

Les Baugh
County Member

Larry Farr
City Member

Stan Neutze
City Member Alternate

Francie Sullivan
City Member

Irwin Fust
Special District Member

Mary Rickert
County Member Alternate

Brenda Haynes
Special District Member



Larry Russell
Public Member

David Kehoe
County Member

Patricia A. Clarke
Special District Alternate

Vacant
Public Member Alternate

George Williamson
Executive Officer

James M. Underwood
General Counsel

Kathy Bull
Manager

Agenda Item: 9.d.

Meeting Date: June 7, 2018

From: Kathy Bull, Office Manager

Subject: RDA Oversight Consolidation – Special District Representative Appointment

Background

Pursuant to California Health and Safety Code Section 34179(j), beginning on July 1, 2018, a single consolidated oversight board will replace the three oversight boards to the Successor Agencies of the former redevelopment agencies in Shasta County. This single consolidated oversight board will consist of seven appointed members including one member representing Independent Special Districts.

Discussion

There are nine Special Districts identified by Shasta County Auditor Controller who are eligible to nominate and select a Special District Representative to serve on the Shasta County Consolidated RDA Oversight Board. The eligible Special Districts are as follows: Anderson-Cottonwood Irrigation District; Anderson Cemetery District; Anderson Fire Protection District; Bella Vista Water District; Buckeye Fire Protection District; Millville Masonic Cemetery District; Shasta Lake Fire Protection District; Shasta Mosquito and Vector Control District; and Western Shasta Resource Conservation District.

A Call for Nominations was distributed March 15, 2018 and Shasta LAFCO received three nominations; Patricia Clarke; Ann Morningstar; and Frank Shabarum. On May 3, 2018, a balloting letter was distributed with a due date to return ballots by June 15, 2018. Staff will report to the Shasta County Auditor Controller information on the nominated Representative before the July 1st deadline.

Shasta County Auditor Controller has communicated with staff that the first meeting for the Shasta County Consolidated RDA Oversight Board is scheduled for July 9, 2018 at 9:00 a.m.

Recommendation

This is an informational item with no action from the Commission required.

Attachment: Call for Nomination Letter
Balloting Letter (2)
Information Regarding Shasta County Consolidated Oversight Board

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Patricia A. Clarke
Special District Alternate

Bob Richardson
Public Member Alternate

George Williamson
Executive Officer

James M. Underwood
General Counsel

Kathy Bull
Manager

Date: March 15, 2018

To: Chair and Clerk to the Boards of:

Anderson-Cottonwood Irrigation District
Anderson Cemetery District
Anderson Fire Protection District
Bella Vista Water District
Buckeye Fire Protection District
Millville Masonic Cemetery District
Shasta Lake Fire Protection District
Shasta Mosquito and Vector Control District
Western Shasta Resource Conservation District

From: George Williamson, LAFCo Executive Officer

Subject: Call for Nominations: Special District Appointment to Shasta County Consolidated
Redevelopment Agency (RDA) Oversight Board

Pursuant to California Health and Safety Code Section 34179(j), beginning on July 1, 2018, a single consolidated oversight board will replace the three oversight boards to the Successor Agencies of the former redevelopment agencies in Shasta County. This single consolidated oversight board will consist of seven appointed members, including one member representing independent special districts.

Eligible Districts

The Shasta County Auditor-Controller's Office has provided a list of nine districts that receive residual property tax revenue from the Redevelopment Property Tax Trust Fund (RPTTF). Those districts are eligible to nominate and select a special district representative to serve on the Shasta County Consolidated RDA Oversight Board.

Process to Select Special District Representative to RDA Oversight Board

The process will consist of nomination and election periods. The districts listed above must choose the RDA special district representative prior to July 1, 2018. If that does not occur, the Governor will make the appointment on behalf of independent special districts.

