



**NOTICE and AGENDA
CITY SELECTION COMMITTEE**

June 14, 2018 | 6:45 PM

Sunnyvale City Hall | West Conference Room
456 West Olive Avenue | Sunnyvale, CA

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN, pursuant to the requirement of law, that the City Selection Committee for Santa Clara County will meet Thursday, June 14, 2018 at 6:45 PM at Sunnyvale City Hall, Sunnyvale, CA, in accordance with the following agenda items.

AGENDA

1. Call to Order/Roll Call

2. Consent Calendar

- A. Draft Minutes of the meeting of February 11, 2018.

3. Appointments - Motions will be accepted from the floor in addition to consideration of submitted expressions of interest.

A. Association of Bay Area Governments (ABAG) Executive Board, terms expiring 6/2020

- 2 primary appointments (currently held by Greg Scharff (Palo Alto) & Liz Gibbons (Campbell)).
 - Intent to be considered received from:
 - Greg Scharff (Palo Alto)
 - Liz Gibbons (Campbell)
- 2 alternates appointments (currently held by Chris Clark (Mountain View) & one vacant position)

B. Countywide Redevelopment Successor Agency Oversight Board (new committee/positions)

- 1 primary appointment
- 1 alternate appointment

4. Adjournment

Note: *City Selection Committee rules specify that each city's representative to the Committee is the city's Mayor or his/her designee from the city's council.*

For your information, other appointments that will be made this year

- *November: BAAQMD, OAC (1 seat, 1 alternate)*



Draft Meeting Minutes | CITY SELECTION COMMITTEE

February 8, 2018 | 6:50 PM

Sunnyvale City Hall | West Conference Room
456 West Olive Avenue | Sunnyvale, CA

Call to Order/Roll Call

7:00 PM

Present:

Campbell – Jeffrey Cristina

Cupertino – Rod Sinks

Gilroy – absent

Los Altos – Jeannie Bruins

Los Altos Hills – Gary Waldeck

Los Gatos – Rob Rennie

Millpitas – absent

Monte Sereno – Burton Craig

Morgan Hill – absent

Mountain View – Pat Showalter

Palo Alto – Greg Scharff

San Jose – absent

Santa Clara – Debi Davis

Saratoga – Manny Cappello

Sunnyvale – Larry Klein

Marico Sayoc, Los Gatos, LAC Chair,
Executive Board

Andi Jordan, Executive Director

Dave Simons, Sunnyvale, Citizen

Steve Preminger, Santa Clara County

Consent Calendar: Larry Klein motioned, second from Burton Craig, to approve the consent calendar, Draft Minutes of the meeting of January 8, 2018. Motion approved by consensus.

Appointments – There were no nominations or letters of interest received for the position of Association of Bay Area Governments (ABAG) Executive Board ALTERNATE
Term expires 6/18 (to fulfill term vacated by Mary-Lynne Bernald). It was agreed that Andi Jordan would inquire with ABAG if one alternate would suffice for the remainder of the term. The City Selection Committee agreed by consensus that the committee would not convene a special meeting for this seat until an expression of interest was received for this seat.

Adjournment at 7:05 pm until June 2018 or earlier if needed.

Note: *City Selection Committee rules specify that each city's representative to the Committee is the city's Mayor or his/her designee from the city's council.*

For your information, other appointments that will be made this year

- *June: ABAG (2 seats/2 alternates)*
- *November: BAAQMD, OAC (1 seat, 1 alternate)*

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Amended May 31, 2018

ARTICLE I. PURPOSE

The Association of Bay Area Governments (hereinafter "Association") is hereby created as a separate entity established by agreement among its members pursuant to the Joint Exercise of Powers Act, California Government Code Sections 6500, et seq. (hereinafter "Act"). The Association is organized for the purposes of establishing a permanent forum for discussion and study of regional and subregional problems of interest and concern to the counties and cities of the San Francisco Bay Area, developing policies and actions, and providing services and undertaking actions addressing such problems.

ARTICLE II. DEFINITIONS

A. "Agreement" means the Agreement with the Association of Bay Area Governments entered into under the Act by the Association Members.

B. "Association" means the Association of Bay Area Governments as established by the Agreement and these Bylaws.

C. "Executive Board" means the Association's President, Vice President and Immediate Past President and the body of representatives which meet from time to time as provided in these Bylaws to govern the affairs of the Association between meetings of the General Assembly.

D. "General Assembly" means the body of the delegates of the Members of the Association as set forth in these Bylaws.

E. City, county, or city and county members of the Association may be referred to as "Members."

F. "Delegate" means a delegate of a Member of the Association to the General Assembly, or the alternate acting in the delegate's absence.

