

COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF THE COUNTY OF YOLO
Staff Report – Item 7

TO: County-Wide Successor Agency Oversight Board of the County of Yolo

FROM: Chad Rinde, Assistant CFO, Department of Financial Services, Yolo County

SUBJECT: Adopt Bylaws for the County-wide Successor Agency Oversight Board

DATE: August 21, 2018

RECOMMENDATIONS:

- 1) Adopt a resolution establishing Bylaws for the County-Wide Successor Agency Oversight Board.

BACKGROUND & DISCUSSION:

The County-Wide Successor Agency Oversight Board of Yolo County (Oversight Board) has been established pursuant to Health and Safety Code 34179 to oversee the closure and winding down of the Redevelopment Agencies within Yolo County by the Successor Agencies to the Redevelopment Agency for the Cities of Davis, West Sacramento, Winters, and Woodland.

Oversight Boards are public bodies that must conduct their business in open meetings.

Draft bylaws have been prepared for the Oversight Board's consideration. It is recommended the Oversight Board adopt a Resolution approving the Bylaws. Of note, the Bylaws contain rules, procedures, and establish a regular meeting day of the Oversight Board. As part of the drafted Bylaws, staff is proposing to establish regular meeting dates of the Oversight Board to be held once per year for regular meetings in January, and ad-hoc meetings as needed during the year. Staff recommends that regular meeting dates be established in order to better accommodate the needs of Successor Agencies within the County, as each Successor Agency continues to wind down the affairs of each former Redevelopment Agency, which often requires Oversight Board approval. Regular meetings may be canceled if there are no items for the Board's consideration. Additionally, special meetings may be scheduled in the event a Successor Agency requires Oversight Board consideration on a time sensitive item contingent upon board member availability.

Attachments:

- A. By-Laws for the County-Wide Oversight Board

COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY

RESOLUTION NO. 2018 - ____

(A RESOLUTION ESTABLISHING BYLAWS FOR THE COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY)

WHEREAS, that the County-Wide Successor Agency Oversight Board of Yolo County (Oversight Board) has been formed established to direct the Successor Agencies to the former Redevelopment Agencies within Yolo County to take certain actions to wind down the affairs for said Redevelopment Agencies in accordance with the Health and Safety Code; and

WHEREAS, the Oversight Board desires to adopt bylaws and regulations for the general operation of the Oversight Board, including but not limited to the designation of officers and conduct of meetings.

NOW, THEREFORE, BE IT RESOLVED, by the County-Wide Successor Agency Oversight Board of Yolo County, as follows:

Section 1. The Bylaws of the Countywide Successor Agency Oversight Board of Yolo County, a copy of which is attached hereto and incorporated herein as "Exhibit A", are hereby approved.

The foregoing Resolution was passed and adopted this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chairperson

BYLAWS OF THE COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY

ARTICLE I – THE OVERSIGHT BOARD

Section 1. Name of the Oversight Board

The name of the Oversight Board shall be the "County-Wide Successor Agency Oversight Board of Yolo County" (herein referred to as the "Oversight Board").

Section 2. Purpose

The Oversight Board exists by virtue of and shall perform the duties described in the California Health and Safety Code sections 34179-34181 in connection with the winding down of the affairs of the former Redevelopment Agency for the City of Davis by the City of Davis in its capacity as Successor Agency to the City of Davis Redevelopment Agency, the former Redevelopment Agency for the City of West Sacramento by the City of West Sacramento in its capacity as Successor Agency to the City of West Sacramento Redevelopment Agency, the former Redevelopment Agency for the City of Winters by the City of Winters in its capacity as Successor Agency to the City of Winters Redevelopment Agency, and the former Redevelopment Agency for the City of Woodland by the City of Woodland in its capacity as Successor Agency to the City of Woodland Redevelopment Agency.

Section 3. Membership/Duration

a. Total Membership/Appointment

The total membership of the Oversight Board shall be seven (7) Board members, appointed pursuant to Health and Safety Code 34179. The members shall serve without compensation and without reimbursement of expenses. Each member shall serve at the pleasure of the entity that appointed such member.

b. Members

Each appointing entity responsible for appointments to the Oversight Board may appoint a primary representative and an alternate representative. Only the official representative present or the alternative representative present shall represent an appointing entity on the Oversight Board.

c. Duration

The Oversight Board shall remain established until terminated pursuant to Health and Safety Code 34179 (m).

Section 4. Local Entity

Pursuant to Health and Safety Code 34179(e), 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.

Section 5. Personal Immunity

Oversight Board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as members of the Oversight Board in accordance with applicable law.

Section 6. Fiduciary Responsibilities

Oversight Board members shall have fiduciary responsibilities to holders of enforceable obligations, as the term is defined in Health and Safety Code 34171(d), and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Health and Safety Code 34188. Oversight Board members shall exercise independent judgement considering the interest of the community and not solely the interests of their appointing entities.

Section 7. Resignation

Any Oversight Board member may resign at any time by providing written notice to his or her appointing entity and the Chairperson of the Oversight Board, who shall forward such notice to the Yolo County Department of Financial Services. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 8. Filling of Vacancies

In the event of a vacancy on the Oversight Board, the appointing entity for the vacant seat shall select a member to fill such vacancy as soon as reasonably practicable, provided however, that the Governor may appoint individuals to fill any member position that remains vacant for more than sixty (60) days.