Nominations

The above referenced special districts may nominate one person, a board member or managerial employee (as defined by that district's Board of Directors) as a candidate for the RDA oversight board special district representative position. A copy of the district's resolution or minute action must accompany the nomination. The nomination period runs through April 30th and can be submitted via e-mail to George Williamson at exec@shasta.lafco.ca.gov or by mail to Shasta LAFCo, 1255 East Street, Suite 201, Redding, CA 96001.

Election

After the close of the nomination period, LAFCO will mail a ballot to each district eligible to vote. If only one nominee is submitted, they are deemed the elected representative. The election, if needed, would be conducted in May/June.

If you have any questions about the position or the process, please contact LAFCO staff at (530) 242-1112.

1255 East Street, Suite 201, Redding, CA 96001

Office: 530.242.1112 ~ Fax: 530.242.1113

exec@shasta.lafco.ca.gov

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Larry Russell
Public Member

David Kehoe
County Member

Patricia A. Clarke
Special District Alternate

Vacant
Public Member Alternate


George Williamson
Executive Officer

James M. Underwood
General Counsel

Kathy Bull
Manager

Date: May 1, 2018

To: Anderson-Cottonwood Irrigation District
Anderson Cemetery District
Anderson Fire Protection District
Bella Vista Water District
Buckeye Fire Protection District
Millville Masonic Cemetery District
Shasta Lake Fire Protection District
Shasta Mosquito and Vector Control District
Western Shasta Resource Conservation District

From: Kathy Bull, Office Manager 

Subject: Special District Appointment to Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board Balloting Period to Elect

A letter regarding a Special District Appointment to Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board was sent out March 15, 2018. The letter provided the above listed Special Districts the opportunity to nominate a candidate as a representative for the Special Districts with a deadline for receipt of nominations of April 30, 2018. The nomination period has now closed, and Shasta LAFCO has received two nominations. Pursuant to Government Code 56332, a RDA Oversight Board representative election is now being conducted.

Election instructions are as follows:

- Each eligible Special District may cast one vote. By Board vote, the Special District governing body is to decide which candidate is to receive the district's vote, at a regular or special meeting.
- Ballots shall be returned to Shasta LAFCO in the provided pre-addressed envelope or via e-mail to manager@shasta.lafco.ca.gov.
- **Ballots are due in the LAFCO office by 4:00 p.m., Friday, June 15, 2018.** Ballots received after the specified due date will be declared invalid.
- The ballots will be opened and counted by the Shasta LAFCO Manager.
- The candidate receiving the most votes will be elected.
- Results of the election will be announced within seven (7) days after the ballots are counted.

Pursuant to Health and Safety Code Section 34179(k), should the Special District Selection Committee fail to make this appointment by July 15, 2018, the Governor will gain the authority to make this appointment. This seat does not have a term of office, as Health and Safety Code Section 34179(9) specifies: *"Each member of an oversight board shall serve at the pleasure of the entity that appointed such member."*

If you have any questions, please contact Shasta LAFCO staff at (530) 242-1112 or via e-mail at manager@shasta.lafco.ca.gov.

Attachments: Official Voting Ballot
Candidate Nomination Material (2)

**OFFICIAL VOTING BALLOT
SPECIAL DISTRICT REPRESENTATIVE
SHASTA COUNTY CONSOLIDATED REDEVELOPMENT AGENCY (RDA) OVERSIGHT BOARD**

There were two candidates nominated for the Special District Representative of the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board. Please vote for one candidate. The candidate receiving the majority of the votes will be selected as the Special District Representative.

Ballot Instructions:

- Vote with an "X" to the left of **one** candidate.
- Sign and date voting ballot.
- Return Official Voting Ballot below in the provided envelope to the Shasta LAFCO office by 4:00 p.m. on June 15, 2018.

Candidates:

- Candidate Ann Morningstar**, Secretary, Board of Trustees
Shasta Mosquito & Vector Control District

- Candidate Frank Schabarum**, Board Director
Bella Vista Water District

This action to vote for a candidate as the Special District Representative for the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board was taken by the _____ District Board of Directors on _____, 2018.

