

**SAN GABRIEL SUCCESSOR AGENCY OVERSIGHT BOARD
MINUTES**

Monday, May 17, 2013
Community Development Department Conference Room
410 McGroarty Street
San Gabriel, California 91776

1. CALL TO ORDER/ROLL CALL

Present:

Board Chair Hamid Behdad, Appointee, Chancellor of the California Community Colleges
Board Member Frank Cheng, Appointee, Los Angeles County Library
Board Member David R. Gutierrez, Appointee, Mayor City of San Gabriel
Board Member Maria “Nonette” Martin, Appointee, Los Angeles County Board of Education
Board Member David Sweeney, Appointee, Los Angeles Board of Supervisors

Absent:

Board Vice Chair Thomas Marston, Appointee, Mayor City of San Gabriel
Board Member Annie Huang, Appointee, Los Angeles County Board of Supervisors

Also present were:

Teresa L. Highsmith, Oversight Board Attorney
Peter Wallin, Deputy City Attorney, City of San Gabriel
Jennifer Davis, Community Development Director, City of San Gabriel
Diane Hadland, Successor Agency Staff, City of San Gabriel
Camille Paton, Deputy City Clerk, City of San Gabriel
Cesar Hernandez, Los Angeles County Commission Services

2. PUBLIC COMMENT

PUBLIC COMMENT: PURSUANT TO GOVERNMENT CODE SECTION 54954.3, THIS IS THE TIME PROVIDED FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS OF INTEREST THAT ARE NOT ON THE AGENDA WITHIN THE SUBJECT MATTER JURISDICTION OF THE OVERSIGHT BOARD.

There was no one from the audience who wished to speak.

3. NEW BUSINESS

a. CONFLICT OF INTEREST WAIVER FOR OVERSIGHT BOARD LEGAL COUNSEL

Diane Hadland provided the staff report. General Counsel Highsmith gave an update of the case her firm has been representing on behalf of cities throughout Los Angeles County including the City of San Gabriel. It is her firm's perspective that there is no factual overlap that would create an actual conflict of interest. She made it clear that she was not to advise the board or the City of San Gabriel as to how they wish to proceed and invited the board to seek outside legal counsel for an opinion on whether or not to sign the conflict of interest waiver.

Ms. Hadland advised the board that the City of San Gabriel does not have a problem with the dual representation and is expected to sign the consent letter.

Chair Behdad asked Ms. