

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

**REGULAR MEETING
AGENDA**

MAY 10, 2018

2:00 PM

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

Members of the Board: Bill Bartels - Chair
Paula Driscoll - Vice Chair
Tom Kasper
David Keebler
Christy Madden
Cynthia Bridges
(Vacancy)

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Oversight Board per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the County Executive Office, 800 South Victoria Avenue, Loc. #1940, Ventura, CA 93009 or telephonically by calling (805) 654-5027. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

All agenda reports and supporting data, including those filed in accordance with Government Code Section 54957.5 (b) (1) and (2) are available from the County Executive Office, Ventura County Government Center, Hall of Administration, 4th Floor, 800 South Victoria Avenue, Ventura, California. The same materials will be available and attached with each associated agenda item, when received, at the following website: <https://www.ventura.org/oversight-board/>

Welcome to the Meeting of the Oversight Board to the Successor Agency to the Former Redevelopment Agency of the County of Ventura.

The following information is provided to help you understand, follow, and participate in the Board meeting:

Pursuant to California Government Code Section 54953(a), et seq., time is set aside for citizen presentations regarding Oversight Board related matters. Those wishing to speak must fill out a speaker card and submit it to the Secretary. Speaker cards for issues not on the agenda must be submitted to the Secretary prior to the beginning of the public comment period. Agendized item, speaker cards must also be submitted before the item is taken up for consideration. The Secretary may not accept any additional speaker cards once an item commences.

Items on the Consent Agenda and Regular Agenda will be heard at the Board's discretion.

Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of time not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided. The entire public comment period is limited to no more than thirty (30) minutes total for all speakers.

Members of the public who desire to augment their comments with visual or audio presentations using County equipment must submit their materials to the County Executive Office and the Chair for review before use of County equipment will be allowed. The review will be conducted to determine only whether the materials are on matters within the jurisdiction of the Board, would be disruptive of the meeting, or would foster illegality, such as identity theft. If it is determined the materials are about matters not within the Board's jurisdiction, or would be disruptive of the meeting, or would foster illegality, use of County equipment will not be allowed.

OPENING

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance to the Flag of the United States of America.
4. Consent Agenda Items 6 – 10 – Review and approve unless an item is pulled for separate action by the Board and moved to the Regular agenda for consideration. Consent items are to be routine and non-controversial. All items are approved as recommended without discussion.
5. Public Comments – Citizen presentations regarding Board related matters NOT appearing on this agenda. (See Guidelines above)

CONSENT AGENDA

6. Receive and File Without Objection or Amendment the Minutes for the May 12, 2016 Regular Meeting.
7. Receive and File the Successor Agency Monthly Administrative Financial Status Report (FSR) for the Period Ending April 30, 2018.
8. Receive and File a Staff Report Regarding the Department of Finance's Non-Response to Resolution 16-05, Filing of Conflict of Interest Code.
9. Receive and File Executed Agreements Between the Successor Agency and the County of Ventura's County Executive Office and Office of County Counsel, Effective July 1, 2017, through June 30, 2018, and Receive and File the Department of Finance (DOF) Determination Email Notice, Dated May 19, 2016, Regarding Resolution No. 16-06 Authorizing the Successor Agency to Reenter into These Agreements.
10. Receive and File a Ventura County Office of Education Letter from Stanley Mantooth, Superintendent of Schools, Dated June 1, 2017, Regarding the Appointment of Cynthia Bridges to Fill a Prior Vacancy on the Oversight Board.

REGULAR AGENDA

11. Adoption of Resolution No. 18-01 Approving the Transfer of Oversight Board Files to the Consolidated Oversight Board.
12. Receive and File a Staff Report Regarding the Last and Final Recognized Obligation Payment Schedule, Approved by Your Board's Adoption of Resolution No. 16-03 on January 21, 2016.

ANNOUNCEMENTS, FAREWELLS, FINAL ADJOURNMENT

Announcements

Farewells

Final Adjournment

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

REGULAR MEETING

May 10, 2018

AGENDA ITEM #6:

Receive and File Without Objection or Amendment the Minutes for the May 12, 2016 Regular Meeting.

Exhibit A – Minutes for the May 12, 2016 Regular Meeting

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

**OFFICIAL SUMMARY
MINUTES
May 12, 2016
2:00 PM**

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

OPENING

1. Call to Order.
2. Roll Call. A quorum was established and attendance noted, as follows:

Members Present: Bill Bartels, Christy Madden, Tom Kasper, Matt Carroll,
Paula Driscoll

Members Absent: David Keebler

Staff Present: David Brown, Roberto R. Orellana, Gia Allen, Mary Ann
Guariento
3. Pledge of Allegiance to the Flag of the United States of America was made.

4. Public Comments – Citizen presentations regarding Board related matters NOT appearing on this agenda.

There were no members of the public in attendance.

5. **Receive and File Without Objection or Amendment the Minutes for the January 21, 2016 Special Meeting.**

The January 21, 2016 Special Meeting Minutes were received and filed by the Board without objection.

6. **Receive and File the Successor Agency Monthly Administrative Financial Status Report (FSR) for the Period Ending April 30, 2016.**

Motion to receive and file was made and approved.

Moved by Christy Madden, seconded by Tom Kasper. Approved. Vote: 5-0

7. **Receive and File the Department of Finance (DOF) Determination Letter, Dated March 25, 2016, Regarding the Annual Recognized Obligation Payment Schedule (Annual ROPS 16-17) for July 1, 2016 through June 30, 2017.**

Motion to receive and file was made and approved.

Moved by Matt Carroll, seconded by Tom Kasper. Approved. Vote: 5-0

8. **Review the Department of Finance (DOF) Determination Letter, Dated March 25, 2016, Amending the Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS), and Take Action as Needed Thereon.**

Staff reported to the Oversight Board (OB) that the DOF had approved the Last and Final ROPS of the Successor Agency (SA) subject to the following changes:

1. The DOF reclassified the funding source for SA bond payments from “other funds” to “bond proceeds.” Staff stated that it agrees with this DOF change.
2. The DOF adjusted the SA’s 2017-18 and future administrative cost allowances to comply with legislation. Staff stated that it agrees with these DOF adjustments.

3. Due to recent legislative changes, the DOF also recalculated the Successor Agency's 2016-17 administrative allowance. This recalculation resulted in the DOF stating that there would be no allowed administrative costs for that fiscal year. Staff stated that it did not agree with the DOF's manner of calculation. However, staff reported that the SA's expenses for 2016-17 were anticipated to be minimal and they could be absorbed by the County's general fund; therefore, in staff's opinion, the relatively high costs of appealing the DOF's determination, along with the anticipated small benefits of even a successful challenge to this DOF recalculation, argued against making such a challenge.