Clerk of the Board

Date

SHASTA MOSQUITO AND VECTOR CONTROL DISTRICT

19200 Latona Road, Anderson, CA 96007
Telephone: (530) 365-3768 Fax: (530) 365-0305
Web: shastamosquito.org



April 17, 2018

The Trustees of the Shasta Mosquito and Vector Control District

BOARD OF
TRUSTEES

hereby nominate Ann Morningstar

to serve on the Shasta County Consolidated Oversight Board.

PRESIDENT
Michael McNamara
REDDING

AYES: Mower, Marler, McNamara

VICE PRESIDENT
Larry Mower
ANDERSON

NOES: None

SECRETARY
Ann Morningstar
SHASTA LAKE

ABSTAIN: None

Vickie Marler
SHASTA COUNTY

ABSENT: None

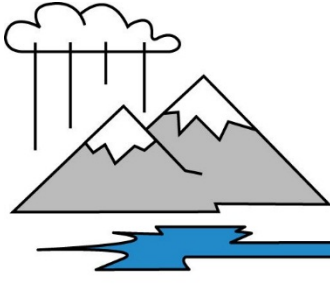
Vacant
SHASTA COUNTY

President, Board of Trustees
Shasta Mosquito & Vector Control District

ADMINISTRATION
Peter Bonkrude, MS
Manager

Ann Morningstar
Secretary, Board of Trustees
Shasta Mosquito & Vector Control District

Our Mission: "To protect the public's health from vector-borne disease and nuisance, through a comprehensive mosquito and vector control program focused on innovation, experience and efficiency".



DIRECTORS
TED BAMBINO **BOB NASH**
JIM SMITH **LEIMONE WAITE**
FRANK SCHABARUM

DAVID J. COXEY
Secretary/Treasurer/General Manager

BELLA VISTA WATER DISTRICT

11368 E. STILLWATER WAY • REDDING, CALIFORNIA 96003-9510
TELEPHONE (530) 241-1085 • FAX (530) 241-8354

March 8, 2018

SENT VIA EMAIL: exec@shasta.lafco.ca.gov

Shasta LAFCo
Attn: George Williamson
1255 East Street, Suite 201
Redding, CA 96001

Re: Call for Nominations: Special District Appointment to Shasta County Consolidated
Redevelopment Agency (RDA) Oversight Board

Dear Mr. Williamson:

At the District's regular Board of Directors meeting of March 26, 2018, the Board took action to nominate Director, Frank Schabarum, for the Special District Appointment to the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board, by minute action as follows:

Item 8. Call for Nominations – Consolidated Redevelopment Agency Oversight Board

David explained this is new governance. Director Schabarum explained the purpose of this agency and expressed interest in serving as a Special District representative.

M/S: [Smith/Waite] Nominate Frank Schabarum to serve on the Redevelopment Agency Oversight Board.

AYE: Nash, Bambino, Schabarum, Smith and Waite; **NAY:** None; **ABSENT:** None

Please contact me if you have any questions or require additional information.

Sincerely,

David J. Coxey
General Manager, Secretary-Treasurer

We are an equal opportunity employer and provider.

Les Baugh
County Member

Larry Farr
City Member

Stan Neutze
City Member Alternate

Francie Sullivan
City Member

Irwin Fust
Special District Member

Mary Rickert
County Member Alternate

Brenda Haynes
Special District Member



Larry Russell
Public Member

David Kehoe
County Member

Patricia A. Clarke
Special District Alternate

Vacant
Public Member Alternate

George Williamson
Executive Officer

James M. Underwood
General Counsel

Kathy Bull
Manager

Date: May 3, 2018

To: Anderson-Cottonwood Irrigation District
Anderson Cemetery District
Anderson Fire Protection District
Bella Vista Water District
Buckeye Fire Protection District
Millville Masonic Cemetery District
Shasta Lake Fire Protection District
Shasta Mosquito and Vector Control District
Western Shasta Resource Conservation District

From: Kathy Bull, Office Manager 

Subject: **REVISED** - Special District Appointment to Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board Balloting Period to Elect

A candidate for the Special District Representative of the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board has been added to the Official Voting Ballot.

