



Local Agency Formation Commission
for the County of Los Angeles

MEMORANDUM

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To: General Managers, Independent Special Districts in L.A. County
From: Paul Novak, Executive Officer
Re: Redevelopment Oversight Board Appointments – County of Los Angeles
Date: June 15, 2017

I am writing to alert you to upcoming elections to appoint special district representatives to serve on five Redevelopment Agency Oversight Boards (“RDA Oversight Boards” or “Boards”) in Los Angeles County, pursuant to Health and Safety Code Section 34179 and Government Code Section 56332. State law designates the Independent Special District Committee (ISDC) as the appointing authority for special district representation on each of five new RDA Oversight Boards consolidated by law effective July 1, 2018. If the ISDC fails to appoint before a July 15, 2018 deadline, this appointment authority shifts to the Governor.

Background: In September of 2015, Governor Brown signed SB 107, a bill which required the consolidation of RDA oversight boards for each former RDA, which have been operational since early 2016. SB 107 mandated the consolidation of these boards by July 1, 2018, with one (1) new county-wide board in each of fifty-seven (57) counties, and five new (5) boards in Los Angeles County. The law further contemplates that the ISDC in each county would appoint special district representatives to each new board. Should the ISDC fail to appoint special district representatives by July 15, 2018, the Governor is empowered to make the appointments.

Additional information and background can be found in a May 24, 2017 letter from the Los Angeles County Auditor-Controller (Attachment “D”) to all appointing authorities, and in a September 27, 2016 report (“Countywide RDA Oversight Board Special District Appointments”) issued by the California Special Districts Association (“CSDA”) and the California Association of Local Agency Formation Commissions (“CALAFCO”) (Attachment “C”).

Appointments to LA County RDA Oversight Boards: The boundaries of the five (5) Los Angeles County Supervisorial Districts define the boundaries of the five Oversight Boards in Los Angeles County. Appointments of a special district representative to each of the five boards will be by majority vote of the special districts which have territory within the boundaries of each district, as designated on Exhibits “A” and “B” (enclosed).

Some special districts are located entirely within one supervisorial district, and will, therefore, participate in only one election. For example, the La Habra Heights County Water District is entirely within the 4th Supervisorial District, and will participate in the election for RDA Oversight Board No. 4. Other districts have territory which falls in more than one supervisorial district, and will, therefore, participate in multiple elections. For example, the Compton Creek Mosquito Abatement District has territory in the 2nd and 4th Supervisorial Districts, and will participate in the election for RDA Oversight Board No. 2 and RDA Oversight Board No. 4.

SB 107 did not specify a term of office, merely specifying that a board-member “shall serve at the pleasure of the entity that appointed such member.”

For each board, I will conduct an election for one (1) voting member and one (1) alternate member. Individuals eligible for these positions must be “members of the legislative body of an independent special district . . . but shall not be members of the legislative body of a city or county.” More specifically, a candidate must be a member of a legislative body of an independent special district with territory within the boundary of the particular RDA Oversight Board to which the individual seeks appointment.

Schedule: I will conduct the nomination and election by mail, similar to past ISDSC elections, and pursuant to the following schedule:

| | |
|-----------------------------|--|
| Monday, July 3, 2017: | Start of Nomination Period (Request for Nominations mailed to all District General Managers) |
| Monday, August 21, 2017: | End of Nomination Period (Nominations must be received by LAFCO by 5:00 p.m., Thursday, August 3, 2017) |
| Monday, August 28, 2017 | Start of Voting Period (Ballots mailed to all District General Managers) |
| Monday, October 16, 2017 | Close of Voting Period (Ballots must be received by LAFCO by 5:00 p.m., Thursday, September 28, 2017) |
| Tuesday, October 17, 2017 | Ballots Counted |
| Wednesday, October 18, 2017 | Results Announced (e-mail, U.S. mail, and posting on LA LAFCO website) |

Should you have any questions or concerns, please do not hesitate to contact me.