G. "Representative" means a representative to the Executive Board, or the alternate acting in the representative's absence.

H. "Regional Plan" means the comprehensive plan for the San Francisco Bay Region adopted and amended from time to time by the Association.

I. "Regional Problem" means an issue concerning the public health, safety or welfare of substantially all of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

J. "Subregional Problem" means an issue concerning the public health, safety or welfare of one or more of the Association's Members, a solution to which may require intergovernmental cooperation or assistance of the Association.

ARTICLE III. MEMBERSHIP

A. MEMBERS

(1) The counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, the City and County of San Francisco, and within the area of such counties all cities and incorporated towns (hereinafter referred to as "cities") now existing or formed in the future are eligible for membership in the Association.

(2) All eligible cities and counties become Members of the Association upon execution of the Agreement and payment of the annual assessment and annual membership fee.

B. COOPERATING MEMBERS

(1) Subject to the approval of the Executive Board or the Executive Director as set forth in Article III.B(4), any governmental entity, public agency, or non-profit organization not eligible for membership under Article III.A of these Bylaws may elect to join the Association as a Cooperating Member.

(2) Cooperating Members shall be entitled to attend all meetings of the General Assembly and of the Executive Board, but shall not be entitled to vote or participate in debate. No Cooperating Member shall be considered a "contracting party" as that term is used in the Act.

(3) Cooperating Members shall be entitled to receive data, studies, planning documents, special services, and other written materials and services of the Association subject to policies adopted by the Executive Board.

(a) The Executive Director of the Association may approve the admission of any governmental entity or public agency electing to join the Association as a Cooperating Member pursuant to this Article III.B.

(b) The Executive Board of the Association may approve the admission of any non-profit organization electing to join the Association as a Cooperating Member pursuant to this Article III.B.

ARTICLE IV. POWERS

A. GENERAL

The Association may exercise in its own name the following powers when the exercise of these powers is necessary to, in furtherance of, or in support of the Association, the exercise of any other powers provided for in these Bylaws or the Agreement, or any other authorized activity

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undertaken by the Association: make and enter into contracts, memoranda of understanding, and other agreements; employ and appoint employees and agents; acquire, hold, protect, dispose of, construct, operate, and maintain real and personal property; incur debts, liabilities, obligations, and encumber or hypothecate real or personal property; sue and be sued; and, accept grants, gifts, donations, and other monies.

B. INFORMATION GATHERING

The Association may request, collect, store, correlate, transfer, and otherwise manage information and data in any manner necessary to, in furtherance of, or in support of the exercise of any other power under this Article or any other authorized activity undertaken by the Association.

C. STUDIES

The Association may perform studies to identify and/or analyze regional or subregional problems, the purpose and subject matter of such studies to be determined as provided in these Bylaws.

D. REGIONAL PLANNING

The Association shall have the power to perform regional or subregional planning without limitation as to subject matter:

- (1) that it is eligible or authorized to do; or,
- (2) that it is required to do under State or Federal authority; or,
- (3) that is authorized under other provisions of these Bylaws or as a result of the Association's studies of regional or subregional problems.

E. POLICIES AND ACTIONS

- (1) The Association may develop and adopt policies and/or actions.
- (2) The Association may advocate and otherwise act to advance its positions, studies, plans, and policies both within and outside the region and may accept delegations of authority from Federal, State, regional, or local bodies to this end.

F. INTERAGENCY COOPERATION

- (1) The Association may appoint representatives, in its own name, to other agencies, Boards, commissions, or official bodies to which it is required or eligible to make appointments.
- (2) The Association may perform and participate in governmental coordination and respond to efforts at such coordination.

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(3) In the exercise of its powers under Article IV.F(1) and (2), the Association may request or transmit information or studies; exercise any voting or veto power given to it; participate in grant applications, administration, and disbursements; and, do any other acts necessary to or in support of the exercise of such powers.

G. INFORMATION, SERVICES, AND ASSISTANCE

(1) The Association may provide information, assistance, services, studies, plans, recommendations, and reports or such other information, assistance, and services requested by specific Members or nonmembers. Information, services, and assistance may include, without limitation, preparing or making of grant applications on behalf of or in conjunction with Members, training programs for local government staff, technical assistance on particular projects, or review of particular projects. The Association may provide information, assistance and services in conjunction with other entities and may organize and/or participate in committees, task forces, and subsidiary entities necessary to or in support of this or its other powers.

(2) The Association may charge reasonable fees for information, services, and assistance that it provides.

