

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

**REGULAR MEETING
AGENDA**

February 14, 2013

2:00 PM

County Government Center
Hall of Administration
County Executive Office
CEO Atrium 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

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) 477-1994. 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: www.countyofventura.org/ceo/divisions/communitydevelopment/RDA.

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 al., 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)
5. **Receive and File Without Objection or Amendment the Minutes for January 10, 2013 Regular Meeting.**

Minutes for January 10, 2013 Regular Meeting are submitted for your receipt and review.

Staff Recommends: Receive and file as submitted.

6. **Review the Monthly Administrative Expense Status Report of the Oversight Board to the Successor Agency to the Former Redevelopment Agency of the County of Ventura (SA) and Take Action as Needed Thereon.**

7. Review the Department of Finance (DOF) Response to the Applicability of the Long Range Management Plan for the Bank Building and Take Action as Needed Thereon.
8. Review the DOF Response to the SA Inquiry Regarding Accelerated Bond Payments and Take Action as Needed Thereon.
9. Review the SA's Proposed Transfers of the Town Square and Storm Drain Projects to the County of Ventura and Take Action as Needed Thereon.
10. Review the Department of Finance (DOF) Response to the Adoption of Resolution No. 12-16 Approving and Transmitting the Second Required Due Diligence Review of All Other Funds and Accounts, as Required by Health and Safety Code Sections 34179.5 and 34179.6 and Take Action as Needed Thereon.
11. Receive and File DOF Determination Letter, Dated January 25, 2013, Regarding Resolution No. 12-18, Approving the First Amendment to the Memorandum of Agreement Between the County Executive Office (CEO) and the SA for Ongoing Staff Administrative Services.
12. Review and Provide Direction to Staff Regarding Department of Finance's (DOF) Denial of Successor Agency's (SA) Request for a Meet and Confer Hearing Regarding This DOF Determination Letter, Dated January 25, 2013, Rejecting the Oversight Board's Adoption of Resolution No. 12-19 Approving an Amended Recognized Obligation Payment Schedule (Amended ROPS III) for January 1, 2013, through June 30, 2013.
13. Adoption of a Resolution No. 13-01 Approving the Administrative Budget for July 1, 2013, through December 31, 2013.

Consider Adoption of a Resolution No. 13-01 Approving the Administrative Budget for July 1, 2013, through December 31, 2013.

Staff Recommends: Adoption of Resolution No. 13-01

14. Adoption of Resolution No. 13-02 Approving the Recognized Obligation Payment Schedules (ROPS 13-14A) for July 1, 2013, through December 31, 2013, and Transmission of ROPS 13-14A to the Ventura County Auditor-Controller, State Controller's Office, and State Department of Finance (DOF), Posting of Schedules to Successor Agency Internet Website.

Consider Adoption of Resolution No. 13-02 Approving the Recognized Obligation Payment Schedules (ROPS 13-14A) for July 1, 2013, through December 31, 2013, Setting Forth a Schedule of Payments for Obligations of

the Successor Agency and Transmission of Schedules to the Ventura County Auditor-Controller, State Controller's Office, State Department of Finance with Posting of Schedules to Successor Agency Internet Website.

Staff Recommends: Adoption of Resolution No. 13-02.

15. Announcements and Future Agenda Items

A. Announcements

- Board of Supervisors' February 5, 2013, Approval of Plans and Specifications and Award of Contract to Green Building Corporation of North Hollywood, California, for the Piru Town Square Expansion, Piru Skate Park, and Piru Skate Bowl

B. Future Agenda Items

- Other Administrative Issues

Next Regular Oversight Board meeting is scheduled for March 14, 2013 at 2:00 p.m.

Adjournment

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

**OFFICIAL SUMMARY
MINUTES
January 10, 2013
2:00 PM**

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

OPENING

1. Call to Order.
2. Roll Call.

Quorum established.

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

Members Absent: Paula Driscoll

Staff Present: Donna McKendry, Mary Ann Guariento, Rosanna Bati, Roberto Orellana, Jaclyn Smith, and Beverly Monnier

Staff Absent: Mike Powers

3. Pledge of Allegiance to the Flag of the United States of America.
4. Public Comments

No public comments.

5. Receive and File Without Objection or Amendment the Minutes for December 14, 2012.

Motion to receive and file without objection or amendment the Minutes for December 14, 2012.