Attachments:

- Attachment "A": List of RDA Oversight Boards (by Special District)
- Attachment "B": List of RDA Oversight Boards (by Board)
- Attachment "C": September 27, 2016 report ("Countywide RDA Oversight Board Special District Appointments") issued by the California Special Districts Association ("CSDA") and the California Association of Local Agency Formation Commissions ("CALAFCO").
- Attachment "D": May 24, 2017 letter from the Los Angeles County Auditor-Controller to All Appointing Authorities; Agencies within County of Los Angeles

**Attachment “A”
List of RDA Oversight Boards (by Special District)**

| <u>Special District</u> | <u>RDA Oversight Board</u> |
|--|-----------------------------------|
| Altadena Library District | 5 |
| Antelope Valley Cemetery District | 5 |
| Antelope Valley-East Kern Water Agency | 5 |
| Antelope Valley Health Care District | 5 |
| Antelope Valley Mosquito and Vector Control District | 5 |
| Antelope Valley Resource Conservation District | 3 and 5 |
| Artesia Cemetery District | 4 |
| Beach Cities Health Care District | 4 |
| Bradbury Community Services District | 5 |
| Castaic Lake Water Agency | 5 |
| Central Basin Municipal Water District | 1, 2, and 4 |
| Compton Creek Mosquito Abatement District | 2 and 4 |
| Crescenta Valley County Water District | 5 |
| Downey Cemetery District | 4 |
| Foothill Municipal Water District | 5 |
| Golden Valley Municipal Water District | 5 |
| Greater Los Angeles County Vector Control District | 1, 2, 3, 4, and 5 |
| Green Valley County Water District | 5 |
| Kinneloa Irrigation District | 5 |
| La Canada Irrigation District | 5 |

| | |
|---|----------------|
| La Habra Heights County Water District | 4 |
| La Puente Valley County Water District | 1 |
| Las Virgenes Municipal Water District | 3 and 5 |
| Little Lake Cemetery District | 4 |
| Littlerock Creek Irrigation District | 5 |
| Los Angeles County West Vector Control District | 1, 2, 3, and 4 |
| Miraleste Recreation and Park District | 4 |
| Newhall County Water District | 5 |
| Orchard Dale County Water District | 4 |
| Palm Ranch Irrigation District | 5 |
| Palmdale Water District | 5 |
| Palos Verdes Library District | 4 |
| Pasadena Glen Community Services District | 5 |
| Pico Water District | 1 |
| Point Dume Community Services District | 3 |
| Quartz Hill Water District | 5 |
| Resource Conservation District for the Santa Monica Mountains | 3, 4, and 5 |
| Ridgecrest Ranchos Recreation and Park District | 4 |
| Rowland Water District | 1, and 4 |
| San Gabriel County Water District | 1 and 5 |
| San Gabriel Valley Mosquito & Vector Control District | 1 and 5 |
| San Gabriel Valley Municipal Water District | 1 and 5 |

| | |
|---|-------------|
| Sativa County Water District | 2 |
| South Montebello Irrigation District | 1 |
| Three Valleys Municipal Water District | 1, 4, and 5 |
| Upper San Gabriel Valley Municipal Water District | 1, 4, and 5 |
| Valley County Water District | 1 |
| Walnut Valley Water District | 1 and 4 |
| Water Replenishment District | 1, 2, and 4 |
| West Basin Municipal Water District | 2, 3, and 4 |
| West Valley County Water District | 5 |
| Westfield Recreation and Park District | 4 |
| Wilmington Cemetery District | 4 |
| Wrightwood Community Services District | 5 |

Attachment "B"
List of RDA Oversight Boards (by Board)

RDA Oversight Board No. 1 (1st Supervisorial District)

Fifteen (15) Agencies:

- Central Basin Municipal Water District
- Greater Los Angeles County Vector Control District
- La Puente Valley County Water District
- Los Angeles County West Vector Control District
- Pico Water District
- Rowland Water district
- San Gabriel County Water District
- San Gabriel Valley Mosquito & Vector Control District
- San Gabriel Valley Municipal Water District
- South Montebello Irrigation District
- Three Valleys Municipal Water District
- Upper San Gabriel Valley Municipal Water District
- Valley County Water District
- Walnut Valley Water District
- Water Replenishment District

