



OVERSIGHT BOARD MEETING AGENDA

Monday, December 17, 2012
4:00 P.M.

Location

Douglas Fir Room
2120 Milvia Street, 1st Floor
Berkeley, CA

All agenda items are for Discussion and Possible Action.

Public Comment Policy: *Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.*

1. Roll Call
2. Public Comment
3. Agenda Approval
4. Approval of Minutes of October 9, 2012 Meeting [Attachment A]
5. Public Comment Session – Receive Public Comments on the Review of All Other Unobligated Fund Balances of the Berkeley Redevelopment Successor Agency [Attachment B]

6. Review and Approve Semi-Annual Administrative Budget for January 1, 2013 through June 30, 2013 [Attachment C]
7. Review and Discuss Selection of New Legal Counsel for the Oversight Board [Attachment D]
8. Information Items
 - Update on Sale of Real Property at 1654 Fifth Street and the Community Garden located at 1631 Fifth Street
 - Update from Staff re: ROPS III Meet & Confer Meeting with DOF & Update on other Oversight Board actions reviewed by DOF
9. Announcements
 - Next meeting: Monday, January 7, 2013 - Oversight Board approval of results of Review of the unobligated balances of the Successor Agency's Non-LMIHF
10. Future Agenda Items
 - Long-Range Property Management Plan
11. Adjourn

ATTACHMENTS:

- A. Draft Minutes of October 9, 2012 Oversight Board Meeting
- B. Staff Report on the Draft Review of All Other Unobligated Fund Balances of the Berkeley Redevelopment Successor Agency (*Will be available by 12/14/12*)
- C. Staff Report on Semi-Annual Administrative Budget for January 1, 2013 through June 30, 2013
- D. Staff Report on Selection of Legal Counsel for the Oversight Board



Berkeley
Redevelopment
Successor Agency

Time: 4:10 p.m.

Douglas Fir Room
Permit Service Center
2120 Milvia Street – Berkeley, CA
Secretary – Lourdes Chang, (510) 981-5419

Draft Minutes of the October 9, 2012 Oversight Board Meeting

All agenda items are for Discussion and Possible Action.

1. Roll Call

Present: Riddle (Chair), Decredico and Hoover. Alternate: Brooks (for Keith Carson).

Absent: Arreguin, Gerhard and Harper. Staff Present: Chang and Hardaway. Public: None.

2. Public Comments

There were none.

3. Approval of Agenda

The agenda was approved unanimously. (M/S/C: Hoover/Decredico. Unanimous)

4. Approval of Minutes of October 1, 2012

A motion to approve the October 1, 2012, minutes was unanimously approved. (M/S/C: Brooks/Hoover. Unanimous)

5. Approve Results of Review of Unobligated Balances of the Low and Moderate Income Housing Fund of the Berkeley Redevelopment Successor Agency

Staff noted the Successor Agency did not receive a Final Draft of the Review in time for distribution at the meeting. As Badawi & Associates confirmed no changes were made to the final draft except for typographical errors, staff requested the Board approve the results of the Review as presented in the Draft Review so that the Successor Agency may submit the Review by the October 15th deadline, as required by AB 1484. The Secretary will distribute the Final Review when it is available. A motion to approve the results of the Review of the LMIHF was approved unanimously. (Hoover/Brooks. Unanimous)

6. Information Items

Staff provided a memorandum from Meyers Nave, the Oversight Board's legal counsel, and Golfarb & Lipman, the Successor Agency's outside legal counsel, in which both counsels concluded Items No. 2 and No. 3 on the ROPS III are enforceable obligations. In the case of Item No. 2 (Savo Island Loan Payable), the loan is a binding agreement between the City Retiree Medical Trust Fund and the former Redevelopment Agency. The City is the Trust Administrator but is not the owner of the funds loaned to the former Redevelopment Agency to undertake the redevelopment project in the Savo Island Redevelopment Project Area. The beneficiary of the loan payments is not the City but rather the former employees who benefit from the Retiree Medical Benefit Plan. With regard to Item No. 3 (\$1 million bond – City Loan), both counsels concluded the bond is an enforceable obligation. The bonds satisfy the definition of "indebtedness obligation" under Section 34171 in that they were issued by the Redevelopment Agency to the bondholders and were used to finance redevelopment projects undertaken by the redevelopment agency in compliance. More detailed explanation is given in the correspondence from each counsel.

7. Administrative Items

Meyers Nave, the Oversight Board legal counsel, notified staff it can no longer represent the Oversight Board because the firm represents taxing agencies that can benefit from the dissolution of the Successor Agency and this presents a conflict of interest. Staff will begin its search for a new attorney and will ask the Board to provide suggestions on legal firms. The Board recommended surveying other Oversight Boards to get a list of attorneys. Staff will bring back the proposals from legal firms at the next Oversight Board meeting. At that time, the Board can review and provide a recommendation for the new legal counsel.

8. Announcements

- a) The next Oversight Board meeting is scheduled for Monday, November 26, 2012. The Board will hold a public comment session on the Review of the Unencumbered Non-Low Moderate Income Housing Fund as required by AB 1484 (Review). A follow up meeting on December 3, 2012 will be held to get Oversight Board approval of the results of the Review.

9. Future Agenda Items

- Review and approval of the semi-annual Administrative Budget covering the period, January 1, 2013 through June 30, 2013
- Update on the sale of 1654 Fifth Street and the community garden at 1631 Fifth Street.

10. Adjourn

The meeting was adjourned at 4:24 p.m. (M/S/C: Hoover/Decredico. Unanimous).

Approved on _____

_____, Lourdes Chang, Secretary

The logo for the Berkeley Redevelopment Successor Agency is a blue oval with a white border. Inside the oval, the text "Berkeley Redevelopment Successor Agency" is written in white, centered and stacked in three lines.

Berkeley
Redevelopment
Successor Agency

Date: December 17, 2012

To: Berkeley Redevelopment Successor Agency Oversight Board

From: Lourdes Chang, Oversight Board Secretary

Subject: Draft Report on the Review of All Other Unobligated Fund Balances of the Berkeley Redevelopment Successor Agency

RECOMMENDATION

Receive public comment on draft report.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Under AB 1484 Section 34179.5 (a), each successor agency is required to conduct a review of the unobligated fund of the Successor Agency, specifically the amount of cash and cash equivalents determined to be available for allocation to taxing entities. Under Section 34179.6 (a), by December 15, 2012, each successor agency must provide to the oversight board, the auditor-controller, the state controller and the Department of Finance a copy of the results of the review. Upon receipt of the review, the oversight board must convene a public comment session to take place at least five business days before the oversight board approves the review.

CURRENT SITUATION AND ITS EFFECTS

The purpose of the December 17, 2012, meeting is to receive public comment on the draft review completed by Badawi and Associates on behalf of the Successor Agency. At the time of the mailing of the board packets, the report was not available for circulation. Staff will distribute a copy of the review to Oversight Board members by no later than Friday, December 14th, before the December 15th deadline, as required by AB 1484. The Board will have more time to review the report before it takes action to approve the results of the review at the Oversight Board meeting scheduled for January 7, 2013.

RATIONALE FOR RECOMMENDATION

Under AB 1484, the Successor Agency is required to conduct a review of All Other Unobligated Fund Balances of the Successor Agency and hold a public comment

session five days before the oversight board takes action to approve the results of the review.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Lourdes Chang, Community Development Project Coordinator, 981-5419

Attachments: *Report will be available by December 14, 2012*