Section 9. Staff

The Yolo County Chief Financial Officer (CFO), or their designee, shall act as staff to the Oversight Board, who may direct them to perform work in furtherance of the duties and responsibilities of the Oversight Board. The CFO, or their designee, shall keep the records of the Oversight Board. The Oversight Board may delegate administrative functions as deemed necessary by the Oversight Board to the CFO. The CFO may designate a County staff member to act as secretary at the meetings of the Oversight Board. In consultation with the Chairperson and Successor Agencies, the CFO will prepare Oversight Board meeting agendas, prepare minutes of meetings of the Oversight Board, and keep a record of the meeting minutes of the Oversight Board. The CFO, or their designee, shall attest to and/or countersign all documents of the Oversight Board.

The Department of Financial Services office shall be the designated contact between the Oversight Board and the State Department of Finance (DOF), as well as other public agencies and private parties. The Department of Financial Services office shall provide telephone and contact information to DOF in accordance with Health and Safety Code 34179(h). The CFO shall report all Oversight Board related communications with the DOF to the Oversight Board.

The Oversight Board may direct the staff of Successor Agencies to provide additional legal or financial advice than what was given by agency staff.

The Oversight board may engage legal counsel as may be deemed necessary.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Oversight Board shall consist of a Chairperson and Vice Chairperson, who shall be elected in the manner set forth in this Article.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the oversight Board.

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the Oversight Board shall elect a new Chairperson.

Section 4. Additional Duties

The officers of the Oversight Board shall perform such other duties and functions as may from time to time be required by the Oversight Board, these Bylaws or other rules and regulations, or which duties and functions are incidental to the officer held by such officers.

Section 5. Election

The Chairperson and Vice Chairperson shall be elected from among the members of the Oversight Board. Both the Chairperson and Vice Chairperson shall then serve at the pleasure of the Oversight Board. Each officer shall hold office until resignation or until his/her successor is elected and takes office.

Section 6. Vacancies

Should the office of Chairperson or Vice Chairperson become vacant, the Oversight Board shall elect a successor from among the Oversight Board members at the next regular or special meeting.

Article III – Meetings

Section 1. Regular Meetings

Regular meetings shall be held annually on the last Tuesday in the month of January until such time as the Oversight Board shall cease to exist as per Health and Safety Code 34179(m).

Annual meetings will take place at Yolo County Administrative Center, Woodland, California, or another location deemed appropriate by the CFO. At the regular meeting in January of each year, the Chairperson and Vice Chairperson shall be elected; and any other business may be transacted which is within the purposes of the Oversight Board. Notice of regular meeting shall be posted prior to the date of the meeting in accordance with the Ralph M. Brown Act.

Section 2. Special Meetings

Special meetings may be held upon notice of the Chairperson for the purpose of transacting any business designated in the notice, after notification of all members of the Oversight Board by written notice or by email at least twenty-four (24) hours before the time specified in the notice for a special meeting. At such special meeting, no business other than that designated in the notice shall be considered. Notice of a special meeting with a brief description of the business to be discussed shall be posted prior to the date of the meeting in accordance with the Ralph M. Brown Act.

Section 3. All Meetings to be Open and Public

All meetings of the Oversight Board shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

Section 4. Posting Agendas/Notices

Except where additional notice is required for specific actions as stated in Health and Safety Code 34181(f), concerning proposed disposal of certain assets and properties or the transfer of certain housing assess, the secretary, or his/her authorized representative, shall post an agenda for each regular Oversight Board meeting or a notice for each special Oversight Board meeting containing a brief description of each item of business to be transacted by or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted in accordance with the Ralph M. Brown Act. All agendas and notices required by law for proposed actions by the Oversight Board shall also be posted on the Oversight Board's website.

Section 5. Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Oversight Board on matters within the Oversight Board subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comments; provided, however, that the Oversight Board may direct that public input and comment on matters on the agenda be heard when the matter regularly comes upon the agenda. The time allotted for public discussion for each individual speaker shall be three (3) minutes, unless more or less time is allocated by the Oversight Board.

Section 6. Non-Agenda Items

Matters brought before the Oversight Board at a regular meeting, which were not placed on the agenda of the meeting, shall not be acted upon by the oversight Board at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code 54950 et seq.).

Section 7. Quorum

The powers of the Oversight Board shall be vested in the members thereof in office from time to time. A majority of the total membership of the Oversight Board shall constitute a quorum for the purpose of conducting the business of the Oversight Board, exercising its powers and for all other purposes, but less than that number may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority (4) of the total membership (7) of the Oversight Board shall be required for approval of any matters brought before the Oversight Board.

Section 8. Order of Business

Rules outlined in the current newly revised edition of Robert's Rules of Order shall govern the meetings except in instances of conflict between Robert's Rules of Order and provisions of law.

Section 9. Minutes

All minutes of the meetings of the Oversight Board shall be prepared in writing by the secretary. Copies of the minutes of each Oversight Board meeting shall be made available to each member of the Oversight Board, to the Department of Financial Services and the Successor Agencies. Approved minutes shall be filed in the official book of minutes of the Oversight Board.

Article IV – Conflict of Interest

The Oversight Board shall adopt and maintain a conflict of interest policy by resolution.

Article V – Representation Before Public Bodies

Any official representation on behalf of the Oversight Board before the Successor Agencies, the Department of Financial Services, the State Controller, the DOF, or any other public body shall be made by the CFO following direction from the Oversight Board by a majority vote.

Article VI – Amendments

These bylaws may be amended upon an affirmative vote by a majority of the total membership of the Oversight Board, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Oversight Board. Notice of the amendment shall identify the section or sections of these Bylaws proposed to be amended.

These bylaws were approved by the County-Wide Successor Agency Oversight Board of the County of Yolo on_____.