RDA Oversight Board No. 2 (2nd Supervisorial District)

Seven (7) Agencies:

- Central Basin Municipal Water District
- Compton Creek Mosquito Abatement District
- Greater Los Angeles County Vector Control District
- Los Angeles County West Vector Control District
- Sativa County Water District
- Water Replenishment District
- West Basin Municipal Water District

RDA Oversight Board No. 3 (3rd Supervisorial District (Kuehl))

Seven (7) Agencies:

- Antelope Valley Resource Conservation District
- Greater Los Angeles County Vector Control District
- Las Virgenes Municipal Water District
- Los Angeles County West Vector Control District
- Point Dume Community Services District
- Resource Conservation District for the Santa Monica Mountains
- West Basin Municipal Water District

RDA Oversight Board No. 4 (4th Supervisorial District (Hahn))

Twenty-Two (22) Agencies:

Artesia Cemetery District
Beach Cities Health Care District
Central Basin Municipal Water District
Compton Creek Mosquito Abatement District
Downey Cemetery District
Greater Los Angeles County Vector Control District
La Habra Heights County Water District
Little Lake Cemetery District
Los Angeles County West Vector Control District
Miraleste Recreation and Park District
Orchard Dale County Water District
Palos Verdes Library District
Resource Conservation District for the Santa Monica Mountains
Ridgecrest Ranchos Recreation and Park District
Rowland Water District
Three Valley's Municipal Water District
Upper San Gabriel Valley Municipal Water District
Walnut Valley Water District
Water Replenishment District
Westfield Recreation and Park District
West Basin Municipal Water District
Wilmington Cemetery District

RDA Oversight Board No. 5 (5th Supervisorial District (Barger))

Thirty (30) Agencies:

Altadena Library District
Antelope Valley Cemetery District
Antelope Valley-East Kern Water Agency
Antelope Valley Health Care District
Antelope Valley Mosquito and Vector Control District
Antelope Valley Resource Conservation District
Bradbury Community Services District
Castaic Lake Water Agency
Crescenta Valley County Water District
Foothill Municipal Water District
Golden Valley Municipal Water District
Greater Los Angeles County Vector Control District
Green Valley County Water District
Kinneloa Irrigation District
La Canada Irrigation District
Las Virgenes Municipal Water District
Littlerock Creek Irrigation District
Newhall County Water District
Palm Ranch Irrigation District
Palmdale Water District
Pasadena Glen Community Services District
Quartz Hill Water District
Resource Conservation District for the Santa Monica Mountains
San Gabriel County Water District
San Gabriel Valley Mosquito & Vector Control District
San Gabriel Valley Municipal Water District
Three valleys Municipal Water District
Upper San Gabriel Valley Municipal Water District
West Valley County Water District
Wrightwood Community Services District



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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ADDRESS ALL CORRESPONDENCE TO:
PROPERTY TAX APPORTIONMENT DIVISION
500 W. TEMPLE ST., ROOM 484
LOS ANGELES, CA 90012-3558

May 24, 2017

TO: All Appointing Agencies within County of Los Angeles

FROM: Guy Zelenski, Chief
Property Tax Apportionment Division

SUBJECT: APPOINTMENTS OF OVERSIGHT BOARD MEMBERS FOR LOS ANGELES COUNTY REDEVELOPMENT OVERSIGHT BOARD CONSOLIDATION

The Auditor-Controller's Office is requesting that appointing agencies appoint members and alternates to their consolidated redevelopment Oversight Boards by **August 15, 2017**.

In September 2015, the State of California approved Senate Bill No. 107 (SB 107) which guides the final technical steps in the dissolution of local redevelopment agencies. SB 107 makes several changes related to Oversight Boards. The legislation calls for counties with more than 40 Oversight Boards (i.e., Los Angeles County) to be consolidated into one of five Oversight Boards. The five consolidated Oversight Boards will be organized by Supervisorial District, and each consolidated Oversight Board shall have jurisdiction over each Successor Agency located within its borders.