H. POWER TO FINANCE PROPERTY FOR MEMBERS

The Association shall have the power to finance and acquire, by lease purchase, installment sale or other financing agreements, both real and personal property necessary or convenient for the operation of the Members and Cooperating Members, and to sell or lease such property to such members pursuant to installment sale or lease purchase agreements between the Association and the members acquiring such property.

I. SELF-INSURANCE POOLS

Pursuant to Government Code Sections 989-991.2 and Labor Code Section 3700, as may be amended from time to time, ABAG shall have the power to provide insurance for some or all of its Members through self-insurance or the purchase of insurance, excess insurance or reinsurance against public liability, errors and omissions, inverse condemnation or workers' compensation; and, further, shall have such other reasonable and necessary powers, which are necessary or convenient to further, support or implement the self-insurance program, including without limitation, financing self-insurance reserve funds through the issuance of certificates of participation, or other instruments of indebtedness.

J. OTHER POWERS

The Association may exercise other reasonable and necessary powers in furtherance or support of any purpose of the Association or power granted by the Act, the Agreement, or the General Assembly or the Executive Board as provided for in these Bylaws.

ARTICLE V. RESTRICTIONS ON POWERS

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

Pursuant to Articles 1 and 5 of the Agreement and to the extent required by Government Code Section 6509, the Association shall be restricted in the exercise of its powers in the same manner as the City and County of San Francisco is restricted in its exercise of similar powers; provided that, if the City and County of San Francisco shall cease to be a Member of the Association, then the Association shall be restricted in the exercise of its powers in the same manner as the County of Alameda.

ARTICLE VI. GENERAL ASSEMBLY

A. MEMBERSHIP

(1) Each Member city and Member county shall have one seat in the General Assembly. San Francisco shall be counted as both a city and a county for purposes of membership in the General Assembly.

(2) The mayor or member of the governing body of each Member city and the chairperson of the board of supervisors or member of the governing body of each Member county, or their respective alternates, shall be delegates to the General Assembly.

(3) Each city council and board of supervisors may designate an alternate who shall be either a member of such body or the chief executive officer of the Member; provided that, the mayor of the City and County of San Francisco may designate as an alternate (a) any officer of the City and County of San Francisco who may be either an elected or principal appointed official of the City and County of San Francisco or (b) the chief executive officer of the City County of San Francisco.

(4) An alternate appointed pursuant to Article VI.A(3) may act in the absence of the delegate.

B. MEETINGS

(1) The time, date, and location of the annual meeting of the General Assembly shall be determined by the Executive Board, provided it is no later than June 30.

(2) Notice of the annual meeting of the General Assembly shall be given to the delegates of each Member city and Member county at least thirty (30) days prior to the meeting. An agenda for the meeting shall accompany the notice.

(3) Special meetings of the General Assembly may be called by the Executive Board upon its own motion. A special meeting shall be called by the Executive Board upon written request of fifteen (15) Member cities and three (3) Member counties.

(4) Ten-day written notice of special meetings shall be given to the delegates of each Member city and Member county. An agenda specifying the subject of a special meeting shall accompany the notice.

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C. POWERS AND FUNCTIONS

The powers and functions of the General Assembly shall include:

- (1) Exercising as appropriate all of the powers of the Association as set forth in these Bylaws or the Agreement. The General Assembly shall have the power to limit the Executive Board's exercise of any power or authority set aside to the Executive Board under these Bylaws.
- (2) Any delegate may at any meeting of the General Assembly propose a subject or subjects for study by the Association. The General Assembly may take action upon such proposals and, if requested by any delegate, determine whether a study will be made of the subject or subjects so proposed or may refer such subject or subjects to the Executive Board.
- (3) Any delegate may at any meeting of the General Assembly request review by the General Assembly of any action of the Executive Board which has been taken between meetings of the General Assembly.
- (4) The budgetary duties and responsibilities set forth in Article XI.

ARTICLE VII. EXECUTIVE BOARD

A. EXECUTIVE BOARD

There shall be an Executive Board of the Association which shall be organized and shall be responsible for functions as hereinafter set forth:

- (1) Voting Membership. The voting membership of the Executive Board shall consist of a maximum of 38 voting members (representatives and ex officio members). The representative shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or be eligible to be Executive Board representative or alternate representative from the City and County of San Francisco under Article VII.A(1)(e), if that jurisdiction is an Association member. Representatives to the Executive Board shall be selected as follows:
 - (a) Alameda County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of Oakland.
 - (b) Contra Costa County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.
 - (c) Marin County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

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(d) Napa County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(e) San Francisco City and County. The Mayor and one other elective officer or member of the Mayor's staff of the City and County appointed by the Mayor; two representatives of the City and County appointed by the Board of Supervisors, and a fifth representative to be appointed alternately by the Mayor and the Board of Supervisors, with two-year appointments beginning in years evenly divisible by four to be made by the Mayor and with two-year appointments made in even-numbered years not evenly divisible by four to be made by the Board of Supervisors. When such fifth representative is selected by the Mayor, the representative may be an elective or appointive officer or member of the Mayor's staff of the City and County.

