

**AGENDA  
MEETING OF THE  
OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
FRIDAY, APRIL 13, 10:00 A.M.  
OCOTILLO ROOM, YUCCA VALLEY COMMUNITY CENTER**

*The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.*

*If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.*

**(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)**

**OPENING CEREMONIES**

**CALL TO ORDER**

**INTRODUCTION OF BOARD MEMBERS AND STAFF**

**OATH OF OFFICE**

**ROLL CALL:** Board Members Cooper, Dunn, Nuaimi, Price, Rogers, and Rowe

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_

**DEPARTMENT REPORTS**

1-1 1. Election of Oversight Board Chair and Vice Chair

Staff Report

**Recommendation: That the Oversight Board elect one member to serve as Chair and one member to serve as Vice Chair for a one-year term**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

2-3 2. Affirmation of Selection of Oversight Board Members

Staff Report

**Recommendation: That the Oversight Board affirm the selection of the Oversight Board members.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

4-10 3. Overview of Legal Status and Role of Oversight Board

Staff Report

**Recommendation: That the Oversight Board receives and files the report.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

11-12 4. Adoption of Rules of Parliamentary Procedure

Staff Report

**Recommendation: That the Oversight Board adopt Robert’s Rules of Order as the Oversight Board’s Rules of parliamentary procedure.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

13-17 5. Adoption of Resolution No. OB \_\_\_\_\_ Adopting By-Laws for the Oversight Board

Staff Report

**Recommendation: That the Oversight Board adopt Resolution No. OB \_\_\_\_\_ entitled “A Resolution of the Oversight Board to the Successor Agency to the Dissolved Yucca Valley Redevelopment Agency Adopting by-laws.”**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

18-19 6. Designation of Contact Person for Department of Finance Inquiries

Staff Report

**Recommendation: That the Oversight Board designate the Town Manager as the official who shall serve as the contact person for Department of Finance inquiries regarding Oversight Board actions.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

20-23 7. Adoption of Resolution No. OB \_\_\_\_\_ Adopting a Conflict of Interest Code for the Oversight Board

Staff Report

**Recommendation: That the Oversight Board adopt Resolution No. OB \_\_\_\_\_ entitled “A Resolution of the Oversight Board to the Successor Agency to the Dissolved Yucca Valley Redevelopment Agency Adopting a Conflict of Interest Code for the Oversight Board.”**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

24-30 8. Recognized Obligation Payment Schedule (“ROPS”)

Staff Report

**Recommendation: That the Board:**

1. Approve the Resolution adopting the Recognized Obligation Payment Schedule (“ROPS”) for the period from January 1, 2012 through June 30, 2012.
2. Direct Successor Agency staff to post the schedule on the Town of Yucca Valley website and to deliver the ROPS to the San Bernardino County Auditor-Controller, State Controller, and to the State Department of Finance.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Voice Vote \_\_\_\_\_.

## POLICY DISCUSSION

1. Update on Successor Agency Activity

## **FUTURE AGENDA ITEMS**

## **PUBLIC COMMENTS**

*In order to assist in the orderly and timely conduct of the meeting, the Board takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Chair if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Oversight Board to the Successor Agency of the Dissolved Yucca Valley Redevelopment Agency is prohibited by State law from taking action or discussing items not included on the printed agenda.*

## **STAFF REPORTS AND COMMENTS**

## **BOARD MEMBER REPORTS AND COMMENTS**

- . Board Member Cooper
- . Board Member Dunn
- . Board Member Nuaimi
- . Board Member Price
- . Board Member Rogers
- . Board Member Rowe
- . Board Member San Bernardino County Fire (vacant)

## **ANNOUNCEMENTS**

Time, date and place for the next Oversight Board meeting.

## **CLOSING ANNOUNCEMENTS**

## **ADJOURNMENT**

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Election of Oversight Board Chair and Vice Chair

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board elect one member to serve as Chair and one member to serve as Vice Chair for a one-year term.

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** A Chair for the Oversight Board must be selected to preside over the Oversight Board's meetings. A Vice Chair should also be selected to preside over the meeting when the Chair is unavailable.

All actions of the Oversight Board must be taken on a majority vote of the entire membership. Given the Oversight Board has seven (7) members, four (4) affirmative votes are needed to pass a motion. Since there is not a Chair or Vice Chair currently, staff will call the meeting to order, conduct the meeting for the nomination and selection of the Chair and then turn the meeting over to the newly elected Chair to do the same for the Vice Chair.

**Fiscal impact:** None.

**Attachments:** None.

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                            Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Affirmation of Selection of Oversight Board Members

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board affirm the selection of the Oversight Board members.

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** According to Health and Safety Code Section 34179, each successor agency shall have an oversight board composed of seven members.