Staff also pointed out to the OB, however, that the March 25, 2016 letter from the DOF erroneously stated the SA had accepted its changes to the Last and Final ROPS. Staff then stated that the OB's options were to:

A. Resubmit the Last and Final ROPS to the DOF, asking it to correct 2016-17 administrative allowance allocation, or

B. Accept the DOF's changes to the Last and Final ROPS.

In addition to the costs/benefits analysis, Successor Agency staff expressed a concern that, if presented with the Last and Final ROPS again, the DOF might amend it to further reduce or eliminate currently approved administrative allowances in future years. Staff noted that it had sent an email requesting clarification of the 2016-17 calculation to the DOF but no response was received by the time of the meeting. The OB expressed concern that the DOF had created an unfunded mandate, in conflict with the state constitution. Board members suggested joining a lawsuit against the DOF, should one be filed, in this regard.

The OB then considered its current options, including whether it should initiate litigation against the DOF. While the OB disagreed with the DOF's elimination of administrative allowance for 2016-17, it decided to accept staff's recommendation to not pursue a challenge to any of the DOF's changes to the Last and Final ROPS.

Motion to approve staff's recommendations.

*Moved by Christy Madden, seconded by Tom Kasper. Absent: Matt Carroll
Approved. Vote: 4-0*

9. Adoption of Resolution No. 16-05 Approving the Updated Conflict of Interest Code and Direction to Staff Regarding Transmission and Posting Thereof.

Motion to adopt Resolution 16-05 approving the updated conflict of interest code.

*Moved by Christy Madden, seconded by Tom Kasper. Absent: Matt Carroll
Approved. Vote: 4-0*

10. Adoption of Resolution No. 16-06 Delegating Authority to the Successor Agency Secretary to Reenter into and Sign Three Agreements with the County of Ventura for Fiscal Year 2017-18.

Motion to adopt Resolution 16-06 delegating the SA to reenter the three agreements.

*Moved by Paula Driscoll, seconded by Tom Kasper. Abstain Matt Carroll
Approved. Vote: 4-0*

The Board then adjourned the meeting, at 2:49 p.m.

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

REGULAR MEETING
May 10, 2018

AGENDA ITEM #7:

Receive and File the Successor Agency Monthly Administrative Financial Status Report (FSR) for the Period Ending April 30, 2018.

Exhibit A – FSR for the Period Ending April 30, 2018

SUCCESSOR AGENCY TO THE VENTURA COUNTY (PIRU) REDEVELOPMENT AGENCY
PP01 ROF 5500
FINANCIAL STATUS REPORT
For the Period Ending April 30, 2018 - AP10

Item 7 - Exhibit A

	Fiscal year 2016-17		Fiscal Year 2017-18			Fiscal Year 2018-19
	ROPS 16-17 A & B		ROPS 17-18 A & B			ROPS 18-19 A & B
	7/1/16 - 6/30/17		7/1/17 - 6/30/18			7/1/18 - 6/30/19
	Approved ROPS	Actuals	Approved ROPS	Year-To- Date Actuals	Year End Projection	Approved ROPS
Revenue						
RPTTF Distribution	45,657	45,657	66,937	31,504	66,937	66,084
Interest Earned		2,687		1,064	1,419	
Total Revenue	45,657	48,344	66,937	32,568	68,356	66,084
Expenditures						
RPTTF - Admin	0		22,829			22,054
CEO Admin		0		0	5,000	
Legal Counsel		0		575	5,000	
Accounting/Auditing Services		0		0	0	
Total RPTTF - Admin	0	0	22,829	575	10,000	22,054
RPTTF - Non-Admin						
Tax Allocation Bonds - 2002 (paid in full 7/1/17)	1,601	1,601	0	0	0	0
Tax Allocation Bonds - 2008	44,056	44,055	44,108	12,604	44,108	44,030
Total RPTTF - Non-Admin	45,657	45,655	44,108	12,604	44,108	44,030
Total Expenditures	45,657	45,655	66,937	13,179	54,108	66,084
Net RPTTF Available:	0	2,689	0	19,390	14,248	0

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

DATE: May 10, 2018

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Department of Finance's Non-Response to Resolution 16-05, Filing of Conflict of Interest Code

RECOMMENDATION:

No action needed.

FISCAL IMPACT:

No fiscal impact.

DISCUSSION:

On May 12, 2016, your Board approved Resolution 16-05, updating the Conflict of Interest Code. Pursuant to Health and Safety Code (HSC) section 34179, subdivision (h), staff submitted the Resolution to the Department of Finance (DOF) on May 13, 2016. The DOF failed to provide a response. Therefore, pursuant to HSC section 34179, subdivision (h)(2), the action became effective May 20, 2016, five business days after submission.

No further action is necessary; this report is informational only.

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

REGULAR MEETING

May 10, 2018

AGENDA ITEM #9:

Receive and File Executed Agreements Between the Successor Agency and the County of Ventura's County Executive Office and Office of County Counsel, Effective July 1, 2017, through June 30, 2018, and Receive and File the Department of Finance (DOF) Determination Email Notice, Dated May 19, 2016, Regarding Resolution No. 16-06 Authorizing the Successor Agency to Reenter into These Agreements.

Exhibit A – Executed Agreements and DOF Determination Email Notice

**MEMORANDUM OF AGREEMENT REGARDING SERVICES
BETWEEN THE COUNTY OF VENTURA AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA FOR
ONGOING VENTURA COUNTY COUNSEL LEGAL SERVICES**

This agreement is made by and between the County of Ventura ("County") and the Successor Agency to the Former Redevelopment Agency of the County of Ventura ("SA"), and is entered into effective July 1, 2017, with respect to the following:

WHEREAS, the SA has been and is in need of Ventura County Counsel's legal services in connection with the execution of its duties; and

WHEREAS, the County Counsel has been and is currently providing those services to the SA, and the SA desires to continue to receive those services from the County Counsel; and

WHEREAS, the County Counsel is authorized; pursuant to ABx1 26 (2011), to provide legal services to the SA and the SA is authorized to pay fees for such services from its administrative budgets;

NOW, THEREFORE, to accomplish these objectives, County and SA enter into this memorandum of agreement regarding legal services ("Agreement"), as follows:

1. **Term of Agreement.** The Agreement shall cover the period of time from and including July 1, 2017, to and including June 30, 2018.
2. **Cost of Services.** The cost of services rendered to the SA and the SA's Oversight Board (OB) under this Agreement is estimated to not exceed \$11,829.00 for services performed during the term of the agreement.
3. **a. Scope of Services.** The County, through the County Counsel, shall provide staff legal services for and on behalf of the SA and OB, including but not limited to the following: review and revision of draft reports, resolutions, exhibits, and agenda for OB meetings; review and revision of "Meet and Confer" requests for filing with the State Department of Finance; review and advice regarding proposed and adopted legislation impacting the SA or OB; review and defense of claims made and actions filed against the SA or OB; research and preparation of advice to the OB at the request of the OB or its Chair; and attendance and response to inquiries from OB members at all regularly and specially scheduled meetings of the OB.
b. Additional Services. The SA may request additional services beyond the Scope of Services in Section 3.a. Agreement for the provision and payment of the additional services is required by both parties.
4. **Service Rates.** Services and related costs incurred shall be billed at the Board of Supervisors' approved rates effective for the term of the agreement and charged to the SA at a frequency no more than on a monthly basis, or as may be agreed in writing by the parties.
5. **Independent Contractor.** The County shall perform services under this Agreement as an independent contractor. The County and the officers, agents and employees of the County are not, and shall not be deemed, SA employees for any purpose, including workers' compensation, and shall not be entitled to any of the benefits accorded to SA employees, if any.
6. **Indemnification.** The SA shall defend, indemnify and hold harmless the County as well as those of its officers, agents and employees who perform any services or duties under this Agreement from any claim, loss or liability, including, without limitation, those for personal injury (including

death) or damage to property, arising out of or connected with any aspect of the performance by the County or its officers, agents or employees of services under this Agreement.

