



Midpeninsula Regional
Open Space District

R-18-02
Meeting 18-03
January 24, 2018

AGENDA ITEM 3

AGENDA ITEM

Appointment of Board of Directors Standing Committee Members and District Representatives to Various Bodies, Including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, for Calendar Year 2018

BOARD PRESIDENT'S RECOMMENDATION

Approve the Board President's appointments to the Board Standing Committees and other bodies, including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, and determine the compensation status for attendance at these meetings.

SUMMARY

Every year, the newly elected Board President appoints members to each of the Board's Standing Committees, the Governing Board of the Midpeninsula Regional Open Space District Financing Authority ("Authority") and to represent the District on outside bodies, with consent of the full Board.

DISCUSSION

Standing Committees

The Board Policy on Committees (1.04) states that the Board President appoints Board members to annual Standing Committees and to represent the District on outside bodies, with the consent of the Board. According to Board Policy 1.04, appointments to the standing committees are made at the first regular meeting following the meeting at which officers of the Board are elected. The five Board Standing Committees are:

1. Action Plan and Budget Committee (ABC)
2. Legislative, Funding and Public Affairs Committee (LFPAC)
3. Planning and Natural Resources (PNR)
4. Real Property Committee (RPC)
5. Board Appointee Evaluation (BAE)

Following the Board Policy on Committees, Director Riffle (Board Treasurer) will be assigned as one of the three members of ABC. Also, the Board Appointee Evaluation Committee shall include the Board President and Vice President as two of the three members of the Committee.

Financing Authority

The Governing Board of the Authority consists of five members. In accordance with the Joint Powers Agreement and its bylaws, the District's Board President shall automatically be the

Chairperson of the Authority, and the Board Treasurer shall also serve on the Authority Board. Two of the other four members are appointed by the Board President, to be selected from among the District's Board of Directors. The fifth member is the member of the Santa Clara County Board of Supervisors whose district encompasses the greatest territory of the Midpeninsula Regional Open Space District, and who is appointed to the Board of the Financing Authority by the Chairman of the Board of Supervisors. Supervisor Simitian continues to serve on the Authority Board as appointed by the Santa Clara County Board of Supervisors.

San Mateo County Consolidated Oversight Board

SB 107, passed in September 2015, dissolves city-specific oversight boards for Redevelopment Agency (RDA) Successor agencies effective July 1, 2018 and replaces them with a single Countywide Oversight Board. The San Mateo County Local Agency Formation Commission (LAFCo) is organizing the formation of the Countywide Oversight Board, which has requested the Independent Special District Selection Committee (SDSC) meet to appoint members to serve on the Countywide Oversight Board. San Mateo County LAFCo has requested each special district Board of Directors or Board-appointed alternate attend a meeting of the SDSC on February 13, 2018. A letter received from San Mateo County LAFCo is attached and further outlines the responsibilities of the Countywide Oversight Board.

Applicable Board Policies

Board Policy 6.03 (*Compensation of Directors & Payment of Expenses*) of the Board Policy Manual states that all Standing Committees are compensable and compensability for attendance of Ad Hoc Committee meetings is determined on an as-needed basis by the Board. It is recommended that Board members be compensated for attendance at all Board Committee and Authority meetings. It is further recommended that Board member attendance at meetings where the Board member is the District's appointed representative be compensated.

In accordance with California Public Resources Code Section 5536 and Board Policy 6.03, each District Board member may receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each attendance at a Board meeting and no Board member may receive more than five hundred dollars (\$500) compensation in any one calendar month. Accordingly, with seven Board members, the maximum the entire Board could receive pursuant to state law is \$42,000 per year. The District's current proposed budget for Board meeting compensation is \$26,000 for fiscal year 2018-19. If it is later determined that additional funds are required, a budget adjustment may be requested.

The proposed committee assignments for 2018 are as follows:

Action Plan and Budget:

- Yoriko Kishimoto
- Curt Riffle
- Pete Siemens

Board Appointee Evaluation:

- Jed Cyr
- Larry Hassett
- Cecily Harris

Legislative, Funding and Public Affairs:

- Nonette Hanko
- Cecily Harris
- Yoriko Kishimoto

Planning and Natural Resources:

- Cecily Harris
- Larry Hassett
- Pete Siemens

Real Property:

- Nonette Hanko
- Larry Hassett
- Curt Riffle

Governing Board of the Midpeninsula Regional Open Space District Financing Authority

- Jed Cyr
- Cecily Harris
- Larry Hassett
- Curt Riffle

San Mateo County Independent Special District Selection Committee

- Jed Cyr, Board President
- Cecily Harris, Board-Appointed Alternate

FISCAL IMPACT

There will be no new or incremental fiscal impact associated with this action. Board compensation for committee work is included in the annual budget.

BOARD COMMITTEE REVIEW

This item was not reviewed by a Committee.

PUBLIC NOTICE

Public Notice was provided pursuant to the requirements of the Brown Act. No further notice is required.

CEQA COMPLIANCE

This proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required.

NEXT STEPS

If approved, staff will prepare a new roster of Board Committee assignments for posting internally and on the District website.