Members shall be composed of the following:

- (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) one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency;
- (4) one member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                                 Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

superintendent of education is appointed, then the appointment 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; and
- (7) one member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

Based on the selection criteria set forth in Health and Safety Code Section 34179, the following members were selected by their respective appointers to serve on the Oversight Board:

- (1) Dave Cooper (County Board appointee – Board of Supervisors Selection)
- (2) Mayor Dawn Rowe (Town appointment)
- (3) Vacant (County Fire (Largest Special District appointment)
- (4) Dave Price (County Superintendent of Schools appointee)
- (5) Dick Rogers (Community College Chancellor appointment)
- (6) Bob Dunn (County Member of Public – Board of Supervisors Selection)
- (7) Town Manager Mark Nuaimi (RDA Employee appointment)

**Fiscal impact:** None.

**Attachments:** None.

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Overview of Legal Status and Role of Oversight Board

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board receives and files the report.

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** The Redevelopment Dissolution Act, AB 1x26, signed by the Governor in June 2011, was upheld by the California Supreme Court on December 29, 2011. The Court set the date of February 1, 2012, for dissolution of all California redevelopment agencies. The Town has elected to serve as the Successor Agency to the dissolved Yucca Valley Redevelopment Agency.

The Dissolution Act requires that each successor agency have an Oversight Board. For your reference, attached is California Health and Safety Code section 34179 through 34181 which regulates the formation and composition of oversight boards, the public meeting process, and fiduciary responsibilities of oversight boards. A copy of the complete AB 1x26 is being provided to you as part of a separate report on this agenda.

The following are the key components of AB 1x26 with respect to the legal status and role of the Oversight Board:

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                         Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session



- Oversight Boards are deemed a local governmental entity for purposes of the Brown Act, Political Reform Act and Public Records Act.
- All notices (including agendas) required by law for proposed Oversight Board actions are to be posted on the Successor Agency's website.
- A majority of the total membership of the Oversight Board (i.e., 4 members) shall constitute a quorum for the transaction of business.
- A majority of the total membership of the Oversight Board (i.e., 4 members) is required for the Oversight Board to take action.
- Oversight Board members have personal immunity from suit for their actions taken within the scope of their responsibilities as Oversight Board members.
- Oversight Board members receive no compensation or reimbursement for expenses for service on the Oversight Board.
- Oversight Board members serve at the pleasure of the entity that made the appointment.
- Oversight Board members may serve on up to five (5) Oversight Boards.
- Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to an oversight board and hold an office in a city, county, city and county, special district, school district, or community college district.
- The Successor Agency serves as the staff for the Oversight Board and Oversight Board may direct the staff of the Successor Agency to perform work in furtherance of the Oversight Board's duties and responsibilities. The cost for noticing and holding Oversight Board meetings are to be borne by the Successor Agency and may be included in the Successor Agency's administrative cost allowance.
- Oversight Board must report the names of Chair, Vice Chair and other members of the Oversight Board to the Department of Finance ("DOF") by May 1, 2012. The reporting will be done by the Board Secretary.
- DOF may review the actions/decisions of the Oversight Board.
- All Oversight Board actions shall not be effective for three (3) business days, pending a request for review by the DOF. In the event DOF requests review of a

given Oversight Board action/decision, the DOF shall have ten (10) calendar days from the date of its request to approve the action or reject it and return it to the Oversight Board for reconsideration and resubmittal to DOF. The modified Oversight Board action shall not be effective until approved by DOF.

- Oversight Board terminates the earlier of (i) when all of the indebtedness of the former redevelopment agency has been repaid, or (ii) July 1, 2016.

If outstanding indebtedness of the former redevelopment agency still needs to be repaid as of July 1, 2016, then on that date the existing Oversight Board terminates and a new Oversight Board takes over. As of that date there will be one Replacement Oversight Board for all of the Successor Agencies within each county.

The members of that replacement Oversight Board are: 1) one member appointed by the county board of supervisors; 2) one member appointed by the city selection committee; 3) one member appointed by the independent special district selection committee; 4) one member appointed by the county superintendent of education; 5) one member appointed by the Chancellor the California Community Colleges; 6) one member of the public appointed by the county board of supervisors; and 7) one member appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

- Oversight Board has a fiduciary responsibility to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Health and Safety Code Section 34188 (distribution from the Redevelopment Property Tax Trust Fund).
- Oversight Board must approve Successor Agency actions set forth in Health & Safety Code Section 34180 (see Attachment).
- Oversight Board is to direct the Successor Agency to perform the functions set forth in Health & Safety Code Section 34181 (see Attachment).

