

AGENDA

MEETING OF THE KERN COUNTYWIDE OVERSIGHT BOARD

The Board of Supervisors Chamber
1115 Truxtun Ave. 1st Floor
Bakersfield, California
Monday, July 16, 2018

10:00 AM

All agenda item supporting documentation is available for public review in the office of the Clerk of the Board of Supervisors, 1115 Truxtun Ave., 5th Floor, Bakersfield, 93301 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location.

1. CALL TO ORDER:

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL/INTRODUCTION OF BOARD MEMBERS AND STAFF:

- 4. PUBLIC COMMENT:** This time has been set aside for members of the public to address the Oversight Board on any matter not on this agenda but within the subject matter jurisdiction of the Board. Although the Oversight Board values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Speakers are limited to two minutes. Please state and spell your name before making your comments.

5. ADMINISTRATIVE ITEMS:

5.A. ADOPTION OF OFFICER ELECTION:

RECOMMENDATION: Adopt Resolution No. 001 “A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES OF KERN COUNTY ADOPTING THE ELECTION OF AN OVERSIGHT BOARD MEMBER TO SERVE AS CHAIRPERSON FOR THE TERM ENDING JUNE 30, 2019 AND THE ELECTION OF AN OVERSIGHT BOARD MEMBER TO SERVE AS VICE-CHAIRPERSON FOR THE TERM ENDING JUNE 30, 2019”.

5.B. ADOPTION OF BYLAWS AND RULES OF PROCEDURE:

RECOMMENDATION: Adopt Resolution No. 002, “A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES OF KERN COUNTY

ADOPTING BYLAWS AND ROBERT’S RULES OF ORDER AS PROCEDURAL CONDUCT FOR MEETINGS.”

5.C. ADOPTION OF A CONFLICT OF INTEREST CODE:

RECOMMENDATION: Adopt Resolution No. 003, “A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES OF KERN COUNTY ADOPTING A CONFLICT OF INTEREST CODE.:

5.D. ADOPTION OF SECRETARY FUNCTION DESIGNATION ON BEHALF OF OVERSIGHT BOARD:

RECOMMENDATION: Adopt Resolution No. 004, “A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES OF KERN COUNTY ADOPTING THE DESIGNATION OF KARMEENA MORALES, FISCAL AND POLICY ANALYST WITH THE COUNTY OF KERN, TO SERVE AS SECRETARY OF THE KERN COUNTY OVERSIGHT BOARD.”

5.E. ADOPTION OF THE POINT OF CONTACT DESIGNATION FOR THE DEPARTMENT OF FINANCE:

RECOMMENDATION: Adopt Resolution No. 005, “A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCIES OF KERN COUNTY ADOPTING THE DESIGNATION OF JANELLE AUSTIN, AUDITOR-CONTROLLER DIVISION CHIEF WITH THE COUNTY OF KERN, TO SERVE AS THE LIAISON WITH THE CALIFORNIA DEPARTMENT OF FINANCE.”

6. INFORMATIONAL AND BACKGROUND ITEMS:

6.A. OVERVIEW OF THE COUNTYWIDE OVERSIGHT BOARD:

RECOMMENDATION: Receive report from staff.

7. BOARD MEMBER COMMENTS OR ANNOUNCEMENTS:

8. ADJOURNMENT:

**Americans with Disabilities Act
(Government Code Section 54954.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

BEFORE THE KERN COUNTYWIDE OVERSIGHT BOARD

In the matter of:

Resolution No. 001

RESOLUTION ELECTING OFFICERS.

I, _____, Secretary on behalf of the Oversight Board, do certify that the following resolution, on motion of Director _____, seconded by Director _____, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Secretary on behalf of the Oversight Board
Kern Countywide Oversight Board

RESOLUTION

Section 1. WHEREAS:

- (a) The Board requires a Chairperson and Vice-Chairperson
- (b) The Board has determined that X and Y are appropriately named to those positions

Section 2. THEREFORE IT IS RESOLVED by the Board of Directors of the Kern Countywide Oversight Board, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.
2. This Board hereby appoints the persons named in the attached Exhibit "A" as Chairperson and Vice-Chairperson for the term ending June 30, 2019.

EXHIBIT A

Chairperson

Vice-Chairperson



Kern Countywide Oversight Board *Staff Report*

Date: July 16, 2018
To: Members of the Oversight Board
From: Karmeena Morales, Staff
Subject: Bylaws for the Oversight Board

RECOMMENDATION

It is recommended that the Oversight Board, by resolution, adopt Bylaws for the Oversight Board.