(f) San Mateo County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(g) Santa Clara County. Two representatives of the county to be appointed by the Board of Supervisors; two representatives of Member cities within the county to be appointed by the mayors of Member cities meeting in conference, and three representatives to be appointed by the City Council of the City of San Jose.

(h) Solano County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(i) Sonoma County. One representative of the county to be appointed by the Board of Supervisors; and one representative of Member cities within the county to be appointed by the mayors of Member cities meeting in conference.

(j) Alternates. Each of the appointing bodies named in Article VII.A(1)(a)-(i) may designate an alternate for each of their representatives to act in the representative's absence. Appointments of alternates shall be made in the same manner, with the same qualifications and for the same term as representatives.

(2) Advisory Membership. The Association shall maintain effective communication and coordination with agencies of the State of California and the United States of America. To that end, the Executive Board shall invite, following nomination by the Association's President, such representatives of state and federal governments as it deems appropriate and desirable as advisory, non-voting members of the Executive Board. Such members shall serve at the pleasure of the Executive Board. No advisory member shall be considered a "contracting party" as that term is used in the Act.

(3) Terms of Office. Representatives shall serve for terms of two years. Appointments

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of representatives to the Executive Board shall become effective biennially on July 1.

(4) Staggered Terms. The terms of the representatives to the Executive Board shall be staggered so that the terms of approximately one-half of the representatives expire each year. The terms of the representatives of the cities in the counties of Alameda, Marin, Napa, San Francisco (mayor and representative), and Santa Clara, and the representatives of the counties of Contra Costa, San Mateo, Solano, and Sonoma shall expire in the even-numbered years; the terms of the representatives of the cities in the counties of Contra Costa, San Mateo, Solano, and Sonoma, and the representatives of the counties of Alameda, Marin, Napa, San Francisco (representatives of the Board of Supervisors), and Santa Clara shall expire in the odd-numbered years.

(5) Officers. The President and the Vice President of the Association shall be Chairperson and Vice Chairperson, respectively, of the Executive Board.

(6) Duties.

(a) The Executive Board shall have the budgetary duties and responsibilities set forth in Article XI.

(b) The Executive Board shall submit a full report of its activities at the General Assembly's annual meeting.

(c) Subject to any constraint or limitation imposed by the General Assembly, the Executive Board shall exercise all powers of the Association between meetings of the General Assembly; provided that, the Executive Board shall not amend these Bylaws, nor shall it exercise the budgetary powers reserved to the General Assembly under Article XI of these Bylaws.

(d) The Executive Board shall be responsible for carrying out policy decisions made by the General Assembly.

(e) Recommendations from committees for policy actions shall be made to the Executive Board. Unless otherwise directed by the General Assembly, the Executive Board may take action on such recommendations.

(7) Per Diem. Each voting member of the Executive Board, or of a standing and/or joint committee, and where expressly designated by the Executive Board, individuals participating in special committees, task forces or other meetings, shall receive a per diem of \$150 for each meeting attended. The per diem shall be paid for a maximum of forty-eight (48) meetings per year. Per diem may also be received by a Board or committee member representing the Association before an agency or body of the State or Federal government.

B. MEETINGS

The Executive Board shall meet at least four times each year. Additional meetings shall be held upon the call of the Chairperson or upon the call of five voting members of the Executive Board.

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C. ADMINISTRATIVE COMMITTEE

There shall be an Administrative Committee of the Executive Board of the Association whose composition shall be determined by the Executive Board and which shall, subject to any constraint or limitation imposed by the Executive Board or the General Assembly, exercise all powers of the Executive Board between meetings of the Executive Board; provided that, the Administrative committee shall not:

- (1) Amend the Agreement or Bylaws;
- (2) Exercise the budgetary duties of the Executive Board set forth in Article XII;
- (3) Exercise the powers of appointment of officers as set forth in Article IX.

The Administrative Committee shall meet upon the call of the President or Vice President and in compliance with the Ralph M. Brown Act. Further, the Administrative Committee shall submit a full report of its activities to the Executive Board at the first meeting immediately following the Administrative Committee meeting.

