



TOWN OF PARADISE

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The Oversight Board of the Successor Agency to the Paradise Redevelopment Agency Meeting Agenda 3:30 PM – June 21, 2012

The Oversight Board holds its meetings in the Town Council Chambers at Town Hall, located at 5555 Skyway, Paradise, California, 95969. In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Department at 872-6291 Extension 101 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk. Members of the public may address the Oversight Board on any agenda item, including closed session. If you wish to address the Oversight Board on any matter on the Agenda, it is requested that you complete a request card and give it to the Town Clerk prior to the beginning of the Oversight Board Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Oversight Board will be available for public inspection at the Town Hall in the Town Clerk Department at 5555 Skyway, Room 3, at the same time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

1. OPENING

- a. Call to Order
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Roll Call

Board Members:

1. Kevin Bultema, Butte County Office of Education, Assistant Superintendent
2. Steve "Woody" Culleton, Town of Paradise Mayor
3. Lauren Gill, Town of Paradise, Assistant Town Manager
4. Al McGreehan, Paradise Recreation & Parks District Board Member
5. George Siler, Butte County, Member of the Public
6. Trevor Stewart, California Community College Chancellor's Office, Director of Business Services, Butte-Glenn Community College District,
7. Kim Yamaguchi, Butte County Board of Supervisors District 5 Member

2. PUBLIC COMMUNICATION

This is the time for members of the audience who have completed a "Request to Address Board" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Oversight Board is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

3. ITEMS FOR CONSENT CALENDAR

One roll call vote will be taken for all items on the consent calendar.

- a. Approve Oversight Board Minutes for the meetings April 26, 2012; May 29, 2012; and, June 14, 2012.

4. ITEMS FOR CONSIDERATION - ACTION CALENDAR

- a. Consider selection of legal counsel for the Oversight Board to the Town of Paradise Successor Agency to the Paradise Redevelopment Agency.
- b. Consider policies and procedures for the Oversight Board to the Town of Paradise Successor Agency, including setting a regular meeting date and time, by-laws and conduct of meetings.
- c. Discuss administrative budget for the Town of Paradise Successor Agency to the Paradise Redevelopment Agency.
- d. Discuss estimates of projected tax increment revenues relative to obligated debt for the Town of Paradise Successor Agency to the Paradise Redevelopment Agency.
- e. Review of properties owned by the former Paradise Redevelopment Agency.
- f. Discuss future Oversight Board meeting dates and time.
- g. Discuss future agenda items.

5. CLOSED SESSION – None.

6. ADJOURNMENT

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date: _____	
_____ TOWN/ASSISTANT TOWN CLERK SIGNATURE	

**The Oversight Board of the Successor Agency
to the Paradise Redevelopment Agency**

**Meeting Minutes
3:00 PM – April 26, 2012**

1. OPENING

The first meeting of the Oversight Board of the Successor Agency to the Paradise Redevelopment Agency was called to order by Board Member Al McGreehan. Following the pledge of allegiance to the Flag of the United States of America, the roll call was called by Town Clerk Joanna Gutierrez.

Board Members Present:

1. Kevin Bultema, Assistant Superintendent, Butte County Office of Education
2. Steve “Woody” Culleton, Town of Paradise Mayor
3. Lauren Gill, Town of Paradise, Assistant Town Manager
4. Al McGreehan, Paradise Recreation & Parks District Board Member
5. George Siler, Butte County Member of the Public
6. Trevor Stewart, California Community College Chancellor’s Office Director of Business Services, Butte-Glenn Community College District,
7. Kim Yamaguchi, Butte County Board of Supervisors District 5 Member

d. The Oath Of Office Administered to Board Members by Town Clerk Gutierrez

2. PUBLIC COMMUNICATION – None.

This is the time for members of the audience who have completed a “Request to Address Board” card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Oversight Board is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

3. ITEMS FOR CONSENT CALENDAR – None.

A roll call vote will be taken one time for all items placed on the consent calendar.

4. ITEMS FOR CONSIDERATION - ACTION CALENDAR

a. Selection of Chair and Vice Chair.

Town Clerk Gutierrez opened the floor to nominations for a Chairperson.

Board Member Yamaguchi nominated Steve “Woody” Culleton.

- 4a1. MOTION by Culleton, seconded by Siler**, closed the nominations for Chair. Board vote to close nominations was unanimous. By unanimous vote, Steve “Woody” Culleton was selected to serve as the Chairperson of the Oversight Committee.

Town Clerk Gutierrez opened the floor for nominations for a Vice Chairperson.

Chairperson Culleton nominated Al McGreehan.

- 4a2. MOTION by Siler, seconded by Yamaguchi**, closed the nomination for Vice Chair. Board vote to close nominations was unanimous. By unanimous vote, Al McGreehan was selected to serve as Vice Chairperson of the Oversight Committee.

4b. Discussion of Policies and Procedures.

Town Manager Charles L. Rough, Jr., stated that the February 1, 2012 dissolution of Redevelopment in the State of the California is the result of action by the State legislature (AB1X 26 that amended the California Health & Safety Code relating to community redevelopment). Manager Rough informed the Board that the Town Council has designated the Town of Paradise as Successor Agency to the Paradise Redevelopment Agency, and discussed the role of this Oversight Board in overseeing and approving actions of the Successor Agency in dissolving and disposing the assets of the former Paradise Redevelopment Agency. Manager Rough informed the Board that Successor Agency staff members have met with the County Auditor to go over the County’s understanding of the law; that there are a lot of unanswered question as the process is not clearly and fully defined; that the Oversight Board will be looking at the assets, enforceable obligations and properties of the former Paradise Redevelopment Agency; and that the main goal of today’s meeting is to set forth policies and procedures to this Oversight Board. Manager Rough thanked the Board Members and introduced Town Attorney Dwight Moore.

Town Attorney Dwight L. Moore stated that he is the attorney for the Successor Agency, that it would be a conflict for him to be the attorney for the Oversight Board, provided and reviewed with the Oversight Board handouts that outlined and included copies of the Health & Safety Code Statutes 34179, 34180 and 34181 that set forth the makeup and powers of an Oversight Board. The Board is made up of seven members, four of which constitute a quorum. An Oversight Board must comply with the Ralph M. Brown Act (the open meeting laws contained in the Government Code); the Public Records Act; and, the Political Reform Act. Attorney Moore provided the Oversight Board with a copy of an 11-page advice document from the Fair Political Practices Commission dated April 25, 2012 regarding applicability of the conflict of interest code and financial disclosure provisions, and discussed the applicability of Government Code Section 1090 relating to contracts. The Successor Agency is responsible for costs relating to meetings of the Oversight Board and Oversight Board Members may not be compensated for their duties. Attorney Moore stated that the primary duties of the Oversight Board is overseeing the winding down of the activities of the Successor Agency concerning the repayment of debts; disposal of assets; determining whether or

not contracts, agreements, or arrangements should be terminated or renegotiated to reduce the Successor Agency's expenses and increase net revenues to taxing entities; and, discussed potential problems and legal challenges associated with unilateral changes to contractual arrangements for the purpose of increasing revenue. Attorney Moore stated that Oversight Board actions do not take effect for three days so that the State Department of Finance may review the actions.

- 4b1.** Oversight Board concurred that there is a requirement for each Oversight Board Member to file a Form 700, Assuming Office Statement, with the Paradise Town Clerk within thirty days of the date of this first meeting.

Attorney Moore provided the Oversight Board with a set of suggested bylaws.