Minutes Received by Bill Bartels

Vote: 5-0

Yes: Bill Bartels, Matt Carroll, Tom Kasper, David Keebler, and Christy Madden

6. Review the Monthly Administrative Expense Status Report of the Oversight Board to the Successor Agency to the Former Redevelopment Agency of the County of Ventura (SA) and Take Action as Needed Thereon.

The Oversight Board (OB) finds the new Expense Status Report very beneficial and thanks Staff for their efforts.

7. Review the Department of Finance (DOF) Response to the Applicability of the Long Range Management Plan for the Bank Building and Take Action as Needed Thereon.

No report or action taken on this item.

8. Review the DOF Response to the SA Inquiry Regarding Accelerated Bond Payments and Take Action as Needed Thereon.

No report or action taken on this item.

9. Review the SA's Proposed Transfers of the Town Square Project and Storm Drain Project to the County of Ventura and Take Action as Needed Thereon.

No report or action taken on this item.

10. Receive and Take Appropriate Action in Response to the DOF's Action on Resolution No. 12-18, By Which Your Board Approved an Amended Agreement with the County Executive Office (CEO).

Discussion: On December 18, 2012, Staff submitted to the DOF the OB adopted Resolution No. 12-18 approving the CEO amended agreement increasing the amount from \$60,000 to a range of \$60,000 to \$120,000. On December 26, 2012, the DOF responded they are exercising their right to request a review of the OB's action. Therefore, pending the resolution of the DOF's questions, Resolution 12-18 is not in effect.

Direction: Board Member Bartels asked how many days the DOF has to review OB actions. County Counsel responded that they are reviewing the timeline in which

the OB has to respond to OB actions, including amending contract, agreements, and ROPS documents. Board Member Bartels directed Staff to notify the DOF of the OB's position about how much time the DOF has to respond in challenging both Items 10 and 11 after County Counsel completes research on the issue. OB directs Staff to report on the DOF's response, accepting or rejecting the amended CEO agreement, as an agenda item at next OB meeting.

Moved by Christy Madden and seconded by David Keebler

Vote: 5-0

Yes: Bill Bartels, Matt Carroll, Tom Kasper, David Keebler, and Christy Madden

11. Receive and Take Appropriate Action in Response to the DOF's Action on Resolution No. 12-19, By Which Your Board Approved the Amended Recognized Obligation Payment Schedule for January 1, 2013 through June 30, 2013 (Amended ROPS III).

Discussion: On December 18, 2012, Staff submitted to the DOF the OB's adopted Resolution No. 12-19 approving the Amended ROPS III. On December 26, 2012, the DOF requested review of Resolution 12-19. Pending resolution, the OB action is not in effect. Staff noted that DOF action delays ability to pay certain obligations.

Direction: OB directs Staff to report on the DOF's response, accepting or rejecting the amended ROPS III, as an agenda item at next OB meeting.

12. Adoption of Resolution No. 12-16 Approving and Transmitting the Second Required Due Diligence Review of All Other Funds and Accounts, as Required by Health and Safety Code Sections 34179.5 and 34179.6.

Discussion: At the December 14, 2012 OB meeting, a Public Hearing was opened to allow review and comment on the Second DDR of all other funds and accounts and to allow review of proposed Resolution No. 12-16 approving the Second DDR. Staff recommended closing the Public Hearing and adopting Resolution No. 12-16.

Motion: To close the Public Hearing and adopt Resolution No. 12-16 Approving and Transmitting the Second Required Due Diligence Review of All Other Funds and Accounts, as Required by Health and Safety Code Sections 34179.5 and 34179.6.

Moved by Matt Carroll, seconded by Christy Madden

Vote: 5-0

Yes: Bill Bartels, Matt Carroll, Tom Kasper, David Keebler, and Christy Madden

13. Receive and File, the DOF Determination Letter Dated December 18, 2012 Accepting the Original Recognized Obligation Payment Schedule for January 1, 2013 through June 30, 2013 (Original ROPS III).

Discussion: On December 18, 2012, the DOF issued a final Determination Letter accepting issues regarding disputed items and accepting the original ROPS III. Staff recommended OB receive and file the DOF's final Determination Letter dated December 18, 2012.

Motion: To Receive and File the DOF Determination Letter Dated December 18, 2012 Accepting the Original Recognized Obligation Payment Schedule for January 1, 2013 through June 30, 2013 (Original ROPS III).