If a Successor Agency has territory located within more than one Supervisorial District, the County Board of Supervisors shall, no later than July 15, 2018, determine which Oversight Board shall have jurisdiction over that Successor Agency. Los Angeles County Auditor-Controller is responsible for staffing the consolidated Oversight Boards.

The five County Oversight Boards will have the authority to oversee and direct the Successor Agencies to wind down activities and expeditiously liquidate the assets of the former redevelopment agencies. SB 107 provides that the Oversight Board for a particular Successor Agency will cease to exist when the Successor Agency has been formally dissolved.

Pursuant to SB 107, each of the five consolidated Oversight Boards will be appointed as follows:

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- (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.
- (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.

The Governor may appoint individuals to fill any Oversight Board member position that has not been filled by July 15, 2018, or any member position that remains vacant for more than 60 days.

SB 107 also states that each appointing authority may appoint alternate representatives to serve on the Oversight Board in the event that the appointing authority's primary representative is unable to attend a meeting. Alternates appointed by the authorized appointing entity have the same voting and participation rights as the primary appointee.

Therefore, we are asking appointing agencies to nominate 3-5 candidates as alternates to serve on the consolidated Oversight Boards. The following may assist in identifying potential appointees/alternates:

1. Appointees should recognize and understand that the Oversight Boards have a fiduciary responsibility to the holders of legally enforceable debt of the former Redevelopment Agencies (RDAs) and to the taxing entities that will benefit from the winding down of the agencies.
2. Duties of the Oversight Boards will include a detailed review of the Recognized Obligation Payment Schedule, and directing the Successor Agencies to dispose of unencumbered assets.
3. Time commitments will vary based on the size and complexity of the affairs of each Successor Agency, as well as the number of Successor Agencies in each supervisory district. We believe most Successor Agencies will require periodic meetings, potentially on a monthly or bi-monthly basis. Over time, as Successor Agencies continue to wind down their activities and dispose of assets, the frequency of meetings may decrease.

4. The Oversight Board meetings will be public meetings as defined in the Brown Act, and as public meetings, some might be scheduled in the evening hours or on weekends. In addition to the Oversight Board meetings, there will be training sessions, and some time will be necessary for the appointees to prepare for the meetings.
5. Desirable qualifications of appointees include:
 - a) Detail-oriented. Previous experience or familiarity with the dissolution process would be useful. Previous Oversight Board appointees or alternates may make good candidates.
 - b) Available to attend meetings. All actions of the Oversight Boards require a quorum, so attendance will be necessary in order for the Oversight Boards to carry out their responsibilities.
 - c) Independent. It is possible that disputes will arise regarding the approval of enforceable obligations, expenditures, or the disposition of assets. Oversight Board members will need to uphold their fiduciary responsibilities according to the law.
6. Oversight Board members do not receive compensation or reimbursement of expenses, and serve at the pleasure of the jurisdiction that appoints them.
7. Oversight Board members need not be residents of the County of Los Angeles. Members appointed to represent a board-governed special district do not need to be employees of, or affiliated with, the special district.
8. Members shall have personal immunity from their actions related to the Oversight Boards.
9. We recommend that candidates serve on no more than two consolidated Oversight Boards.

Please be mindful of potential conflicts of interest that may exist for potential nominees and certain former RDAs (e.g., possible financial interests of family members with former RDAs). You may wish to consult legal counsel to address any potential conflicts.

Please share this information with all appropriate management and staff. In addition, please consider nominating individuals that have previously and effectively served on Oversight Boards, should they possess the desired qualifications. We need to process the Oversight Board appointments as soon as possible, so we would like to have a list of potential candidates by **August 15, 2017**.

As potential Oversight Board appointees are identified, please forward the names and contact information to me at gzelenski@auditor.lacounty.gov and Kristina Burns at

Appointment of Oversight Board Members
May 24, 2017
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ATTACHMENT C

kburns@auditor.lacounty.gov of this Office. We will assume that any potential Oversight Board appointees submitted will be approved to serve on an Oversight Board should they be selected.

If you have any questions, please contact me at (213) 974-8533 or Kristina Burns at (213) 974-8362.