ARTICLE VIII. VOTING

A. Voting in the General Assembly shall be conducted in the following manner:

- (1) A quorum of the General Assembly shall consist of a majority of the city delegates and a majority of the county delegates.
- (2) Each county delegate and each city delegate shall have one vote. Votes shall be tabulated separately for county delegates and for city delegates. The affirmative votes of a majority of a quorum of county delegates and of a majority of a quorum of city delegates are required for action by the General Assembly, except as provided for in Article XIV.

B. Voting in General Assembly meetings may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five delegates present, or at the discretion of the presiding officer.

C. Voting in the Executive Board shall be conducted in the following manner:

- (1) A majority of the voting members of the Executive Board shall constitute a quorum.
- (2) The affirmative votes of a majority of the members present provided that there is a quorum are required for action by the Executive Board.

D. Except as the Executive Board may otherwise provide, all other committees of the Association may act upon the affirmative vote of a majority of the committee members present.

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ARTICLE IX. OFFICERS, ELECTIONS AND VACANCIES

A. Officers of the Association shall be:

- (1) The President, who shall serve as Chairperson of the Executive Board and General Assembly.
- (2) The Vice President, who shall serve as Vice Chairperson of the Executive Board and General Assembly.
- (3) The Immediate Past President.
- (4) An Executive Director and a Legal Counsel to be appointed by and serve at the pleasure of the Executive Board. Section 2.1 of the Contract for Services, dated May 30, 2017, between ABAG and the Metropolitan Transportation Commission (MTC) (the CS) provides that MTC's Executive Director shall perform the functions and duties with respect to ABAG and the local collaboration programs that were formerly performed by ABAG's Executive Director. For purposes of these Bylaws, so long as the CS is in effect, references to the "Executive Director" shall be deemed to refer to the MTC Executive Director. Section 3.4 of the CS provides that legal services shall be performed by MTC's Office of General Counsel. Subject to the terms of the CS pertaining to potential conflicts of interest, obtaining outside specialized legal services, and the discretion of ABAG or the local collaboration programs to directly retain outside counsel, references in these Bylaws to the legal counsel shall be deemed to refer to the MTC Office of General Counsel.

B. The President and Vice President of the Association shall be elected biennially by secret ballot of supervisors, mayors and city councilmembers of member jurisdictions. Nominations for the offices of the President and Vice President shall be by petition of at least fifteen (15) mayors, councilmembers or supervisors. A plurality vote shall be required for election to any office. All other election procedures shall be determined by the Executive Board, provided that these procedures shall be disseminated to all member jurisdictions at least thirty (30) days prior to the date determined and designated for counting of secret ballots. If, at the close of nominations, only one candidate is nominated for President or for Vice President, the election procedures may waive the ballot requirement and provide, instead, that the nominee be declared elected to that office.

C. The President and Vice President shall be either a councilmember of a Member city or a supervisor of a Member county of the Association, or a General Assembly delegate or alternate or Executive Board representative or alternate representative from the City and County of San Francisco if that jurisdiction is an Association member.

D. The terms of office of the President and Vice President shall be determined as follows:

- (1) Except as otherwise provided in this section, the term of office of the President, Vice President and Immediate Past President is two (2) years.

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(2) If the President vacates his/her office as required by Article IX.C. or any other reason, the Vice President shall assume the office of President for the balance of the original term. If the balance of the original term is less than five hundred forty-eight (548) calendar days, then the new President may choose to run for an additional one (1) year term as President. The new President shall notify the Executive Board no later than September 1 of the year in which the original term ends whether he/she shall run for an additional one (1) year term. The President's election to run for an additional one (1) year term shall also modify the term of office of the Vice President to conform to that of the office of the President.

(3) Article IX.B. shall govern the special elections for one (1) year terms in all other respects.

(4) In the event that the President is disabled or for any other reason temporarily unable to act, the Vice President shall act in place and perform the duties of President until return or recovery from disability.

(5) In the event of a vacancy in the office of Vice President due to the Vice President's permanently serving as President, vacating the office as required by Article IX.C., or for any other reason, the Executive Board shall fill the office of Vice President by appointment for the unexpired portion of the Vice President's term. In the event of a simultaneous vacancy in the offices of President and Vice President due to their vacating the respective offices as required by Article IX.C., or any other reason, the Executive Board shall fill both offices by appointment for the unexpired portion of the respective terms. In either event, the procedures of Article IX.I shall govern the process of filling said vacant office.