- 4b2.** Oversight Board concurred to place discussion and adoption of bylaws on their next meeting agenda. Chairman Culleton stated that he would provide the Oversight Board with a copy of the Town Council's Conduct of Council Meetings for review.

c. Discussion, review and approval of Recognized Obligation Payment Schedule ("ROPS")

Finance Director Will provided the Oversight Board members with a copy of the Recognized Obligation Payment Schedule (ROPS) adopted by Paradise Redevelopment Agency Resolution No. 12-02, informed the Board that a draft of the schedule has already been transmitted to the State Department of Finance to comply with their April 15, 2012, deadline, and discussed the details of the obligations on the schedule: tax allocation note, tax allocation bond, land purchases, loans, contracts, fees and costs.

Board Member Stewart asked if the Department of Finance has reviewed the draft ROPS in that, from his experience on other oversight boards for the City of Chico and City of Gridley, the Department of Finance has requested that loans to cities be removed from the schedules. Finance Director Will reported that the Department of Finance informed her they have received the schedule; and, that she and the Town Attorney have had many conversations about the conflicts in the law, that these loans are valid obligations between the agencies and should remain on the schedule as there is legislation pending to correct the conflicts, and that repayment to the Town is crucial.

Attorney Moore explained the law that relates to loans made within the first two years of the life of a redevelopment agency, that it is unconstitutional for private contracts to be changed and the question is how the law applies to contracts with public entities. Attorney Moore stated that he thinks the matter should be litigated as the loans were made to finance redevelopment activities with the understanding that there would be repayment. Attorney Moore stated that if the loans are not on the schedule, then there will be no right to challenge any demand for removal, that he has had numerous discussions with other city attorneys, that this matter has already been challenged in court and the implication is that the intent of the law was not to preclude the repayment of these types of loans, rather to preclude "playing games" and the obligating of funds

knowing there is an effective date of dissolution of redevelopment. Attorney Moore stated that there were valid legal reasons for the contracts as they were made in furtherance of the Paradise Redevelopment Agency's activities.

Board Member Bultema asked for clarification of what the "administrative services" description for the three loans refers to, and Town Manager Rough stated the funds have been expended for services relating to the Downtown Master Plan, including engineering and 30% plans, as well as for legal costs associated with the agency, business assistance and expansion programs.

There was discussion relating to the minimum amount of \$250,000 that is to be paid to the successor agency for costs related to the dissolution of a redevelopment agency. Chairperson Culleton stated that it is his understanding that the question of where the funding for those costs will come from has not been answered, and that the County Auditor had removed the loan amounts from the total amount for the purpose of calculating the projected minimum costs due back to the successor agency, and that the job of the Oversight Board is to confirm that what is on the obligation schedule is valid and real.

Board Member Yamaguchi asked if the Board would be in conflict with the law in leaving the loan amounts on the obligation schedule if the County Auditor has removed them. Chairman Culleton clarified that the loan amounts were listed on the schedule but not included in the repayment projection. The County Auditor has the dilemma of certifying the schedule before the State makes a decision.

Finance Director Will stated that the Oversight Board is being asked to approve the obligation schedule in a total amount of \$7,094,218.30, and a recognized amount for January through June 2012 of \$580,346.

Board Member Bultema stated that he would like more information about the loans and that the ROPS must be certified by the Board by July 1st. Board Member McGreehan stated that knowing the schedule will be audited a better description would be prudent.

Board Member Stewart stated that those three items are listed in the notes payable description of audited statements of the Paradise Redevelopment Agency and that he thinks the Board could utilize a different description in the schedule based on the description in the audit and that the Board will take subsequent action based on what the County auditor certifies, which has not yet occurred.

- 4c. MOTION by Stewart, seconded by McGreehan**, directed staff to amend the Reportable Obligation Payment Schedule to clarify the description of the loans as "Notes Payable" with the associated date of the original note (in place of the description "Administrative Expenses") and approved the Recognized Obligation Payment Schedule (ROPS) with those changes. Roll call vote was unanimous.

d. Review of Redevelopment Agency owned properties.

Town Attorney Moore informed the Board that the properties of the former Paradise Redevelopment Agency are to be sold unless they are for a governmental purpose. Town Manager stated that in addition to the issue of transferring the properties to another agency, there is also debate as to when the properties must be sold, and that sale and/or transfer will be done under the authority of the Oversight Board.

e. Per ABx1 26 Section 34179 (h) the Oversight Board must designate an official with whom the Department of Finance may communicate and shall provide telephone number and email contact information.

- 4e. MOTION by Bultema, seconded by Yamaguchi,** designated Trevor Stewart as the official with whom the Department of Finance would communicate. Roll call vote was unanimous.

Board Member Stewart requested that if the Successor Agency to the Paradise Redevelopment Agency receives any communications relating to the dissolution of the redevelopment agency that it be shared with the Oversight Board.

f. Selection of Legal Counsel (optional)

- 4f.** Oversight Board concurred to continue selection of legal counsel to the next meeting.

g. Future Oversight Board Meetings.

- 4g.** Oversight Board concurred to meet again in mid-June and that the Town Clerk would contact the Oversight Members to coordinate the date and prepare the next meeting agenda.

5. CLOSED SESSION - None

6. ADJOURNMENT

Chairman Culleton adjourned the Oversight Board meeting at 4:25 pm.

Date Approved:

Steve "Woody" Culleton, Chairperson

Joanna Gutierrez, CMC, Town Clerk
Acting Oversight Board Secretary

MINUTES
Oversight Board of the Successor Agency
of the Paradise Redevelopment Agency
Special Meeting - 4:00 PM – May 29, 2012

1. OPENING

The Special Meeting of the Oversight Board was called to Order by Chairman Steve “Woody” Culleton at 4:00 pm who led the pledge of Allegiance to the Flag of the United States of America.

BOARD MEMBERS PRESENT: Kevin Bultema, Butte County Office of Education, Assistant Superintendent; Steve “Woody” Culleton, Town of Paradise Mayor; Lauren Gill, Town of Paradise, Assistant Town Manager; Al McGreehan, Paradise Recreation & Parks District Board Member; George Siler, Butte County, Member of the Public; and Kim Yamaguchi, Butte County Board of Supervisors District 5 Member.

BOARD MEMBERS ABSENT: Trevor Stewart, California Community College Chancellor’s Office, Director of Business Services, Butte-Glenn Community College District.

2. PUBLIC COMMUNICATION - None.

3. ITEMS FOR CONSENT CALENDAR - None.

4. ITEMS FOR CONSIDERATION - ACTION CALENDAR

Gina Will, Finance Director for the Town of Paradise Successor Agency to the Paradise Redevelopment Agency, reported that the purpose of the special meeting is for the Oversight Board to consider approving a Reportable Obligation Payment Schedule (ROPS) for submission to the Butte County Auditor/Controller prior to June 1, 2012. The Butte County Auditor Controller must have an approved ROPS in order to make a distribution from the Redevelopment Property Tax Trust Fund (RPTTF) for debt to the Successor Agency for debt service requirements of July through December 2012.

Finance Director Will also informed the Oversight Board that that the ROPS approved by the Oversight Board on April 26, 2012 for the period January through June 2012 was approved by the California Department of Finance with the exception of items 4, 5, & 6, Town of Paradise loans to the Redevelopment Agency totaling \$1 million. Ms. Will stated that it is the intention of the Successor Agency to send a letter to the California Department of Finance (DOF) disagreeing with the three loans being removed from consideration as the loans are valid contracts between the Town of Paradise and the former Paradise Redevelopment Agency (RDA).

Dwight Moore, Attorney for the Town of Paradise Successor Agency to the Paradise Redevelopment Agency, informed the Board that he sees two problems. (1) If the Town doesn’t receive the money for the loans from the RPTTF and is sent to other taxing agencies, those receiving entities will not want to give the money back if the law

is changed. He thinks the County Auditor needs to set those funds aside until the matter is decided. There is a hearing scheduled tomorrow during which other California cities will be asking that the funds for loans be set aside; and, (2) That there is litigation pending as to whether or not this law can be enforced, that he supports resisting and opposing the DOF determination, and that the Successor Agency will be putting a response together in defense of the loans sometime this week. Attorney Moore informed the Oversight Board that the DOF has three business days to assert whether or not it wants to review an act of the Oversight Board and then the DOF has ten days to respond.

Finance Director Will informed the Board that the response from the DOF, relating to the ROPS approved by the Oversight Board on April 26, 2012, was received by the Town on May 22, 2012, although the letter is dated May 11, 2012; and, that the necessary documents were received by the DOF on May 1, 2012. Ms. Will stated that the Town would like to re-submit both ROPS, that the second ROPS would go forward to the Butte County Auditor and the DOF immediately and the first ROPS would go to DOF with a letter of response to the May 11, 2012, DOF letter.

Attorney Moore stated that neither the Town or the Successor Agency was notified of the meeting with the other taxing entities whereat it was stated that an approved ROPS for the period July through December 2012 was necessary by June 1, 2012 in order for distribution of funds from the RPTFF. Mr. Moore has requested that he be notified of all future meetings.

Board Member Bultema stated that one of the issues with the loans is the close relationship between cities and redevelopment agencies; and, that some loans have language such as "repayment will be made when funds are available", and that the board keep in mind that they are hearing from the Successor Agency to the Town of Paradise.

Finance Director Will informed the Board that the Town has very specific repayment schedules. Attorney Moore confirmed that the terms of the loans are very real and very specific and include amortization schedules. The reason the loans were made was because the agency was young and could only function with debt according to the law and without debt there is no tax increment, by statute. Bonds could not be issued without the existence of debt. The Town's actions were all accomplished according to California State law and on that basis would like to challenge the determination.

Board Member Gill stated that the Town set up its redevelopment agency according to California State law and made loans according to law, and that the Oversight Board was put together to oversee fairly the remaining assets of the redevelopment agency and that it is fair to honor the contracts. Board Member Yamaguchi questioned if the Oversight Board would be allowed to do so and Attorney Moore stated that the ROPS can be submitted but it doesn't mean it will be accepted and stated that there is a June 1, 2012 submission deadline which is not a statutory, but rather a real world deadline, as the statute states that the deadline is by the end of the FY June 30, 2012.

Board Member Culleton stated that he realizes the Town Attorney is the attorney for the Successor Agency, and not for the Oversight Board, and that the schedule was already approved by the Oversight Board, and that it is out of the hands Oversight Board as to whether or not it will be accepted by the DOF. The argument at the last meeting was if the loans were not on the schedule, the ability to challenge the determination would be lost.

Board Member McGreehan noted that the April 26, 2012 document was not included in the agenda packet. Finance Director Will left the chambers and returned with copies of the previously approved ROPS for the board members.

Board Member Bultema asked if all payments would be made in the month of July and that he would like to see the administrative fees broken out on a month to month basis, and not be shown as a lump sum of \$122,000.

Finance Director Will stated that the County distributes funds in a lump sum, that the Loan 4 payment was not made in March, and that payments relating to Loans 5 & 6 are due in July. Finance Director Will noted that the law does not require justification by the Successor Agency for the administrative costs, for which a minimum of \$250,000 is allocated.

Board Member Culleton stated that he thinks it is the job of the Oversight Board to justify amounts on the ROPS, and Board Member McGreehan stated the point might be moot as DOF only disagrees with the loan amounts on the schedule. Board Member Bultema stated that one of the Oversight Board tasks is to approve a budget for the administrative costs and that the Successor Agency is asking for approval of an item for which a budget has not been presented.

Attorney Moore stated the \$250,000 amount is set by statute and the agency is required under law to ask for the administrative fees. If not spent in the year then there is a system for future allocations of unused monies.

4a-1: MOTION by Bultema, seconded by Yamaguchi, (1) Approved the Recognized Obligation Payment Schedule for the period of July 1, 2012 through December 31, 2012 with the direction that the administrative fee in the amount of \$123,000 be broken out evenly by month on the schedule; and, directed that an administrative budget (for the Successor Agency) be brought back for approval by the Oversight Board at the next Oversight Board meeting. Roll call vote was unanimous; Board Member Stewart absent and not voting.

4a-2: MOTION by McGreehan, seconded by Gill, approved the Recognized Obligation Payment Schedule for the period January 1 through June 30, 2012 (previously approved by the Oversight Board on April 26, 2012) and to include the schedule with a letter as suggested by staff in response to the letter from the Department of Finance (dated May 11, 2012). Roll call vote was unanimous; Board Member Stewart absent and not voting.

Board Members concurred to direct staff to provide estimates of projected tax increment revenue as it relates to the amount of obligated debt for the next Oversight Board meeting agenda. Board Members concurred that the June 21st agenda also include a budget for administrative fees, rules of conduct, and retention of legal counsel.

5. CLOSED SESSION - None

6. ADJOURNMENT

The meeting was adjourned at 4:59 p.m.

DATE APPROVED:

By _____
Steve "Woody" Culleton, Chair

Joanna Gutierrez
Paradise Town Clerk

**The Oversight Board of the Successor Agency
to the Paradise Redevelopment Agency
Meeting Minutes**

4:00 PM – June 14, 2012 – Special Meeting

1. OPENING

The Special Meeting of the Oversight Board of the Successor Agency of the Paradise Redevelopment Agency was called to order by Board Chair Culleton at 4:00 p.m. in the Town Council Chambers located at 5555 Skyway, Paradise, California. Chair Culleton led the Pledge of Allegiance to the Flag of the United States of America

Board Members Present:

Steve “Woody” Culleton, Town of Paradise Mayor
Lauren Gill, Town of Paradise, Assistant Town Manager
Al McGreehan, Paradise Recreation & Parks District Board Member
Trevor Stewart, California Community College Chancellor’s Office Director of
Business Services, Butte-Glenn Community College District,
Kim Yamaguchi, Butte County Board of Supervisors District 5 Member

Board Members Absent:

Kevin Bultema, Assistant Superintendent, Butte County Office of Education
George Siler, Butte County Member of the Public

2. PUBLIC COMMUNICATION – None.

3. ITEMS FOR CONSENT CALENDAR – None.

4. ITEMS FOR CONSIDERATION - ACTION CALENDAR

Town of Paradise Attorney Dwight Moore explained that on June 7, 2012 the Town of Paradise and the Successor Agency to the Redevelopment Agency approved, by resolution, re-entering into three (3) loan agreements. The terms of the agreements would remain the same with the two entities reentering into the agreements based on statute authority of the Health and Safety Code of the State of California 34178, upon approval of the Oversight Board.

Board Members asked if the interest rates on the loans could be negotiated to a lower interest rate more in compliance with today’s low interest rates; if there is any documentation from the Department of Finance authorizing the re-entering into loans with Oversight Board approval, if there was any decision about the Oversight Board having outside Legal Counsel so that they could receive an unbiased legal opinion, if the March 27, 2007 loan was almost paid off and where the property tax money was being distributed.

Finance Director Will stated that there are no similar loans in existence for comparison, and that current lease agreements are paying approximately 5% interest.

Attorney Moore stated that in order to renegotiate the loans, the Town of Paradise and the Successor Agency would have to first re-approve the loans and that the current request is to receive Oversight Board approval to re-enter into previously approved loans for re-submission to the Department of Finance.

Attorney Moore further stated that relating to this request the law was created by the legislature and the Department of Finance has to follow the State statute; and, that the Legal Counsel issue will be on the agenda for the next regular Oversight Board on June 21, 2012.

Finance Director Will stated that the March 27, 2007 was not paid off because the Successor Agency has not had the ability to make the final payment and that tax increments became part of the Redevelopment Agency trust that the county is holding and they only release the amount needed for approved debt service payments and property taxes will continue to flow into the trust to pay future obligations.

MOTION by McGreehan, seconded by Gill, adopted Resolution No. 12-01 approving the Town of Paradise and the Successor Agency of the Paradise Redevelopment Agency re-entering into the following three (3) loan agreements:

1. A five (5) year interest bearing loan at 4.5% interest from the Town of Paradise in the amount of \$479,613 to cover Agency non-housing administrative and program costs through June 2011. Original Agreement dated March 1, 2011.
2. A five (5) year interest bearing loan at 4.5% interest from the Town of Paradise in the amount of \$657,595 to cover Agency non-housing administrative and program costs through June 2009. Original Agreement dated March 9, 2010.
3. A five (5) year repayable loan at 4.5% interest from the Town of Paradise in the amount of \$198,712 to cover Agency non-housing administrative and program costs through September 2006. Original Agreement dated March 27, 2007.

Ayes of Gill, McGreehan, Yamaguchi and Chair Culleton; **noes** of Stewart; Bultema and Siler were absent and not voting.

5. CLOSED SESSION – None

6. ADJOURNMENT

Chairman Culleton adjourned the Oversight Board meeting at 4:25 pm.

APPROVED:

Steve "Woody" Culleton, Chair

Dina A. Volenski, Assistant Town Clerk

**OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
OF THE PARADISE REDEVELOPMENT AGENCY**

1. Pursuant to Health and Safety Code section 34179, attached hereto, the Oversight Board of the Successor Agency of the Paradise Redevelopment Agency consists of seven members appointed as follows:
 - County Board of Supervisors (two members);
 - Mayor (two members);
 - County Superintendent of Education (one member);
 - Chancellor of California Community Colleges (one member);
 - Paradise Recreation and Park District (one member).

2. At least four members of the entire Oversight Board membership must vote to approve any action.

3. The Oversight Board is subject to the California Brown Act, Public Records Act and California conflict of interest laws, including Government Code section 1090.

4. The Oversight Board members are not personally liable for actions within the scope of laws under which they act.

5. The Successor Agency will pay all the costs for the Oversight Board's meetings. The Oversight Board members will not be compensated or reimbursed for expenses.

6. The Oversight Board oversees the winding down of the Successor Agency concerning the repayment of debts, the disposal of assets, whether contracts, agreements or other arrangements should be terminated or renegotiated to reduce Successor Agency expenses to increase net revenues to the taxing entities.

7. Oversight Board actions do not take effect for three business days so that the California Department of Finance may review the actions.

8. Health and Safety Code sections 34180 and 34181, attached hereto, set forth the powers of the Oversight Board when dealing with the Successor Agency.

Section 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) 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.

(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.

(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.

(10) Where 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, where such 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 where such an 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.

(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 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 shall have personal immunity from suit for their actions taken within the scope of their responsibilities as oversight board members.

(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.

(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) The Department of Finance may review an oversight board action taken pursuant to the act adding this part. As such, all oversight board actions shall not be effective for three business days, pending a request for review by the department. Each oversight board shall designate an official to whom the department may make such 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. In the event that the department requests a review of a given oversight board action, it shall have 10 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and such 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.

(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) Commencing on and after July 1, 2016, 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 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, 2016, or any member position that remains vacant for more than 60 days.

(l) Commencing on and after July 1, 2016, 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 (b).

(m) Any oversight board for a given successor agency shall cease to exist when all of the indebtedness of the dissolved redevelopment agency has been repaid.

Section 34180

All of the following successor agency actions shall first be approved by the oversight board:

(a) The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to the date of this part.

(b) Refunding of outstanding bonds or other debt of the former redevelopment agency by successor agencies in order to provide for savings or to finance debt service spikes; provided, however, that no additional debt is created and debt service is not accelerated.

(c) Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.

(d) Merging of project areas.

(e) Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources, where assistance is conditioned upon the provision of matching funds, by the successor entity as successor to the former redevelopment agency, in an amount greater than 5 percent.

(f) (1) If a city, county, or city and county wishes to retain any properties or other assets for future redevelopment activities, funded from its own funds and under its own auspices, it must reach a compensation agreement with the other taxing entities to provide payments to them in proportion to their shares of the base property tax, as determined pursuant to Section 34188, for the value of the property retained.

(2) If no other agreement is reached on valuation of the retained assets, the value will be the fair market value as of the 2011 property tax lien date as determined by the county assessor.

(g) Establishment of the Recognized Obligation Payment Schedule.

(h) A request by the successor agency to enter into an agreement with the city, county, or city and county that formed the redevelopment agency that it is succeeding.

(i) A request by a successor agency or taxing entity to pledge, or to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178.

Section 34181

The oversight board shall direct the successor agency to do all of the following:

(a) Dispose of all assets and properties of the former redevelopment agency that were funded by tax increment revenues of the dissolved redevelopment agency; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value.

(b) Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.

(c) Transfer housing responsibilities and all rights, powers, duties, and obligations along with any amounts on deposit in the Low and Moderate Income Housing Fund to the appropriate entity pursuant to Section 34176.

(d) Terminate any agreement, between the dissolved redevelopment agency and any public entity located in the same county, obligating the redevelopment agency to provide funding for any debt service obligations of the public entity or for the construction, or operation of facilities owned or operated by such public entity, in any instance where the oversight board has found that early termination would be in the best interests of the taxing entities.

(e) Determine whether any contracts, agreements, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the oversight board for its approval. The board may approve any amendments to or early termination of such agreements where it finds that amendments or early termination would be in the best interests of the taxing entities.

**TOWN OF PARADISE
RESOLUTION NO. 11-48**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AMENDING AND RESTATING PROCEDURE RELATING TO CONDUCT OF
TOWN COUNCIL MEETINGS**

WHEREAS, it is necessary to update certain sections of the resolution to comply with current procedures and/or law relating to the Conduct of Council meetings, more specifically, Section 1 relating to agenda preparation, Section 2 relating to agenda posting and Section XV relating to resolutions and ordinances listed on the consent calendar; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise as follows:

1. AGENDA PREPARATION

A. Agenda Deadline. All reports, ordinances, resolutions, contract documents or other matters to be submitted to the Council at the scheduled regular meeting on the first Tuesday of the month shall be delivered to the Town Clerk no later than 5:00 p.m. on the preceding Tuesday. The Council directs that the Town Clerk shall not accept any Agenda material for the Agenda packets after the 5:00 p.m. deadline on the Tuesday preceding the scheduled Regular Meeting. The Town Manager may, at his discretion and with concurrence of the Mayor or Vice Mayor, determine that it is imperative that an item not meeting the Agenda deadline be heard by the Council. In such case, an Addendum to the Agenda may be prepared, distributed and posted by his department, or by the Town Clerk Department, so long as it meets the requirements of the applicable sections of the open meetings laws contained in Chapter 9 of the California Government Code known as the Brown Act.

B. Agenda Synopsis. The Town Clerk shall prepare the Agenda of all such matters according to the order of business and collate and distribute an Agenda Packet consisting of supporting written public information that pertains to matters on the agenda, The Agenda shall include a brief description of each item of business to be transacted or discussed at the Council meeting together with the time and location of said meeting. Agenda reports and supporting information shall be reviewed and approved as necessary by the Town Attorney, the Finance Director and the Town Manager, or their respective designees, prior to submittal to the Town Clerk.