Moved by Christy Madden, seconded David Keebler

Vote: 5-0

Yes: Bill Bartels, Matt Carroll, Tom Kasper, David Keebler, and Christy Madden

14. Receive and File the DOF Response, Accepting the Changes to the Amended Housing Asset Report Dated December 20, 2012.

Discussion: On July 27, 2012, Staff (acting on behalf of the County Housing Successor Agency) submitted a required list of all housing assets to the DOF. On August 27, 2012, the DOF sent a Determination Letter accepting the report. On September 18, 2012, Staff submitted an amended report to the DOF correcting a \$280 error. On December 20, 2012, the DOF responded with an email message accepting the change. Staff recommended OB receive and file the DOF's response to the amended Housing Asset Report dated December 20, 2012.

Motion: To Receive and File the DOF's Response Dated December 20, 2012 Accepting Changes to the Amended Housing Asset Report.

Moved by David Keebler, seconded by Matt Carroll

Vote: 5-0

Yes: Bill Bartels, Matt Carroll, Tom Kasper, David Keebler, and Christy Madden

15. Announcements and Future Agenda Items

A. Announcements

None

B. Future Agenda Items

- ROPS IV (Recognized Obligation Payment Schedule for July through December 2013 period): Deadline for approval – March 1, 2013. Staff will try to bring ROPS IV to the next OB meeting for approval but are waiting for the DOF to issue the formatting requirements for the ROPS IV.
- Other Administrative Issues
Bill Bartels remarked on the excellent quality of the work being done by Staff.

Next Regular Oversight Board meeting is scheduled for February 14, 2013 at 2:00 p.m.

Adjournment: The Board adjourned at 2:30 PM

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

DATE: February 14, 2013
TO: Oversight Board to Successor Agency
FROM: Donna McKendry, CEO Management Analyst

SUBJECT: Receive and File Department of Finance (DOF) Determination Letter, Dated January 25, 2013, Regarding Resolution No. 12-18, Approving the First Amendment to the Memorandum of Agreement Between the County Executive Office (CEO) and the Successor Agency (SA) for Ongoing Staff Administrative Services

RECOMMENDATION:

It is recommended that your Board:

Receive and File the DOF Determination Letter, Dated January 25, 2013, Approving Your Board's Adoption of Resolution No. 12-18.

FISCAL IMPACT:

No fiscal impact.

DISCUSSION:

Pursuant to Health and Safety Code Section 34178, certain agreements, contracts, or arrangements between the County of Ventura and the Redevelopment Agency of the County of Ventura are deemed invalid and not binding on the SA. However, under Section 34178, a successor agency is permitted to enter or reenter into agreements with the County of Ventura, upon approval of its oversight board.

On September 17, 2012, your Board initially approved the Memorandum of Agreement regarding services between the County of Ventura and the SA for ongoing CEO administrative services. On December 14, 2012, your Board approved Resolution

No. 12-18 approving the First Amendment to the Memorandum of Agreement Between the CEO and the SA for ongoing staff administrative services.

On December 26, 2012, SA staff received an email from the DOF requesting review of the OB action approving Resolution No. 12-18 and stating that Resolution No. 12-18 would not be effective until the DOF completed its review of the item. The DOF stated that it had 60 days to review Resolution No. 12-18.

On January 10, 2013, your Board directed SA staff to notify the DOF of the OB's position that the DOF had only 40 days to respond, subject to County Counsel's resolution of the issue. (After SA staff communicated this position to the DOF, it acknowledged that its prior communications stating that a 60-day review period applied was in error.) Your Board further directed Staff to report back on the DOF's response, accepting or rejecting the amended CEO agreement, as an agenda item for today's meeting.

On January 25, 2013, SA staff received the DOF's Determination Letter (Exhibit A) approving your Board's adoption of Resolution No. 12-18.

STAFF RECOMMENDATION:

Staff recommends that your Board receive and file the DOF's Determination Letter dated January 25, 2013 approving Resolution No. 12-18.

Exhibit A – DOF Letter dated January 25, 2013



DEPARTMENT OF
FINANCE

EDMUND G. BROWN JR. • GOVERNOR

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

January 25, 2013

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

Dear Ms. McKendry:

Subject: Approval of Oversight Board Action

The County of Ventura Successor Agency (Agency) notified the California Department of Finance (Finance) of its December 14, 2012 oversight board (OB) Resolution No. 12-18 on December 18, 2012. Pursuant to Health and Safety Code (HSC) section 34179 (h), Finance has completed its review of the OB action.