**Fiscal impact:** None.

**Attachments:** Health and Safety Code Section 34179-34181

## HEALTH AND SAFETY CODE

### SECTION 34179-34181

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) 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.

(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.

(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) Where 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, where such 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 where such an 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.

(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 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.

(j) Commencing on and after July 1, 2016, 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 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, 2016, or any member position that remains vacant for more than 60 days.

(l) Commencing on and after July 1, 2016, 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 (b).

(m) Any oversight board for a given successor agency shall cease to exist when all of the indebtedness of the dissolved redevelopment agency has been repaid.

34180. All of the following successor agency actions shall first be approved by the oversight board:

(a) The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to the date of this part.

(b) Refunding of outstanding bonds or other debt of the former redevelopment agency by successor agencies in order to provide for savings or to finance debt service spikes; provided, however, that no additional debt is created and debt service is not accelerated.

(c) Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.

(d) Merging of project areas.

(e) Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources, where assistance is conditioned upon the provision of matching funds, by the successor entity as successor to the former redevelopment agency, in an amount greater than 5 percent.

(f) (1) If a city, county, or city and county wishes to retain any properties or other assets for future redevelopment activities, funded from its own funds and under its own auspices, it must reach a compensation agreement with the other taxing entities to provide payments to them in proportion to their shares of the base property tax, as determined pursuant to Section 34188, for the value of the property retained.

(2) If no other agreement is reached on valuation of the retained assets, the value will be the fair market value as of the 2011 property tax lien date as determined by the county assessor.

(g) Establishment of the Recognized Obligation Payment Schedule.

(h) A request by the successor agency to enter into an agreement with the city, county, or city and county that formed the redevelopment agency that it is succeeding.

(i) A request by a successor agency or taxing entity to pledge, or

to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178.

34181. The oversight board shall direct the successor agency to do all of the following:

(a) Dispose of all assets and properties of the former redevelopment agency that were funded by tax increment revenues of the dissolved redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value.

(b) Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.

(c) Transfer housing responsibilities and all rights, powers, duties, and obligations along with any amounts on deposit in the Low and Moderate Income Housing Fund to the appropriate entity pursuant to Section 34176.

(d) Terminate any agreement, between the dissolved redevelopment agency and any public entity located in the same county, obligating the redevelopment agency to provide funding for any debt service obligations of the public entity or for the construction, or operation of facilities owned or operated by such public entity, in any instance where the oversight board has found that early termination would be in the best interests of the taxing entities.

(e) Determine whether any contracts, agreements, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the oversight board for its approval. The board may approve any amendments to or early termination of such agreements where it finds that amendments or early termination would be in the best interests of the taxing entities.

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**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Adoption of Rules of Parliamentary Procedure

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board adopt Robert's Rules of Order as the Oversight Board's rules of parliamentary procedure.

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** The Oversight Board to the Successor Agency to the dissolved Yucca Valley Redevelopment Agency has been appointed pursuant to Health and Safety Code Section 34179.

In addition to the Oversight Board's required compliance with the Ralph M. Brown Act, staff is recommending the Oversight Board, by minute motion, adopt Robert's Rules of Order as the governing parliamentary procedure for the Board. Although staff expects the Oversight Board to operate in a relatively informal manner, parliamentary rules are appropriate to guide the making of motions, taking votes, etc. For ease and simplicity, staff is recommending the Oversight Board refer to Robert's Rules for its parliamentary procedure.

**ALTERNATIVES CONSIDERED**

The Oversight Board may desire to adopt an alternative form parliamentary procedure.

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                         Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

**Fiscal impact:** None.

**Attachments:** None.



**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Adoption of Resolution No. OB \_\_\_\_\_ Adopting By-Laws for the Oversight Board

**Prior Council Review:** None.

Recommendation: That the Oversight Board adopt Resolution No. OB \_\_\_\_\_ entitled "A Resolution of the Oversight Board to the Successor Agency to the Dissolved Yucca Valley Redevelopment Agency Adopting by-laws."

- Order of Procedure:**
- Staff Report
  - Public Comment
  - Questions of Staff
  - Board Discussion
  - Motion/Second
  - Discussion on Motion
  - Roll Call vote

**Background/Discussion:** The Oversight Board is deemed a local entity for purposes of the Political Reform Act. As a result, the Oversight Board should adopt a set of by-laws to conduct business in an orderly fashion. The proposed resolution addresses: (1) Oversight Board composition; (2) duties of Oversight Board officers and staff; (3) authority to bind the Oversight Board; and (4) meeting decorum.

**Fiscal impact:** None.

**Attachments:** Proposed Resolution No. OB \_\_\_\_\_

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Reviewed By: \_\_\_\_\_  
Town Manager                      Town Attorney                      Mgmt Services                      Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

## BYLAWS

### OVERSIGHT BOARD FOR DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY

DRAFT - April 10, 2012

#### ARTICLE I – THE BOARD

**SECTION 1: Name of Board.** The name of the Board shall be the Oversight Board for Dissolved Yucca Valley Redevelopment Agency pursuant to Section 34179 of the Health and Safety Code of the State of California.

**SECTION 2: State Statute.** The Oversight Board for Dissolved Yucca Valley Redevelopment Agency is authorized in accordance with Section 34179 of the Health and Safety Code of the State of California.

**SECTION 3: Board Members.** The Board is comprised of seven members. Members will be selected in accordance with Section 34179 of the Health and Safety Code of the State of California.

**SECTION 4: Seal of Board.** The seal of the Board shall bear the name of the Board and the year of its organization.

**SECTION 5: Office of Board.** The principal business office of the Board shall be in the Yucca Valley Community Center, Yucca Room, 57090 Twentynine Palms Hwy., Yucca Valley, CA 92284.

#### ARTICLE II – OFFICERS OF THE BOARD

**SECTION 1: Officers.** The Officers of the Board shall be a Chairperson, a Vice Chairperson, an Executive Director and a Secretary.

**SECTION 2: Chairperson and Vice-Chairperson.** The Chairperson and the Vice-Chairperson shall be from the Members of the Board and shall be elected each year at the first meeting of the Board; and their term of office shall commence with the election, taking office immediately thereafter. If either the office of the Chairperson or Vice-Chairperson becomes vacant, then the Members of the Board at the next regular meeting shall elect a successor for the unfinished term of that office.

The duties of the Chairperson shall be to preside at Board meetings and perform such other duties as are appropriate.

The Vice-Chairperson, in the absence of the Chairperson, shall perform the duties of the Chairperson.

**SECTION 3: Executive Director.** The Executive Director of the Board shall be appointed by the Town Manager of the Town of Yucca Valley and shall serve an indefinite term, as determined by the Town Manager.

The Executive Director shall have general supervision over the administration of Board business affairs and personnel, subject to the adopted policies of the Board. The Executive Director may designate a Deputy Executive Director who shall have the authority and responsibilities of the Executive Director in the absence of the Executive Director. The Executive Director shall sign with the Chairperson all orders and checks for the payment of money.

Health and Safety Code Section 34179 requires the Oversight Board to designate, formally, an official for the purpose of communicating with the California Department of Finance regarding Oversight Board actions. The Executive Director is hereby designated as the contact person for the Oversight Board. That designation and any subsequent changes will be transmitted by the Executive Director to the Department of Finance.

**SECTION 4: Secretary.** The Secretary shall be the Town Clerk of the Town of Yucca Valley, or designee, and shall serve an indefinite term concurrent with service to the Town as Town Clerk.

The Secretary shall attend the meetings of the Board and shall keep and maintain records of the Board meetings and shall keep in safe custody the seal of the Board, if any. The Secretary shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority. In the absence of the Secretary, the Executive Director may designate an acting Secretary to temporarily fill the position of Secretary.

### ARTICLE III – EMPLOYEES, AGENTS AND CONSULTANTS

**SECTION 1: Town of Yucca Valley.** As directed by the Town Council of the Town of Yucca Valley, the Town Manager of the Town of Yucca Valley, in her/his sole discretion, may appoint and authorize Town employees to provide administrative support to the Board.

**SECTION 2: Legal Counsel.** The Board may appoint Legal Counsel to act as legal advisor to the Board and the Executive Director in legal matters pertaining to the functions of the Board. Legal Counsel, if one is appointed, shall serve for an indefinite term. The Board may appoint or authorize special legal counsel from time to time.

**SECTION 3: Other Employees, Agents and Consultants.** The Board will establish no positions, agents or consultants, permanent or temporary, except for those specified in these bylaws.

### ARTICLE IV – AUTHORITY TO BIND THE BOARD, CONTRACT, PAYMENTS

**SECTION 1: Authority.** No Board Member, officer, agent or employee of the Board, without prior authority by a majority vote of the total membership of the Board Members unless otherwise provided by law, shall have power or authority to bind the Board by a contract, to pledge its credit or to render for any purpose or amount.

**SECTION 2: Chairperson and Vice Chairperson.** The Chairperson or the Vice-Chairperson of the Board shall execute on behalf of the Board all contracts, deeds and other documents and instruments as authorized by the Board Members. Nothing herein contained shall prohibit or be construed to prohibit the Board from authorizing any other officer or employee of the Board to so execute such instruments and documents on behalf of the Board.