C. Agenda Availability. Printed copies of the Agenda and Agenda Packet shall be available to be picked up or delivered to each Council Member and each department director not later than 5:30 p.m. on the Wednesday preceding the scheduled meeting and shall be available to the public at 8:00 a.m. on the Thursday preceding the scheduled Regular Meeting.

Pursuant to Government Code Section 54957.5, agendas and other writings distributed for discussion or consideration at public meetings are to be made available for public inspection in the Town Clerk Department at the time the writing is distributed to all, or a majority of all, of the members of the legislative body.

The Town Clerk utilizes electronic means to make the Agenda and supporting written information relating to Agenda items for an open session available on the Town's Internet Website in accordance with Brown Act.

D. Additional Agenda Material. Staff will make every attempt to include all backup Agenda material in the packets for distribution. However, on the rare occasion when unusual circumstances are unavoidable, staff will provide additional Agenda material no later than 12:00 noon on the Monday preceding the Tuesday Regular Meeting.

The Mayor, or Presiding Officer, shall note for the record the submission of additional agenda material, the corresponding agenda item number and subject matter, and request the concurrence of the Council to accept the additional agenda material.

11 AGENDA POSTING

A. Posting of Agenda. The Agenda shall be posted in a location that is freely accessible to members of the public and on the Town's Internet Website 72 hours before the regular meeting.

B. Affidavit of Posting. The Town Clerk or designee shall use a stamped affidavit of posting on the Agenda and said Agenda and affidavit of posting shall be retained pursuant to the Town's adopted records retention resolution.

III. NO ACTION UNLESS POSTED

A. No Action Unless Posted. No deliberation or action shall be taken on any item not appearing on the posted Agenda unless qualified within one of the three exceptions listed within Item IV below.

B. Automatic Referral to Staff. All matters on which action is requested, but which does not qualify within one of the three exceptions listed below, shall be directed to the Town Manager for analysis. The Town Manager shall place the matter on a subsequent Council Agenda if deemed appropriate, or when requested by any Council Member.

IV. NO ACTION UNLESS POSTED – EXCEPTIONS

A. Previously Posted. The Council first determines by a majority vote that the item was properly posted for a prior meeting occurring not more than five days prior to the date action is proposed to be taken on the item, and at the prior meeting the item was continued to the meeting at which the action is proposed to be taken.

B. Emergency The Council determines that an emergency situation exists. This determination must be made by separate motion and vote. The motion shall specify the specific facts on which the Council relies in making the determination.

C. Definition of "Emergency Situation". An "emergency situation: as defined by Government Code Section 54956.5, means any of the following:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
2. Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

D. Need Arose After Posting The Council determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Council Members are present, that the "need to take action" on the item arose subsequent to the posting of the Agenda;

E. Written Justification. Except for Council and staff members, the party proposing immediate action shall present written justification to the Council prior to the Council's determination, addressing the following criteria:

1. The likelihood of public input on the item;
2. Knowledge of the Council's rules;
3. The date and time the applicant first learned of the facts and circumstances creating the need for Council action; and
4. An analysis of harm that may accrue to the Town, the public, and to the applicant if the matter is not addressed at the current meeting, but is continued to the next regular meeting.

V. PUBLIC PARTICIPATION

A. Agenda Item Required. Every Agenda for regular meetings shall provide an opportunity for members of the public to directly address the Council on items of interest to the public that are within the subject matter jurisdiction of the Council.

B. Item Already Considered. The Agenda need not provide an opportunity for members of the public to address the Council on any item that has already been considered by a committee composed exclusively of members of the Council at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, unless the item has been substantially changed since the committee heard the item, as determined by the Council.

C. Written Communications. Interested parties or their authorized representatives may address the Council by written communication in regard to the subject matter under discussion.

D. Oral Presentations. The purpose of oral and written presentations at Council meetings is to hear the public expression thereon and to solicit information on facts and circumstances not otherwise known. The Council considers that such presentations are helpful in arriving at its' decisions.

E. Previous Presentations. Presentations that are repetitive of previous presentations and irrelevant to the issue in question are not helpful and are thus out of order.

F. Criticism. Under Government Code Section 54954.3 the public has the right during presentations to criticize the Town's policies, procedures, programs or services, including acts or omissions of the Council. However, a Council meeting is not a public forum for personal attacks or disruptive presentations or demonstrations.

G. Bar Further Audience The Presiding Officer or Council may bar from further audience before the Council at a meeting any person who during the meeting:

1. Engages in the use of profanity or antagonistic behavior;
2. Becomes boisterous or disruptive while addressing the Council;
3. Speaks without being recognized by the Presiding Officer; or
4. Violates any rules of order established by this resolution or the Council

H. Removal - Disorderly Conduct. Any person or persons who engages in indecorous or disorderly conduct, such as hand clapping, stamping of feet,, whistling, using profane language, yelling or similar demonstration which conduct disturbs the peace and good order of the meeting, shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers.

I. Removal - Disobey Orders. Any person who refuses to comply with the lawful orders of the Presiding Officer shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers by the Sergeant-at-Arms.

J. Ruling of Chair - Appeal The ruling of the Presiding Officer to bar from further audience at that meeting shall be final and conclusive, subject only to the right of appeal by any Council Member to the entire Council.

K. Oral Presentation - Matters on the Agenda.

1. Order. The public shall have the opportunity to address each item placed on the Agenda after each agenda item has been called, introduced for

discussion with staff members, consultants, or applicants, and any presentations made with reference to the agenda item.

2. Written Request Encouraged Each person wishing to be recognized and to speak on any listed agenda item should complete a written request and submit it to the Town Clerk prior to the beginning of the scheduled Council meeting. The Town of Paradise shall provide the request form. Each person shall state his/her name and it is requested that they provide their address and specify which agenda item he/she wishes to discuss and give an estimate of how long the presentation will last. Persons who have not submitted written requests may be allowed to speak as time permits, at the discretion of the Council.

3. Time. Each agenda item shall be allotted a total of 15 minutes during which public discussion may take place, unless additional time is allowed by a majority of the Council. If there are numerous speakers, they will have to divide the 15 minutes among the speakers, with a maximum of 3 minutes per speaker. Speakers on a given item may yield their time to another speaker on the same item with the approval of the Council; but total time shall not exceed 15 minutes or such additional time as a majority of the Council may allow.

L. Oral Presentation - Matters Not on Agenda

1. Public Communications. Each Council Agenda shall contain a public communication section where the public shall be given an opportunity to speak to the Council on items of interest to the public which are not listed on the Agenda for discussion or action.

2. Time. A person speaking shall be required to limit his/her total time as to all subjects in an aggregate of three (3) minutes unless additional time is granted by a majority of the Town Council. If more time is necessary the item should be requested to be placed on a future Agenda for Council consideration.

VI. **ADDRESSING THE COUNCIL – PROCEDURE**

A. Recognition. No person shall address the Council unless he/she has been first recognized by the Presiding Officer.

B. Podium. All speakers shall make their remarks from the podium.

C. Speaker Identification. The speakers shall first identify themselves by name and it is requested that they state their address and any parties they represent before making their comments.

D. Subject Matter. The speaker's comments shall be limited to the matter which is pending before the Council.

E. Public Communication to the Council. The purpose of public communication is to inform the Council. Therefore, all remarks shall be made to the Council as a whole and not to individual members. Questions to individual Council Members and individual staff members should be addressed to those persons during time when Council is not in session.