Based on our review and application of the law, OB Resolution No. 12-18 approving the execution of the First Amendment to the Memorandum of Agreement between the County Executive Office (CEO) and the Agency for ongoing staff administrative costs is approved.

Please direct inquiries to Beliz Chappuie, Supervisor, or Mindy Patterson, Lead Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Ms. Mary Ann Guariento, Accounting Officer, County of Ventura
Ms. Sandra Bickford, Chief Deputy, County of Ventura Auditor-Controller

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

DATE: February 14, 2013

TO: Oversight Board to Successor Agency

FROM: Donna McKendry, CEO Management Analyst

SUBJECT: Review and Provide Direction to Staff Regarding Department of Finance's (DOF) Denial of Successor Agency's (SA) Request for a Meet and Confer Hearing Regarding This DOF Determination Letter, Dated January 25, 2013, Rejecting the Oversight Board's Adoption of Resolution No. 12-19 Approving an Amended Recognized Obligation Payment Schedule (Amended ROPS III) for January 1, 2013, through June 30, 2013.

DISCUSSION:

On August 10, 2012, your Oversight Board (OB) adopted and approved a ROPS III for January 1, 2013 through June 30, 2013. On December 14, 2012, your OB adopted Resolution No. 12-19 approving an Amended ROPS III for the January 1, 2013, through June 30, 2013, ROPS III time period. The need for these changes arose after the initial ROPS III was approved by your Board. The Amended ROPS III included the following changes to the original ROPS III:

1. Removed \$6,228 in charges for the Ventura County Resource Management Agency (RMA), as outlined in November 14, 2012 Agenda Item #6, pursuant to direction from the DOF.
2. Added \$6,228 for RMA charges as an accrual item to the Prior Period Payments tab in the Reserve Balance Section.
3. Fixed missing formulae in the Six-Month Total Column.
4. Replaced all Administrative Budget items in favor of a single line item for the balance of the available Administrative Cost Allowance from property taxes for FY13.
5. Included January 2012 payments made by the former RDA in the Prior Period Payments section of the ROPS III.
6. Added other cash items paid in January 2012 by the former RDA for expenses incurred prior to January 1, 2012 as well as FY10-11 Comprehensive Annual

Financial Report (CAFR) entries posted in January 2012. (The \$5,885 was for the Public Works Agency December job billing. The \$17,500 and 21,176 were CAFR items.)

On December 26, 2012, SA staff received an email from the DOF requesting review of Resolution No. 12-19 and stating that Resolution No. 12-19 would not be effective until the DOF completed its review of the item. The DOF email stated that it had 60 days to review Resolution No. 12-18.

On January 10, 2013, your Board directed SA staff to notify the DOF of the OB's position that the DOF had only 40 days to respond, subject to County Counsel's resolution of the issue. (After SA staff communicated this position to the DOF, it acknowledged that its prior communication stating that a 60-day review period applied was in error.) Your Board also directed Staff to report back on the DOF's response, accepting or rejecting the amended ROPS III, as an agenda item for today's meeting.

On January 25, 2013, the SA staff received the DOF's Determination Letter (Exhibit A) rejecting your Board's adoption of Resolution 12-19 and the Amended ROPS III (informing the SA that the original ROPS III, as previously revised by the DOF would control any payments by the SA but that certain items may be included as enforceable obligations on the next ROPS).

On January 30, 2013, and pursuant to your Board's prior directions to Staff, Staff transmitted a Meet and Confer (Exhibit B) request to the DOF. As shown in Exhibit B, your Staff sought clarification from the DOF as to how payments for the additional obligations listed in the Amended ROPS III are to be paid and the impact, if any, on the Administrative Budget for the next ROPS (see Item 14 on today's agenda). As of the date of this report, the DOF has not yet responded to this request.

On February 7, 2013, the DOF sent an email, shown as Exhibit C, stating the DOF had denied our request for a Meet and Confer as well as the Amended ROPS III that was submitted. However, the DOF said it would respond to our questions, by e-mail.

STAFF RECOMMENDATION:

Staff recommends that your Board review and discuss the attached exhibits and provide direction to Staff.

