



OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE BRAWLEY REDEVELOPMENT AGENCY

AGENDA

ADJOURNED REGULAR MEETING Tuesday, January 15, 2013 AT 1:30 PM COUNCIL CHAMBERS OF THE CITY OF BRAWLEY 383 MAIN STREET, BRAWLEY, CA 92227

Board Members: George A. Nava, Chairperson
Jay Kruger
Thomas Rutherford
Bayon Moore
John Lau
Erin Garcia

Secretary: Lorena Savala
Finance Director: Ruby Walla

This Oversight Board has been created pursuant to § 34161 through 34190 of the Health and Safety Code for the sole purpose of overseeing the actions of the Successor Agency to the Brawley Redevelopment Agency. In accordance with Health and Safety Code § 34179(h), all Oversight Board actions shall not be effective for three business days, pending a request for review by the State Department of Finance ("Department"). In the event that the Department requests a review of a given Oversight Board action, it shall have 10 days from the date of its request to approve the Oversight Board action or return it to the Oversight Board for reconsideration, and such Oversight Board action shall not be effective until approved by the Department. In the event that the Department returns the Oversight Board action to the Oversight Board for reconsideration, the Oversight Board shall resubmit the modified action for Department approval, and the modified Oversight Board action shall not become effective until approved by the Department. *Materials related to items on this agenda, including those received following posting/distribution are on file in the Office of the Secretary to the Successor Agency to the City of Brawley City Clerk and are available for public inspection during normal business hours, Monday – Thursday, 7:30 am – 5:30 pm and Friday 7:30 am – 4:30 pm closed for lunch from 12:00 – 1:00 pm at 383 Main Street, Brawley, CA 92227, telephone (760) 351-3059.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**

3. ORAL COMMUNICATIONS

- A. Any person wishing to discuss any item not on the agenda may address the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency at this point by giving his/her name and address for the record. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.
- B. This is the time and place for any person who wishes to comment on agenda items. It should be noted that at the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency's discretion, these comments may be deferred until such time on the agenda as the item is discussed. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.

4. APPROVAL OF MINUTES

- A. Minutes of December 14, 2012 and January 8, 2013.

5. NEW BUSINESS

- A. Close a Public comment session with respect to the Due Diligence Review for the non-housing fund pursuant to California Health and Safety Code § 34179.6.
- B. Adopt Resolution No. 2013-__ OB: Approving the Due Diligence Review for the non-housing fund pursuant to California Health and Safety Code § 34179.6.

6. REPORTS AND REMARKS

- A. CHAIR
- B. MEMBERS OF THE OVERSIGHT BOARD

7. ADJOURNMENT

**REGULAR MEETING
OF THE OVERSIGHT BOARD OF THE
SUCCESSOR AGENCY TO THE
BRAWLEY REDEVELOPMENT AGENCY
COUNCIL CHAMBERS OF THE CITY OF BRAWLEY
383 MAIN STREET, BRAWLEY, CA 92227
FRIDAY, DECEMBER 14, 2012 AT 10:00 A.M.**

MINUTES

1. CALL TO ORDER

A Regular Meeting of the Oversight Board to the Successor Agency to the Brawley Redevelopment Agency was called to order on December 14, 2012 at 10:00 a.m. by Lorena Savala, Deputy City Clerk/Secretary of the Successor Agency to the Oversight Board in the Council Chambers, located at 383 Main Street, Brawley, California.

2. ROLL CALL

Present:

Board Members: George Nava, Rosanna Bayon Moore, Thomas Rutherford, Erin Garcia and John Lau

Staff: Ruby Walla, Finance Director

Absent: Jay Kruger and Katy Santillan

3. ORAL COMMUNICATIONS:

A. Any person wishing to discuss any item not on the agenda may address the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency at this point by giving his/her name and address for the record. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.

None

B. This is the time and place for any person who wishes to comment on agenda items. It should be noted that at the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency's discretion, these comments may be deferred until such time on the agenda as the item is discussed. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.

