

**HAYWARD SUCCESSOR AGENCY OVERSIGHT BOARD  
SPECIAL MEETING  
April 29, 2013  
777 B STREET  
CONFERENCE ROOM 1C**

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**CLOSED SESSION  
Conference Room 1C – 3:00 PM**

**1. PUBLIC COMMENTS**

2. Conference with Legal Counsel  
Pursuant to Government Code 54956.9
    - Anticipated Litigation (One Case)
  3. Adjourn to Hayward Successor Agency Oversight Board Special Meeting
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**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

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**PUBLIC COMMENTS:** *(The Public Comment section provides an opportunity to address the Oversight Board on items not listed on the agenda. The Board welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the Board or are within the jurisdiction of the Board. As the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

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**HAYWARD SUCCESSOR AGENCY OVERSIGHT BOARD SPECIAL MEETING  
Conference Room 1C**

1. Approval of Minutes from April 15, 2013
2. PUBLIC HEARING: Review of Due Diligence Review for All Other Former Redevelopment Agency Funds  
*Attachment (to be distributed Monday, April 29, 2013)*
3. Update on Residual Distributions from the Redevelopment Property Tax Trust Fund  
*Attachment I - Estimates for Recognized Obligation Payment Schedule 13\_14 A*
4. Future Meeting Dates and Agenda Items

**BOARD MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS**

**ADJOURNMENT**

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## NEXT MEETING – MONDAY, MAY 20, 2013

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the Assistant City Manager at (510) 583-4300 or TDD (510) 247-3340.*



**HAYWARD SUCCESSOR AGENCY  
OVERSIGHT BOARD  
April 15, 2013**

**SUMMARY NOTES**

**BOARD MEMBERS PRESENT:** Michael Sweeney; Jesus Armas; Stacey Bristow; Richard Valle; Mark Salinas; Olden Henson; Paul Hodges

**BOARD MEMBERS ABSENT:** None

**STAFF:** Kelly McAdoo, Assistant City Manager; Maureen Conneely, Assistant City Attorney; Cecilia Manzo, Administrative Clerk; Mary Thomas, Human Resources Analyst

**PUBLIC:** Rafael Yaquian, Goldfarb Lipman Attorneys

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**Call Meeting to Order:** Meeting called to order at 3:01 P.M.

**Roll Call:** Board members signed in and those in attendance introduced themselves.

**Pledge of Allegiance:** Those in attendance cited the Pledge of Allegiance.

**Public Comments:** There were no Public Comments.

**1. Approval of Minutes from March 1, 2013 Meeting:**

Approved by majority vote. **APPROVED**

**2. Review of Due Diligence Review of All Other Former Redevelopment Agency Funds:**

Assistant City Manager Kelly McAdoo reminded the Board that the State is requiring the Successor Agency to conduct two audits, the Low and Moderate Income Housing Fund Due Diligence Review (DDR) and the DDR of All Other Redevelopment Agency (RDA) Funds. The Housing DDR was submitted to the DOF in February of 2013. The audit of All Other RDA Funds is taking longer than expected, partially because one of the principal auditors is on a leave of absence. The timeline of completion for this audit is unclear. Ms. McAdoo recommended that this item, including the public hearing, be continued to the April 29<sup>th</sup> meeting (Public Hearing). **Motion/ Seconded (Armas/ Henson) APPROVED** by unanimous consensus.

**3. Approval of Modifications to ROPS 13-14A:**

Ms. McAdoo stated that on April 14, 2013, she received a letter from the Department of Finance (DOF) that approved the ROPS without any questions or disputed items. However, because of new information from the DOF regarding revised adjustments to the Housing DDR, Ms. McAdoo recommended that several modifications be made to ROPS 13\_14A, which will be submitted to the DOF for approval.

Ms. McAdoo went on to explain the recommended changes. The former Redevelopment Agency is responsible for certain maintenance expenses at Cinema Place, such as pressure washing the parking garage. The Successor Agency has secured a vendor and is requesting approval of the Oversight Board to include this expense on the ROPS. Fifty percent of the cost will be taken care of by the developer.