E. A newly elected President and Vice President shall take office on January 1 of the year following certification of the election results.

F. The President, subject to the advice and consent of the Executive Board, shall appoint committees and determine the committees' structure, charge, size and membership. Committees may be established to consider any matter within the jurisdiction of the Association. Committees shall operate according to the policies adopted by the Executive Board, and shall submit their reports and recommendations to the Executive Board. Committees shall meet on the call of their chairpersons, who shall be (1) an elected official or the elective or appointive officer of the City and County of San Francisco appointed by the Mayor of the City and County of San Francisco to the Executive Board or General Assembly, and (2) a member of such committee; and who shall be elected by the members of each committee. At the initial meeting of each committee, and annually thereafter at the first committee meeting following January 1 of each year, the committees shall elect their chairpersons and such other officers as may be specified. Committee chairpersons shall be subject to confirmation by the Executive Board. Unless otherwise authorized by the Executive Board, committees of the Association shall be advisory.

G. Each delegate or alternate to the General Assembly and each representative or alternate to the Executive Board shall cease to be such immediately upon ceasing to hold the elective or appointive office which is required of a delegate or representative or their alternates

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under VI.A or VII.A(1).

H. In the event that any delegate or alternate to the General Assembly or any representative or alternate to the Executive Board shall for any reason cease to hold the elective or appointive office which is required of a delegate or representative or their alternates under Article VI.A or VII.A(1), the vacancy created thereby shall be filled for the unexpired term, in the same manner and with the same qualifications as the original appointment.

I. The Executive Board shall fill the office of Vice President or President pursuant to Article IX.D., at the first meeting of the Executive Board held after the occurrence of the event which causes the office(s) to be vacated. The meeting shall be chaired by the President, or if said office is vacant, by the Immediate Past President. Nominations for the vacant office(s) may be made from the floor. All nominations require a second. The office(s) may be filled only if a nominee receives a majority vote of the members of the Executive Board constituting the quorum for that meeting. If no nominee receives a majority vote on the first ballot, the two nominees receiving the highest number of votes shall be voted upon again until one of them receives a majority vote. If the selection process results in a tie, or no nominee receives a majority vote after three rounds of balloting, the acting Chairperson of the Executive Board may, at his or her discretion, decide the matter by lot between the two nominees then remaining.

ARTICLE X. EXECUTIVE DIRECTOR

The Executive Director shall be the Chief Administrative Officer of the Association. The powers and duties of the Executive Director are:

- A.** To appoint and remove all employees of the Association.
- B.** To perform the budgetary duties and responsibilities of the Executive Director as set forth in Article XI.
- C.** To serve as the Secretary-Treasurer of the Association and of the Executive Board.
- D.** To perform such other and additional duties as the Executive Board may require.

In the event the CS is terminated or is no longer in effect:

(1) The Executive Board shall have the authority to appoint, fix the salary of, and remove an Executive Director of the Association and shall have the authority to create and discontinue positions in the office of the Executive Director and fix salaries; provided however the Administrative Committee of the Executive Board shall not have the power to appoint, fix the salary of, or remove an Executive Director of the Association.

(2) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the voting members of the Executive Board present at the meeting of the Executive Board where the matter is considered, is required.

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ARTICLE XI. FINANCES

A. FISCAL YEAR

The fiscal year of the Association shall commence on July 1.

B. BUDGET

(1) At least **forty-five (45)** days prior to the annual meeting of the General Assembly the Executive Director shall submit to the Executive Board, for the next fiscal year of the Association, a proposed general budget and summary work program. The proposed general budget shall include annual membership fee and assessment schedules and a summary of revenue and expenditures, actual or projected, for the preceding, current, and next fiscal years.

(2) The Executive Board shall review the proposed general budget and summary work program, amend them as necessary, and submit them to the General Assembly for review and adoption at the annual meeting of the Assembly.

(3) The General Assembly shall adopt a summary work plan and general budget, including yearly membership assessment and annual membership fee.

(4) The Executive Board shall adopt a detailed budget and work program on or before July 1 of each year, and thereafter monitor their execution and amend them as necessary. The work program shall give effect to any priorities set forth in the general budget and summary work program, unless financially infeasible.

(5) The Executive Director shall manage all expenditures, subject to control of the Executive Board. The Executive Board shall have power to transfer funds within the total detailed budget to meet unanticipated needs or changed situations. Such action shall be reported to the General Assembly at its next meeting.

C. YEARLY MEMBERSHIP ASSESSMENT

The amount of each Member's assessment shall be determined in accordance with the formula set out in Paragraph D following. Any Member city or county whose annual assessment and annual membership fee has not been paid by the time of the annual meeting of the General Assembly shall not be entitled to vote at such meeting.