7. **Amendment.** This Agreement may only be modified or amended in writing and with the prior written consent of both parties.
8. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.
9. **Venue.** The venue for any legal action filed by either party in State court to enforce any provision of this Agreement shall be in the Superior Court of Ventura County, California.
10. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the specific subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date last signed.

COUNTY OF VENTURA

Dated: 10-4-17

By: 

Leroy Smith
County Counsel

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT
AGENCY OF THE COUNTY OF VENTURA

Dated: 10/4/17

By: 

Mary Ann Guariento
Secretary, Successor Agency to the Former
Redevelopment Agency of the County of Ventura

**MEMORANDUM OF AGREEMENT REGARDING CONTINUING SERVICES
BETWEEN THE COUNTY OF VENTURA AND THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA FOR
ONGOING STAFF ADMINISTRATIVE SERVICES**

This agreement is made by and between the County of Ventura ("County") and the Successor Agency to the Former Redevelopment Agency of the County of Ventura ("SA"), and is entered into effective July 1, 2017, with respect to the following:

WHEREAS, the SA has been and is in need of County's staff services in connection with the execution of its duties; and

WHEREAS, the County Executive Office has been and is currently providing those services to the SA, and the SA desires to continue to receive those services from the County Executive Office; and

WHEREAS, the County Executive Office is authorized, pursuant to ABx1 26 (2011) and previously approved administrative budgets of the SA, to provide staff services to the SA in an amount estimated to be not more than \$11,000.00 depending on the availability of funds within the SA's Administration Budget through fiscal year 2017-18;

NOW THEREFORE, to accomplish these objectives, County and SA enter into this memorandum of agreement regarding continuing services ("Agreement"), as follows:

1. **Term of Agreement.** The Agreement shall cover the period of time from and including July 1, 2017, and to and including June 30, 2018.
2. **Scope of Services.** The County of Ventura, through its County Executive Office, shall provide staff administrative services for and on behalf of the SA, including but not limited to: preparation for Oversight Board meetings (including preparation of staff reports and resolutions); preparation and management of budgets; execution of the Annual Work Plans; development, implementation and management of programs, policies, procedures, contracts, and operations; completion of special studies and reports; interaction and negotiation with other agencies, private individuals, and businesses; grant writing, if any; and general administration, to include accounting services.
3. **Additional Services.** SA may request additional services beyond the Scope of Services in Section 2. Any agreement for the provision and reimbursement of additional services must be in a writing signed by both parties.
4. **Services Reimbursement Rate and Methodology.** Services and related costs incurred shall be billed at the Board of Supervisors' approved hourly contract services rates effective for the term of the agreement, in an amount estimated to be not more than \$11,000.00 depending on the availability of funds within the SA's Administration Budget and charged to the SA at a frequency no more than on a quarterly basis, or as may be agreed in writing by the parties.
5. **Independent Contractor.** County shall perform this Agreement as an independent contractor. County and the officers, agents and employees of County are not, and shall not be deemed, SA employees for any purpose, including workers' compensation, and shall not be entitled to any of the benefits accorded to SA employees, if any.
6. **Indemnification.** SA shall defend, indemnify, and hold harmless the County as well as those its officers, agents, and employees who perform any services or duties under this Agreement, from any claim, loss, or liability including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by the County or its officers, agents, or employees, of services under this Agreement.

7. **Amendment.** This Agreement may only be modified or amended in writing and with the prior consent of both parties.
8. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.
9. **Venue.** The venue for any legal action filed by either party in State court to enforce any provision of this Agreement shall be in the Superior Court of Ventura County, California.
10. **Entirety of Contract.** This Agreement constitutes the entire agreement between the parties relating to the specific subject of this Agreement and supersedes all previous agreements, promises, representations, understanding and negotiation, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date last signed.


COUNTY OF VENTURA, a political
Subdivision of the State of California

Dated: 10/4/17

By: 
Michael Powers
County Executive Officer

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT
AGENCY OF THE COUNTY OF VENTURA

Dated: 10/4/17

By: 
Mary Ann Guariento
Secretary, Successor Agency to the Former
Redevelopment Agency of the County of Ventura

Guariento, MaryAnn

From: Ark, Satveer <Satveer.Ark@dof.ca.gov>
Sent: Thursday, May 19, 2016 3:47 PM
To: Brown, David; Guariento, MaryAnn
Cc: Orellana, Robert; Bati, Rosanna
Subject: RE: County of Ventura Oversight Board Resolution No. 16-06

Hi David,

The last sentence does not apply to Ventura County. Finance will not be reviewing any administrative costs going forward unless the Agency amends its Last and Final. Finance approved admin costs in the amount of \$463,453 as noted in our Last and Final determination letter dated March 25, 2016. Finance is not initiating OB Resolution No. 16-06, as such, the Agency is able to re-enter into administrative contracts with the County.

Thank you,

Satveer Ark
California Department of Finance
916-445-1546 ext. 3715

From: Brown, David [mailto:David.Brown@ventura.org]
Sent: Thursday, May 19, 2016 3:39 PM
To: Ark, Satveer; Guariento, MaryAnn
Cc: Orellana, Robert; Bati, Rosanna
Subject: RE: County of Ventura Oversight Board Resolution No. 16-06

Hi Satveer,

Thank you for your e-mail concerning OB resolution 16-06. We are slightly confused by your last sentence. Since our Last and Final ROPS has been approved and we do not anticipate any further ROPS to be review or approved by DOF, has our resolution been approved for the SA secretary to re-enter into administrative contracts beginning in FY17-18 when we have an approved administrative allowance? Of course, the sum total of the contracts will not exceed the total administrative allowance.

Thanks,
David

David Brown, M.A., M.A.P.M.
Accounting Officer IV – M.B.
County Executive Office, Fiscal Division
County of Ventura
(805) 662-6556
David.Brown@ventura.org

From: Ark, Satveer [mailto:Satveer.Ark@dof.ca.gov]
Sent: Thursday, May 19, 2016 1:57 PM
To: Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>; Brown, David <David.Brown@ventura.org>
Subject: County of Ventura Oversight Board Resolution No. 16-06

Good Afternoon,

We are in receipt of your Oversight Board (OB) Resolution No. 16-06 authorizing the Successor Agency to reenter into three agreement with the County of Ventura (County) for administrative services.

Pursuant to Health and Safety Code Section 34179 (h), the Department of Finance (Finance) may request a review of Oversight Board actions submitted to Finance. This email serves as notice that Finance is not initiating a review of OB Resolution No. 16-06 approving three agreements with the County for administrative services. However, the costs of services are subject to Finance's review and approval on a subsequent Recognized Obligation Payment Schedule before they can be considered enforceable.