DOF recently upheld the Tennyson Preservation Agreement as an enforceable obligation. The original loan was in the amount of 1.5 million dollars approved on October 1, 2009 for the rehabilitation of Tennyson Gardens Apartments. \$300,000 were set aside in a maintenance reserve to fund future capital maintenance items. In October 2012, the City Council approved use of the funds for roof repairs and other items. A balance of \$126,482 is needed immediately to reimburse Eden Housing for the expenses.

DOF recently upheld the Eden loan for the South Hayward BART project as an enforceable obligation. Staffing costs related to this project were accepted, but legal and project management expenses were not. However, the Dissolution Act allows for project management expenses related to enforceable obligations to be approved on a ROPS. The City is requesting a reimbursement of expenses to date for the legal fees and John DeClercq's contract. Ms. McAdoo concluded that these were the items that were added to ROPS 13\_14A. She proceeded to answer questions from the board members.

Motion to approve modified ROPS 13\_14A **Motioned/ Seconded (Olden/Bristow) (6:1 Armas voting no) APPROVED**

#### **4. Update on Housing Due Diligence Review Meet & Confer:**

Ms. McAdoo reported that the DOF revised some of the adjustments made in its previous DDR determination letter after a Meet and Confer Session with staff. The DOF has now determined that the Eden Housing loan for the South Hayward BART project is an enforceable obligation, which allows the City to proceed with the project. However, the DOF continues to maintain three of the adjustments from its previous determination letter, which are Project Management Consultant Services, Legal Services, and the Route 238 Homebuyer Loans. Ms. McAdoo recommended that this item be continued to the April 29, 2013 meeting and that a closed session be held so litigation strategies can be discussed. **Motion/ Seconded (Armas/ Bristow) APPROVED** by majority vote.

#### **5. Future Meeting Dates and Agenda Items:**

The next upcoming meeting on April 29 will include a closed session (convene at 3pm then go into closed session and then go back into public session) on the Housing Due Diligence Review. The April 29 meeting will also include the continued Public Hearing on the DDR for All Other Former Redevelopment Agency Funds. A second meeting for adoption must follow the public hearing at least five days after the April 29 meeting. Staff will poll board members for availability for a second meeting in mid-May.

#### **Board Member/Staff Announcements and Referrals:**

Ms. McAdoo commented that we finally have a full complement of board members present and was excited that everyone was able to make it.

Board Member Armas requested information at a future meeting on the Redevelopment Property Tax Trust Fund allocations to the taxing entities.

**Adjournment:** The meeting adjourned at 3:33p.m.

Review of Due Diligence Review for All Other Former  
Redevelopment Agency Funds:

**ATTACHMENTS WILL BE DISTRIBUTED AND AVAILABLE  
ON THE CITY'S WEBSITE ON MONDAY, APRIL 29, 2013**

**ESTIMATES for Recognized Obligation Payment Schedule 13\_14 A**

**Allocation Period:** July 2013 - December 2013

**ROPS Redevelopment Property Tax Trust Fund (RPTTF) Allocation Cycle:** 4

**County :** Alameda

	<b>City of Hayward Former RDA</b>
<b>Total RPTTF Deposits</b>	4,891,055
<b><u>Distributions</u></b>	
Administrative Distributions	45,784
Passthrough Distributions	629,009
Enforceable Obligations	843,673
<b>Total Distributions</b>	<b>1,518,466</b>
<b>Residual Balance (Total Deposits - Total Distributions)</b>	<b>3,372,589</b>

<b><u>Residual Distributions Pursuant to H&amp;S Section 34183(a)(4)</u></b>		<b><u>% of Total</u></b>
County	769,839	22.8%
K-12 Schools	723,425	21.5%
City	603,819	17.9%
Total ERAF	565,895	16.8%
HARD	231,994	6.9%
AC Transit	169,486	5.0%
East Bay Regional Parks	95,163	2.8%
Flood Control	82,452	2.4%
Community Colleges	81,496	2.4%
BART	19,835	0.6%
County Office of Education	16,237	0.5%
Bay Area Air Quality Management	6,776	0.2%
Mosquito Abatement	3,436	0.1%
EBMUD	2,735	0.1%
<b>Total Residual Distributions</b>	<b>3,372,589</b>	<b>100.0%</b>