS) to the California Department of Finance (Finance) on January 27, 2016. Finance has completed its review of the Agency's Last and Final ROPS.

HSC section 34191.6 (c) authorizes Finance to make amendments or changes to the Last and Final ROPS if the changes are agreed to in writing by the Agency. The Agency has agreed in writing to the following changes made by Finance to the Agency's Last and Final ROPS:

- Item Nos. 6 and 8 – It is our understanding the Agency incorrectly reported the fund source for the 2002 and 2008 Tax Allocation Bonds. The Agency requested the final bond payments to be funded from Other Funds instead of Bond Proceeds. With the Agency's concurrence, Finance is reclassifying the requested \$69,001 in Other Funds to Bond Proceeds for Item No. 6 and the \$43,843 Other Funds to Bond Proceeds for Item No. 8. As a result, the amounts have been adjusted to reflect the accurate funding source.
- Item No. 24 – The total claimed administrative costs of \$1,060,074 have been adjusted by \$596,621, and as result, is reduced to \$463,453. HSC section 34171 (b) (3) limits the fiscal year Administrative Cost Allowance (ACA) to three percent of actual distributed Redevelopment Property Tax Trust Fund (RPTTF) in the preceding fiscal year or \$250,000, whichever is greater; not to exceed 50 percent of the distributed RPTTF in the preceding fiscal year. Finance recalculated the ACA using the RPTTF authorized for each fiscal year on the Last and Final ROPS. As a result, the Agency is eligible for \$463,453 in ACA for the entire Last and Final ROPS period pursuant to the cap. Therefore, of the \$1,060,074 claimed for administrative cost, \$596,621 of excess ACA for the Last and Final ROPS is not allowed. Adjustments specific to each ROPS period are reflected in the approved Last and Final ROPS.

Finance is approving the Agency's Last and Final ROPS with the above amendments and changes. These changes are reflected in the approved Last and Final ROPS.

The Agency's maximum approved RPTTF distribution for the Last and Final ROPS is \$1,390,560, as summarized in the Approved RPTTF Distribution table.

Approved Last and Final ROPS RPTTF Distributions							
ROPS Period	A Periods			B Periods			Annual Total
	RPTTF	Admin RPTTF	A Period Total	RPTTF	Admin RPTTF	B Period Total	
Total requested	171,005	530,031	701,036	756,102	530,043	1,286,145	\$1,987,181
Total adjustments	0	(66,578)	(66,578)	0	(530,043)	(530,043)	(596,621)
Total RPTTF approved for distribution							
ROPS 16-17	14,579	0	14,579	31,078	0	31,078	\$ 45,657
ROPS 17-18	12,604	22,829	35,433	31,504	0	31,504	66,937
ROPS 18-19	12,215	22,054	34,269	31,815	0	31,815	66,084
ROPS 19-20	11,810	22,015	33,825	32,210	0	32,210	66,035
ROPS 20-21	11,390	22,010	33,400	32,690	0	32,690	66,090
ROPS 21-22	10,950	22,040	32,990	33,150	0	33,150	66,140
ROPS 22-23	10,492	22,050	32,542	33,592	0	33,592	66,134
ROPS 23-24	10,016	22,042	32,058	34,016	0	34,016	66,074
ROPS 24-25	9,521	22,016	31,537	34,521	0	34,521	66,058
ROPS 25-26	9,005	22,021	31,026	35,105	0	35,105	66,131
ROPS 26-27	8,467	22,055	30,522	35,567	0	35,567	66,089
ROPS 27-28	7,908	22,017	29,925	36,208	0	36,208	66,133
ROPS 28-29	7,324	22,058	29,382	36,724	0	36,724	66,106
ROPS 29-30	6,718	22,024	28,742	37,318	0	37,318	66,060
ROPS 30-31	6,087	22,018	28,105	37,987	0	37,987	66,092
ROPS 31-32	5,429	22,037	27,466	38,629	0	38,629	66,095
ROPS 32-33	4,744	22,029	26,773	39,344	0	39,344	66,117
ROPS 33-34	4,031	22,044	26,075	40,031	0	40,031	66,106
ROPS 34-35	3,288	22,031	25,319	40,788	0	40,788	66,107
ROPS 35-36	2,515	22,038	24,553	41,515	0	41,515	66,068
ROPS 36-37	1,710	22,015	23,725	42,310	0	42,310	66,035
ROPS 37-38	202	22,010	22,212	0	0	0	22,212
Total approved RPTTF	171,005	463,453	634,458	756,102	0	756,102	\$ 1,390,560