Thank you,

Satveer Ark

California Department of Finance

916-445-1546 ext. 3715

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

REGULAR MEETING

May 10, 2018

AGENDA ITEM #10:

Receive and File a Ventura County Office of Education Letter from Stanley Mantooh, Superintendent of Schools, Dated June 1, 2017, Regarding the Appointment of Cynthia Bridges to Fill a Prior Vacancy on the Oversight Board.

Exhibit A – Letter from Superintendent of Schools, June 1, 2017



VENTURA COUNTY OFFICE OF EDUCATION

Stanley C. Mantooth, County Superintendent of Schools

June 1, 2017

Ms. Cynthia Bridges, Director of Fiscal Oversight and Accountability
Ventura County Office of Education
5189 Verdugo Way
Camarillo, CA 93012

Dear Ms. Bridges:

As you know, the California Supreme Court upheld the elimination of redevelopment agencies under ABX1_26. As part of the process of dissolving the agencies, a successor agency and associated oversight board are required to be established. The successor agency's function is to "wind down" the affairs of the former redevelopment agency by disposing of its assets and properties as directed by the oversight board, and transferring those funds to the County Auditor-Controller for distribution as property tax proceeds.

The actions of the oversight board will be overseen by both the California Department of Finance and the California State Controller's Office. Briefly stated, the responsibilities of the oversight board include:

- Approving all actions of the successor agency
- Having fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from the distribution of property tax and other revenues
- Approving the administrative budget of the successor agency

The County of Ventura has elected to serve as the successor agency to the former Redevelopment Agency of the County of Ventura and has formed its oversight board. The oversight board shall be composed of seven members appointed by the entities listed below:

- One member from the County Board of Supervisors
- One member from the largest special district taxing entity
- Two members from the County Superintendent of Education
- One member from the Chancellor of California Community Colleges
- One member of the public at-large appointed by the County Board of Supervisors
- One member as an employee of the former Redevelopment Agency

Redevelopment Agency Letter

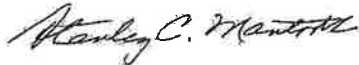
June 1, 2017

Page 2 of 2

Cynthia, I am appointing you to serve on the oversight board. While no specific criteria are provided in the law regarding the qualifications of an appointee, my recommendation in appointing you is based upon your ties to the local cities and educational communities you serve, making you well-matched to understand the issues and circumstances unique to our local area.

For additional information on oversight board membership, duties and responsibilities, a copy of Health and Safety Code Sections 34179-34181 is enclosed.

Sincerely,



Stanley C. Mantooth
Ventura County Superintendent of Schools

CC: Bill Bartels, Oversight Board Chair
Paula Driscoll, Oversight Board Vice-Chair
✓ Mary Ann Guariento, County Executive Office, County of Ventura
Robert Orellana, Assistant County Counsel, County of Ventura



HEALTH AND SAFETY CODE - HSC

DIVISION 24. COMMUNITY DEVELOPMENT AND HOUSING [33000 - 37964] (*Heading of Division 24 amended by Stats. 1975, Ch. 1137.*)

PART 1.85. DISSOLUTION OF REDEVELOPMENT AGENCIES AND DESIGNATION OF SUCCESSOR AGENCIES [34170 - 34191.6] (*Part 1.85 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.*)

CHAPTER 4. Oversight Boards [34179 - 34181] (*Chapter 4 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.*)

34179. (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, the California Public Records Act, and the Political Reform Act 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.

(Amended by Stats. 2015, Ch. 325, Sec. 11. Effective September 22, 2015.)

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

DATE: May 10, 2018

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Adoption of Resolution No. 18-01 Approving the Transfer of Oversight Board Files to the Ventura County Consolidated Oversight Board

RECOMMENDATION:

1. Adopt Resolution No. 18-01 (Exhibit A) approving the transfer of Oversight Board files to the Ventura County Consolidated Oversight Board.

FISCAL IMPACT:

No fiscal impact.

DISCUSSION:

Health and Safety Code section 34179, subdivision (j), provides that “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....” Therefore, by operation of law your Board will cease to exist as of this date and will no longer review and adopt resolutions approving the Successor Agency’s actions.

Although not required by law, staff recommends that your Board take formal action to transfer all your Board’s files and records, including resolutions, minutes, and all other items presented to your Board in public, to the Ventura County Consolidated Oversight Board (COB) at the time of its formation, on July 1, 2018. Successor Agency (SA) staff will continue to serve as the staff for the Successor Agency to the Former Redevelopment Agency of the County of Ventura, and the SA’s records will be available should they be needed for the COB to exercise its responsibilities. A list of Frequently Asked Questions on the consolidation is attached for reference (Exhibit B).

Exhibit A – Resolution No. 18-01

Exhibit B – DOF Publication – Countywide Oversight Board Frequently Asked Questions

RESOLUTION NO. 18-01

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, TRANSFERRING ALL RECORDS OF THE COUNTY OVERSIGHT BOARD
TO THE VENTURA COUNTY CONSOLIDATED OVERSIGHT BOARD**

The Oversight Board to the Successor Agency to the Former Redevelopment Agency of the County of Ventura (“County Oversight Board”) does resolve as follows:

WHEREAS, Assembly Bill x1 26 (“ABx1 26”) was passed by the State Legislature on June 15, 2011, and signed by the Governor on June 28, 2011, and AB 1484 was approved by the Governor, effective June 17, 2012; and

WHEREAS, among other things, ABx1 26 adds and AB 1484 amends Part 1.85 to the California Health and Safety Code, including Health and Safety Code section 34170 et seq.; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, the Redevelopment Agency of the County of Ventura was dissolved as of February 1, 2012, such that the Successor Agency to The Redevelopment Agency of the County of Ventura (“Successor Agency”) shall be designated as successor entity to the former redevelopment agency under Health and Safety Code Section 34173, subdivision (a); and

WHEREAS, pursuant to Health and Safety Code Section 34179, on and after July 1, 2018, in each county where more than one oversight board was created by operation of the terms of ABx1 26, there shall be only one consolidated, countywide oversight board (“Consolidated Oversight Board”); and

WHEREAS, each of the 11 currently operating oversight boards in Ventura County, including the County Oversight Board, were created by operation of ABx1 26 in 2012; and

WHEREAS, on July 1, 2018, the County Oversight Board will cease to exist and, therefore, will no longer review and consider any actions of the Successor Agency, all such actions thereafter to be reviewed by the Consolidated Oversight Board,

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

1. The above recitations are true and correct.
2. The board hereby directs Successor Agency staff to transfer all files and records of the County Oversight Board to the Consolidated Oversight Board upon its formation.

PASSED, APPROVED AND ADOPTED by the County Oversight Board, on a motion by Board Member _____, seconded by Member _____, this 10th day of May, 2018.