Exhibit A – DOF Letter dated January 25, 2013

Exhibit B – SA Meet and Confer Request dated January 30, 2013

Exhibit C – DOF Denial – Request to Meet and Confer 2-7-13



DEPARTMENT OF
FINANCE

EDMUND G. BROWN JR. ■ GOVERNOR

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

January 25, 2013

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

Dear Ms. McKendry:

Subject: Objection of Oversight Board Action

The County of Ventura Successor Agency (Agency) notified the California Department of Finance (Finance) of its December 14, 2012 oversight board (OB) Resolution No. 12-19 on December 18, 2012. Pursuant to Health and Safety Code (HSC) section 34179 (h), Finance has completed its review of the OB action.

Based on our review and application of the law, the Agency's OB Resolution No. 12-19 related to an amendment of Recognized Obligation Schedule (ROPS) for the period of January 1, 2013 through June 30, 2013, is not permitted for the following reason:

- Per HSC section 34177 (m), the ROPS for this period was due no later than September 1, 2012, and in compliance with that section the ROPS was submitted. As such, we will not be accepting any revised ROPS Forms. To the extent you added additional items to the revised ROPS that are valid enforceable obligations, you may request funding for them on a subsequent ROPS and we will review and consider them at that time.

As authorized by HSC section 34179 (h), Finance is returning your OB action to the board for reconsideration.

Please direct inquiries to Beliz Chappuie, Supervisor, or Mindy Patterson, Lead Analyst at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Ms. Mary Ann Guariento, Accounting Officer, County of Ventura
Ms. Sandra Bickford, Chief Deputy, County of Ventura Auditor-Controller



MEET AND CONFER REQUEST FORM

Instructions: Please fill out this form in its entirety to initiate a Meet and Confer session. Additional supporting documents may be included with the submittal of this form—as justification for the disputed item(s). Upon completion, email a PDF version of this document (including any attachments) to:

Redevelopment_Administration@dof.ca.gov

The subject line should state “[Agency Name] Request to Meet and Confer”. Upon receipt and determination that the request is valid and complete, the Department of Finance (Finance) will contact the requesting agency within ten business days to schedule a date and time for the Meet and Confer session.

To be valid, all Meet and Confer requests must be specifically related to a determination made by Finance and submitted within the required statutory time frame. The requirements are as follows:

- **Housing Asset Transfer** Meet and Confer requests must be made within five business days of the date of Finance’s determination letter per HSC Section 34176 (a) (2).
- **Due Diligence Review** Meet and Confer requests must be made within five business days of the date of Finance’s determination letter, and no later than **November 16, 2012** for the Low and Moderate Income Housing Fund due diligence review per HSC Section 34179.6 (e).
- **Recognized Obligation Payment Schedule (ROPS)** Meet and Confer requests must be made within five business days of the date of Finance’s determination letter per HSC Section 34177 (m).

Agencies should become familiar with the Meet and Confer Guidelines located on Finance’s website. Failure to follow these guidelines could result in termination of the Meet and Confer session. Questions related to the Meet and Confer process should be directed to Finance’s Dispute Resolution Coordinator at (916) 445-1546 or by email to Redevelopment_Administration@dof.ca.gov.

AGENCY (SELECT ONE):

Successor Agency Housing Entity

AGENCY NAME: Successor Agency to the Former Redevelopment Agency of the County of Ventura

TYPE OF MEET AND CONFER REQUESTED (SELECT ONE):

Housing Assets Transfers Due Diligence Reviews ROPS Period III

DATE OF FINANCE’S DETERMINATION LETTER: January 25, 2013

REQUESTED FORMAT OF MEET AND CONFER SESSION (SELECT ONE):

Meeting at Finance Conference Call

DETAIL OF REQUEST

A. Summary of Disputed Issue(s) *(Must be specific.)*

1. We are requesting review and clarification of the DOF's decision to reject our Oversight Board's (OB) revised ROPS III schedule, as approved by adoption of Resolution 12-19.

2. The DOF's January 25, 2013 Determination Letter rejects the revised ROPS III as untimely but indicates that the Successor Agency (SA) may pay any contractual obligations for administrative expenses for Fiscal Year 2012-13 (FY13), as listed on the rejected revised ROPS III, by including them as enforceable expenses in a subsequent ROPS.

3. We are seeking confirmation that our SA may now treat known FY13 administrative expenses in the amount of \$97,000, each of which is shown on the revised ROPS III rejected by the DOF, as enforceable obligations on ROPS 13-14A, and therefore pay those obligations from RPTTF funds without reduction in the FY2013-14 administrative expense allocation for ROPS 13-14A.