D. METHOD OF ASSESSMENT

The annual assessment for members of the Association shall be based upon population as determined by the State Controller in making the most recent allocations to counties and cities pursuant to California Revenue and Taxation Code Section 11005, except that, beginning in 1987-88, in the case of newly incorporated cities, until such time as an official census is conducted and population is established therewith, the population as estimated by the Executive Director shall be used for assessment purposes.

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- (1) The General Assembly shall adopt a per capita rate or rates of assessment for each fiscal year.
- (2) For purposes of assessment San Francisco shall be considered as both a city and a county.

E. ANNUAL AUDIT

The Executive Board shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Executive Board shall employ a certified public accountant of its choosing. The audit report shall be made available to Association member counties and cities.

F. ANNUAL MEMBERSHIP FEE

The membership fee shall be uniform for all members of the Association and shall not be less than \$10.00 per month or \$120.00 per year.

G. DATE OF PAYMENT

Unless a Member has withdrawn as provided in Article XIII of these Bylaws, the Member's annual assessment and annual membership fee shall be due and payable to the Association on July 1 of the fiscal year for which it is levied.

ARTICLE XII. STATUTORY AUTHORITY

The Association is an agency established by a joint powers agreement among the Members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California. The Association is an entity separate and apart from its Members. The debts, liabilities and obligations of the Association shall not be debts, liabilities or obligations of the Association's Members.

ARTICLE XIII. WITHDRAWAL

Any member county or city may, at any time up to 30 days prior to the beginning of the Association's fiscal year, withdraw from the Association effective the next fiscal year; provided that the intent to withdraw must be stated in the form of a resolution executed by the legislative body of the jurisdiction wishing to withdraw. The resolution must be given to the Executive Director at least 30 days prior to the effective date of the withdrawal.

ARTICLE XIV. AMENDMENTS

Amendments to these Bylaws may be proposed by a delegate or by the Executive Board. If proposed by a delegate, the amendment shall be submitted to the Executive Board at least 45 days prior to an annual meeting of the General Assembly. Each proposed amendment shall be considered by the Executive Board and a copy thereof, with the recommendations of the Executive

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Board and its reasons therefor, forwarded to the delegate of each Member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county delegates present and a majority vote of the city delegates present are required to adopt an amendment to these Bylaws.

ARTICLE XV. EFFECTIVE DATE

These Bylaws shall go into effect immediately upon the effective date of the Agreement.



**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

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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

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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.

[West's Annotated California Codes](#)

[Health and Safety Code \(Refs & Annos\)](#)

[Division 24. Community Development and Housing \(Refs & Annos\)](#)

[Part 1.85. Dissolution of Redevelopment Agencies and Designation of Successor Agencies \(Refs & Annos\)](#)

[Chapter 4. Oversight Boards \(Refs & Annos\)](#)

West's Ann.Cal.Health & Safety Code § 34179

§ 34179. Composition of oversight board; appointment of members; review of oversight board action; fiduciary responsibilities; number of oversight boards in each county

Effective: September 22, 2015

[Currentness](#)

(a) Each successor agency shall have an oversight board composed of seven members. The members 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. Members shall be selected as follows:

(1) One member appointed by the county board of supervisors.

(2) One member appointed by the mayor for the city that formed the redevelopment agency.

(3)(A) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to [Section 34188](#).

(B) On or after the effective date of this subparagraph, the county auditor-controller may determine which is the largest special district for purposes of this section.

(4) One member 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.

(5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public appointed by the county board of supervisors.

(7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees. If a recognized employee organization does not exist for either the employees of the former redevelopment agency or the city or county employees performing administrative duties of the former redevelopment agency, the appointment shall be made from among the employees of the successor agency. In voting to approve a contract as an enforceable obligation, a member appointed pursuant to this paragraph shall not be deemed to be interested in the contract by virtue of being an employee of the successor agency or community for purposes of [Section 1090 of the Government Code](#).

(8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.

(9) If there are no special districts of the type that are eligible to receive property tax pursuant to [Section 34188](#), within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.

(10) If a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, if that appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to [Section 34188](#), one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city if that appointment is subject to confirmation by the county board of supervisors, to represent the largest number of former redevelopment agency employees employed by the successor agency at that time.

(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.

(b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by May 15, 2012, or any member position that remains vacant for more than 60 days.

(c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's and the successor agency's duties and responsibilities under this part. 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.

(d) Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with [Section 814](#)) of [Division 3.6 of Title 1 of the Government Code](#).