Please use the attached Revised Official Voting Ballot. **Ballots are due in the LAFCO office by 4:00 p.m., Friday, June 15, 2018.** Ballots received after the specified due date will be declared invalid.

If you have any questions, please contact Shasta LAFCO staff at (530) 242-1112 or via e-mail at manager@shasta.lafco.ca.gov.

Attachments: Official Voting Ballot - Revised
Candidate Nomination Material (3)

**OFFICIAL VOTING BALLOT - Revised
SPECIAL DISTRICT REPRESENTATIVE
SHASTA COUNTY CONSOLIDATED REDEVELOPMENT AGENCY (RDA) OVERSIGHT BOARD**

There were two candidates nominated for the Special District Representative of the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board. Please vote for one candidate. The candidate receiving the majority of the votes will be selected as the Special District Representative.

Ballot Instructions:

- Vote with an "X" to the left of **one** candidate.
- Sign and date voting ballot.
- **Return Official Voting Ballot in the provided envelope to the Shasta LAFCO office by 4:00 p.m. on June 15, 2018.**

Candidates:

- Candidate Patricia A. Clarke**, Vice-Chairman
Anderson Fire Protection District

- Candidate Ann Morningstar**, Secretary, Board of Trustees
Shasta Mosquito & Vector Control District

- Candidate Frank Schabarum**, Board Director
Bella Vista Water District

This action to vote for a candidate as the Special District Representative for the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board was taken by the _____ District Board of Directors on _____, 2018.

Clerk of the Board

Date



ANDERSON FIRE PROTECTION DISTRICT

1925 Howard St. Anderson, CA 96007
(530)-378-6696 Fax: (530) 378-6697

April 10, 2018

The Anderson Fire Protection District hereby nominate Patricia A Clarke
To serve on the Shasta County Consolidated Oversight Board.

Moved: Jeff Hogue

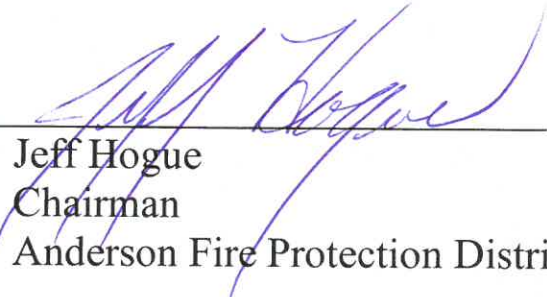
Second: John Day

Ayes: Marsha Kelley, John Day, Johnny Hanson

Noes: None

Abstain: None

Absent: None



Jeff Hogue
Chairman
Anderson Fire Protection District

SHASTA MOSQUITO AND VECTOR CONTROL DISTRICT

19200 Latona Road, Anderson, CA 96007
Telephone: (530) 365-3768 Fax: (530) 365-0305
Web: shastamosquito.org



April 17, 2018

The Trustees of the Shasta Mosquito and Vector Control District

BOARD OF TRUSTEES

hereby nominate Ann Morningstar

to serve on the Shasta County Consolidated Oversight Board.

PRESIDENT
Michael McNamara
REDDING

AYES: *Mower, Marler, McNamara*

VICE PRESIDENT
Larry Mower
ANDERSON

NOES: *None*

SECRETARY
Ann Morningstar
SHASTA LAKE

ABSTAIN: *None*

Vickie Marler
SHASTA COUNTY

ABSENT: *None*

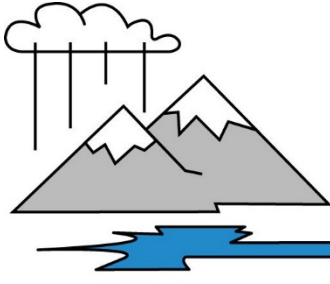
Vacant
SHASTA COUNTY

**President, Board of Trustees
Shasta Mosquito & Vector Control District**

ADMINISTRATION
Peter Bonkrude, MS
Manager

Ann Morningstar
**Secretary, Board of Trustees
Shasta Mosquito & Vector Control District**

Our Mission: "To protect the public's health from vector-borne disease and nuisance, through a comprehensive mosquito and vector control program focused on innovation, experience and efficiency".