Please refer to the approved Last and Final ROPS schedule used to calculate the total RPTTF approved for distribution:

<http://www.dof.ca.gov/redevelopment/ROPS>

This is Finance's determination related to the enforceable obligations reported on the Last and Final ROPS. HSC section 34191.6 (c) (2) allows agencies to submit no more than two requests to amend the approved Last and Final ROPS.

ROPS distributions will occur twice annually, one distribution for the July 1 through December 31 (ROPS A period), and one distribution for the January 1 through June 30 (ROPS B period). The Agency will receive RPTTF distributions up to the maximum approved amount on the Last and Final ROPS.

The Agency shall not expend more than the amount approved for each enforceable obligations listed and approved on the Last and Final ROPS. All unspent RPTTF received for enforceable obligations by the Agency should be retained for distribution to the affected taxing entities pursuant to HSC section 34191.6 (d) (2) (G). Further, any revenues, interest, and earnings of the Agency not authorized for use pursuant to the approved Last and Final ROPS shall be remitted the County Auditor-Controller (CAC) pursuant to HSC section 34191.6 (c) (3). Pursuant to HSC section 34187 (e), once an agency has retired or paid off all enforceable obligations and all real property has been disposed of, the Agency is required to dispose of all remaining assets and remit any proceeds to the CAC for distribution to the affected taxing entities.

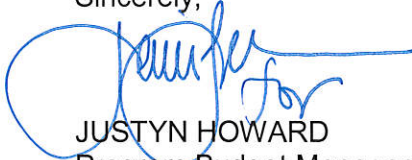
The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of the redevelopment dissolution statutes. Therefore, as a practical matter, the ability to fund the items on the Last and Final ROPS with property tax is limited to the amount of funding available to the Agency in the RPTTF. However, HSC section 34191.6 (c) (5) provides mechanisms for the Agency to pay enforceable obligations if insufficient RPTTF is available on an approved Last and Final ROPS.

HSC section 34187 (b) defines the process of final dissolution of the Agency. When all enforceable obligations have been retired or paid off, all real property has been disposed of, and all outstanding litigation has been resolved, the Agency shall, within 30 days of meeting these conditions, submit to the Oversight Board (OB) a request to formally dissolve. The OB shall approve the request within 30 days and submit the request to Finance's review.

Pursuant to HSC section 34191.6 (c), Last and Final ROPS approved less than 15 days before the date of the RPTTF distribution shall not be effective until the subsequent RPTTF distribution period; therefore, if an agency receives a Last and Final ROPS approval after this cutoff date, the most recent annual ROPS 16-17 approval would remain effective through June 30, 2017.

Please direct inquiries to Cindie Lor, Supervisor, or Satveer Ark, Lead Analyst, at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Program Budget Manager

cc: Mr. David M. Brown, Accounting Officer, Ventura County
Ms. Rhoda Farrell, Property Tax Fiscal Manager, Ventura County

**Comparison of Staff vs. DOF
Administrative Cost Allowance Calculations**

Actual RPTTF received in FY2015-16	177,194
Less: FY2015-16 Administrative Allowance	<u>(250,000)</u>
Adjusted Actual FY2015-16 RPTTF	(72,806)
FY2016-17 Administrative Allowance Factor	<u>50%</u>
FY2016-17 Administrative Allowance <i>(\$0, since this number is negative)</i>	<u><u>(36,403)</u></u>