GZ:KB

c: John Naimo, Auditor-Controller



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ATTACHMENT D

COUNTYWIDE RDA OVERSIGHT BOARD SPECIAL DISTRICT APPOINTMENTS

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS
Last Updated: September 27, 2016



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ATTACHMENT D

DISCLAIMER:

This publication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these materials.

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In preparing this paper, CSDA and CALAFCO greatly benefited from individuals who were generous with their time and insightful with their views. Members of our working group held background experience as special district general managers and directors of finance, local agency formation commission executive officers, RDA oversight board representatives, and attorneys.

CSDA and CALAFCO extend sincere appreciation to the individuals on our joint working group, who significantly contributed to the development of this guide. The contributions of the following people were invaluable:

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Colantuono, Highsmith & Whatley, PC

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El Dorado County Local Agency Formation Commission

Shane McAfee
General Manager
Greater Vallejo Recreation and Park District

Keene Simonds
Executive Officer
Marin County Local Agency Formation Commission

Charles Turner
Director of Finance
Eastern Municipal Water District



On July 1, 2018, more than 400 redevelopment agency (RDA) oversight boards will be consolidated into just one oversight board per county (and five oversight boards in Los Angeles County). When this occurs, each county's Independent Special Districts Selection Committee will be granted the authority to appoint one special district representative to that county's respective oversight board.

If the Independent Special District Selection Committee in a county fails to act by July 15, 2018, the governor will make the appointment on its behalf. Therefore, it is important that the special districts in each affected county, and the Local Agency Formation Commissions (LAFCo) that administer the operations of the Independent Special Districts Selection Committees, take proactive steps to ensure a successful locally-controlled appointment process.

Much is at stake in the decisions that go before oversight boards. In fiscal years 2015-16 and 2016-17 combined, the governor's 2016 May Revise estimated special districts will receive \$316 million in property tax restoration due to the continued wind down of RDAs. Oversight board actions could affect the amount and speed of future property tax restorations to special districts and other local agencies.

Due to the newness and uniqueness of the statute providing for countywide oversight boards, the many cross-references within the statute, and the lack of familiarity most LAFCos and special districts have with the Health and Safety Code in which the statute is included, the authorizing language for special district appointments may be challenging to some local officials.

For these reasons, the California Special Districts Association (CSDA) and California Local Agency Formation Commission (CALAFCO) convened a working group to outline the process for appointing special district representatives to countywide oversight boards, and to provide guidance on potential questions related to that process.

COUNTIES REQUIRING A COUNTYWIDE OVERSIGHT BOARD

The following thirty-seven counties have two or more oversight boards that will be consolidated into one countywide oversight board on July 1, 2018 (except for Los Angeles County, which will be consolidated into five oversight boards):

- Alameda
- Butte
- Contra Costa
- Fresno
- Humboldt
- Imperial
- Kern
- Kings
- Lake
- Los Angeles (five oversight boards)
- Madera
- Marin
- Monterey
- Mendocino
- Merced
- Nevada
- Orange
- Placer
- Riverside
- Sacramento
- San Bernardino
- San Diego
- San Joaquin
- San Luis Obispo
- San Mateo
- Santa Barbara
- Santa Clara
- Santa Cruz
- Shasta
- Solano
- Sonoma
- Stanislaus
- Sutter
- Tulare
- Ventura
- Yolo
- Yuba

Of the counties noted above, the following eleven counties do not currently have an Independent Special Districts Selection Committee in place. Therefore, the special districts and LAFCo in each of these counties will need to form an Independent Special Districts Selection Committee in order to facilitate the appointment of a special district representative to the new countywide RDA oversight board:

- Fresno
- Imperial
- Kings
- Madera
- Merced
- San Joaquin
- Solano
- Stanislaus
- Tulare
- Yolo
- Yuba



SPECIAL DISTRICT REPRESENTATIVE APPOINTMENT PROCESS

The statutory authorization for appointing the special district representative to a countywide oversight board is found in Health and Safety Code 34179, which can be found in the appendix. This publication overviews the application of this authority in conjunction with the relevant code sections cross-referenced to the Cortese-Knox-Hertzberg Act or "LAFCo Law" in the Government Code.