### ARTICLE V – MEETINGS

**SECTION 1: General.** California Health and Safety Code Section 34179 requires all meetings of the Oversight Board be noticed and held in accordance with the Ralph M. Brown Act, and that agendas and proposed actions of the Oversight Board be posted on the Successor Agency's website for public review. Health and Safety Code Section 34179 provides that the California Department of Finance may review Oversight Board actions, and as such, all board actions are not effective for three business days, pending review by the Department of Finance. If the Department of Finance exercises its right to review the action, it then has ten days to approve the action or return it to the Oversight Board for reconsideration. If the Oversight Board modifies its action, then the modified action does not become effective until approved by the Department of Finance.

**SECTION 2: Regular Meetings.** The Board shall regularly meet on the first Friday of each December and May at a time and place to be determined by the Executive Director. The Executive Director may also schedule regular meetings at other additional dates and times.

**SECTION 3: Special Meetings.** A special meeting may be called at any time by the Chairperson or upon the written request of four of the Members of the Board in the manner provided by Section 54958 of the Government Code of the State of California.

**SECTION 4: Executive Sessions.** Nothing contained in these Bylaws shall be construed to prevent the Board Members from holding executive sessions during a regular or special meeting concerning any matter permitted by law to be considered in an executive session.

**SECTION 5: Public Hearings.** All public hearings held by the Board shall be held during regular, adjourned regular or special meetings of the Board.

**SECTION 6: Adjourned Meetings.** Any regular or adjourned regular meeting may be adjourned to a time, place and date specified in the motion for adjournment. If no time or place is stated in the motion, then it shall be at a time or place as determined by the Executive Director. An adjourned regular meeting is a regular meeting for all purposes. Less than a quorum of Members may adjourn a meeting if Members are present; in

either event, public posting and notice to Members shall be given in the manner provided in the Government Code for adjourned City Council meetings.

**SECTION 7: Meetings Open to Public.** All meetings of the Board shall be open to the public. All persons shall be permitted to attend any such meeting except as otherwise permitted by law.

**SECTION 8: Quorum.** A majority of the Members of the Board shall constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes. A smaller number of Board Members may adjourn a meeting from time-to-time until a quorum is present. Action may be taken by the majority vote of the total membership of the Board.

**SECTION 9: Authority – Order of Business.** An agenda for each regular, adjourned regular and special meeting shall be prepared by the Executive Director and shall contain the specific items of business to be transacted and the order thereof. Additional items may be considered and acted on at other than special meetings.

All resolutions shall be placed in a written form and kept with the journal of the Board or with the minutes of the meeting at which the resolution was adopted.

**SECTION 10: Manner of Voting.** The voting on all matters as may be requested by the majority of the Board Members shall be by such method as the Board shall from time-to-time determine. The minutes shall have entered therein the vote of the Board Members present as well as a notation as to those Members absent.

**SECTION 11: Decorum-Motions.** In addition to the Board's required compliance with the Ralph M. Brown Act, all matters concerning debate, decorum and actions will follow, where not otherwise provided for herein, Robert's Rules of Order and conform to the decorum rules established for the Yucca Valley Town Council pursuant to the Council Policy Handbook, as amended.

## **SECTION VI – CONFLICTS OF INTEREST AND CODE OF CONDUCT**

**SECTION 1: Conflict of Interest Code.** The Board hereby adopts by reference the model Conflict of Interest Code set forth in Section 18730 of Title 2 of the California Code of Regulations.

Members of the Board and its officers who currently file a Form 700 Statement of Economic Interest with another entity located within San Bernardino County do not need to file an additional form for the Board.

## **ARTICLE VIII – AMENDMENTS OF THE BYLAWS**

**SECTION 1: Amendments.** The Bylaws shall be amended only with the approval of a majority of the total membership of the Board at any Board meeting, but no amendment shall be adopted unless at least seven days written notice of a general nature thereof has been sent previously to all Members of the Board.

RESOLUTION NO. OB \_\_\_\_\_

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY ADOPTING BY-LAWS**

**WHEREAS**, the Oversight Board to the Successor Agency to the dissolved Yucca Valley Redevelopment Agency (the "Oversight Board") has been appointed pursuant to the provisions of Health & Safety Code Section 34179; and

**WHEREAS**, the Oversight Board is deemed a local entity for purposes of the Political Reform Act; and

**WHEREAS**, to conduct business in an orderly fashion, the Oversight Board finds and determines it is appropriate to adopt a set of by-laws.

**THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE, AS FOLLOWS:**

**SECTION 1.** The set of by-laws attached hereto, as Exhibit A, are adopted as the by-laws for the Oversight Board.

APPROVED AND ADOPTED this 13<sup>th</sup> day of April, 2012

\_\_\_\_\_  
CHAIR, OVERSIGHT BOARD

ATTEST:

\_\_\_\_\_  
SECRETARY, OVERSIGHT BOARD

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Designation of Contact Person for Department of Finance Inquiries

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board designate the Town Manager as the official who shall serve as the contact person for Department of Finance inquiries regarding Oversight Board actions.

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** California Health and Safety Code Section 34179 requires all meetings of the Oversight Board be noticed and held in accordance with the Ralph M. Brown Act, and that agendas and proposed actions of the Oversight Board be posted on the Successor Agency's website for public review. Health and Safety Code Section 34179 provides the Department of Finance (DOF) may review Oversight Board actions, and as such, all board actions are not effective for three business days, pending review by the DOF. If the DOF exercises its right to review the action, it then has ten days to approve the action or return it to the Oversight Board for reconsideration. The Oversight Board's modified action does not become effective until approved by the DOF.

Health and Safety Code Section 34179 requires the Oversight Board to formally designate an official for the purpose of communicating with the DOF regarding Oversight Board actions.

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                            Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Staff recommends that the Town Manager be designated as the contact person for the Oversight Board. Once the Oversight Board designates an official, staff will transmit the official's contact information to the DOF.

**ALTERNATIVES CONSIDERED:**

The Oversight Board may choose to designate another official to serve as the contact person to the Department of Finance.

**Fiscal impact:** None.

**Attachments:** None.

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Committee  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 5, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Adoption of Resolution No. OB \_\_\_\_\_ Adopting a Conflict of Interest Code for the Oversight Board

**Prior Council Review:** None.

**Recommendation:** That the Oversight Board adopt Resolution No. OB 03 (12) entitled "A Resolution of the Oversight Board to the Successor Agency to the Dissolved Yucca Valley Redevelopment Agency Adopting a Conflict of Interest Code for the Oversight Board."

**Order of Procedure:**

- Staff Report
- Public Comment
- Questions of Staff
- Board Discussion
- Motion/Second
- Discussion on Motion
- Roll Call vote

**Background/Discussion:** The Oversight Board is subject to the Political Reform Act and regulations promulgated by the Fair Political Practices Commission ("FPPC"), which requires a newly established entity to adopt a Conflict of Interest Code. The Oversight Board may adopt by reference the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations.

Staff has contacted the Fair Political Practices Commission and confirmed that members of the Oversight Board who currently file a Form 700 Statement of Economic Interest with another entity located within San Bernardino County do not need to file an additional form for the Board.

**Fiscal impact:** None.

**Attachments:** Proposed Resolution No. OB \_\_\_\_\_

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Reviewed By:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                         Town Manager      Town Attorney      Mgmt Services      Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session



RESOLUTION NO. OB \_\_\_\_\_

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD**

**WHEREAS**, the Oversight Board to the Successor Agency to the dissolved Yucca Valley Redevelopment Agency (the "Oversight Board") has been appointed pursuant to the provisions of Health & Safety Code Section 34179; and

**WHEREAS**, the Oversight Board is deemed a local entity for purposes of the Political Reform Act; and

**WHEREAS**, pursuant to the Political Reform Act and regulations promulgated thereunder by the Fair Political Practices Commission ("FPPC"), a newly established local entity is required to adopt a conflict of interest code; and

**WHEREAS**, the Oversight Board finds and determines that it is appropriate to adopt as its conflict of interest code the model conflict of interest code promulgated by the FPPC as set forth in this Resolution;

THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE, AS FOLLOWS:

**SECTION 1.** Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq., and Section 18730 of Title 2 of the California Code of Regulations, the Oversight Board adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference, and which, together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Sections 3 and 6 of this Resolution, collectively constitutes the Board's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the Fair Political Practices Commission, or judicial determination, the portion of the Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of Government Code Section 87200.

**SECTION 2.** The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission, and any amendments to either of the foregoing, are incorporated by reference into this conflict of interest code.

**SECTION 3.** The following are the designated Board positions, the holders of which shall be required to file statements of economic interests: Oversight Board members.

**SECTION 4.** The code reviewing body for this conflict of interest code shall be the Board of Supervisors of the County of San Bernardino. This conflict of interest code shall be promptly submitted after its adoption by the Secretary to the Clerk of the Board of Supervisors. Statements of economic interests shall be filed by Oversight Board members with the Clerk of the Board of the Supervisors of the County of San Bernardino.

**SECTION 5.** The Board finds and determines that the persons holding the positions set forth in Section 3 make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

**SECTION 6.** Each person holding a designated position set forth in Section 3 shall report in every disclosure category set forth in the statement of economic interests promulgated by the FPPC to the extent such category is applicable to such person pursuant to the rules and regulations of the FPPC. The disclosure categories as promulgated by the FPPC may be amended from time to time and such amendments shall not require an amendment to this code or Resolution.

**SECTION 7.** Sections 3 and 6 of this Resolution constitute the Appendix referred to in subdivision (b)(2) of Section 18730 of Title 2 of the California Code of Regulations.

**SECTION 8.** Nothing contained in this Resolution is intended to modify or abridge the provisions of the Political Reform Act of 1974, Government Code Section 87000 et seq., or FPPC the regulations, Title 2 California Code of Regulations including Sections 18700 et seq. The provisions of this Resolution are additional to the Political Reform Act and FPPC Regulations. This Resolution shall be interpreted in a manner consistent with the Political Reform Act and FPPC regulations. In the event of any inconsistency between the provisions of this Resolution, on the one hand, and the Political Reform Act and/or the FPPC regulations, on the other hand, the provisions of the Political Reform Act and FPPC regulations shall govern.

**SECTION 9.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, then such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

APPROVED AND ADOPTED this 13<sup>th</sup> day of April, 2012

\_\_\_\_\_  
CHAIR, OVERSIGHT BOARD

ATTEST:

\_\_\_\_\_  
SECRETARY, OVERSIGHT BOARD

**OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE  
DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY  
STAFF REPORT**

**To:** Honorable Chair & Board Members  
**From:** Mark Nuaimi, Town Manager  
Curtis Yakimow, Director of Administrative Services  
**Date:** April 10, 2012  
**For Board Meeting:** April 13, 2012

**Subject:** Recognized Obligation Payment Schedule ("ROPS")

**Prior Board Review:** None.

**Recommendation:** That the Board:

1. Approve the Resolution adopting the Recognized Obligation Payment Schedule ("ROPS") for the period from January 1, 2012 through June 30, 2012.
2. Direct Successor Agency staff to post the schedule on the Town of Yucca Valley website and to deliver the ROPS to the San Bernardino County Auditor-Controller, State Controller and to the State Department of Finance.

**Order of Procedure:**

Staff Report  
Public Comment  
Questions of Staff  
Agency Discussion  
Motion/Second  
Discussion on Motion  
Roll Call (voice vote)

**Discussion:** In July of 2011, the Governor signed, AB1x 26 (2011) and AB1x 27 (2011). The California Redevelopment Association, the League of California Cities and others challenged the legality of AB1x 26 and AB1x 27, and in December 2011, the California Supreme Court upheld the legislation. The result of this decision is all redevelopment agencies were dissolved effective February 1, 2012. As a matter of law, the Town of Yucca Valley is now the successor agency to the former Yucca Valley Redevelopment Agency ("Agency").

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Reviewed By:

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Mgmt Services

\_\_\_\_\_  
Dept Head

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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Pending its decision, the Supreme Court had stayed the provisions of AB 26 dissolving redevelopment agencies and providing for the winding up of their affairs. As part of its decision, the Supreme Court extended deadlines for certain actions required or permitted under AB 26. AB 26 was drafted with recognition that redevelopment agencies had a variety of debts and obligations that still must be met in order to avoid causing harm to the persons to whom those debts and obligations are owed. Successor agencies will receive tax revenues from the county auditors in order to ensure those obligations, referred to in AB 26 as “enforceable obligations,” will be met. In order to enable the county auditor to determine how much tax revenue a successor agency needs to meet its enforceable obligations, AB 26 requires the preparation of a series of schedules of enforceable obligations.

The first two schedules, the Enforceable Obligation Payment Schedule (“EOPS”) and the Preliminary Draft Recognized Obligation Payment Schedule (“PDROPS”) were approved by the Redevelopment Agency prior to its dissolution, and subsequently affirmed by the Successor Agency at the meeting of January 17, 2012. Those schedules form the basis for the preparation of the first schedule to be approved by the governing body of the successor agency, the Recognized Obligation Payment Schedule (“ROPS”). A ROPS will be prepared and presented to the Successor Agency and Oversight Board for approval for each six month period, from January 1 through June 30 and from July 1 through December 31, until all of the Agency’s enforceable obligations have been paid in full.

As drafted, AB 26 required the first ROPS to cover the period from January 1, 2012 through June 30, 2012 be approved by the Successor Agency by November 1, 2012. Due to the Supreme Court’s ruling delaying the effectiveness of AB 26 by four months, the first schedule must be approved by March 1, 2012 and will cover the period from January 1, 2012 through June 30, 2012. Subsequent schedules will be for six-month fiscal periods.

The ROPS has been approved by the Successor Agency, and is now presented to the Oversight Board for approval. Once approved, ROPS must then be provided to the San Bernardino County Auditor, the State Controller and the Department of Finance and posted on the Successor Agency’s website.