Fiscal Year	Requested Admin	Allowed Admin	Difference
2016-17	88,597	-	(88,597)
2017-18	67,127	22,829	(44,298)
2018-19	55,618	22,054	(33,564)
2019-20	49,824	22,015	(27,809)
2020-21	46,922	22,010	(24,912)
2021-22	45,501	22,040	(23,461)
2022-23	44,801	22,050	(22,751)
2023-24	44,443	22,042	(22,401)
2024-25	44,238	22,016	(22,222)
2025-26	44,140	22,021	(22,119)
2026-27	44,125	22,055	(22,070)
2027-28	44,080	22,017	(22,063)
2028-29	44,098	22,058	(22,040)
2029-30	44,073	22,024	(22,049)
2030-31	44,055	22,018	(22,037)
2031-32	44,065	22,037	(22,028)
2032-33	44,062	22,029	(22,033)
2033-34	44,075	22,044	(22,031)
2034-35	44,069	22,031	(22,038)
2035-36	44,073	22,038	(22,035)
2036-37	44,052	22,015	(22,037)
2037-38	44,036	22,010	(22,026)
Total	<u><u>1,060,074</u></u>	<u><u>463,453</u></u>	<u><u>(596,621)</u></u>

**OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE
COUNTY OF VENTURA
STAFF REPORT**

DATE: May 12, 2016

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Adoption of Resolution No. 16-05 Approving the Updated Conflict of Interest Code and Direction to Staff Regarding Transmission and Posting Thereof

RECOMMENDATIONS:

1. Adopt Resolution No. 16-05 (Exhibit A) approving the updated Conflict of Interest Code.
2. Direct Successor Agency staff to transmit the approved updated Conflict of Interest Code Package to the Clerk of the Board of Supervisors, and to the State Department of Finance, and to post the updated Conflict of Interest Code on the Successor Agency's internet website.

FISCAL IMPACT:

No fiscal impact.

DISCUSSION:

The Political Reform Act requires local government agencies to adopt and promulgate conflict of interest codes. Pursuant to the Act, the California Fair Political Practices Commission adopted regulations that contain the terms of a standard conflict of interest code, including the requirement that all conflict of interest codes must be reviewed, amended as needed, and adopted (even if unchanged) in each even-numbered year.

Staff has compiled an updated Conflict of Interest Code Package for your review and approval, which is attached as Exhibit B hereto.

Exhibit A – Resolution No. 16-05

Exhibit B – 2016 Updated Conflict of Interest Code Package

RESOLUTION NO. 16-05

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, APPROVING THE UPDATED CONFLICT OF INTEREST CODE**

The Oversight Board for the Successor Agency to The Former Redevelopment Agency of the County of Ventura ("Oversight Board") does resolve as follows:

WHEREAS, pursuant to the Political Reform Act, Government Code Section 81999 et seq., all local government agencies are required to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission adopted Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code; and

WHEREAS, the County of Ventura's Board of Supervisors is the code reviewing body with regard to local conflict of interest codes that must be adopted by various agencies and districts within Ventura County; and

WHEREAS, pursuant to Government Code 87306.5, all conflict of interest codes must be reviewed and amended, as needed, each even-numbered year; and

WHEREAS, under state law an updated 2016 Conflict of Interest Code package must be submitted consisting of:

- A cover page to be signed by the Oversight Board's Chair;
- An "Exhibit A" showing Designated Positions Subject to the Conflict of Interest Code;
- An "Exhibit B" showing Disclosure Categories Subject to the Conflict of Interest Code; and
- A copy of the 2016 "Local Agency Biennial Notice" signed by the Oversight Board's Chair; and

WHEREAS, staff has prepared an updated Conflict of Interest Code package which is attached as Exhibit A hereto.

NOW, THEREFORE BE IT FOUND AND RESOLVED AS FOLLOWS:

1. The above recitations are true and correct.
2. The updated Conflict of Interest Code package, as proposed, is hereby approved.
3. The Oversight Board directs the Successor Agency's Secretary to transmit the approved updated Conflict of Interest Code to the Clerk of the Board of Supervisors and the State Department of Finance, and to post the updated Conflict of Interest Code on Successor Agency's internet website.

PASSED, APPROVED AND ADOPTED by the Oversight Board, on a motion by Board Member _____,
seconded by Member _____, this _____ day of _____ 2016.