By: _____
Chair
Oversight Board

ATTEST:

By: _____
Successor Agency Secretary

RESOLUTION NO. 18-01

**RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO
THE FORMER REDEVELOPMENT AGENCY OF THE COUNTY OF VENTURA,
STATE OF CALIFORNIA, TRANSFERING ALL RECORDS OF THE COUNTY OVERSIGHT BOARD
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WHEREAS, pursuant to Health and Safety Code Section 34179, on and after July 1, 2018, in each county where more than one oversight board was created by operation of the terms of ABx1 26, there shall be only one consolidated, countywide oversight board ("Consolidated Oversight Board"); and

WHEREAS, each of the 11 currently operating oversight boards in Ventura County, including the County Oversight Board, were created by operation of ABx1 26 in 2012; and

WHEREAS, on July 1, 2018, the County Oversight Board will cease to exist and, therefore, will no longer review and consider any actions of the Successor Agency, all such actions thereafter to be reviewed by the Consolidated Oversight Board,

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

1. The above recitations are true and correct.
2. The board hereby directs Successor Agency staff to transfer all files and records of the County Oversight Board to the Consolidated Oversight Board upon its formation.

PASSED, APPROVED AND ADOPTED by the County Oversight Board, on a motion by Board Member DAVID KEEBLEE, seconded by Member TOM KASPER, this 10th day of May, 2018.

By: 

Chair
Oversight Board

ATTEST:

By: 

Successor Agency Secretary

Countywide Oversight Board Frequently Asked Questions

GENERAL

Question 1: When is the deadline for creating a Countywide Oversight Board (Countywide OB) and when would it become effective?

Response: Countywide Oversight Boards shall be in operation as of July 1, 2018. In order to meet this deadline, the County Auditor-Controller (CAC) should inform the Department of Finance (Finance), prior to July 1, 2018 of the newly-created Countywide OB, its members and who are the main contacts of the OB.

Question 2: We are planning to create a Countywide OB by July 1, 2018. Do we need to submit anything to Finance?

Response: There is no statutory requirement to submit anything to Finance for the creation of the new board, unless the Countywide OB will be staffed by a City within the County. According to Health and Safety Code (HSC) section 34179 (j), the CAC may select a City within the County to staff the Countywide OB, but only after consulting with Finance.

Finance is requesting the Form be completed for informational purposes. In order to inform Finance in an efficient manner, please fill out the Form and submit that completed form to the Redevelopment inbox at RedevelopmentAdministration@dof.ca.gov

Question 3: There are lots of agencies within one county. Do we all have to be governed by one Countywide OB?

Response: Pursuant to HSC section 34179 (q), in a county where more than 40 OBs were created, there shall be five Countywide OB's. The boundaries of the five Countywide OBs shall correspond to the boundaries of the five county boards of supervisors districts, and each Countywide OB shall have jurisdiction over all the Agencies within its boundaries. On the Form, you will need to delineate which existing Agencies will be overseen by each of the five newly created Countywide OB's. For counties with fewer than 40 OBs, there can be no more than one Countywide OB.

Question 4: What happens to the current OB?

Response: The current OB of each Agency will dissolve and will no longer have bearing on Agency actions.

Question 5: Does the current OB have to have one more meeting to approve?

Response: As of July 1, 2018, Finance can only recognize the new OB. If the current OB needs to take action, it will need to do so before July 1, 2018.

Question 6: If the CAC takes over the administrative function for the OB, will we also be given a RAD App login username and password so we can upload the ROPS and resolutions for the Agency? If so, when will we receive that information?

Response: The Agency will continue to be responsible for the RAD App login and username. If the CAC takes over the administrative function for the OB, the login can be obtained from the individual Agency.

Question 7: What will happen if a Countywide OB is not created by July 1, 2018?

Response: Without a Countywide OB, the actions of the Agency ROPS (or other OB required approved actions) will not be able to be approved and cannot be submitted to Finance without OB approval.

Question 8: We are the only Agency in our county, is it necessary for us to submit a form and/or create a Countywide OB?

Response: No, according to HSC section 34179 (l), in each county where there is only one OB, then there will be no change to the composition of that OB. However, Finance still requests the Countywide Oversight Board Information Form for informational purposes.

Question 9: Now that the Countywide Oversight Board is created, what are our responsibilities?

Response: The creation of the Countywide OB will not change the responsibilities of the OB as outlined in HSC section 34179.

Question 10: Our Countywide OB will oversee more than one Agency, can we submit more than one Oversight Board Action at a time?

Response: No, HSC section 34179 (h) provides that notification regarding such actions be provided in a manner specified by Finance. Therefore, approved OB resolutions, that have been signed, must be emailed individually (one resolution with supporting documents per email) to Finance and in PDF format unless otherwise specified. Additionally, the subject line should be clear as to what is being submitted and what the resolution is approving (Please include the Agency name, Resolution number, and a brief description of the action).

Please be advised that submitting board meeting minutes will not be accepted as an approved OB action. Only OB resolutions that have been approved and signed by the OB and emailed individually to Finance (in PDF format) will be considered for Finance's review. Once a signed resolution is received in the proper format, Finance will initiate its review of the OB resolution. Please note: Finance does not accept electronic signatures for OB resolutions.

Pursuant to HSC section 34179 (h) (1), oversight boards are not required to submit the following OB actions to Finance for approval: meeting minutes and agendas, administrative budgets, changes in OB membership, transfers of governmental use, or future development property pursuant to an approved Long-Range Property Management Plan (LRPMP). Furthermore, HSC section 34191.5 (f) states actions to implement the disposition of property pursuant to an approved LRPMP shall not require Finance's review.

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

DATE: May 10, 2018

TO: Oversight Board to Successor Agency

FROM: Mary Ann Guariento, CEO Management Analyst

SUBJECT: Receive and File a Staff Report Regarding the Last and Final Recognized Obligation Payment Schedule, Approved by Your Board's Adoption of Resolution No. 16-03 on January 21, 2016

RECOMMENDATION:

No action needed.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

At the May 12, 2016 Oversight Board (OB) meeting, your Board discussed the Last and Final Recognized Obligation Payment Schedule (LAFROPS). The LAFROPS was approved by your Board on January 21, 2016. The Department of Finance (DOF) accepted the LAFROPS subject to several changes, all of which were acceptable to staff with the exception of the DOF's recalculation of the Successor Agency's (SA) 2016-17 administrative allowance; see determination letter from the DOF, dated March 25, 2016 (Exhibit A). This recalculation resulted in the DOF stating that there would be no allowed administrative costs for that fiscal year; staff told your Board, in May 2016, that it does not agree with the DOF's manner of calculation. Staff also pointed out that the letter from the DOF erroneously stated the SA had accepted its changes to the LAFROPS. Neither the SA nor your Board has taken any official action with regard to the DOF's changes.

The two options presented to your Board at the time were:

- A. Resubmit the LAFROPS to the DOF, asking it to correct 2016-17 administrative allowance allocation, or
- B. Accept the DOF's changes to the LAFROPS.

The SA's expenses for 2016-17 were anticipated to be minimal and could be absorbed by the County's general fund. Therefore, in SA staff's opinion, the relatively high costs of appealing the DOF's determination, along with the anticipated small benefits of even a successful challenge to this DOF recalculation, argued against making such a challenge.