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JIM SMITH **LEIMONE WAITE**
FRANK SCHABARUM

DAVID J. COXEY
Secretary/Treasurer/General Manager

BELLA VISTA WATER DISTRICT

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March 8, 2018

SENT VIA EMAIL: exec@shasta.lafco.ca.gov

Shasta LAFCo
Attn: George Williamson
1255 East Street, Suite 201
Redding, CA 96001

Re: Call for Nominations: Special District Appointment to Shasta County Consolidated
Redevelopment Agency (RDA) Oversight Board

Dear Mr. Williamson:

At the District's regular Board of Directors meeting of March 26, 2018, the Board took action to nominate Director, Frank Schabarum, for the Special District Appointment to the Shasta County Consolidated Redevelopment Agency (RDA) Oversight Board, by minute action as follows:

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David explained this is new governance. Director Schabarum explained the purpose of this agency and expressed interest in serving as a Special District representative.

M/S: [Smith/Waite] Nominate Frank Schabarum to serve on the Redevelopment Agency Oversight Board.

AYE: Nash, Bambino, Schabarum, Smith and Waite; **NAY:** None; **ABSENT:** None

Please contact me if you have any questions or require additional information.

Sincerely,

David J. Coxey
General Manager, Secretary-Treasurer

We are an equal opportunity employer and provider.



**California Special
Districts Association**
Districts Stronger Together



COUNTYWIDE RDA OVERSIGHT BOARD SPECIAL DISTRICT APPOINTMENT FREQUENTLY ASKED QUESTIONS

On September 27, 2016, the California Special Districts Association (CSDA) and California Association of Local Agency Formation Commissions (CALAFCO) published a joint white paper regarding the appointment of special district representatives to countywide redevelopment agency (RDA) oversight boards. This FAQ serves as an addendum to that white paper in response to questions arising in advance of the July 1, 2018 deadline for local agency formation commissions (LAFCOs) in 37 counties to administer the appointments.

This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.

Who is a “Presiding Officer” for Purposes of Participation on the Independent Special District Selection Committee?

The presiding officer of an independent special district is the district’s board president or board chair. However, according to Government Code Section 56332(a), “...if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer’s place.”

Are “Multi-County” Districts with a different “Principal County” Allowed to Vote for the Special District Appointee to the Countywide RDA Oversight Board?

No. Only members of the independent special district selection committee may vote for the special district representative to the countywide RDA oversight board. Only independent special districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll, shall be included on the committee (Government Code Section 56332(a)).

Must the Special District Representative Appointed to a Countywide RDA Oversight Board be a Board Member of a Special District?

No. Page four of the September 27, 2016 joint white paper, “Countywide RDA Oversight Board Special District Appointments”, referenced the eligibility requirements outlined in Government Code Section 56332(c) for special district appointments to a LAFCO. However, special district appointees to current *individual* oversight boards (pre-consolidation into *countywide* RDA oversight boards) are explicitly not restricted to members of the legislative body of a special district, and nothing in law indicates the Legislature’s intent to reverse this precedent and apply

the eligibility requirements of LAFCO appointees to countywide RDA oversight board appointees.

Health and Safety Code Section 34179(j)(3) states, "One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188."