(e) 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. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act,¹ the California Public Records Act,² and the Political Reform Act³ of 1974. All actions taken by the oversight board shall be adopted by resolution.

(f) 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.

(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.

(h)(1) The department may review an oversight board action taken pursuant to this part. Written notice and information about all actions taken by an oversight board shall be provided to the department as an approved resolution by electronic means and in a manner of the department's choosing. Without abrogating the department's authority to review all matters related to the Recognized Obligation Payment Schedule pursuant to [Section 34177](#), oversight boards are not required to submit the following oversight board actions for department approval:

(A) Meeting minutes and agendas.

(B) Administrative budgets.

(C) Changes in oversight board members, or the selection of an oversight board chair or vice chair.

(D) Transfers of governmental property pursuant to an approved long-range property management plan.

(E) Transfers of property to be retained by the sponsoring entity for future development pursuant to an approved long-range property management plan.

(2) An oversight board action submitted in a manner specified by the department shall become effective five business days after submission, unless the department requests a review of the action. Each oversight board shall designate an official to whom the department may make those requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. Except as otherwise provided in this part, in the event that the department requests a review of a given oversight board action, it shall have 40 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and the 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. If the department reviews a Recognized Obligation Payment Schedule, the department may eliminate or modify any item on that schedule prior to its approval. The county auditor-controller shall reflect the actions of the department in determining the amount of property tax revenues to allocate to the successor agency. The department shall provide notice to the successor agency and the county auditor-controller as to the reasons for its actions. To the extent that an oversight board continues to dispute a determination with the department, one or more future Recognized Obligation Payment Schedules may reflect any resolution of that dispute. The department may also agree to an amendment to a Recognized Obligation Payment Schedule to reflect a resolution of a disputed item; however, this shall not affect a past allocation of property tax or create a liability for any affected taxing entity.

(i) 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.

(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. The oversight board is appointed as follows:

(1) One member may be appointed by the county board of supervisors.

(2) 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.

(3) 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](#).

(4) 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.

(5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.

(6) One member of the public may be appointed by the county board of supervisors.

(7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

(k) 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.

(l) Commencing on and after July 1, 2018, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (j).

(m) Any oversight board for a given successor agency, with the exception of countywide oversight boards, shall cease to exist when the successor agency has been formally dissolved pursuant to [Section 34187](#). A county oversight board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to [Section 34187](#).

(n) An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.

(o) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.

(p) 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.

(q)(1) Commencing on and after July 1, 2018, in each county where more than 40 oversight boards were created by operation of the act adding this part, there shall be five oversight boards, which shall each be staffed in the same manner as specified in

subdivision (j). The membership of each oversight board shall be as specified in paragraphs (1) through (7), inclusive, of subdivision (j).

(2) The oversight boards shall be numbered one through five, and their respective jurisdictions shall encompass the territory located within the respective borders of the first through fifth county board of supervisors districts, as those borders existed on July 1, 2018. Except as specified in paragraph (3), each oversight board shall have jurisdiction over each successor agency located within its borders.

(3) If a successor agency has territory located within more than one county board of supervisors' district, the county board of supervisors shall, no later than July 15, 2018, determine which oversight board shall have jurisdiction over that successor agency. The county board of supervisors or their designee shall report this information to the successor agency and the department by the aforementioned date.

(4) The successor agency to the former redevelopment agency created by a county where more than 40 oversight boards were created by operation of the act adding this part, shall be under the jurisdiction of the oversight board with the fewest successor agencies under its jurisdiction.

Credits

(Added by Stats.2011-2012, 1st Ex.Sess., c. 5 (A.B.26), § 7, eff. June 29, 2011, operative Feb. 1, 2012. Text reformed per California Redevelopment Assn. v. Matosantos (2011) 135 Cal.Rptr.3d 683, 53 Cal.4th 231. Amended by Stats.2012, c. 26 (A.B.1484), § 16, eff. June 27, 2012; Stats.2015, c. 325 (S.B.107), § 11, eff. Sept. 22, 2015.)

Editors' Notes

OPERATIVE EFFECT

<For operative effect of Part 1.85, see [Health and Safety Code § 34170](#).>

Notes of Decisions (16)

Footnotes

- 1 See [Government Code § 54950 et seq.](#)
- 2 See [Government Code § 6250 et seq.](#)
- 3 See [Government Code § 81000 et seq.](#)

West's Ann. Cal. Health & Safety Code § 34179, CA HLTH & S § 34179

Current with urgency legislation through Ch. 13 of 2018 Reg.Sess

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