Therefore, it is Staff’s recommendation that the Board approve the ROPS as presented.

**Alternatives:** None recommended

**Fiscal impact:** Under AB 26, the Successor Agency may only pay the enforceable obligations of the former Agency listed on the ROPS. The intent of the ROPS is to identify all enforceable obligations of the former Agency payable before June 30, 2012. The Successor Agency is not scheduled to receive any funds for expenditures listed on this schedule in addition to those funds already issued by the county to the prior RDA, representing tax increment revenue received through January 31, 2012.

**Attachments:** Resolution with ROPS.

**RESOLUTION NO. OB-**

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE DISSOLVED YUCCA VALLEY REDEVELOPMENT AGENCY APPROVING AND ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE (“ROPS”) PURSUANT TO HEALTH AND SAFETY CODE § 34176 AND TRANSMITTING THE ROPS TO THE NECESSARY AGENCIES**

WHEREAS, the Yucca Valley Redevelopment Agency (“Redevelopment Agency”) is a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code §§ 33000 *et seq.*); and

WHEREAS, the Town of Yucca Valley is a municipal corporation and a general law city organized and existing under the Constitution of the State of California (“City”); and

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the case *California Redevelopment Association, et al. v. Ana Matosantos, etc., et al.*, Case No. S196861, and upheld the validity of Assembly Bill 1x26 (“AB1x26”) and invalidated Assembly Bill 1x27; and

WHEREAS, the Court’s decision results in the implementation of AB1x26 which dissolves all the redevelopment agencies in the State of California as of February 1, 2012; and

WHEREAS, the Town is, by operation of law, the Successor Agency to the Redevelopment Agency for purposes of winding-down the Redevelopment Agency under AB1x26; and

WHEREAS, pursuant to a provision of AB1x26, codified as Health and Safety Code Section 34177, the Town as Successor Agency is required to adopt the Recognized Obligations Payment Schedule; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE**, the Oversight Board to the Successor Agency to the Dissolved Yucca Valley Redevelopment Agency, resolves as follows:

Section 1. The foregoing Recitals are true and correct and are incorporated herein.

Section 2. The initial ROPS, attached hereto and incorporated herein by reference as Exhibit “A”, is hereby received and adopted pursuant to Health & Safety Code Section 34177.

Section 3. The Town Manager/Executive Director, Director of Administrative Service or his designee is hereby directed to post this Resolution and the ROPS on the Successor Agency's website and to provide notice of adoption of the ROPS by the Oversight Board of the Successor Agency to the County auditor-controller, the State Controller and the State Department of Finance. A notification providing the website location of the posted schedules and notifications of any amendments shall suffice to meet this requirement.

PASSED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of April, 2012.

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CHAIR

ATTEST:

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SECRETARY

**EXHIBIT A**

**AMENDED PRELIMINARY DRAFT OF INITIAL RECOGNIZED  
OBLIGATION PAYMENT SCHEDULE**

**[Attached behind this page]**





**OTHER OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						Total	
					Jan	Feb	Mar	Apr	May	Jun		
1) Pass thru agreement	TOTAL	Pass-thru payment	52,098,000.00	0.00							\$ -	
2) Pass thru agreement	Morongo USD	Pass-thru payment		330,000.00						165,000.00	\$ 165,000.00	
3) Pass thru agreement	Copper Min College	Pass-thru payment		104,000.00						52,000.00	\$ 52,000.00	
4) Pass thru agreement	Yucca Valley Fire Dist.	Pass-thru payment		114,000.00						57,000.00	\$ 57,000.00	
5) Pass thru agreement	HDWD	Pass-thru payment		181,000.00						90,500.00	\$ 90,500.00	
6) Pass thru agreement	Mojave Water Agency	Pass-thru payment		10,000.00						5,000.00	\$ 5,000.00	
7) Pass thru agreement	SB County	Pass-thru payment		190,000.00						95,000.00	\$ 95,000.00	
8) Pass thru agreement	County Supt of Schools	Pass-thru payment		15,000.00						7,500.00	\$ 7,500.00	
9) Pass thru agreement	Low/Mod Fund	Set-Aside	26,325,000.00							217,500.00	\$ 217,500.00	
1) Low/Mod Deposits											\$ -	
2)											\$ -	
3)											\$ -	
4)											\$ -	
5)											\$ -	
6)											\$ -	
7)											\$ -	
8)											\$ -	
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2)											\$ -	
3)											\$ -	
4)											\$ -	
5)											\$ -	
6)											\$ -	
7)											\$ -	
8)											\$ -	
<b>Totals - Other Obligations</b>					\$ 78,423,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 689,500.00	\$ -