We presume Government Code Section 56332 is only cross-referenced to outline the process for establishing and administering the independent special district selection committee (which is the entity that is empowered to now appoint the special district representative to the countywide RDA oversight board). Government Code 56332(c) is specifically referencing the *election of LAFCO Commissioners*, which is separate and distinct from the appointment of a countywide RDA oversight board representative. The prior precedent under the Health and Safety Code allowing the appointment of anyone, regardless of whether or not they are a special district board member, to an RDA Oversight Board should prevail.

Can LAFCOs Prohibit Members of the Independent Special District Selection Committee whose Districts do not Receive Property Taxes from Participating in the Appointment of the Special District Representative to the Countywide RDA Oversight Board?

This answer depends on how one interprets Health and Safety Code Section 34179(j)(3), which states that the special district representative to the countywide RDA oversight board is to be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, "for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188."

CSDA and CALAFCO have interpreted the property tax clause as applicable to those officials eligible to serve as an *appointee* to the countywide RDA oversight board. However, it is possible to interpret this clause differently. Alternative interpretations may include:

- A second interpretation could be that the property tax clause is instead applicable to those officials eligible to *vote* on the appointment to the countywide RDA oversight board. In other words, of the members of the independent special district selection committee, only those types of special districts that are eligible to receive property tax revenues may vote on the selection of the special district representative to the countywide RDA oversight board.
- A third interpretation would be that the property tax clause applies to *both* voters and appointees. Thus, the clause limits both who can vote on selecting the representative *and* who is eligible to serve as the representative.
- Finally, a fourth interpretation would be that the clause *does not* limit voters *nor* appointees, but simply clarifies the *purpose* for which the appointment is made.

The 11 LAFCOs without special district representatives on the LAFCO, who still must administer the appointment of a special district representative to the countywide RDA oversight board, should strongly consider the opportunity afforded under AB 979 (Lackey) of 2017. These LAFCOs may now combine the election process for appointing the special district representative

CSDA and CALAFCO

Last Updated: February 12, 2018

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to the countywide RDA oversight board with the process for special districts to acquire LAFCO representation. Both actions may be voted upon by the independent special district selection committee on the same ballot or at the same meeting. However, this is not possible if the LAFCO only includes special districts that receive property taxes in the countywide RDA oversight board appointment process. This is a unique opportunity for the LAFCO to facilitate special district representation on LAFCO while having already convened the independent special district selection committee.

Is it Appropriate to Appoint Alternate Special District Representatives to the Countywide RDA Oversight Board?

Each county may approach the appointment of alternates differently. While the statute does not specifically provide for alternates, one may be appointed.

According to Health and Safety Code Section 34179(a)(11), "Each appointing authority identified in this subdivision may, but is not required to, appoint alternate representatives to serve on the oversight board as may be necessary to attend any meeting of the oversight board in the event that the appointing authority's primary representative is unable to attend any meeting for any reason. If an alternate representative attends any meeting in place of the primary representative, the alternate representative shall have the same participatory and voting rights as all other attending members of the oversight board." Given its placement within the code, it could be argued that this provision only relates to *individual* oversight boards, rather than *countywide* RDA oversight boards.

Those with questions on this issue are encouraged to contact their county auditor-controller who can inform them whether other appointing authorities have appointed (or intend to appoint) alternates to the other seats on the countywide RDA oversight board.

To resolve any ambiguity, the Independent Special District Selection Committee may choose to adopt local policies, pursuant to its authority in Government Code Section 56332, expressly authorizing the appointment of an alternate.

Is the Process for Appointing the Special District Representative to the Countywide RDA Oversight Board a Reimbursable State Mandate?

Unfortunately, the State takes the position that LAFCOs are ineligible to file a reimbursement claim with the Commission on State Mandates. Whether this is a legal interpretation of the State Constitution would require a legal test in the Courts, following the exhaustion of administrative remedies. Some have suggested that, if a LAFCO were to "passthrough" the direct cost of administering the appointment process via a "surcharge" on its dues for the county, cities, and special districts (if represented on the LAFCO), then it may be possible for these entities to file a mandate claim with the State for the amount billed. However, this approach has not been tested. Moreover, the statutory language within Health and Safety Code Section 34179(j) is written in a permissive manner, using the term "may" not "shall" and it affords the alternative of relying on an appointment by the Governor should any of the appointing bodies not act.