In addition to the costs/benefits analysis, SA staff also expressed a concern that, if presented with the LAFROPS again, the DOF might amend it to further reduce or eliminate currently approved administrative allowances for future years. An email had been sent to the DOF requesting clarification, but a response had not been received at the time of the meeting.

Citing concern that the DOF may have created an unfunded mandate, in conflict with the state constitution, board members suggested joining a lawsuit against the DOF, should one be filed by other agencies placed in a similar situation. The OB also wanted the minutes to reflect the discussion, and to be sent to the DOF.

DISCUSSION:

Since the May 12, 2016 meeting, no such lawsuit was filed. Additionally, a response from the DOF clarified it would not initiate any changes to the LAFROPS, including calculation of administrative allowance (Exhibit B).

Pursuant to Health and Safety Code (HSC) section 34179, subdivision (h)(1), oversight boards are not required to submit meeting minutes and agendas to the DOF. A FAQ released by the DOF on March 5, 2018 explicitly states that the DOF will not accept board meeting minutes as an approved OB action, and it will not consider them for review; see DOF response to Question 10, in Exhibit B to Item 11, above. Staff therefore does not intend to submit any minutes to the DOF for the prior meeting.

Although SA staff did agree in writing to the reclassification of the bonds (Exhibit C), we did not agree to the recalculation of the administrative allowance. As discussed above, staff does not intend to challenge the DOF on this point. Upon further review of HSC section 34191.6, subdivision (c), the DOF "may make amendments or changes to the Last and Final Recognized Obligation Payment Schedule, provided the amendments or changes are agreed to by the successor agency in writing." Staff has determined no action is required by your Board in this regard. However, to ensure the SA's records are consistent with DOF actions, staff intends to inform the DOF of our acceptance of the LAFROPS.

Exhibit A – March 25, 2016 DOF Determination Letter
Exhibit B – Question and Response from DOF
Exhibit C – March 16, 2016 Email from SA Staff to the DOF



March 25, 2016

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

Dear Ms. McKendry:

Subject: Last and Final Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34191.6 (b) the County of Ventura Successor Agency (Agency) submitted a Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS) to the California Department of Finance (Finance) on January 27, 2016. Finance has completed its review of the Agency's Last and Final ROPS.

HSC section 34191.6 (c) authorizes Finance to make amendments or changes to the Last and Final ROPS if the changes are agreed to in writing by the Agency. The Agency has agreed in writing to the following changes made by Finance to the Agency's Last and Final ROPS:

- Item Nos. 6 and 8 – It is our understanding the Agency incorrectly reported the fund source for the 2002 and 2008 Tax Allocation Bonds. The Agency requested the final bond payments to be funded from Other Funds instead of Bond Proceeds. With the Agency's concurrence, Finance is reclassifying the requested \$69,001 in Other Funds to Bond Proceeds for Item No. 6 and the \$43,843 Other Funds to Bond Proceeds for Item No. 8. As a result, the amounts have been adjusted to reflect the accurate funding source.
- Item No. 24 – The total claimed administrative costs of \$1,060,074 have been adjusted by \$596,621, and as result, is reduced to \$463,453. HSC section 34171 (b) (3) limits the fiscal year Administrative Cost Allowance (ACA) to three percent of actual distributed Redevelopment Property Tax Trust Fund (RPTTF) in the preceding fiscal year or \$250,000, whichever is greater; not to exceed 50 percent of the distributed RPTTF in the preceding fiscal year. Finance recalculated the ACA using the RPTTF authorized for each fiscal year on the Last and Final ROPS. As a result, the Agency is eligible for \$463,453 in ACA for the entire Last and Final ROPS period pursuant to the cap. Therefore, of the \$1,060,074 claimed for administrative cost, \$596,621 of excess ACA for the Last and Final ROPS is not allowed. Adjustments specific to each ROPS period are reflected in the approved Last and Final ROPS.

Finance is approving the Agency's Last and Final ROPS with the above amendments and changes. These changes are reflected in the approved Last and Final ROPS.

The Agency's maximum approved RPTTF distribution for the Last and Final ROPS is \$1,390,560, as summarized in the Approved RPTTF Distribution table.

Approved Last and Final ROPS RPTTF Distributions							
ROPS Period	A Periods			B Periods			Annual Total
	RPTTF	Admin RPTTF	A Period Total	RPTTF	Admin RPTTF	B Period Total	
Total requested	171,005	530,031	701,036	756,102	530,043	1,286,145	\$1,987,181
Total adjustments	0	(66,578)	(66,578)	0	(530,043)	(530,043)	(596,621)
Total RPTTF approved for distribution							
ROPS 16-17	14,579	0	14,579	31,078	0	31,078	\$ 45,657
ROPS 17-18	12,604	22,829	35,433	31,504	0	31,504	66,937
ROPS 18-19	12,215	22,054	34,269	31,815	0	31,815	66,084
ROPS 19-20	11,810	22,015	33,825	32,210	0	32,210	66,035
ROPS 20-21	11,390	22,010	33,400	32,690	0	32,690	66,090
ROPS 21-22	10,950	22,040	32,990	33,150	0	33,150	66,140
ROPS 22-23	10,492	22,050	32,542	33,592	0	33,592	66,134
ROPS 23-24	10,016	22,042	32,058	34,016	0	34,016	66,074
ROPS 24-25	9,521	22,016	31,537	34,521	0	34,521	66,058
ROPS 25-26	9,005	22,021	31,026	35,105	0	35,105	66,131
ROPS 26-27	8,467	22,055	30,522	35,567	0	35,567	66,089
ROPS 27-28	7,908	22,017	29,925	36,208	0	36,208	66,133
ROPS 28-29	7,324	22,058	29,382	36,724	0	36,724	66,106
ROPS 29-30	6,718	22,024	28,742	37,318	0	37,318	66,060
ROPS 30-31	6,087	22,018	28,105	37,987	0	37,987	66,092
ROPS 31-32	5,429	22,037	27,466	38,629	0	38,629	66,095
ROPS 32-33	4,744	22,029	26,773	39,344	0	39,344	66,117
ROPS 33-34	4,031	22,044	26,075	40,031	0	40,031	66,106
ROPS 34-35	3,288	22,031	25,319	40,788	0	40,788	66,107
ROPS 35-36	2,515	22,038	24,553	41,515	0	41,515	66,068
ROPS 36-37	1,710	22,015	23,725	42,310	0	42,310	66,035
ROPS 37-38	202	22,010	22,212	0	0	0	22,212
Total approved RPTTF	171,005	463,453	634,458	756,102	0	756,102	\$ 1,390,560

Please refer to the approved Last and Final ROPS schedule used to calculate the total RPTTF approved for distribution:

<http://www.dof.ca.gov/redevelopment/ROPS>

This is Finance's determination related to the enforceable obligations reported on the Last and Final ROPS. HSC section 34191.6 (c) (2) allows agencies to submit no more than two requests to amend the approved Last and Final ROPS.

ROPS distributions will occur twice annually, one distribution for the July 1 through December 31 (ROPS A period), and one distribution for the January 1 through June 30 (ROPS B period). The Agency will receive RPTTF distributions up to the maximum approved amount on the Last and Final ROPS.