By: _____
Chair
Oversight Board

ATTEST:

By: _____
Successor Agency Secretary

RESOLUTION NO. 16-05

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, APPROVING THE UPDATED CONFLICT OF INTEREST CODE**

The Oversight Board for the Successor Agency to The Former Redevelopment Agency of the County of Ventura ("Oversight Board") does resolve as follows:

WHEREAS, pursuant to the Political Reform Act, Government Code Section 81999 et seq., all local government agencies are required to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission adopted Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code; and

WHEREAS, the County of Ventura's Board of Supervisors is the code reviewing body with regard to local conflict of interest codes that must be adopted by various agencies and districts within Ventura County; and

WHEREAS, pursuant to Government Code 87306.5, all conflict of interest codes must be reviewed and amended, as needed, each even-numbered year; and

WHEREAS, under state law an updated 2016 Conflict of Interest Code package must be submitted consisting of:

- A cover page to be signed by the Oversight Board's Chair;
- An "Exhibit A" showing Designated Positions Subject to the Conflict of Interest Code;
- An "Exhibit B" showing Disclosure Categories Subject to the Conflict of Interest Code; and
- A copy of the 2016 "Local Agency Biennial Notice" signed by the Oversight Board's Chair; and

WHEREAS, staff has prepared an updated Conflict of Interest Code package which is attached as Exhibit A hereto.

NOW, THEREFORE BE IT FOUND AND RESOLVED AS FOLLOWS:

1. The above recitations are true and correct.
2. The updated Conflict of Interest Code package, as proposed, is hereby approved.
3. The Oversight Board directs the Successor Agency's Secretary to transmit the approved updated Conflict of Interest Code to the Clerk of the Board of Supervisors and the State Department of Finance, and to post the updated Conflict of Interest Code on Successor Agency's internet website.

PASSED, APPROVED AND ADOPTED by the Oversight Board, on a motion by Board Member C. MADDEA,
seconded by Member T. KASPER, this 12TH day of MAY 2016.

By: 

Chair

Oversight Board

ATTEST:

By: 

Successor Agency Secretary

2016 CONFLICT OF INTEREST CODE
Oversight Board - Successor Agency to the Former Redevelopment Agency of the County
of Ventura

The Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

The terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Oversight Board - Successor Agency of the Former Redevelopment Agency of the County of Ventura, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which sets forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the Oversight Board - Successor Agency of the Former Redevelopment Agency of the County of Ventura. Persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Clerk of the Ventura County Board of Supervisors' Office which shall be the Filing Officer.

IN PREPARING THE FORM 700, DESIGNATED FILERS NEED ONLY DISCLOSE THOSE FINANCIAL INTERESTS FALLING WITHIN THE DISCLOSURE CATEGORIES DESIGNATED FOR THAT FILER'S POSITION AS STATED IN EXHIBITS A AND B.

APPROVED AND ADOPTED this ___ day of _____, 2016:

By: _____
Print Name: Bill Bartels
Title: Oversight Board Chair

2016 CONFLICT OF INTEREST CODE
**Oversight Board - Successor Agency to the Former Redevelopment Agency of the County
of Ventura**

The Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

The terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Oversight Board - Successor Agency of the Former Redevelopment Agency of the County of Ventura, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which sets forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the Oversight Board - Successor Agency of the Former Redevelopment Agency of the County of Ventura. Persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Clerk of the Ventura County Board of Supervisors' Office which shall be the Filing Officer.

IN PREPARING THE FORM 700, DESIGNATED FILERS NEED ONLY DISCLOSE THOSE FINANCIAL INTERESTS FALLING WITHIN THE DISCLOSURE CATEGORIES DESIGNATED FOR THAT FILER'S POSITION AS STATED IN EXHIBITS A AND B.

APPROVED AND ADOPTED this 12TH day of MAY, 2016;

By: 

Print Name: Bill Bartels

Title: Oversight Board Chair

EXHIBIT A – DESIGNATED POSITIONS

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit B)
7	Oversight Board Members	Category 1

EXHIBIT B – DISCLOSURE CATEGORIES

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

Category 1 – BROADEST DISCLOSURE

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans* and *travel payments*;
- (2) All *interests in real property*; and
- (3) All *investments* and *business positions* in *business entities*.

Category 2 – REAL PROPERTY

[SEE FORM 700 SCHEDULE B]

All *interests in real property*, including *interests in real property* held by *business entities* and trusts in which the public official holds a business position or has an *investment* or other financial interest.

Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which engage in land development, construction, or real property acquisition or sale.

Category 4 – PROCUREMENT

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

Category 5 – REGULATION AND PERMITTING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

Category 6 – FUNDING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All *investments, business positions* and sources of *income, gifts, loans* and *travel payments*, from sources which receive grants or other funding from or through the designated position's agency or department.

2016 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

**Board of Supervisors
800 S. Victoria Avenue
Venutra, CA 93009-1920**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

2016 Local Agency Biennial Notice

Name of Agency: Oversight Board - Successor Agency to the Former Redevelopment Agency of the County of Ventura

Mailing Address: County of Ventura, CEO's Office #L1940, 800 South Victoria Ave, Ventura, CA 93009

Contact Person: Mary Ann Guariento Phone No. 805-654-2852

Email: MaryAnn.Guariento@ventura.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

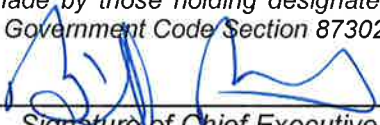
- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☒ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

5-12-16

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

**Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009-1920**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

**OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE
COUNTY OF VENTURA
STAFF REPORT**

DATE: May 12, 2016

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Adoption of Resolution No. 16-06 Delegating Authority to the Successor Agency (SA) Secretary to Reenter into and Sign Three Agreements with the County of Ventura for Fiscal Year 2017-18

RECOMMENDATION:

1. Adoption of Resolution No. 16-06, delegating authority to the SA Secretary to reenter into and sign three agreements with the County of Ventura for Fiscal Year 2017-18 (Exhibit A) with the Auditor-Controller's Office (ACO), County Counsel Office (CC), and County Executive Office (CEO) in the form and subject to the limitations discussed below.

FISCAL IMPACT:

Limited to administrative allowance as set forth by legislation and approved by the Department of Finance (DOF) in the approved Last and Final Recognized Obligation Payment Schedule (LF-ROPS).

DISCUSSION:

The Redevelopment Agency (RDA) dissolution process, including the work necessary to meet the ongoing requirements of the dissolution laws, has resulted in a need for continued support from the County of Ventura. The ACO provides financial and accounting services, CC provides legal services, and the CEO provides administrative support. Dissolution legislation allows the SA to reenter into agreements with the County for the purpose of winding down the affairs of the former RDA upon obtaining the approval of its oversight board, subject to review and approval by the DOF.

The form of the three agreements that Staff recommends for approval for Fiscal Year (FY) 2017-18 will be with the County's ACO, CC, and CEO and are attached hereto (Exhibit B). The LF-ROPS sets forth annual limits for administrative cost allowances from fiscal year 2016-17 through the anticipated termination of the SA. For FY 2017-18, this limit is

\$22,829. Staff recommends your board delegate authority to the SA Secretary to negotiate and sign these three agreements with the County agencies with a combined total amount not to exceed the available administrative budget allowance and subject to negotiations with such departments that is expected to be concluded prior to the commencement of your Board's first meeting in FY 2017-18. This delegation of authority will permit the County to assist the SA with matters that will need to be addressed in early July 2017, including preparation of your Board's first FY 2017-18 meeting agenda, and thereafter.

Exhibit A – Resolution No. 16-06 Delegating Authority to Reenter into Agreements
Exhibit B – Proposed ACO, CC, and CEO Agreements

RESOLUTION NO. 16-06

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, AUTHORIZING THE SUCCESSOR AGENCY TO REENTER
INTO THREE AGREEMENTS WITH THE COUNTY OF VENTURA**

The Oversight Board for the Successor Agency to The Former Redevelopment Agency of the County of Ventura does resolve as follows:

WHEREAS, Assembly Bill x1 26 (“ABx1 26”) was passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, among other things, ABx1 26 adds and AB 1484 amends Part 1.85 to the California Health and Safety Code, including Health and Safety Code section 34170 et seq.; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, The Redevelopment Agency of the County of Ventura was dissolved as of February 1, 2012, and the County of Ventura became the Successor Agency to The Redevelopment Agency of the County of Ventura (“Successor Agency”) under Health and Safety Code Section 34173(a); and