Under Whose Authority is the Special District Appointment to the Countywide RDA Oversight Board Administered?

The process of appointing the special district representative to the countywide RDA oversight board is administered under the authority of State law, specifically Health and Safety Code Section 34179(j)(3), which cross-references Government Code Section 56332.

Government Code 56332 empowers the LAFCO executive officer (or designee as authorized by the LAFCO) to:

- Call and give written notice of all meetings of the members of the Independent Special District Selection Committee.
- Receive written requests from members of the Independent Special District Selection Committee for the need to appoint a special district representative to the Countywide RDA Oversight Board.
- Determine whether an in-person meeting of the Independent Special District Selection Committee is feasible, and conduct the business of the committee by mail if an in-person meeting is not feasible.
- Prepare and deliver calls for nominations, receive nominations, and extend nomination period if necessary.
- Prepare and deliver ballots and voting instructions, and receive completed ballots.
- Transmit materials by electronic mail.
- Announce the results of elections.
- Retain election materials for at least six months.

Can the LAFCO Executive Officer Choose Not to Administer the Appointment of the Special District Representative to the Countywide RDA Oversight Board?

As the statute does not appear to give the executive officer much discretion (if any at all), we believe the answer is no. Government Code Section 56332(b) requires that, "The executive officer shall call and give written notice of all meetings of the members of the selection committee." Furthermore, under sub-paragraph (5) it requires the LAFCO executive officer to call and hold a meeting, "Upon receipt of a written request by one or more members of the selection committee notifying the executive officer of the need to appoint a member representing independent special districts on an oversight board pursuant to paragraph (3) of subdivision (j) of Section 34179 of the Health and Safety Code."

Who Administers the Countywide RDA Oversight Board Once it is Established?

The county auditor-controller, as per Health and Safety Code Section 34179(j): "Except as specified in subdivision (q), commencing on and after July 1, 2018, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board, which shall be staffed by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department. Pursuant to Section 34183, the county auditor-controller may recover directly from the Redevelopment Property Tax Trust Fund, and distribute to the appropriate city or county entity, reimbursement for all costs

incurred by it or by the city or county pursuant to this subdivision, which shall include any associated startup costs. However, if only one successor agency exists within the county, the county auditor-controller may designate the successor agency to staff the oversight board.”

Will Countywide RDA Oversight Board Members Receive Compensation?

No; at least not from the countywide RDA oversight board or RDA successor agencies.

According to Health and Safety Code Section 34179(c), “The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.”

Whether a member of the countywide RDA oversight board can receive compensation or reimbursement from the special district on which he or she serves as an elected official or staff member depends upon the board policies and personnel policies of his or her district and the enabling act that governs that district.

What is the Full Make-up of the Countywide RDA Oversight Board and Who Makes the Appointments?

Per Health and Safety Code Section 34179(j):

- One member may be appointed by the county board of supervisors.
- One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.
- One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.
- One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- One member of the public may be appointed by the county board of supervisors.
- One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

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

What are Some Other Important Notes About the Operations of the Countywide RDA Oversight Board?

- *Board Member Immunity:* Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with

CSDA and CALAFCO

Last Updated: February 12, 2018

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Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

- *Quorum*: A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action.
- *Brown Act*: The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. All actions taken by the oversight board shall be adopted by resolution.
- *Posting of Notices to the Internet*: All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.
- *Length of Terms*: Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.
- *Fiduciary Responsibility*: Oversight boards shall have fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards. Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.
- *Legal and Financial Advice*: An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.
- *Administrative Support*: An oversight board is authorized to contract with the county or other public or private agencies for administrative support.
- *Supremacy of the Oversight Board*: On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.