None

4. APPROVAL OF MINUTES

Motion by Chair Nava, seconded by Board Member Rutherford to approve minutes of October 12, 2012. Motion 5-0, absent Members Kruger and Santillan.

5. NEW BUSINESS

- A. LOW AND MODERATE INCOME HOUSING FUND (LMIHF) DUE DILIGENCE REVIEW (DDR) DATED JUNE 30, 2012, CALIFORNIA DEPARTMENT OF FINANCE (DOF) APPROVAL AND DISTRIBUTION OF FUNDS.

Board Member Bayon Moore briefed members on the Low and Moderate Income Housing Fund (LMIHF) due diligence review (DDR) dated June 30, 2012, California Department of Finance (DOF) approval and distribution of funds.

- B. UPCOMING DDR – ALL OTHER FUNDS AND ACCOUNTS, SCHEDULE AND PROCESS ANTICIPATED FOR PUBLICATION JANUARY 2013, PUBLIC HEARING WITH OVERSIGHT BOARD APPROVAL TO FOLLOW.

Board Member Bayon Moore briefed members on the upcoming DDR – all other funds and accounts, schedule and process anticipated for publication January 2013, public hearing with Oversight Board approval to follow.

- C. RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) III FOR PERIOD OF JANUARY TO JUNE 2013 –DOF DETERMINATION OF OCTOBER 2012, MEET AND CONFER WITH DOF ON NOVEMBER 21, 2012 PROCESS, FINAL DETERMINATION PENDING.

Board Member Bayon Moore briefed members on Recognized Obligation Payment Schedule (ROPS) iii for period of January to June 2013 –DOF determination of October 2012, meet and confer with DOF on November 21, 2012 process, final determination pending.

- D. REVIEW AND ACCEPTANCE OF 2013 CALENDAR OF OVERSIGHT BODY MEETINGS.

OS Board Members reviewed and accepted the 2013 calendar of Oversight Body Meetings.

6. REPORTS AND REMARKS

- A. Chair Nava Announced and invited members to the Brawley Reorganization Meeting, December 19, 2012.
- B. MEMBERS OF THE OVERSIGHT BOARD-None to report.

7. **ADJOURNMENT:** There being no further business before the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency, the meeting was adjourned at 10:20 A.M.

Lorena Savala, Deputy City Clerk/Secretary

Approved by:

George A. Nava, Chairperson

**REGULAR MEETING
OF THE OVERSIGHT BOARD OF THE
SUCCESSOR AGENCY TO THE
BRAWLEY REDEVELOPMENT AGENCY
COUNCIL CHAMBERS OF THE CITY OF BRAWLEY
383 MAIN STREET, BRAWLEY, CA 92227
TUESDAY, JANUARY 8, 2013 AT 1:30 P.M.**

MINUTES

1. CALL TO ORDER

A Regular Meeting of the Oversight Board to the Successor Agency to the Brawley Redevelopment Agency was called to order on January 8, 2013 at 1:35 p.m. by Lorena Savala, Deputy City Clerk/Secretary of the Successor Agency to the Oversight Board in the Council Chambers, located at 383 Main Street, Brawley, California.

2. ROLL CALL

Present:

Board Members: George Nava, Rosanna Bayon Moore, Thomas Rutherford,
and Erin Garcia

Staff: Ruby Walla, Finance Director

Absent: John Lau and Katy Santillan

3. ORAL COMMUNICATIONS:

A. Any person wishing to discuss any item not on the agenda may address the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency at this point by giving his/her name and address for the record. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.

None

B. This is the time and place for any person who wishes to comment on agenda items. It should be noted that at the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency's discretion, these comments may be deferred until such time on the agenda as the item is discussed. Remarks shall be limited to a maximum of three minutes unless the Oversight Board authorizes additional time.

None

4. NEW BUSINESS

A. CONVENE A PUBLIC COMMENT SESSION WITH RESPECT TO THE DUE DILIGENCE REVIEW FOR THE NON-HOUSING FUND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE § 34179.6 (b)

Member Bayon Moore recommended that the OS Board conduct a public session with respect to the due diligence review for the non-housing fund.

