Agenda Item Nos. 4.a., b., c

CITY OF WALNUT CREEK

Agenda Report

DATE: April 11, 2012

TO: OVERSIGHT BOARD FOR SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF WALNUT CREEK

FROM: COMMUNITY DEVELOPMENT DEPARTMENT - SUCCESSOR AGENCY STAFF

SUBJECT: OVERSIGHT BOARD ADMINISTRATIVE ACTIONS – ELECTION OF CHAIRPERSON, ESTABLISHMENT OF MEETING TIMES, DESIGNATION OF CONTACT PERSON

STATEMENT OF ISSUE:

The California State Legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law. The California Supreme Court in its decision in California Redevelopment Association v. Matosantos, issued December 29, 2011 (the "Supreme Court Decision"), declared the Dissolution Act to be constitutional. Under the Dissolution Act, all California redevelopment agencies were dissolved effective February 1, 2012, and various actions are now required to be taken by successor agencies to unwind the affairs of their former redevelopment agencies. As the next steps of this process, staff is recommending election of a Chairperson, and approval of proposed Resolutions, Attachments 1 and 2, approving the establishing times and place for Oversight Board meetings, and designating a Contact Person for the California Department of Finance.

RECOMMENDED ACTIONS:

1. Elect Chair and Vice Chair.
2. Adopt resolution establishing time and place for regular meetings of the Oversight Board.
3. Adopt resolution designating a Contact Person for the California Department of Finance.

DISCUSSION:

On January 17, 2012, the Walnut Creek City Council adopted a resolution accepting for the City the role of successor agency (the "Successor Agency") to the Redevelopment Agency of the City of Walnut Creek (the "Redevelopment Agency"). Health and Safety Code Section 34179(a) requires that each successor agency shall have an oversight board composed of seven members.

Oversight Board

The City Manager requested appointments from the Mayor of Walnut Creek, the Contra Costa County Board of Supervisors, the Community College District, and the Superintendent of

Education. The Mayor has appointed Councilmember Kristina Lawson, and City Manager Ken Nordhoff to the Oversight Board.

The Chancellor of the Community College District appointed Tomi Van de Brooke, President of the Contra Costa Community College District to the Oversight Board. The Superintendent of Education appointed Kevin Collins of the Walnut Creek School District to the Board.

On March 28th, the Contra Costa County Board of Supervisors appointed Supervisor Karen Mitchoff, Vince Wells of the Firefighters Local 1230 Union, and Karen Majors, a resident member of the public to the Board.

These appointments constitute the 7 member Oversight Board of the Successor Agency to the former Redevelopment Agency of the City of Walnut Creek.

At this time, it is necessary for the Oversight Board to take certain actions to implement various requirements of the Dissolution Act.

Election of Chair, Vice Chair

Health and Safety Code Section 34179(a) requires that the members of the Oversight Board shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before May 1, 2012.

Meeting Time and Place

Pursuant to Health and Safety Code Section 34179(e), the Oversight Board is a local entity for purposes of the Ralph M. Brown Act (Gov. Code, § 54950 et seq.). Because the Oversight Board will hold regular meetings, pursuant to Government Code Section 54954(a), the Oversight Board is required to provide, by resolution, the time and place for holding such regular meetings of the Oversight Board in order to conduct Oversight Board business.

Oversight Board Contact for DOF

Health and Safety Code Section 34179(h) provides that DOF may review all oversight board actions. As such, all oversight board actions shall not be effective for three business days, pending a request for review by the DOF. Each oversight board is required to designate an official ("Oversight Board Contact") to whom the DOF may make such requests and who shall provide the DOF with the telephone number and e-mail contact information for the purpose of communicating with the DOF. The DOF instructs on its website that the identity and contact information of the Oversight Board Contact shall be emailed to the following email address: redevelopment_hotline@dof.ca.gov.

ENVIRONMENTAL REVIEW:

The actions set forth in the recommended accompanying resolutions, as summarized above, are exempt under Guideline 15378(b)(5) of the California Environmental Quality Act (CEQA) in that the actions do not constitute a "project," but instead are governmental organizational or

administrative activities that will not result in direct or indirect physical changes in the environment. A notice of exemption will be filed with the County Clerk in accordance with the CEQA guidelines.