VII. PUBLIC HEARINGS PROCEDURE

A. Time. Public Hearings shall be divided into four major sections: (1) Staff reports for a total of 15 minutes maximum; (2) Proponents presentation for a total of 15 minutes maximum; (3) Opponents presentations for a total of 15minutes maximum; and (4) Rebuttals (if requested) for a total of 15 minutes maximum or 3 minutes maximum per speaker. If there are numerous speakers for any of the four sections, they will have to divide the 15 minutes total maximum among the speakers. Additional time may be granted by a majority of the Council.

B. Spokesperson for a Group/Committee. In order to expedite matters and avoid repetitious presentations, whenever a group of persons wish to address the Council on the same subject matter the Presiding Officer shall inquire whether or not the group has a spokesperson and, if so, that he/she be heard. Speakers from the group, following such spokesperson, shall be limited to facts not presented by the group spokesperson.

C. Evidence -Received. After the agenda item has been called and introduced, the Council shall receive all oral and written staff reports, reports of consultants to the staff presentations by applicants and their consultants relative to the matter being considered. The rules of evidence shall be substantially relaxed in order to afford full presentation of facts essential for judicious consideration on the matter which is the subject of the public hearing.

D. Written Material. Written material for Public Hearings to be submitted by either proponents or opponents shall be delivered to the Town Clerk by noon on the business day preceding the hearing with copies provided for the Town Manager, Town Attorney, Town Council and one copy for Public Viewing

E. Unreviewed Written Materials. Written materials presented to the Council for the first time at or immediately prior to the public hearing, which have not been previously reviewed by staff or Council, may be accepted into evidence at the discretion of the Council. Sufficient copies should be made for each Council Member, the Town Manager, Town Attorney, Town Clerk and at least one extra copy for public viewing/the press.

F. Closing. When the presentation of evidence has been completed, or when in the opinion of the Presiding Officer or the majority of the Council, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed and no further evidence shall be accepted or heard.

G. Reopening. A public hearing on any matter, once closed, cannot be reopened on the date set for hearing unless by a 4/5 vote of the Council. Nothing herein, however, is intended to prevent or prohibit the reopening of public hearing at any subsequent, regular or special meeting of the Council. No public hearing may be reopened without the same notice as required for the original public hearing.

H. Continuance. If at any time it appears to the Presiding Officer or the majority of the Council, that inadequate evidence has been presented to afford judicious consideration of any matter before the Council, continuation of such hearing may be ordered to afford the applicant, his/her opponents, or the Town staff, adequate time to assemble additional evidence for the Council's consideration. A continuance may also be granted for matters covered by, and in conformance with, Section XVII(I) of this resolution.

I. Date of Continuance. Any continuation shall be to a date certain, which date shall be publicly announced and shall constitute notice to all parties and to the public that such further evidence will be taken at the time and place specified.

IX. QUORUM

A. Quorum. Three (3) members of the Council shall constitute a quorum for the transaction of business.

B. Deferral/Conflict of Interest. Where there is no quorum, the Mayor, Vice-Mayor or any member of the Council may adjourn or if no member of the Council is present, the Town Clerk shall adjourn such meeting. For the purpose of considering any item which is subject to the vote of the Council, when a member disqualifies himself/herself due to conflict of interest, his/her presence shall not be considered in determining the presence of a quorum. If by such disqualification a quorum of voting Council Members does not remain, consideration of such items shall be deferred until a quorum of Council Members who have no conflict are present to discuss and vote on the matter.

X MEETINGS TO BE PUBLIC

A. Open to the Public. All regular and special meetings and study session of the Council shall be open to the public. The Council may hold closed sessions in the manner and form provided by law for such closed sessions.

XI. CLOSED SESSIONS

A. Non-Disclosure. No member of the Council, employee of the Town or persons present during a closed session of the Council shall disclose to any person the content or substance of any confidential discussion which took place during said closed session, unless the Council votes to authorize disclosure of such information by a majority vote.

XII. PRESIDING OFFICER

A. Chairing Meeting. The Mayor, or in his/her absence, the Vice-Mayor shall take the chair at the hour appointed for the meeting and shall call the meeting to order. In the absence of the Mayor and the Vice-Mayor, the Town Clerk or his/her assistant shall call the Council to order, whereupon a Temporary Chairman shall be selected by the Council Members present. Upon the arrival of the Mayor or the Vice-Mayor, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the business then before the Council.

B. Presiding Officers Duties. The Presiding Officer shall preserve strict order and decorum at all Council meetings, state questions coming before the Council, announce its decision on all subjects and decide all questions or order; subject, however, to appeal by any Council Member as provided herein.

The Presiding Officer may make motions, debate and vote on all questions and on Roll Call his/her name should be called last.

C. Public Debate. The Presiding Officer controls public debate so that repetitive or irrelevant statements are not made, so that where public participation is in order, everyone will have a chance to speak before other persons have a second chance to speak, to expedite business at hand and to prevent Council meetings from being used as a forum for libel, slander or otherwise defamation of persons under the cloak of the "public privilege."

D. Signing Documents. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor shall sign such documents. In the absence of the Mayor and the Vice-Mayor, the Temporary Chairman shall sign such documents.

XIII. ORDER OF BUSINESS

A. Order of Business. All regular meetings of the Council shall take up for consideration and disposition matters in substantially the following order, except as may otherwise be agreed by a majority of the Council:

1 – Opening

- a. Call to Order
- b. Flag Salute
- c. Invocation
- d. Roll Call
- e. Introductions, Proclamations
- f. Presentations

2. Items Continued from Previous Meeting

3. Consent Calendar

4. Public Hearing Procedure

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
 1. Project proponents or in favor of (15 minutes total maximum)
 2. Project opponents or against (15 minutes total maximum)
 3. Rebuttals -when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. Public Hearings

6. Public Communication

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three (3) minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

(A total of 30 minutes maximum will be allotted for this Agenda Item. Each speaker will be allowed a maximum of 3 minutes each, with the total time of 30 minutes divided between all speakers if there are more than ten.)

7. Council Consideration

8. Council Communication/Initiatives

9. Staff/Commission/Committee Communication

10. Closed Session

11. Adjournment

B. Directory. The provisions of this section shall be directory and not mandatory.

XIV. ROLL CALL

A. Roll Call. Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members and the name of those present shall be entered in the minutes.

XV. CONSENT CALENDAR

A. Consent Calendar. Actions recommended by the staff or the Mayor to be listed in a Consent Calendar shall be listed in a summary form.

B. Reading of Resolutions/Ordinances. The Presiding Officer, prior to the vote on the Consent Calendar shall read by title each and every resolution and ordinance on the Consent Calendar which has not been requested to be read in full, or which has not been dropped from the agenda; or, prior to the vote on the Consent Calendar, request that Council concur to waive the entire reading of each resolution and ordinance listed on the consent calendar and approve reading by title only; and, that by reference on the written agenda, each is deemed to have been read by title only.

C. Adoption of Consent Calendar. The adoption of the Consent Calendar may be made in one motion by the Council; provided, however, that any Council Member may request that the Council defer action on any matters on the Consent Calendar and place it/them on the regular agenda. In such event, the Presiding Officer shall order that such matter (except for reading by title only as set forth in this section, unless a full reading is specifically requested) be removed from the said Consent Calendar and be placed for Council consideration.

D. All Items Adopted. Adoption of the Consent Calendar and approval of the same shall constitute an affirmative vote for each and every item contained thereon.

E. Adopted by Roll Call. Whenever the Consent Calendar contains any item authorizing the payment of money, entry into a franchise or the adoption or first reading of any ordinance then, in such event, the Consent Calendar shall be adopted only by roll call.

XVI. RULES OF DEBATE

A. Rules of Debate. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as the Presiding Officer.

B. Robert's Rules of Order. Except as otherwise provided in this resolution or provided by law, Robert's Rules of Order, Revised shall govern the conduct of regular meetings of the Council.

C. Objections to Informal Procedures. Objections to the use of informal procedures by the Council or the failure of the Council to act strictly in accordance with Robert's Rules of Order shall be deemed waived by all Council Members, unless a Council Member express his/her objections at the time when such procedure is used.

D. Taking Matters Out of Order. The Presiding Officer may at any time, by consent of a majority of the Council, permit a member to introduce an ordinance, matter, resolution or motion out of the regular Agenda order.

E. Dividing Issues. If a matter contains two or more divisible propositions, the Presiding Officer may, and upon the request of a Council Member shall, unless appealed, divide the same.

F. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal and request full Council ruling on the question. In the event of an appeal, the questions shall be: "Shall the decision of the Presiding Officer be sustained?" The majority vote shall conclusively determine such question of order.

G. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questions, or where the welfare of the Council is concerned.

H. Gaining the Floor. Every Council Member desiring to speak shall first address the chair and gain recognition by the Presiding Officer. Such member shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language.

I. Interruptions of a Council Member. A Council Member, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determine and, if determined to be in order, he/she may proceed. A Council Member, when speaking, shall speak to the subject matter of the item on the floor, and shall keep his/her remarks to a reasonable length. If a Council Member fails to do so, he/she may be called to order by a point of order.

Members of the Town staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

J. Propriety of Conduct - Council. Members of the Council must observe order and decorum and shall not by conversation otherwise, delay or interrupt the proceedings of the Council or in any way make or disturb any other member of the Council while speaking, or refuse to obey the orders of the Council or the Presiding Officer, except as in this resolution otherwise provided.

XVII. VOTING

A. Passage of Motion. The passage of every motion shall be by voice vote or roll call and entered in full upon the record.

B. Roll Call Vote Required. All ordinances, resolutions granting a franchise, and resolutions and orders for the payment of money shall be by roll call vote. Any member of the Council may demand a roll call vote on any matter before the Council.

C. Explanation of Vote. It shall not be in order for any Council Member to explain their vote during the roll call, except in conformance with Section XVIII below.

D. Disqualification. Every member should vote unless disqualified for cause, but no Council Member shall be forced to vote.

E. Tie Votes. Tie votes shall be lost motions and result in a rejection of the matter voted upon.

F. Change of Vote. After the roll call has been completed but before the result of the vote is announced, a member may change his/her vote. A member may not change his/her vote after the vote has been announced unless a majority consent is obtained.

G. Failure to Vote. A Council Member who is silent or inattentive or fails to vote without stating his/her abstention, or without being disqualified, shall be deemed to have cast a "yes" vote.

H. Conflict of Interest. A Council Member who is disqualified by reason of conflict of interest shall be recorded as "absent" and a Council Member who states he/she is abstaining shall be recorded as "not voting."

1. Appeals from Planning Commission Actions. With regard to any matter that comes before the Town Council on appeal from determinations or actions taken by the Planning Commission, at least three (3) affirmative votes shall be required to uphold any appeal from said determinations or actions. Failure to obtain three (3) affirmative votes shall constitute rejections of any such appeal.

In the event that there is less than a full Council present and qualified to vote on any appeal from Planning Commission determinations or actions, the appellant may continue the public hearing and the Town Council's determination on the appeal until a date certain when a full Council is expected to be available to hear and vote on said appeal. The appellant is required to exercise his/her said option to continue prior to the opening of the public hearing on the appeal and prior to any vote or action being taken by the Town Council on the appeal. In the event the appellant chooses to have the matter heard and decided by less than a full Council, the action taken by the Town Council on the appeal at the meeting at which the appeal is heard shall be considered final. Any continuances

granted pursuant to this section shall conform to the provisions of Section VIII of this resolution.

XVIII. RIGHT TO RECORD REASONS FOR VOTE

A. Reasons Entered into the Minutes. Any Council member shall have the right to have the reasons for his/her vote on any action before the Council entered in the minutes. Such statement shall be made in substantially the following manner: "I would like the minutes to show that I favor/oppose this action for the following reasons..."

XIX. RECONSIDERATION

A. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting when such action was taken. It may be made either immediately during the same session, or a recessed or adjourned session thereof. Such a motion to reconsider shall be made only by one of the Council Members who voted with the prevailing side. Nothing herein shall be construed to prevent any Council member from making or remaking the same or another motion at a subsequent meeting of the Council.

XX. ENFORCEMENT OF ORDER

A. Sergeant-At-Arms. The Chief of Police is designated as Sergeant-at-Arms of the Council and shall carry out all orders by the Presiding Officer for the purpose of maintaining order at the Council meeting. In the absence of the Chief of Police or any member of the Police Department, the Presiding Officer may designate any person to act as Sergeant-at-Arms.

B. Enforcement of Rules. Any Council Member may move to require the Presiding Officer to enforce these rules. An affirmative vote of the majority of the Council shall require the Presiding Officer to enforce said rules.

XXI. PROCEDURAL RULES - VIOLATION SHALL NOT INVALIDATE

A. Substantial Compliance. Insofar as practicable, the business of the Council shall be conducted substantially in the order and the manner provided in this resolution. However, the failure to observe or enforce such procedural rules shall in no manner effect the regularity, validity or legality of any action or proceeding taken by the Council. The Council, in its discretion, reserves the right to govern its own proceedings.

XXII. TESTIMONY UNDER OATH

A. Testimony Under Oath. The Presiding Officer may require any person addressing the Council to be sworn as a witness and testify under oath. The Presiding Officer shall require a witness to be sworn if directed to do so by a majority of the Council.

XXIII. MINUTES OF COUNCIL

A. Minutes. The official minutes of the Town Council will be kept by the Town Clerk in the Minute Book, with the record of each particular type of business transacted set off in the paragraph with the proper subheads.

B. Record Business Passed by Council. The Clerk shall be required to make a record only of such business actually passed upon by the Council, and shall not be required to record the remarks of any member of the Council or any other person, except as specifically provided by this resolution.

C. Persons Addressing Council. The names and addresses (if volunteered) of persons addressing the Council and the subject matter of their remarks shall be entered in the minutes.

D. Directory. The provisions of this section shall be directory and not mandatory.

XIV. INVESTIGATIONS AND HEARINGS

A. Investigations and Hearings. The Council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the Town.

B. Power of Subpoena. The Council shall have the power of subpoena as provided in Sections 37104 and 37109 of the Government Code. The Council may order the Clerk and the Chief of Police or his/her representative to issue subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled meeting of the council.

XV. SMOKING AT MEETINGS

A. Smoking. No person shall smoke any cigarette, cigar or pipe during any meeting of the Town Council.

XVI. ADJOURNMENT

A. Time of Adjournment. It shall be the policy of the Town Council to adjourn its meetings at or before 11:00 p.m. If the Council has not completed all items of the Agenda by 11:00 p.m., the Council, shall, at that time, either (1) waive the adjournment hour by formal motion; or (2) determine a future date(s) and time(s) at which the remaining Agenda items will be heard. Violation of this section shall not invalidate the action taken.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 6th day of December, 2011, by the following vote:

AYES: Joe DiDuca, Scott Lotter, Tim Titus, Alan White and Steve "Woody" Culleton, Mayor

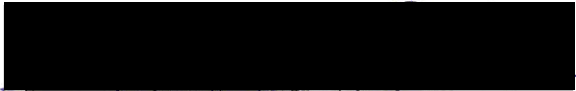
NOES: None

ABSENT: None

NOT VOTING: None


Attest:

12/13/2011


Steve "Woody" Culleton, Mayor


Joanna Gutierrez, CMC, Town Clerk

Approved as to Form:


Dwight L. Moore, Town Attorney



**Oversight Board of the
Successor Agency to the Paradise
Redevelopment Agency**

Agenda Item: 4c

**Agenda Summary
Date: June 21, 2012**

Originated by: Gina S. Will, Finance Director/Town Treasurer

Reviewed by: Charles L. Rough, Jr., Town Manager
Dwight L. Moore, Town Attorney

Subject: Successor Agency to the Paradise Redevelopment Agency
Administrative Budget for July 1, 2012 through December 31, 2012

Action Requested: Request for the Oversight Board to the Successor Agency of the Paradise Redevelopment Agency to review and approve the Administrative Budget of the Successor Agency for the period of July 1, 2012 through December 31, 2012.