B. Background/History *(Provide relevant background/history, if applicable.)*

On August 10, 2012, the OB adopted and approved the original ROPS III for January 1, 2013 through June 30, 2013, and submitted it to the DOF for approval.

On September 24, 2012, the DOF issued a Determination Letter rejecting amounts shown as being due Ventura County RMA for \$6,228 (original ROPS III Item No. 11) and for administrative utilities in the amount of \$6,180 (ROPS Items Nos. 2 through 5).

On September 27, 2012, the Successor Agency filed a Meet and Confer Request.

On October 8, 2012, the Meet and Confer took place at 11:00 a.m.

On October 18, 2012, the DOF issued a draft final determination letter allowing the \$6,180 in utilities costs as an enforceable obligation but stating that the \$6,228 in RMA charges were not current, and therefore not an enforceable obligation of the SA.

On October 23, 2012, the SA issued a letter to the DOF withdrawing the Meet and Confer request based on its acceptance of the draft final determination letter's conclusions.

Having not yet received a final determination from the DOF, before its last scheduled meeting of 2012, on December 14, 2012, the OB adopted Resolution 12-19 approving an Amended ROPS III to conform that ROPS to the prior direction by the DOF's in its October 18 letter and to include additional obligations for January 1, 2013 through June 30, 2013 that came to light after the original ROPS III was submitted.

On December 18, 2012, SA staff received the DOF's Final Determination Letter accepting the original ROPS III subject to the two exceptions noted above.

On December 26, 2012, SA staff received email communication from the DOF requesting review of the OB action that approved Resolution No. 12-19, stating it shall not be effective pending resolution of its review of the revised ROPS III.

On January 25, 2013, the SA staff received the DOF's Determination Letter rejecting the OB's adoption of Resolution 12-19.

C. Justification *(Provide additional attachments to this form, as necessary.)*

As noted in the background/history above, we submitted the original ROPS III on August 10, 2012, and had been waiting for the DOF's final Determination letter until December 14, 2012. The SA was waiting for that determination letter before submitting the revised ROPS III to its OB because we thought we needed to get the DOF's final determination on its original ROPS III before the OB could determine the scope of the revisions to ROPS III that would be needed to fully conform to that DOF determination.

Agency Contact Information

Name: Donna McKendry

Name: Robert Orellana

Title: Management Analyst

Title: Asst County Counsel

Phone: 805-654-2876

Phone: 805-654-2590

Email: donna.mckendry@ventura.org
robert.orellana@ventura.org

Email:

Date: 1/30/13

Date: 1/30/13

Department of Finance Local Government Unit Use Only

REQUEST TO MEET AND CONFER DATE: APPROVED DENIED

REQUEST APPROVED/DENIED BY: _____ DATE: _____

MEET AND CONFER DATE/TIME/LOCATION: _____

MEET AND CONFER SESSION CONFIRMED: YES DATE CONFIRMED: _____

DENIAL NOTICE PROVIDED: YES DATE AGENCY NOTIFIED: _____

From: "Redevelopment Administration" <RedevelopmentAdministration@dof.ca.gov>
To: "Donna McKendry" <Donna.McKendry@ventura.org>, "Redevelopment Administration" <RedevelopmentAdministration@dof.ca.gov>
CC: "Bill Bartels" <s.william.bartels@gmail.com>, "Dave Keebler" <dkeebler@vcccd.edu>, "Paula Driscoll" <pdriscoll@vcoe.org>, "Beverly Monnier" <Beverly.Monnier@ventura.org>, "Christy Madden" <Christy.Madden@ventura.org>, "Jaclyn Smith" <Jaclyn.Smith@ventura.org>, "Joanne McDonald" <Joanne.McDonald@ventura.org>, "MaryAnn Guariento" <MaryAnn.Guariento@ventura.org>, "Matt Carroll" <Matt.Carroll@ventura.org>, "Paul Derse" <Paul.Derse@ventura.org>, "Robert Orellana" <Robert.Orellana@ventura.org>, "Rosanna Bati" <Rosanna.Bati@ventura.org>, "Tom Kasper" <Tom.Kasper@ventura.org>, "ValerieJ Barraza" <ValerieJ.Barraza@ventura.org>
Date: 2/7/2013 9:54 AM
Subject: RE: Successor Agency of the Former Redevelopment Agency of the County of Ventura Request to Meet and Confer

Donna, per our conversation this morning, we are denying your request for a Meet and Confer related to the Oversight Board Action we objected to in our letter dated January 25, 2012. The law does not provide for Meet and Confers on a denial of an Oversight Board action. However, I understand that you have a question related to your approved ROPS 3. Please send your question by email so we can provide you with a response.