WHEREAS, pursuant to Health and Safety Code Section 34178, certain agreements, contracts, or arrangements between the county that created the redevelopment agency and the redevelopment agency are invalid and shall not be binding on the Successor Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34178, a successor agency wishing to enter or reenter into agreements with the county that formed the redevelopment agency to assist with the work of winding down the activities of the former redevelopment agency may do so upon obtaining the approval of its oversight board; and

WHEREAS, the oversight board of the Successor Agency approves re-entry into three agreements with the County of Ventura for services to help wind down the activities of the former Redevelopment Agency of the County of Ventura from:

- The County’s Auditor-Controller, for financial and accounting services,
- The Office of County Counsel, for legal services,
- The County Executive Office,

WHEREAS, the form of such agreements shall be substantially as set forth in the draft agreements attached as Exhibit A hereto, with a combined total amount that does not exceed the approved administrative cost allowance for the 2017-18 Fiscal Year.

NOW, THEREFORE BE IT FOUND AND RESOLVED AS FOLLOWS:

1. The above recitations are true and correct.
2. Reentering the three proposed agreements with the County of Ventura , under the conditions set forth above, is hereby approved.
3. The Oversight Board delegates to the Successor Agency’s Secretary the authority to negotiate, finalize and sign said agreements and to transmit them to the Department of Finance for its review.

PASSED, APPROVED AND ADOPTED by the Oversight Board, on a motion by Board Member _____, seconded by Member _____, this _____ day of _____ 2016.

By: _____
Chair
Oversight Board

ATTEST:

By: _____
Successor Agency Secretary

**MEMORANDUM OF AGREEMENT REGARDING CONTINUING SERVICES
BETWEEN THE COUNTY OF VENTURA AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA
FOR ONGOING FINANCIAL AND ACCOUNTING SERVICES**

This agreement is made by and between the County of Ventura ("County") and the Successor Agency to the Former Redevelopment Agency of the County of Ventura ("SA"), and is entered into effective July 1, 2017, with respect to the following:

WHEREAS, the SA has been and is in need of County's financial and accounting services in connection with the execution of its duties; and

WHEREAS, the Auditor-Controller has been and is currently providing those services to the SA, and the SA desires to continue to receive those services from the Auditor-Controller's Office; and

WHEREAS, the Auditor-Controller is authorized, pursuant to ABx1 26 (2011) and previously approved administrative budgets of the SA, to provide financial and accounting services to the SA at an estimated cost not to exceed **TBD** through fiscal year 2017-18, or as amended by mutual written agreement;

NOW THEREFORE, to accomplish these objectives, County and SA enter into this memorandum of agreement regarding continuing services ("Agreement"), as follows:

1. **Term of Agreement.** The Agreement shall cover the period of time from and including July 1, 2017, and to and including June 30, 2018.
2. **Scope of Services.** The County of Ventura, through its Auditor-Controller's Office, shall provide financial and accounting services for the SA, including but not limited to: review of budget, input of budget into the Ventura County Financial Management System (VCFMS); document processing for accounts payable; review of budget modifications; review of board letters, State Controller and/or Department of Finance (DOF) mandated reporting and supporting documentation or exhibits; responding to program-specific inquiries from peers, analysts, auditors and other private or governmental agencies; review of the Recognized Obligation Payment Schedule (ROPS); and work with external auditors related to preparation of annual financial reports including SA or County-specific Basic Financial Statements as required by the Governmental Accounting Standards Board, Annual Report of Housing Activity, Agreed-Upon Procedures Report, and Due Diligence Review. The Auditor-Controller's Office may manage separate audit agreements between the SA and external auditors and the State Department of Finance (DOF), including the approval of invoices for work performed by the external auditors.
3. **Additional Services.** SA may request additional services beyond the scope of services in Section 2. Written agreement by both parties is required for provision and reimbursement of such additional services.
4. **Services Reimbursement Rate and Methodology.** Services and related costs incurred shall be billed at Board of Supervisors approved contract service rates effective for the term of the agreement, in an amount estimated not to exceed **TBD** and charged to the SA at a frequency no more than on a quarterly basis, or as may be agreed in writing by the parties.
5. **Services Billing and Methodology.** The method of billing for the costs of services under this Agreement shall be consistent with the normal billing processes established by the Board of Supervisors and the Ventura County Auditor-Controller and shall be based on a quarterly billing cycle.

6. **External Audit.** Costs of the external audit for the SA financial statements shall be borne entirely by the SA. The audit of financial statements is covered by a separate agreement between the SA and the external auditors. Accordingly, related audit costs are not included in the amount noted in item 4.
7. **Independent Contractor.** County shall perform this Agreement as an independent contractor. County and the officers, agents and employees of County are not, and shall not be deemed, SA employees for any purpose, including workers' compensation, and shall not be entitled to any of the benefits accorded to SA employees, if any.
8. **Indemnification.** SA shall defend, indemnify, and hold harmless the County, as well as its respective officers, agents, and employees who perform any services or duties under this Agreement, from any claim, loss, or liability including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by the County or its officers, agents, or employees, of services under this Agreement.
9. **Amendment.** This Agreement may only be modified or amended in writing and with the prior written consent of both parties.
10. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.
11. **Venue.** The venue for any legal action filed by either party in State court to enforce any provision of this Agreement shall be in the Superior Court of Ventura County, California.
12. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the specific subject of this Agreement and supersedes all previous agreements, promises, representations, understanding and negotiation, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date last signed.

COUNTY OF VENTURA, a political
Subdivision of the State of California

Dated: _____

By: _____
Jeffery S. Burgh
Auditor-Controller

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT
AGENCY OF THE COUNTY OF VENTURA

Dated: _____

By: _____
Mary Ann Guariento
Secretary, Successor Agency to the Former
Redevelopment Agency of the County of Ventura

**MEMORANDUM OF AGREEMENT REGARDING SERVICES
BETWEEN THE COUNTY OF VENTURA AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA FOR
ONGOING VENTURA COUNTY COUNSEL LEGAL SERVICES**

This agreement is made by and between the County of Ventura ("County") and the Successor Agency to the Former Redevelopment Agency of the County of Ventura ("SA"), and is entered into effective July 1, 2017, with respect to the following:

WHEREAS, the SA has been and is in need of Ventura County Counsel's legal services in connection with the execution of its duties; and

WHEREAS, the County Counsel has been and is currently providing those services to the SA, and the SA desires to continue to receive those services from the County Counsel; and

WHEREAS, the County Counsel is authorized, pursuant to ABx1 26 (2011), to provide legal services to the SA and the SA is authorized to pay fees for such services from its administrative budgets;

NOW, THEREFORE, to accomplish these objectives, County and SA enter into this memorandum of agreement regarding legal services ("Agreement"), as follows:

1. **Term of Agreement.** The Agreement shall cover the period of time from and including July 1, 2017, to and including June 30, 2018.
2. **Cost of Services.** The cost of services rendered to the SA and the SA's Oversight Board (OB) under this Agreement is estimated to not exceed **TBD** for services performed during the term of the agreement.
3. **a. Scope of Services.** The County, through the County Counsel, shall provide staff legal services for and on behalf of the SA and OB, including but not limited to the following: review and revision of draft reports, resolutions, exhibits, and agenda for OB meetings; review and revision of "Meet and Confer" requests for filing with the State Department of Finance; review and advice regarding proposed and adopted legislation impacting the SA or OB; review and defense of claims made and actions filed against the SA or OB; research and preparation of advice to the OB at the request of the OB or its Chair; and attendance and response to inquiries from OB members at all regularly and specially scheduled meetings of the OB.

b. Additional Services. The SA may request additional services beyond the Scope of Services in Section 3.a. Agreement for the provision and payment of the additional services is required by both parties.
4. **Service Rates.** Services and related costs incurred shall be billed at the Board of Supervisors' approved rates effective for the term of the agreement and charged to the SA at a frequency no more than on a monthly basis, or as may be agreed in writing by the parties.
5. **Independent Contractor.** The County shall perform services under this Agreement as an independent contractor. The County and the officers, agents and employees of the County are not, and shall not be deemed, SA employees for any purpose, including workers' compensation, and shall not be entitled to any of the benefits accorded to SA employees, if any.
6. **Indemnification.** The SA shall defend, indemnify and hold harmless the County as well as those of its officers, agents and employees who perform any services or duties under this Agreement from any claim, loss or liability, including, without limitation, those for personal injury (including

death) or damage to property, arising out of or connected with any aspect of the performance by the County or its officers, agents or employees of services under this Agreement.

