

SELECTION OF OFFICERS AND DESIGNATION OF IDENTIFIED POINTS OF CONTACT
FOR DEPARTMENT OF FINANCE REVIEW REQUESTS

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more votes to be named Chair. Then, the newly elected Chair will conduct the meeting, including selection of the Vice Chair as the next order of business.

Designation of Secretary

The Oversight Board shall also designate the Secretary of the Board. Successor Agency staff recommends that the City Clerk be appointed and designated as the Secretary of the Oversight Board; and in the event of her absence designates the Deputy City Clerk or her authorized designee.

Designated Points of Contact for DOF Review Request

Section 34179(h) requires that each Oversight Board shall designate an official to whom the DOF may make any requests for review of Oversight Board actions, and who shall provide the DOF with the telephone number and e-mail contact information for purposes of communication with DOF. Given the continuity of Successor Agency officials being at the Successor Agency offices on a daily basis, it is recommended that the Oversight Board designate the following Successor Agency official as the point of contact for DOF review requests: (1) Kingsley Okereke, Finance Director, and, (2) as the alternate, Jim DellaLunga, Department Administrative Officer. Successor Agency staff will report to the Oversight Board on any review requests received by DOF.

Attached to this report are excerpts from Section 34179 of the Dissolution Act that set forth some of the rules and responsibilities of the Oversight Board and its Members.

It should be noted that actions of the Oversight Board shall not become effective for three business days, pending any request for review by the DOF. Should the DOF request a review of the Board's actions, it will have 10 days from the date of its request to approve the Oversight Board action or return it to the Oversight Board for reconsideration and the action, if subject to review by DOF, will not be effective until approved by DOF.

RECOMMENDATION

It is recommended that the Oversight Board take the following actions:

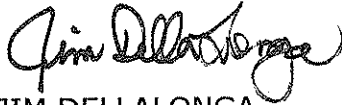
- Elect one member of the Oversight Board to serve as Chair of the Oversight Board of the Successor Agency to the Garden Grove Agency for Community Development ("Oversight Board") for a one-year term.
- Elect one member to serve as Vice Chair of the Oversight Board for a one-year term

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- Designate the Secretary of the Oversight Board as the City Clerk of the City of Garden Grove.
- Designate the Kingsley Okereke, Finance Director, and as an alternate, Jim DellaLonga, Department Administrative Officer, as the designated points of contact for the California Department of Finance relating to Oversight Board matters.
- Adopt Oversight Board Resolution No. 01-2012, affirming selection officers, designation of secretary, and designation of points of contact for Department of Finance Review Requests pursuant to California Health and Safety Code, Division 24, Part 1.85, Section 34179.



JIM DELLALONGA

Department Administrative Officer

Attachment 1: Excerpts from Section 34179 of the Dissolution Act

Attachment 2: Draft Oversight Board Resolution

Recommended for Approval



Matthew Fertal
Director

**Excerpts from Health and Safety Code Section 34179, Part 1.85 of the
Dissolution Act, Assembly Bill x1 26, re Oversight Boards:**

- (c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board'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 shall have personal immunity from suit for their actions taken within the scope of their responsibilities as oversight board members.
- (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.
- (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) The Department of Finance may review an oversight board action taken pursuant to the act adding this part. As such, all oversight board actions shall not be effective for three business days, pending a request for review by the department. Each oversight board shall designate an official to whom the department may make such 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. In the event that the department requests a review of a given oversight board action, it shall have 10 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and such oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department.
- (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.

OVERSIGHT BOARD

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD TO THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT AFFIRMING SELECTION OF OFFICERS, DESIGNATION OF SECRETARY, AND DESIGNATION OF POINTS OF CONTACT FOR THE DEPARTMENT OF FINANCE (DOF) REVIEW REQUESTS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179

WHEREAS, the Garden Grove Agency for Community Development ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Garden Grove ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws cause the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition *California Redevelopment Association v. Matosantos*, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012, under the dates in the Dissolution Act that were reformed and extended thereby ("Supreme Court Decision"); and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution No. 9077-11 considered and approved by the City Council at an open public meeting, the City chose to become and serve as the successor agency to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the "Successor Agency" and will perform its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 of the Dissolution Act provides that the Successor Agency shall have an Oversight Board composed of seven members; and

WHEREAS, Section 34179 provides that the Oversight Board has 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 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34179 the Successor Agency's Oversight Board has been formed and the initial meeting has occurred on March 28, 2012; and

WHEREAS, at its initial meeting the Oversight Board members have been sworn in as public officials and the Chair and Vice Chair have been selected by a majority vote of the Oversight Board; and

WHEREAS, the Oversight Board desires to designate its Secretary, who is a member of the Successor Agency staff, specifically the City Clerk, or in her absence the Deputy City Clerk or her authorized designee; and

WHEREAS, by this Resolution the Oversight Board affirms its actions designating the Chair and Vice Chair of the Oversight Board and designation of the Secretary; and

WHEREAS, the names of these officers and all members of the Oversight Board will be posted on the City's internet website relating to the Successor Agency; and

WHEREAS, by this Resolution the Oversight Board desires to designate the identified point of contact for the DOF review requests.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD TO THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT:

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. The Chair of the Oversight Board is _____.

Section 3. The Vice Chair of the Oversight Board is _____.

Section 4. The Secretary of the Oversight Board is the City Clerk, or in her absence the Deputy City Clerk or her authorized designee.

Section 5. The Oversight Board hereby designates Kingsley Okereke, Finance Director, and as an alternate Jim Dellalonga, Department Administrative Officer, as the points of contact for the DOF with regard to requests for review of or questions regarding the Oversight Board's and/or the Successor Agency's actions, the enforceable obligations, ROPS, and other matters related to the Dissolution Act.

Section 6. The City Manager of the Successor Agency or his authorized designee shall cause this Resolution to be forwarded to the following: County Auditor-Controller, Department of Finance, and State Controller's Office.

Section 7. The City Manager of the Successor Agency or his authorized designee shall cause information about the Oversight Board's appointments to be posted on the City's internet website relating to Successor Agency notices.

Section 8. This Resolution shall not become effective for three (3) business days, pending any request for review by DOF. Should the DOF request to review the above Advisory Board actions, it will have ten (10) days from the date of its request to approve the Advisory Board's action or return it to the Advisory Board for reconsideration and the action, if subject to review by DOF, the Resolution will not be effective until approved by the DOF.

Section 9. The Secretary of the Oversight Board shall certify to the adoption of this Resolution.