The Agency shall not expend more than the amount approved for each enforceable obligations listed and approved on the Last and Final ROPS. All unspent RPTTF received for enforceable obligations by the Agency should be retained for distribution to the affected taxing entities pursuant to HSC section 34191.6 (d) (2) (G). Further, any revenues, interest, and earnings of the Agency not authorized for use pursuant to the approved Last and Final ROPS shall be remitted the County Auditor-Controller (CAC) pursuant to HSC section 34191.6 (c) (3). Pursuant to HSC section 34187 (e), once an agency has retired or paid off all enforceable obligations and all real property has been disposed of, the Agency is required to dispose of all remaining assets and remit any proceeds to the CAC for distribution to the affected taxing entities.

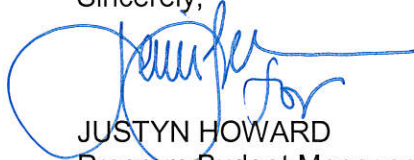
The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of the redevelopment dissolution statutes. Therefore, as a practical matter, the ability to fund the items on the Last and Final ROPS with property tax is limited to the amount of funding available to the Agency in the RPTTF. However, HSC section 34191.6 (c) (5) provides mechanisms for the Agency to pay enforceable obligations if insufficient RPTTF is available on an approved Last and Final ROPS.

HSC section 34187 (b) defines the process of final dissolution of the Agency. When all enforceable obligations have been retired or paid off, all real property has been disposed of, and all outstanding litigation has been resolved, the Agency shall, within 30 days of meeting these conditions, submit to the Oversight Board (OB) a request to formally dissolve. The OB shall approve the request within 30 days and submit the request to Finance's review.

Pursuant to HSC section 34191.6 (c), Last and Final ROPS approved less than 15 days before the date of the RPTTF distribution shall not be effective until the subsequent RPTTF distribution period; therefore, if an agency receives a Last and Final ROPS approval after this cutoff date, the most recent annual ROPS 16-17 approval would remain effective through June 30, 2017.

Please direct inquiries to Cindie Lor, Supervisor, or Satveer Ark, Lead Analyst, at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Program Budget Manager

cc: Mr. David M. Brown, Accounting Officer, Ventura County
Ms. Rhoda Farrell, Property Tax Fiscal Manager, Ventura County

Guariento, MaryAnn

From: Brown, David
Sent: Thursday, May 26, 2016 2:28 PM
To: Guariento, MaryAnn
Subject: FW: Excess Prior Period RPTTF Carryforward

From: Lor, Cindie [<mailto:Cindie.Lor@dof.ca.gov>]
Sent: Wednesday, May 18, 2016 8:37 AM
To: Brown, David <David.Brown@ventura.org>
Cc: Ark, Satveer <Satveer.Ark@dof.ca.gov>; Bati, Rosanna <Rosanna.Bati@ventura.org>
Subject: RE: Excess Prior Period RPTTF Carryforward

Good morning David. See below for a response to your questions.

Further, as noted in the Last and Final ROPS approval letter, the Agency shall not expend more than the amount approved for each enforceable obligations listed and approved on the Last and Final ROPS. All unspent RPTTF received for enforceable obligations by the Agency should be retained for distribution to the affected taxing entities pursuant to HSC section 34191.6 (d) (2) (G). Further, any revenues, interest, and earnings of the Agency not authorized for use pursuant to the approved Last and Final ROPS shall be remitted the County Auditor-Controller (CAC) pursuant to HSC section 34191.6 (c) (3).

Thank you,
 Cindie Lor

From: Brown, David [<mailto:David.Brown@ventura.org>]
Sent: Thursday, May 12, 2016 8:34 AM
To: Xu, Amy; Lor, Cindie; Ark, Satveer
Cc: Bati, Rosanna
Subject: Excess Prior Period RPTTF Carryforward

Good morning,

We have our SA OB meeting this afternoon and the OB has a question that I'm hoping to find an answer to before then so I can report back to them. If the SA does not return prior period excess RPTTF to the CAC, and the DOF will utilize the PPA to determine if or how much RPTTF the SA will receive in a given ROPS period, how will this affect our admin allowance on our Last and Final ROPS since we are projecting to have excess RPTTF in excess of our total obligations for FY17-18? Your admin allowance approved for each FY will not be affected by the amount of unspent RPTTF from the prior FY. Unspent RPTTF for each FY should be retained by the Agency for remittance to the CAC at the end when a true-up will occur once the last enforceable obligation has been paid off. Will the DOF amend our Last and Final ROPS to reduce or eliminate our admin allowance if in the preceding fiscal year we are not given RPTTF and instead use our prior period excess RPTTF (as is the case for FY16-17)? Once Finance has approved the Agency's Last and Final ROPS, the Agency may submit no more than two requests to amend the Last and Final ROPS. Finance will not initiate amendments. Prior period excess RPTTF should not be used in place of the next FY's RPTTF distribution.

We'd appreciate any guidance you could give. Please feel free to contact me either by return e-mail or at 805-662-6556.

Thanks,
David

Item 12 - Exhibit B

David Brown, M.A., M.A.P.M.
Accounting Officer IV – M.B.
County Executive Office, Fiscal Division
County of Ventura
(805) 662-6556
David.Brown@ventura.org

Guariento, MaryAnn

From: Guariento, MaryAnn
Sent: Wednesday, March 16, 2016 1:10 PM
To: Brown, David
Cc: Bati, Rosanna
Subject: RE: Ventura County Last & Final ROPS Document Request

Thank you, David!

From: Brown, David
Sent: Wednesday, March 16, 2016 11:38 AM
To: Xu, Amy <Amy.Xu@dof.ca.gov>
Cc: Bati, Rosanna <Rosanna.Bati@ventura.org>; Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>
Subject: RE: Ventura County Last & Final ROPS Document Request

Hi Amy,

It appears that there is no reason that the final bond payments were categorized as "Other Fund" other than a misunderstanding that these are considered "Bond Proceeds." We do not have an objection to recategorizing them to "Bond Proceeds." What, if anything, do we need to do?

Thanks,
David

From: Xu, Amy [<mailto:Amy.Xu@dof.ca.gov>]
Sent: Wednesday, March 16, 2016 11:22 AM
To: Brown, David <David.Brown@ventura.org>
Cc: Bati, Rosanna <Rosanna.Bati@ventura.org>; Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>
Subject: RE: Ventura County Last & Final ROPS Document Request

Hi David,

I have a follow-up question regarding the final payments reported for Item Nos. 6 and 8. Is there a reason why the Agency reported the expenditure under Other Funds instead of Bond Proceeds? Usually last bond payment is drawn from the bond reserve account, which is considered bond proceeds funding. Please let me know by the end of today, if possible. Thank you.

Best Regards,

Amy Xu

Analyst, Local Government Unit
California Department of Finance
916-445-1546 ext. 3771

From: Brown, David [<mailto:David.Brown@ventura.org>]
Sent: Friday, February 12, 2016 1:02 PM
To: Xu, Amy
Cc: Bati, Rosanna; Guariento, MaryAnn
Subject: RE: Ventura County Last & Final ROPS Document Request

Hi Amy,

Item 12 - Exhibit C

I just want to confirm that you received everything you requested.