Thank you,
Evelyn Suss

Local Government Unit, Principal Program Budget Analyst | California Department of Finance | 916.445.1546 x3794 | * 915 L St., Sacramento, CA 95814

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

P Please conserve paper.

From: Donna McKendry [mailto:Donna.McKendry@ventura.org]
Sent: Wednesday, January 30, 2013 12:50 PM
To: Redevelopment Administration
Cc: Bill Bartels; Dave Keebler; Paula Driscoll; Beverly Monnier; Christy Madden; Jaclyn Smith; Joanne McDonald; MaryAnn Guariento; Matt Carroll; Paul Derse; Robert Orellana; Rosanna Bati; Tom Kasper; ValerieJ Barraza
Subject: Successor Agency of the Former Redevelopment Agency of the County of Ventura Request to Meet and Confer

Dear DOF,

Attached is a Meet and Confer request regarding your January 25, 2013 Determination Letter that denied our revised ROPS III submission. We look forward to hearing back from you within 10 business days to scheduled a Meet and Confer conference call.

Best Regards,
Donna McKendry
Secretary,
Successor Agency of the Former Redevelopment Agency of the County of Ventura

Donna McKendry
Management Analyst II
Ventura County Executive Office
Hall of Administration L#1940
800 South Victoria Avenue
Ventura, CA 93009
Office: 805-654-2876
FAX: 805-654-5106
donna.mckendry@ventura.org<mailto:donna.mckendry@ventura.org>

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

DATE: February 14, 2013

TO: Oversight Board to Successor Agency

FROM: Donna McKendry, CEO Management Analyst

SUBJECT: Adoption of Resolution No. 13-01 Approving the Administrative Budget for the Time Period of July 1, 2013, through December 31, 2013

DISCUSSION:

Pursuant to Health and Safety Code Section 34177(j), successor agencies must prepare a proposed administrative budget and submit it to the oversight board for its approval. Health and Safety Code section 34171 further provides that an administrative cost allowance is payable from property tax revenues of up to 5% of the allocated tax increment to the successor agency in FY 2011-12 and 3% annually thereafter; however, the amount permitted for administrative expenses shall not be less than \$250,000 for any fiscal year unless agreed to by the Successor Agency (SA).

The SA has prepared Resolution No. 13-01, attached as Exhibit A, and the FY 2013-14 Administrative Budget, attached as Exhibit B. The proposed administrative budget must include the following: (1) estimated amounts for the successor agency's administrative costs for the upcoming six-month fiscal period; (2) the proposed sources of payment for the those costs; and (3) proposals for administrative and operations services. (Section 34177(j).)

STAFF RECOMMENDATION:

Staff recommends your Board adopt Resolution No. 13-01.

Exhibit A – Resolution No. 13-01
Exhibit B – Administrative Budget (Schedule)

RESOLUTION NO. 13-01

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, ADOPTING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE
PERIOD JULY 1, 2013 THROUGH DECEMBER 31, 2013**

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 AB 1484 was approved by Governor, effective June 27, 2012; 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 such that the Successor Agency to The Redevelopment Agency of the County of Ventura ("Successor Agency") shall be designated as successor entity to the former redevelopment agency under Health and Safety Code Section 34173(a); and

WHEREAS, pursuant to Health and Safety Code Section 34177(j), administrative budgets must be prepared by the successor agency and submitted to the oversight board for approval; and

WHEREAS, the successor agency has prepared the administrative budget pursuant to Health and Safety Code Section 34177(j)(1)-(3), and a proposed Administrative Budget schedule is attached hereto as Exhibit B and made a part hereof.

NOW, THEREFORE, BE IT FOUND AND RESOLVED AS FOLLOWS:

1. The above recitations are true and correct.
2. The Administrative Budget ("Schedule") included as Exhibit B is hereby adopted.
3. The Oversight Board authorizes and directs the Successor Agency to provide the Schedule to the Ventura County Auditor-Controller, the State Controller and the State Department of Finance, and to post the Schedule on the 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 February, 2013.

Add header and page numbers if needed.