Ruby Walla, Finance Director briefed OS Members that at least 5 business days prior to approving a DDR, the OS Board must conduct a public comment session with respect to a DDR. In addition the DOF shall complete reviews and determinations as required by the Health & Safety Code for the LMI Housing fund DDR and the Non-housing DDR by November 9, 2012 and April 1, 2013, respectively.

Chair Nava opened public comment session review at 1:40 p.m.

5. REPORTS AND REMARKS

A. CHAIR

Chair Nava attended County Supervisor Ryan Kelley's oath of office ceremony held on Monday, January 7, 2013.

B. MEMBERS OF THE OVERSIGHT BOARD

Member Kruger could not attend Mr. Kelley's special event due to health issues.

Member Bayon Moore sent letter the last week of December to Department of Corrections, which resulted in immediate termination of prison community work crew. Legal Counsel Monica Lepe-Negrete submitted her resignation from the OS Board. Staff will bring back subject at a later time for discussion regarding legal services as Legal Counsel.

6. ADJOURNMENT: There being no further business before the Oversight Board of the Successor Agency to the Brawley Redevelopment Agency the meeting was adjourned at 1:50 P.M.

Lorena Savala, Deputy City Clerk/Secretary

Approved by:

George A. Nava, Chairperson

**OVERSIGHT BOARD
SUCCESSOR AGENCY FOR THE BRAWLEY COMMUNITY REDEVELOPMENT
AGENCY**

Meeting Date: January 15, 2013
To: Oversight Board Members
From: Lorena Savala, Oversight Board Secretary
Subject: Due Diligence Review of the Non-Housing Fund

RECOMMENDATION: It is recommended that the Oversight Board adopt a resolution approving the Due Diligence Review for the non-housing fund pursuant to California Health and Safety Code § 34179.6.

BACKGROUND: The Brawley Community Redevelopment Agency was dissolved February 1, 2012. The Oversight Board for the Successor Agency for the Brawley Community Redevelopment Agency (“Oversight Board”) has been established pursuant to Health and Safety Code § 34179 to assist in the wind-down of the dissolved redevelopment agency.

Per Health and Safety Code § 34179.5, the Successor Agency is required to employ a licensed accountant, approved by the County Auditor-Controller, to conduct a due diligence review (“DDR”) to determine the unobligated balances, as defined in the Health and Safety Code, that are available for transfer to taxing entities. A separate DDR is required for both the low- and moderate-income (“LMI”) housing fund and the non-housing fund of the former redevelopment agency. An Oversight Board-approved LMI housing fund DDR and the non-housing DDR must be submitted to the Department of Finance (“DOF”) by October 15, 2012 and January 15, 2013, respectively. The LMI housing fund DDR was previously submitted to DOF consistent with the provisions of the Health and Safety Code.

At least five (5) business days prior to approving a DDR, the Oversight Board must conduct a public comment session with respect to a DDR. On January 8, 2013, the Oversight Board conducted a public comment session with respect to the non-housing fund DDR and did not receive any public comments. In addition, the DOF shall complete its reviews and determinations, as required by the Health and Safety Code, for the LMI housing fund DDR and the non-housing DDR by November 9, 2012 and April 1, 2013, respectively.

The attached non-housing fund DDR was prepared by Moss, Levy & Hartzheim, LLP, Certified Public Accountants. This firm was approved by the County Auditor-Controller for this assignment. The DDR indicates that the total amount of assets held by the Successor Agency in the non-housing fund as of June 30, 2012 was \$1,372,677. Of this amount, \$156,395 was determined available for transfer to the taxing entities. On January 15, 2013, the Successor Agency will request that the Oversight Board approve the non-housing fund DDR for submission to DOF. Upon DOF’s approval of the non-housing fund DDR, the Successor Agency will have five (5) business days from receipt of DOF’s certification to remit the amount determined to be available for transfer to the taxing entities to the County Auditor-Controller. Upon receipt of the funds from the Successor Agency, the County Auditor-Controller will have five (5) business days to distribute the funds to the taxing entities.