DOCUMENTS:

Attachment 1: Proposed Resolution Establishing Meeting Time and Place
Attachment 2: Proposed Resolution Designating Oversight Board Contact

OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER WALNUT CREEK REDEVELOPMENT AGENCY ACTIONS RECOMMENDED:

Election of Chair and Vice Chair of Oversight Board.

Approval of the attached Resolution Providing the Time and Place for Holding the Oversight Board's Regular Meetings (Attachment 1)

Approval of the attached Resolution Designating an Official who the State of California Department of Finance May Contact Pursuant to Health and Safety Code Section 34179(h) (Attachment 2)

STAFF CONTACTS: Laura Simpson, Housing Division Manager
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Cindy Mosser, Finance Manager
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RESOLUTION NO. ____

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF WALNUT CREEK PROVIDING THE TIME AND PLACE FOR HOLDING THE OVERSIGHT BOARD'S REGULAR MEETINGS

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Walnut Creek ("RDA Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of Walnut Creek ("Agency"), confirmed by Resolution No. 12-04 adopted on January 17, 2012; and

WHEREAS, Health and Safety Code Section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, the Oversight Board is the RDA Successor Agency's oversight board pursuant to Health and Safety Code Section 34179(a); and

WHEREAS, pursuant to Health and Safety Code Section 34179(e), the Oversight Board is deemed to be a local entity for purposes of the Ralph M. Brown Act (Gov. Code, § 54950 et seq.); and

WHEREAS, pursuant to Government Code Section 54954(a), the Oversight Board desires to provide, by resolution, for the conduct of business by the Oversight Board, the time and place for holding regular meetings.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF WALNUT CREEK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The designation of the time and place for holding the Oversight Board's regular meetings through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

Section 3. Designation of Meeting Time and Place. Pursuant to Government Code section 54954(a), the Oversight Board hereby provides that the Oversight Board's regular meetings shall be held on the _____ of every month, at _____, and such meetings shall be held at the City of Walnut Creek City Hall, 3rd Floor Conference Room, located at 1666 N. Main Street, Walnut Creek, California.

Section 4. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 5. Certification. The City Clerk of the City of Walnut Creek, acting on behalf of the Oversight Board as its Secretary, shall certify to the adoption of this Resolution.

Section 6. Effective Date. Pursuant to Health and Safety Code section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for three (3) business days, pending a request for review by the State of California Department of Finance.

PASSED, APPROVED AND ADOPTED THIS _____ day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chairperson

ATTEST:

_____
Oversight Board Secretary

RESOLUTION NO. ____

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF WALNUT CREEK DESIGNATING AN OFFICIAL WHO THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE MAY CONTACT PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179(h)

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Walnut Creek ("RDA Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of Walnut Creek ("Agency"), confirmed by Resolution No. 12-04 adopted on January 17, 2012; and

WHEREAS, Health and Safety Code Section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, the Oversight Board is the RDA Successor Agency's oversight board pursuant to Health and Safety Code Section 34179(a); and

WHEREAS, Health and Safety Code Section 34179(h) provides that each oversight board shall designate an official ("Oversight Board Contact") to whom the State of California Department of Finance ("DOF") may make requests regarding review of oversight board actions.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF WALNUT CREEK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The designation of an Oversight Board Contact through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

Section 3. Designation of Oversight Board Contact. The Oversight Board hereby designates _____ as the Oversight Board Contact pursuant to Health and Safety Code Section 34179(h).

Section 4. Implementation. The Oversight Board Contact is hereby directed to identify himself/herself to the DOF and provide the DOF with the Oversight Board Contact's telephone number and e-mail contact information pursuant to Health and Safety Code Section 34179(h).

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other

provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Certification. The City Clerk of the City of Walnut Creek, acting on behalf of the Oversight Board as its Secretary, shall certify to the adoption of this Resolution.

Section 7. Effective Date. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for three (3) business days, pending a request for review by the State of California Department of Finance.

PASSED, APPROVED AND ADOPTED THIS _____ day of April, 2012, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAINED:

_____
Chairperson

ATTEST:

_____
Oversight Board Secretary