On July 1, 2018, counties with 2 – 39 individual RDA oversight boards will be consolidated into one countywide oversight board. Upon consolidation, the county's Independent Special District Selection Committee is responsible for appointing the special district representative to the new countywide oversight board. The Independent Special District Selection Committee consists of the presiding officer of the legislative body of each independent special district or district-appointed alternate (Government Code Section 56332(a)).

Procedures

The LAFCo Executive Officer/Designee is responsible for calling and giving written notice of meetings of the Independent Special District Selection Committee, at which a representative may be appointed to the countywide RDA oversight board. (Government Code Section 56332(b)).

- A majority of the Independent Special District Selection Committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot (Government Code Section 56332(e)).

If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer/designee determines that a meeting of the special district selection committee, for the purpose of selecting the special district members or filling vacancies, is not feasible, the executive officer/designee shall conduct the business of the committee by mail. Elections by mail shall be conducted as follows (Government Code Section 56332(f)):

- 1) The executive officer/designee shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.
- 2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer/designee shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer/designee by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer/designee mailed the ballot to the eligible district.
- 3) The call for nominations, ballot, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer/designee, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.
- 4) If the executive officer/designee has transmitted the call for nominations or ballot by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer/designee by electronic mail.



- 5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.
- 6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer/designee after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer/designee shall extend the date to submit ballots by 60 days and notify all districts of the extension. The executive officer/designee shall announce the results of the election within seven days of the date specified.
 - o A quorum is the majority of members representing eligible districts (Government Code Section 56332(a))
- 7) All election materials shall be retained by the executive officer/designee for a period of at least six months after the announcement of the election results

Eligibility Requirements

Members appointed by the independent special district selection committee shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county (Government Code Section 56332(c)).

- Special district appointees to current individual oversight boards (pre consolidation into countywide oversight boards) are not restricted to members of the legislative body of the district.

There is no clear indication that the members appointed by the selection committee must be located in a former RDA. However, it could be implied by Health and Safety Code Section 34179(j)(3).

- Current individual oversight boards (prior to consolidation into countywide oversight boards) limit eligibility to special districts that have territory in the territorial jurisdiction of the former RDA and are eligible to receive property tax residual from the RPTTF: "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" (Health and Safety Code Section 34179(a)(3)(A)).

Based on Health and Safety Code Section 34179(j)(3), the committee should appoint a representative from a special district that receives property tax residual from the Redevelopment Property Tax Trust Fund (RPTTF).

- Health and Safety Code Section 34179(j)(3) reads in full: "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."

Deadlines and Vacancies

If no one is appointed by July 15, 2018, the governor may appoint an individual on behalf of the Independent Special District Selection Committee. The governor may also appoint individuals for any member position that remains vacant for more than 60 days (Health and Safety Code Section 34179(k)).



Notification Requirements

Health and Safety Code Section 34179(j) does not include notification requirements of the selected special district appointee. However, the current individual oversight boards (prior to consolidation into countywide oversight boards) were required to elect one of their members as the chairperson and report the name of the chairperson and other members to the Department of Finance (Health and Safety Code Section 34179(a)). Additionally, the LAFCo Executive Officer/Designee must announce the results of an Independent Special District Selection Committee election within seven days (Government Code Section 56332(f)(6)).

Counties with Only One Individual Oversight Board

In each county where only one individual RDA oversight board exists, as of July 1, 2018, there will be no consolidation into a countywide oversight board and no change to the composition of the existing oversight board (Health and Safety Code Section 34179(l)).

Counties with 40 or More Individual Oversight Boards

In each county where 40 or more individual oversight boards exist (Los Angeles County), as of July 1, 2018, there will be a consolidation into five oversight boards. The special district membership of each oversight board shall be selected as outlined in Health and Safety Code Section 34179(j)(3) via the Independent Special District Selection Committee process (Health and Safety Code Section 34179(q)(1)).

The consolidated oversight boards in this county 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. Each oversight board shall have jurisdiction over each successor agency located within its borders (Health and Safety Code Section 34179(q)(2)).