Attachments:

1. Letter from San Mateo County Local Agency Formation Commission, dated December 21, 2017

Responsible Department Manager:

Ana Ruiz, Acting General Manager

Prepared by:

Jennifer Woodworth, District Clerk/Assistant to the General Manager

Contact person:

Jed Cyr, Board President

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

December 21, 2017

Registered Mail – Certified Return Receipt

Steve Abbors, General Manager
 Midpeninsula Regional Open Space District
 330 Distel Circle
 Los Altos, CA 94022

Subject: Appointment of Members to the San Mateo County Consolidated Oversight Board

Dear Mr. Abbors,

SB 107, passed in September 2015, dissolves countywide oversight boards (OB) for redevelopment agency (RDA) successor agencies effective July 1, 2018 and replaces them with a single Countywide Oversight Board.¹ The statute requires that the LAFCo Executive Officer call a meeting of eligible special districts to appoint members to the consolidated Countywide Oversight Board (Countywide OB). I have been asked by the San Mateo County Controller's Office to call a meeting of the Independent Special District Selection Committee (SDSC) for that purpose. The Controller asks that this process be completed by March 1, 2018. The Governor will appoint members for positions that are not filled by July 15, 2018. This letter is to inform the eligible special districts of this new requirement and schedule a meeting to appoint a member.

You are receiving this letter because your district is eligible to receive property tax revenues pursuant to Health and Safety Code Section 34188, and your board president may vote to appoint a board member to the Countywide OB from the list of eligible districts on Attachment A. Any board member representing any of the eligible special districts is eligible to be appointed to the Countywide OB. Based on the meeting schedules of the various boards, the SDSC will meet to appoint members of the Countywide OB on **the evening of February 13, 2018**. A meeting notice and agenda will follow. **Please note that only the board president or a board-appointed board member alternate may vote to appoint a member to the Countywide OB. Staff may not serve on the selection committee.**

Appointing Members and Alternates

Following are some things to consider when appointing members and alternates:

- The Countywide Oversight Board (OB) has a fiduciary responsibility to the holders of legally enforceable debts of the former RDAs and to the taxing entities that will benefit from distributions of property tax and other revenues of the former RDAs.

¹ ABx1 26, which called for the dissolution of redevelopment agencies (RDAs), mandated the formation of successor agencies (SAs) to wind down the former RDAs' operations. The bill also required each SA to have an oversight board (OB), resulting in a total of thirteen (13) SAs and thirteen (13) OBs in San Mateo County. Subsequently, SB 107 was passed in September 2015, which dissolves the current OBs effective July 1, 2018 and replaces them with a single countywide OB.

Under the law, one member of the countywide OB may be appointed by the Independent Special District Selection Committee established pursuant to CA Government Code 56332 for the types of special districts that are eligible to receive property tax revenues pursuant to Health and Safety Code Section 34188. Attachment B includes details on the full composition of Oversight Boards.

COMMISSIONERS: DON HORSLEY, CHAIR, County ▪ MIKE O'NEILL, VICE CHAIR, City ▪ JOSHUA COSGROVE, Special District ▪ ANN DRAPER, Public
 RICH GARBARINO, City ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

ALTERNATES: KATI MARTIN, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ JEAN BROOK, COMMISSION CLERK

December 20, 2017

Page 2

- Duties of the Countywide OB include performing a detailed review of the Recognized Obligation Payment Schedule (ROPS) and overseeing the disposition of the assets and properties of the former RDAs.
- Members of the Countywide OB shall serve without compensation or reimbursement for expenses.
- Members of the Countywide OB shall have personal immunity from suit for their actions taken within the scope of their responsibilities under ABx1 26.
- Members shall serve at the pleasure of the appointing bodies.
- The Countywide OB is subject to the Ralph Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

Requested Actions

It is recommended that you take the following actions:

- 1) Forward this letter to all board members and encourage board members to contact me directly if they have questions.
- 2) At the meeting at which your board appoints officers for 2018, the board should also appoint an alternate to attend the February 13 SDSC meeting in the event the board president is not able to attend and vote.
- 3) Once your board has appointed a 2018 chair or president and the alternate to attend the SDSC meeting, please send a minute order to LAFCo documenting the name of the board president or chair and the name of the alternate that would attend the SDSC meeting if the board chair or president is not able to attend.

Sincerely,



Martha M. Poyatos
Executive Officer

Attachment A: Independent Special Districts Receiving Revenues from Former RDAs

Attachment B: Health and Safety Code Section 34179 (j)-(q)

cc: Juan Raigoza, County Controller
Shirley Tourel, Assistant County Controller
Paul Okada, Chief Deputy County Counsel
Rebecca Archer, Lead Deputy County Counsel
Bay Area Air Quality Management District
Bayshore Sanitary District
East Palo Alto Sanitary District
Menlo Park Fire Protection District
Mid-Peninsula Water District
Peninsula Health Care District
San Mateo County Harbor District
San Mateo County Mosquito and Vector Control District
Sequoia Healthcare District

Independent Special Districts Receiving Revenues From Former RDAs	Total Amount Received During Fiscal Year 2016-17	Former Redevelopment Agency Name												
		Belmont	Brisbane	Daly City	East Palo Alto	Foster City	Millbrae	Menlo Park	Pacifica	Redwood City	San Bruno	San Carlos	San Mateo	So San Francisco
Bay Area Air Quality Management District	\$ 291,840	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bayshore Sanitary District	\$ 190,827		✓	✓										
Belmont County Water District	\$ 38,045	✓										✓		
East Palo Alto Sanitary District	\$ 293,952				✓									
Menlo Park Fire District	\$ 2,691,658				✓			✓						
Mid-Peninsula Regional Open Space District	\$ 858,512				✓			✓		✓		✓		
North Coast County Water District	\$ 3,469								✓					
Peninsula Hospital District	\$ 298,433					✓	✓				✓		✓	
San Mateo County Harbor District	\$ 494,064	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
San Mateo County Mosquito & Vector Control District	\$ 151,587	✓			✓	✓	✓	✓		✓	✓	✓	✓	
San Mateo County Resource Conservation District	\$ 1,701								✓					✓
Sequoia Hospital District	\$ 545,756	✓				✓		✓		✓		✓		

(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.)