Thanks,
David

From: Brown, David

Sent: Thursday, February 11, 2016 3:57 PM

To: 'Xu, Amy' <Amy.Xu@dof.ca.gov>

Cc: Bati, Rosanna <Rosanna.Bati@ventura.org>; Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>

Subject: RE: Ventura County Last & Final ROPS Document Request

Hi Amy,

I've attached your requested documents:

- Trial balances for all agency funds for periods ending 6/30/15 (essentially 7/1/15) & 12/31/15
- Cash reconciliation as of 6/30/15 (essentially 7/1/15)
- Revenue report as of 12/31/15 for the period 7/1/15-12/31/15

Please note that on 7/1/15 the County of Ventura upgraded its accounting system and while there is a 1 to 1 fund exchange, the fund numbers all changed. I have grouped each of the trial balances by fund keeping the 6/30/15 report (essentially the 7/1/15 you requested) and 12/31/15 together for each fund. For your reference:

Fund 6900 "Successor Agency Fund" became Fund PP01

Fund 4812 "2002 Piru Tax Bonds Special" became Fund T902

Fund 4813 "2002 Piru Tax Bonds Debt Service" became Fund T903

Fund 4814 "2002 Piru Tax Bonds Reserve" became Fund T904

Fund 4816 "2008 Piru Tax Bonds Special" became Fund T905

Fund 4817 "2008 Piru Tax Bonds Debt Service" became T906

Fund 4818 "2008 Piru Tax Bonds Reserve" became T907

Also, please note, per our previous conversation (below) the County does not have a separate bank account for the bond payments as it is not required by the indenture documents. The reserve account trial balances are T904 (2002) and T907 (2008).

Please let me know if you have any further questions or require any additional information.

Thanks,
David

From: Xu, Amy [<mailto:Amy.Xu@dof.ca.gov>]

Sent: Thursday, February 11, 2016 1:53 PM

To: Brown, David <David.Brown@ventura.org>

Cc: Bati, Rosanna <Rosanna.Bati@ventura.org>; Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>

Subject: RE: Ventura County Last & Final ROPS Document Request

Hi David,

Thanks for getting back to me. The bank statement request is just to verify the existence of the reserve funds available for the final debt service payments. Usually the bank statement, or bond fiscal statement, is provided to verify these amounts. If not available, trial balances for the respective bond funds should be sufficient.

Amy Xu

Analyst, Local Government Unit
California Department of Finance
916-445-1546 ext. 3771

From: Brown, David [<mailto:David.Brown@ventura.org>]
Sent: Thursday, February 11, 2016 1:37 PM
To: Xu, Amy
Cc: Bati, Rosanna; Guariento, MaryAnn
Subject: RE: Ventura County Last & Final ROPS Document Request

Good afternoon, Amy,

I just wanted to follow up with you as I was out of the office Tuesday and Wednesday. I have the requested trial balances, cash reconciliation, and revenue report under review now and expect to have those to you by the end of the day 2/12/16.

I was hoping that you could provide some clarification to the bank statements for the bonds. There are no bank statements for these bonds; I'm providing the trial balances for the trust accounts for the bond payments. Please let me know if you'll need anything else; I might need to request additional time to submit the requested documents depending on what information you need.

Finally, just to clarify your question concerning the final payment of the bonds. Per the bond indenture, we have created reserve funds for each bond totaling \$112,844.38. These funds are now fully funded and we will not be making further contributions to them. The final payment of \$69,000.75 of the 2002 bond will be paid using the reserve funds on 7/1/15. We will partially pay the second to last 2008 bond payment with reserve funds of \$671.19 on 1/1/38 and fully pay the final 2008 bond payment with reserve funds of \$43,172.44 on 7/1/38.

Please let me know if you have any additional questions or need anything further.

Thanks,
David

From: Guariento, MaryAnn
Sent: Tuesday, February 09, 2016 12:40 PM
To: Amy.Xu@dof.ca.gov
Cc: Brown, David <David.Brown@ventura.org>; Bati, Rosanna <Rosanna.Bati@ventura.org>
Subject: RE: Ventura County Last & Final ROPS Document Request

Hi Amy,

Donna McKendry is retiring this week, and I'm replacing her as a contact for the County's Successor Agency. Could you please direct future inquires to myself and David Brown? I'm sure David will provide the requested financial documents, in so much as they are in existence, when he's back in the office.

To help him with your inquiries, can you please provide a bit of clarification on what sort of "bank statements" for the bonds it is you need? To my knowledge, we don't have anything like that. The bonds are with the USDA. Payments are wired to them twice per year, based upon the original bond agreements (previously provided to DOF, on numerous occasions, if I recall). If you can suggest alternative backup options, I'm sure it would be helpful.

To answer your latest question, all remaining bond payments will be made from future RPTTF. The SA has no income producing assets. As a side note, if the DOF would've allowed early repayment of the bonds, we could've used available RPTTF to pay them off within a couple of years. Since we can't, though, the SA will have to continue in existence until they are slowly paid down as scheduled.

Item 12 - Exhibit C

Thanks so much – and please let me know if you have any other questions. Hopefully this “last and final ROPS” business will go smoothly!

--Mary Ann

Mary Ann Guariento
Management Analyst

County of Ventura
CEO Community Development
800 S. Victoria Avenue, L#1940
Ventura, CA 93009
805-654-2852
805-654-5106 Fax
MaryAnn.Guariento@ventura.org

From: McKendry, Donna
Sent: Tuesday, February 09, 2016 12:13 PM
To: Guariento, MaryAnn <MaryAnn.Guariento@ventura.org>
Subject: FW: Ventura County Last & Final ROPS Document Request



From: Xu, Amy [<mailto:Amy.Xu@dof.ca.gov>]
Sent: Tuesday, February 09, 2016 10:58 AM
To: McKendry, Donna <Donna.McKendry@ventura.org>
Cc: Brown, David <David.Brown@ventura.org>
Subject: Ventura County Last & Final ROPS Document Request

Hello,

In addition to the requested documents below, please provide the bank statements for the outstanding bonds as of 12/31/15. Furthermore, what will be the source of the final bond payments? Thank you for your time.

Best Regards,

Amy Xu
Analyst, Local Government Unit
California Department of Finance
916-445-1546 ext. 3771

From: Xu, Amy
Sent: Tuesday, February 09, 2016 10:43 AM
To: donna.mckendry@ventura.org
Cc: David.Brown@ventura.org
Subject: Ventura County Last & Final ROPS Document Request

Good morning,

Item 12 - Exhibit C

I have begun reviewing the Ventura County Last & Final ROPS and will need further documentation in order to complete my review. Please provide the following supporting documents by Friday, February 12:

- Trial balance for all Agency accounts for periods ending 7/1/15 and 12/31/15
- Any reconciliation schedule to support the reported beginning available cash balance amount as of 7/1/15 on the Report of Cash Balance sheet.
- Revenue Report as of 12/31/15, for the period of 7/1/15 through 12/31/15.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your time.

Best Regards,

Amy Xu

Analyst, Local Government Unit
California Department of Finance
916-445-1546 ext. 3771