7. **Amendment.** This Agreement may only be modified or amended in writing and with the prior written consent of both parties.
8. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.
9. **Venue.** The venue for any legal action filed by either party in State court to enforce any provision of this Agreement shall be in the Superior Court of Ventura County, California.
10. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the specific subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date last signed.

COUNTY OF VENTURA

Dated: _____

By: _____
Leroy Smith
County Counsel

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT
AGENCY OF THE COUNTY OF VENTURA

Dated: _____

By: _____
Mary Ann Guariento
Secretary, Successor Agency to the Former
Redevelopment Agency of the County of Ventura

**MEMORANDUM OF AGREEMENT REGARDING CONTINUING SERVICES
BETWEEN THE COUNTY OF VENTURA AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA FOR
ONGOING STAFF ADMINISTRATIVE SERVICES**

This agreement is made by and between the County of Ventura ("County") and the Successor Agency to the Former Redevelopment Agency of the County of Ventura ("SA"), and is entered into effective July 1, 2017, with respect to the following:

WHEREAS, the SA has been and is in need of County's staff services in connection with the execution of its duties; and

WHEREAS, the County Executive Office has been and is currently providing those services to the SA, and the SA desires to continue to receive those services from the County Executive Office; and

WHEREAS, the County Executive Office is authorized, pursuant to ABx1 26 (2011) and previously approved administrative budgets of the SA, to provide staff services to the SA in an amount estimated to be not more than **TBD** depending on the availability of funds within the SA's Administration Budget through fiscal year 2017-18;

NOW THEREFORE, to accomplish these objectives, County and SA enter into this memorandum of agreement regarding continuing services ("Agreement"), as follows:

1. **Term of Agreement.** The Agreement shall cover the period of time from and including July 1, 2017, and to and including June 30, 2018.
2. **Scope of Services.** The County of Ventura, through its County Executive Office, shall provide staff administrative services for and on behalf of the SA, including but not limited to: preparation for Oversight Board meetings (including preparation of staff reports and resolutions); preparation and management of budgets; execution of the Annual Work Plans; development, implementation and management of programs, policies, procedures, contracts, and operations; completion of special studies and reports; interaction and negotiation with other agencies, private individuals, and businesses; grant writing, if any; and general administration, to include accounting services.
3. **Additional Services.** SA may request additional services beyond the Scope of Services in Section 2. Any agreement for the provision and reimbursement of additional services must be in a writing signed by both parties.
4. **Services Reimbursement Rate and Methodology.** Services and related costs incurred shall be billed at the Board of Supervisors' approved hourly contract services rates effective for the term of the agreement, in an amount estimated to be not more than **TBD** depending on the availability of funds within the SA's Administration Budget and charged to the SA at a frequency no more than on a quarterly basis, or as may be agreed in writing by the parties.
5. **Independent Contractor.** County shall perform this Agreement as an independent contractor. County and the officers, agents and employees of County are not, and shall not be deemed, SA employees for any purpose, including workers' compensation, and shall not be entitled to any of the benefits accorded to SA employees, if any.
6. **Indemnification.** SA shall defend, indemnify, and hold harmless the County as well as those its officers, agents, and employees who perform any services or duties under this Agreement, from any claim, loss, or liability including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by the County or its officers, agents, or employees, of services under this Agreement.

7. **Amendment.** This Agreement may only be modified or amended in writing and with the prior consent of both parties.
8. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.
9. **Venue.** The venue for any legal action filed by either party in State court to enforce any provision of this Agreement shall be in the Superior Court of Ventura County, California.
10. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the specific subject of this Agreement and supersedes all previous agreements, promises, representations, understanding and negotiation, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date last signed.

COUNTY OF VENTURA, a political
Subdivision of the State of California

Dated: _____

By: _____
Michael Powers
County Executive Officer

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT
AGENCY OF THE COUNTY OF VENTURA

Dated: _____

By: _____
Mary Ann Guariento
Secretary, Successor Agency to the Former
Redevelopment Agency of the County of Ventura