Alternatives: Decline to approve the Administrative Budget as presented and direct Successor Agency staff to amend the Administrative Budget.

Background:

In accordance with Health and Safety Code section 34171(b) an administrative allowance will be granted to Successor Agency's with a minimum of \$250,000 each fiscal year or 3% of funds allocated to the Redevelopment Obligation Retirement Fund. Further, Health and Safety Code section 34177(j) indicates what type of expenses are allowable administrative expenses. The attached proposed Administrative Budget follows that guideline and includes an estimate of the costs that the Successor Agency to the Paradise Redevelopment Agency will incur to administer the dissolution of the former Paradise Redevelopment Agency for the period of July 1, 2012 through December 31, 2012.

Discussion:

Because of the economy and housing market meltdown, property taxes are continuing to decline in the Town of Paradise and in the former Paradise Redevelopment project area. The \$250,000 annual administrative allowance is paid from the Redevelopment Property Tax Trust Fund (RPTTF). Currently there are not sufficient funds being allocated to the trust fund to pay even a portion of the administrative allowance. Administrative expenses of the State and the County, pass through obligations, and enforceable obligations all take priority over the payment of the administrative allowance. The Successor Agency is not expecting to receive a portion of the administrative allowance for a number of years, but feel it is prudent to document the expected expenditures.

Fiscal Impact Analysis:

Approval of the proposed Administrative Budget for the July 1, 2012 through December 31, 2012 period has no financial impact to the Successor Agency or other Butte County taxing entities as the Successor Agency has already received its distribution from the RPTTF for paying enforceable obligations due during July 1, 2012 through December 31, 2012, and it did not include monies for administrative expenses.

SUCCESSOR AGENCY TO THE PARADISE REDEVELOPMENT AGENCY

ADMINISTRATIVE BUDGET

FOR JULY 1, 2012 THROUGH DECEMBER 31, 2012

1.	Office Rent	Utilities – electricity, water phone and internet Facility Maintenance & Repair - Janitorial Supplies/Services Annual Septic Operating Permit, IT Infrastructure	\$5,500
2.	Equipment Rent	Computers, Printers, and Copy Machines	1,000
3.	Operating Supplies	Paper, Postage, Postage Meter & Printer Supplies, Backup Media and Memory	2,200
4.	Insurance	Crime, Equipment & Liability	3,850
5.	Maintenance of Real Property	Water and Maintenance Supplies	1,200
6.	Staff	Town Manager Asst. Town Manager Finance Director Senior Accounting Clerk Town Clerk Asst. Town Clerk Public Works Manager Public Works Maintenance Worker II IT Manager	8,000 10,000 16,000 5,500 8,000 4,000 6,000 3,000 2,000
7.	Legal Counsel	Successor Agency Attorney	17,950
8.	Appraiser	Three Properties	1,500
9.	Professional Services	Audit	7,500
10.	Oversight Board Meetings	Agenda Pal & Supplies	800
11.	Other/Unknown	Dissolution Expenses	21,000
	Total		\$125,000

The proposed source of payment for the administrative budget is the Redevelopment Property Tax Trust Fund.

Proposals for arrangements for administrative and operations services by the Town of Paradise will need to be set forth in a memorandum of understanding.

See Health and Safety Code section 34177(j).



**Oversight Board of the
Successor Agency to the Paradise
Redevelopment Agency**

Agenda Item: 4d

**Agenda Summary
Date: June 21, 2012**

Originated by: Gina S. Will, Finance Director/Town Treasurer

Reviewed by: Charles L. Rough, Jr., Town Manager
Dwight L. Moore, Town Attorney

Subject: Property Tax Allocations to the Redevelopment Property Tax Trust Fund (RPTTF)

Action Requested: Review and discuss estimates of property tax allocations to the RPTTF).

Alternatives: Request Successor Agency Staff to modify projections or provide alternative direction.

Background:

The former Paradise Redevelopment Agency was a relatively young RDA prior to its dissolution. It had considerable increases in tax increment values until the onset of the recession and housing market meltdown. Following is a historical look at the tax increment values of the RDA prior to its dissolution.

	Total Tax Increment Revenue	Tax Increment Allocated to Housing Fund	Tax Increment Allocated to Pass Through Agencies	% of Change
2004/05	167,399	33,480	33,480	
2005/06	282,639	56,528	56,528	68.8%
2006/07	397,185	79,437	79,437	40.5%
2007/08	518,561	103,712	103,712	30.6%
2008/09	556,951	111,390	111,390	7.4%
2009/10	561,809	112,362	112,362	0.9%
2010/11	535,681	107,136	107,136	(4.7%)
2011/12*	497,706	57,293	100,449	(7.1%)

*2/1/12 RDA Dissolved

Had the State Legislature not dissolved the Paradise Redevelopment Agency, the former Agency was expected to collect over a \$150 million in tax increment and would have passed on over \$50 million to other taxing agencies over its forty-five year life. This is a conservative estimate based on an average growth of 3.75%. The former Agency would have had sufficient funds to invest more in the community and to repay all its financial obligations.

Discussion:

Property taxes are continuing to decline in the Town of Paradise and in the former Paradise Redevelopment project area. Successor staff anticipates a 5% decrease in property tax revenues for the 2012/13 fiscal year, followed by a couple years of relative no growth, and then perhaps some modest growth. The following is staff's conservative estimate of property tax deposits compared to currently approved enforceable obligations for the next five years.

	Total Property Tax Revenue	Pass Through Amounts	Enforceable Obligations	Difference (used for State & County Admin Fees)
2012/13	472,821	(94,564)	(343,732)	34,525
2013/14	463,365	(92,673)	(343,732)	26,960
2014/15	463,365	(92,673)	(343,732)	26,960
2015/16*	472,632	0	(1,643,732)	(1,171,100)
2016/17**	486,811	(97,362)	(355,057)	34,392

* 2006 Note Matures
** Begin paying principal on 2009 Bond

Fiscal Impact Analysis:

This information shows how little the State will “profit” from the dissolution of the former Paradise Redevelopment Agency. At least in the next five years, all property tax revenue will be consumed by debt service obligations and administrative fees of the County and State. The Successor Agency is still hopeful that eventually property taxes will increase to the extent where it might receive an administrative allowance or that legislation will evolve to allow for the eventual repayment of Town of Paradise loans.



**Oversight Board of the
Successor Agency to the Paradise
Redevelopment Agency**

Agenda Item: 4e

**Agenda Summary
Date: June 21, 2012**

Originated by: Gina S. Will, Finance Director/Town Treasurer

Reviewed by: Charles L. Rough, Jr., Town Manager
Dwight L. Moore, Town Attorney

Subject: Real Estate Owned by the Former Paradise Redevelopment Agency

Action Requested: Discuss the Real Estate owned by the former Paradise Redevelopment Agency

Background:

Following is the real estate owned by the former Paradise Redevelopment Agency.

786 -794 Birch Street	052-222-015
5456 Black Olive Drive	052-223-027
176 Pearson Road	052-225-019