For your information and pursuant to Health and Safety Code § 34179.6, copies of this staff report and the attached non-housing fund DDR have been submitted to the County Auditor-Controller, County Administrative Officer and the State Department of Finance within the prescribed manner and timeframe.

FISCAL IMPACT: If the non-housing fund DDR is ultimately approved (as submitted) by the Oversight Board and the DOF, \$156,395 will be transmitted to the County Auditor-Controller and distributed to the taxing entities.

ATTACHMENTS: Non-housing fund DDR and Resolution

RESOLUTION NO. 2013-__-OB

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY OF THE BRAWLEY COMMUNITY REDEVELOPMENT AGENCY APPROVING THE DUE DILIGENCE REVIEW FOR THE NON-HOUSING FUND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE § 34179.6

WHEREAS, the Brawley Community Redevelopment Agency was dissolved February 1, 2012; and

WHEREAS, the Oversight Board for the Successor Agency (“Successor Agency”) of the Brawley Community Redevelopment Agency (“Oversight Board”) has been established pursuant to Health and Safety Code Section 34179 to assist in the wind-down of the dissolved redevelopment agency; and

WHEREAS, per Health and Safety Code § 34179.5, the Successor Agency is required to employ a licensed accountant, approved by the County Auditor-Controller, to conduct a due diligence review (“DDR”) to determine the unobligated balances, as defined in the Health and Safety Code, that are available for transfer to taxing entities; and

WHEREAS, a separate DDR is required for both the Low- to Moderate-Income (“LMI”) housing fund and the non-housing fund of the former redevelopment agency; and

WHEREAS, an Oversight Board-approved LMI housing fund DDR and the non-housing fund DDR must be submitted to the Department of Finance (“DOF”) by October 15, 2012 and January 15, 2013, respectively; and

WHEREAS, at least five (5) business days prior to approving a DDR, the Oversight Board must conduct a public comment session with respect to a DDR; and

WHEREAS, The LMI housing fund DDR was previously submitted to DOF consistent with the provisions of the Health and Safety Code; and

WHEREAS, on January 8, 2013, the Oversight Board conducted a public comment session with respect to the non-housing fund DDR and did not receive any public comments; and

WHEREAS, the DOF shall complete its reviews and determinations, as required by the Health and Safety Code, for the LMI housing fund DDR and the non-housing DDR by November 9, 2012 and April 1, 2013, respectively; and

WHEREAS, the non-housing fund DDR, which is attached to the staff report that accompanies this Resolution, was prepared by Moss, Levy & Hartzheim, LLP, Certified Public Accountants, a County Auditor-Controller-approved certified public accounting firm; and

WHEREAS, among other things, the non-housing fund DDR specifies the total amount of assets held by the Successor Agency in the non-housing fund as of June 30, 2012 and, as applicable, the amount of funds determined available for transfer to the taxing entities; and

WHEREAS, subsequent to the Oversight Board’s approval of the non-housing fund DDR, it will be submitted to DOF; and

WHEREAS, upon DOF's approval of the non-housing fund DDR, the Successor Agency will have five (5) business days from receipt of DOF's certification to remit, as applicable, the amount determined to be available for transfer to the taxing entities to the County Auditor-Controller; and

WHEREAS, upon receipt of the funds from the Successor Agency, the County Auditor-Controller will have five (5) business days to distribute the funds to the taxing entities; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board for the Successor Agency of the Brawley Community Redevelopment Agency, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The non-housing fund DDR, which is attached to the staff report that accompanies this Resolution, is approved.
- Section 3.** The City Manager, or designee, is hereby authorized and directed to transmit the non-housing fund DDR to the DOF within the timeframe and in the manner prescribed by the Health and Safety Code.
- Section 4.** This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED AND ADOPTED this 15th day of January 2013.

Chairman

ATTEST

Secretary

CERTIFICATION:

I, *Lorena Savala*, Secretary of the Oversight Board for the Successor Agency of the Brawley Community Redevelopment Agency, do hereby certify that the foregoing Resolution No. 2013-__-OB was duly adopted by the Oversight Board for the Successor Agency of the Brawley Community Redevelopment Agency at a meeting thereof held on the 15th day of January 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Secretary