By: _____
Chair
Oversight Board

ATTEST:

By: _____
Successor Agency Secretary

Placeholder for:

Item #13 - Ex B Placeholder for Admin Budget

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

DATE: February 14, 2013

TO: Oversight Board to Successor Agency

FROM: Donna McKendry, CEO Management Analyst

SUBJECT: Adoption of Resolution No. 13-02 Approving the Recognized Obligation Payment Schedules (ROPS 13-14A) for July 1, 2013, through December 31, 2013, and Transmission of ROPS 13-14A to the Ventura County Auditor-Controller, State Controller's Office, and State Department of Finance (DOF); Posting of Schedules to Successor Agency Internet Website

DISCUSSION:

Staff has prepared the Recognized Obligation Payment Schedules (ROPS 13-14A) for July 1, 2013, through December 31, 2013, as required by Health and Safety Code section 34177(l)(1). Health and Safety Code section 34177(l)(1) provides that the successor agency shall prepare a Recognized Obligation Payment Schedule before the start of each six-month fiscal period.

Health and Safety Code Section 34171(h) defines a "Recognized Obligation Payment Schedule" as the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period. Further, Health and Safety Code Section 34171(d) defines an enforceable obligation to include:

1. Bonds;
2. Loans;
3. Payments required by the federal government;
4. Judgments or settlements;
5. Any legally binding and enforceable agreement or contract; and
6. Contracts or agreements necessary for the continued administration or operation of the redevelopment agency (i.e. employee pay and benefits, rent, insurance, office supplies, etc.)

Currently, the Successor Agency (SA) has the authority to continue to make payments of The Former Redevelopment Agency of the County of Ventura listed on the Recognized Obligation Payment Schedule (ROPS III) for the period of January 1, 2013, through June 30, 2013. If the ROPS 13-14(A) for July 1, 2013, through December 31, 2013, is not approved by your Board and subsequently the State Department of Finance, it is possible that no payments of any future obligations of the Former Redevelopment Agency of the County of Ventura will be made for that time period. That could result in possible defaults and liabilities for the SA.

STAFF RECOMMENDATION:

1. Adopt Resolution No. 13-02 (Exhibit A) and Approve ROPS 13-14A (Exhibit B).
2. Direct staff to transmit the ROPS 13-14A to the Ventura County Auditor-Controller, State Controller's Office, and the State Department of Finance; and post to the SA's internet website.

Attachment A – Resolution No. 13-02
Attachment B – ROPS 13-14A (Schedules)

RESOLUTION NO. 13-02

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE
PERIOD OF JULY 1, 2013 THROUGH DECEMBER 31, 2013 ("ROPS 13-14A")**

The Oversight Board for the Successor Agency to The Redevelopment Agency of the County of Ventura ("Oversight Board") 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, such that the Successor Agency to The Redevelopment Agency of the County of Ventura ("Successor Agency") shall be designated as successor entity to the former redevelopment agency under Health and Safety Code Section 34173(a); and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(A) a Recognized Obligation Payment Schedule must be prepared by the successor agency for the enforceable obligations of the former redevelopment agency; and

WHEREAS, the Recognized Obligation Payment Schedule identifies each enforceable obligation on which payments will be required during the period July 1, 2013 through December 31, 2013; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(B), the Recognized Obligation Payment Schedule is to be submitted to the Oversight Board for its approval; and

WHEREAS, pursuant to Health and Safety Code Section 34177(l)(2)(C), a copy of the approved Recognized Obligation Payment Schedule must be submitted to the County Auditor-Controller and both the State Controller's Office and the Department of Finance and be posted on the successor agency's Internet Web site at the same time that the successor agency submits the Recognized Obligation Payment Schedule to the Oversight Board for its approval.

NOW, THEREFORE BE IT FOUND AND RESOLVED AS FOLLOWS:

1. The above recitations are true and correct.
2. The Recognized Obligation Payment Schedule (ROPS 13-14A) for July 1, 2013 through December 31, 2013 attached hereto is hereby approved.

3. The Oversight Board authorizes and directs the Successor Agency to provide ROPS 13-14A to the Ventura County Auditor-Controller, the State Controller and the State Department of Finance and to post ROPS 13-14A on the Successor Agency's website.

PASSED, APPROVED AND ADOPTED by the Oversight Board, on a motion by Board Member _____, seconded by Member _____, this _____ day of _____ 2013.

By: _____
Chair
Oversight Board

ATTEST:

By: _____
Successor Agency Secretary

Placeholder for:

Item #14 - Ex B Placeholder for ROPS 13-14A