EXECUTE SUMMARY

Pursuant to California Health & Safety Code Sections 34179 et seq., an Oversight Board shall be established to oversee the dissolution of redevelopment agencies including disposition of its assets and ensuring that its obligations are honored.

In order to facilitate the process of meetings and establish rules for the Oversight Board, a set of Bylaws is recommended for adoption. Staff has prepared suggested Bylaws for the Board's consideration based upon California Health & Safety Codes 34179 et seq. that authorizes the formation of the Oversight Board.

The five articles in the Bylaws are summarized below:

- **Article I “The Oversight Board”** – This Article describes the purpose, duties, responsibilities, and membership of the Oversight Board. The Article also identifies staff who will serve as liaisons to the Board, including a Secretary, a point of contact for the Department of Finance, and Kern County's Office of County Counsel.
- **Article II “Officers”** – This Article establishes the positions of a Chairperson and Vice Chairperson as Officers of the Board, the method of electing those officers and/or vacancies.
- **Article III “Meetings”** – This Article establishes an annual meeting to elect the Officers of the Board, as well as regular meeting requirements. This Article also includes provisions for the Board to adhere to the Ralph M. Brown Act and Robert's Rules of Order.
- **Article IV “Conflict of Interest”** – This Article provides that the Board adopt and maintain a conflict of interest code by resolution.

- **Article V “Amendments”** – This Article provides that the Oversight Board may amend the Bylaws as necessary.

It is recommended that the Oversight Board adopt Resolution No. 002 adopting Bylaws for the Oversight Board.

BEFORE THE KERN COUNTYWIDE OVERSIGHT BOARD

In the matter of:

Resolution No. 002

RESOLUTION ADOPTING THE BYLAWS FOR THE OVERSIGHT BOARD.

I, _____, Secretary on behalf of the Oversight Board, do certify that the following resolution, on motion of Director _____, seconded by Director _____, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Secretary on behalf of the Oversight Board
Kern Countywide Oversight Board

RESOLUTION

Section 1. WHEREAS:

(a) California Health & Safety Code Sections 34179 et seq. requires that an Oversight Board be established to oversee the dissolution of redevelopment agencies including disposition of its assets and insuring that its obligations are honored.

(b) It is necessary for an Oversight Board to have bylaws to provide for the rules of its operation and to require that the Board function under the auspices of the California Open Meeting, Public Records, and Conflict of Interest laws.

Section 2. THEREFORE IT IS RESOLVED that Kern Countywide Oversight Board adopts the bylaws, attached hereto as Exhibit A and incorporated herein by this reference, as its official bylaws governing its structure and operation.

EXHIBIT A

BYLAWS

KERN COUNTYWIDE OVERSIGHT BOARD

ARTICLE I - THE OVERSIGHT BOARD

Section 1. Name of Oversight Board

The name of the Oversight Board shall be the "Kern Countywide Oversight Board" (hereinafter referred to as the "Oversight Board").

Section 2. Purpose

The Oversight Board exists by virtue of and shall perform the duties described in California Health and Safety Code (H&S) sections 34179-34181 in connection with the winding down of the affairs redevelopment agencies.

Section 3. Membership/Duration

a. Total Membership/Appointment

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

b. Duration

The Oversight Board shall remain established until terminated pursuant to H&S 34179(o)-(m).

Section 4. Local Entity

Pursuant to H&S 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.

Section 6. Fiduciary Responsibilities

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

Section 7. **Resignation**

Any Oversight Board member may resign at any time by giving written notice to his or her appointing entity and the Chairperson, who shall forward such notice to the Successor Agency and to DOF. 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 Oversight Board may, by majority vote, direct the staff of the Board to perform work in furtherance of the duties and responsibilities of the Oversight Board. A Secretary shall, in consultation with the Chairperson, prepare agendas, post agendas on the Oversight Board website, have audible recordings of meetings of the Oversight Board, keep a record of the meetings in a journal of proceedings of the Oversight Board, and shall attest to and/or countersign all documents of the Oversight Board.

A staff member shall be designated as the contact between the Oversight Board and the State Department of Finance (DOF), as well as other public agencies and private parties. The staff member shall provide his/her telephone and email contact information to DOF in accordance with H&S Code section 34179(h). The staff member shall report all communications with the DOF to the Oversight Board Chairperson and Vice Chairperson within twenty-four hours.