- 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 (Health and Safety Code Section 34179(q)(3)).

Health and Safety Code Section 34179(q) does not specify if the city and special district appointees must be from an agency located in the respective supervisorial seat.

POTENTIAL QUESTIONS

What if my county does not currently have an Independent Special District Selection Committee?

In the case where more than one successor agency exists within the county, an Independent Special District Selection Committee shall be created pursuant to Government Code Section 56332. Each independent special district shall appoint a member representative to the committee and notify the LAFCo of the appointed member. The LAFCo shall then call and conduct a meeting of the committee, pursuant to Section 56332, for purposes of appointing a representative to the countywide RDA oversight board.



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ATTACHMENT D

Does the Independent Special District Selection Committee also select an alternate, as it does with LAFCo commissioners? How should a vacancy be addressed?

The strictest interpretation of the statute only authorizes the appointment of one person, but a reasonable argument can be made for the appointment of an alternate. The Legislature expressly incorporated Government Code Section 56332 without elaboration, and that section allows for alternates.

Health and Safety Code Section 34179 does not mention alternates for the countywide oversight boards, but does allow each appointing authority to appoint an alternate for the current individual oversight boards (prior to the consolidation into a countywide oversight board) (Health and Safety Code Section 34179(a)(11)). The selection process outlined in Government Code Section 56332(c) includes the selection of an alternate for the commission.

To resolve any ambiguity, the Independent Special District Selection Committee may choose to adopt local policies, pursuant to its authority in Government Code section 56332, expressly authorizing the appointment of an alternate.

If the LAFCo Executive Officer/Designee anticipates a vacancy will occur – or if an actual vacancy occurs – an election may be held for a representative to the countywide oversight board (Government Code section 56332(b)).

What is the term of an appointment to the countywide RDA oversight board?

Nothing in Health and Safety Code Section 34179 describes terms for members of the oversight board. Rather, Section 34179(g) provides that “Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.”

Can an appointee be replaced mid-term?

Yes; nothing in Health and Safety Code Section 34179 describes terms for members of the oversight board. Rather, Section 34179(g) provides that “Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.”

Can the Independent Special District Selection Committee replace a special district representative appointed by the governor due to a vacancy?

While not clearly outlined within the relevant statutes, the intent of having locally appointed representatives on the oversight board is undermined if the law is interpreted such that seats could become, essentially, permanent representatives of the governor.

That being said, Independent Special District Selection Committees are strongly encouraged to appoint a representative no later than July 15, 2018, and within 60 days of any vacancy thereafter, in order to avoid this potential question.

What should a LAFCo do where the law is not explicit as to the process for appointments to the countywide RDA oversight board?

LAFCos should adopt local commission policies. Government Code Section 56300 allows LAFCos to adopt local policies either to clarify requirements or specify how a LAFCo will implement State law taking into account the local conditions. Case law has also indicated that these policies are allowed so long as they are not in conflict with State law.



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For example, Government Code 56325(d) indicates that, notwithstanding any other provision of the Cortese-Knox-Hertzberg Act, each LAFCo can appoint one member and one alternate member who represents the public at large. The same section goes on to specify that the appointment of the public and alternate members must be subject to an affirmative vote of at least one of the members from the other appointed authorities; and it also specifies the noticing requirements to announce the vacancy in this position. Section 56325(d) does not contain any direction for the process of appointing public members, nor does it have an indication of the vetting process for candidates eligible to be appointed to this position. With this unclear in the law, some LAFCos have adopted policies to clarify and indicate the basic appointment process.

LAFCos may establish local policies for appointing special district representatives to the countywide RDA oversight board, so long as they are not in conflict with State law.

DEFINITIONS

Taxing entities

Cities, counties, a city and county, special districts, and school entities, as defined in subdivision (f) of Section 95 of the Revenue and Taxation Code, that receive passthrough payments and distributions of property taxes pursuant to the provisions of this part (Health and Safety Code Section 34171(k)).

Executive officer

The executive officer or designee as authorized by the Local Agency Formation Commission (Government Code Section 56332(g)).



APPENDIX

HEALTH AND SAFETY CODE

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.



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(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.)