The Office of County Counsel shall provide legal counsel to the Oversight Board as may be deemed necessary from time to time. The Board may retain outside counsel

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. **Election**

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

Section 5. **Vacancies**

Should the office of the Chairperson or the 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. **Annual Meetings**

The first Annual Meeting shall be held prior to the conclusion of the calendar month following 365 days of the first meeting of the Oversight Board. At annual meetings, the Chairperson and Vice Chairperson shall be elected; and any other business may be transacted which is within the purposes of the Oversight Board.

Section 2. **Regular Meetings**

A notice, agenda and other necessary documents shall be delivered by electronic mail, or by posting on the Oversight Board website, at least seventy-two (72) hours prior to a regular meeting or twenty-four (24) hours in advance of a special meeting. Board members shall communicate their desired form of notices to the Secretary.

Section 3. **Special Meetings**

Special meetings may be held upon notice of the Chairperson, or by written request of at least a majority of the members of the Oversight Board, for the purpose of transacting any business designated in the notice, after notification of all members of the Oversight Board by written notice personally delivered 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.

Section 4. 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 5. Posting Agendas/Notices

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 or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at least seventy-two (72) hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting. All agendas and notices required by law for proposed actions by the Oversight Board shall also be posted on the Oversight Board internet website.

Section 6. 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 comment; 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 in the discretion of the Chairperson.

Section 7. 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 section 54950 et seq.).

Section 8. 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 9. Order of Business

All business and matters of the Oversight Board shall be transacted in conformance with Robert's Rules of Order Newly Revised and any additional procedural rules adopted by resolution by the Oversight Board.

Section 10. Minutes

Minutes of the meetings of the Oversight Board shall be recorded by the Secretary. Audio of each Oversight Board meeting shall be made available to the public and each member of the Oversight Board and the Successor Agency.

ARTICLE IV - CONFLICT OF INTEREST

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

ARTICLE V - 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. The Successor Agency shall be notified of any amendments to these Bylaws.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

(1) That I am the duly elected and acting Secretary of the Oversight Board of the Successor Agency to the Redevelopment Agency of the County of Kern; and

(2) That the foregoing Bylaws comprising six (6) pages, constitute the Bylaws of such Oversight Board of the Successor Agency to the Redevelopment Agency of the County of Kern as adopted by the members at a duly constituted meeting held on _____, 2018.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this _____ day of _____, 2018.

Karmeena Morales, Secretary



Kern Countywide Oversight Board

Staff Report

Date: July 16, 2018
To: Members of the Oversight Board
From: Karmeena Morales, Staff
Subject: Adoption of a Conflict of Interest Code

RECOMMENDATION

It is recommended that the Oversight Board, by resolution, adopt a Conflict of Interest Code.

EXECUTE SUMMARY

The Political Reform Act, Government Code Section 8100, et seq., requires State and local government agencies to adopt Conflict of Interest Codes. Members of the Kern Countywide Oversight Board, the Secretary, and the Department of Finance Liaison have been determined to hold positions that require disclosure of financial interests and/or business positions in real property.

It is recommended that the Oversight Board adopt Resolution No. 003 adopting a Conflict of Interest Code.

BEFORE THE KERN COUNTYWIDE OVERSIGHT BOARD

In the matter of:

Resolution No. 003

RESOLUTION ADOPTING THE CONFLICT OF INTEREST CODE.

I, _____, Secretary on behalf of the Oversight Board, do certify that the following resolution, on motion of Director _____, seconded by Director _____, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Secretary on behalf of the Oversight Board
Kern Countywide Oversight Board

RESOLUTION

Section 1. WHEREAS:

(a) In accordance with the state law, the Board of Directors has determined that an initial Conflict of Interest Code should be adopted at this time;

Section 2. THEREFORE IT IS RESOLVED that the attached "Exhibit A" Conflict of Interest Code is preliminarily adopted by the Board of Directors of the Kern Countywide Oversight Board.

EXHIBIT A

CONFLICT OF INTEREST CODE FOR KERN COUNTYWIDE OVERSIGHT BOARD

The Political Reform Act, Government Code Section 8100, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard Conflict Of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which members and employees are designated and disclosure categories are set forth, constitute the Conflict Of Interest Code of the Kern Countywide Oversight Board.

Upon receipt of the statement of the Members and Staff of the Kern Countywide Oversight Board, the Executive Director shall make and retain a copy and forward the original statement to the Clerk of the Kern County Board of Supervisors, who shall be the filing officer with respect to these statements.

CONFLICT OF INTEREST CODE – APPENDIX “A”

Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Appendix “B.”

<u>Designated Position</u>	Assigned Disclosure Category
Members of the Kern Countywide Oversight Board	1
Secretary	1
DOF Liaison	1

CONFLICT OF INTEREST CODE – APPENDIX “B”

Persons occupying the positions listed in Appendix “A” must disclose financial interests and/or business positions in the following:

CATEGORY 1

All investments and business positions in business entities, sources of income and interests in real property.



Kern Countywide Oversight Board

Staff Report

Date: July 16, 2018
To: Members of the Oversight Board
From: Karmeena Morales, Staff
Subject: Designation of Secretary Function on Behalf of Oversight Board

RECOMMENDATION

It is recommended that the Oversight Board approve Resolution No. 004 to designate Karmeena Morales, Fiscal and Policy Analyst with the County of Kern, to serve as Secretary of the Kern Countywide Oversight Board.

EXECUTE SUMMARY

The Bylaws which are before the Oversight Board for approval at this meeting call for the Secretary function to be handled by the staff of the County.

The Secretary functions enumerated in the Bylaws include: keeping the official records of the Oversight Board; prepare agendas at the direction of the Chairperson; ensure audio recording of meetings; and attest and/or countersign all documents of the Oversight Board.

It is recommended that the Oversight Board approve Resolution No. 004 designating Fiscal and Policy Analyst with the County of Kern, Karmeena Morales, to perform the functions of Secretary for the Oversight Board.

BEFORE THE KERN COUNTYWIDE OVERSIGHT BOARD

In the matter of:

Resolution No. 004

RESOLUTION DESIGNATING THE SECRETARY FUNCTION ON BEHALF OF THE OVERSIGHT BOARD.

I, _____, Secretary on behalf of the Oversight Board, do certify that the following resolution, on motion of Director _____, seconded by Director _____, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Secretary on behalf of the Oversight Board
Kern Countywide Oversight Board

RESOLUTION

Section 1. WHEREAS:

- (a) The Board requires a secretary
- (b) Karneena Morales has such skills and qualifications as is appropriate to serve as Secretary of the Board.

Section 2. THEREFORE IT IS RESOLVED by the Board of Directors of the Kern Countywide Oversight Board, as follows:

- 1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.
- 2. This Board hereby appoints Karneena Morales, Fiscal and Policy Analyst with the County of Kern, to serve as secretary to the Kern Countywide Oversight Board.



Kern Countywide Oversight Board

Staff Report

Date: July 16, 2018
To: Members of the Oversight Board
From: Karmeena Morales, Staff
Subject: Designation of the Point of Contact for the Department of Finance

RECOMMENDATION

It is recommended that the Oversight Board approve Resolution No. 005 to designate Janelle Austin, Auditor-Controller Division Chief with the County of Kern, to serve as the point of contact for the Department of Finance for the Kern Countywide Oversight Board.

EXECUTE SUMMARY

The Bylaws which are before the Oversight Board for approval at this meeting call for the point of contact for the Department of Finance (DOF) function to be handled by the staff.

The point of contact functions enumerated in the Bylaws include: providing his/her telephone and email contact information to the DOF in accordance with Health and Safety Code section 34179(h) and report all communications with DOF to the Oversight Board Chairperson and Vice Chairperson within twenty-four hours.

It is recommended that the Oversight Board approve Resolution No. 005 designating Auditor-Controller Division Chief with the County of Kern, Janelle Austin, to be the point of contact for the DOF.

BEFORE THE KERN COUNTYWIDE OVERSIGHT BOARD

In the matter of:

Resolution No. 005

RESOLUTION DESIGNATING POINT OF CONTACT FOR THE DEPARTMENT OF FINANCE.

I, _____, Secretary on behalf of the Oversight Board, do certify that the following resolution, on motion of Director _____, seconded by Director _____, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Secretary on behalf of the Oversight Board
Kern Countywide Oversight Board

RESOLUTION

Section 1. WHEREAS:

- (a) This Board requires a liaison with the California Department of Finance
- (b) Janelle Austin, Auditor-Controller Division Chief with the County of Kern has the skills and qualifications required for such position.

Section 2. THEREFORE IT IS RESOLVED by the Board of Directors of the Kern Countywide Oversight Board, as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Resolution.
2. This Board hereby appoints Janelle Austin, Auditor-Controller Division Chief with the County of Kern, to serve as the liaison with the California Department of Finance.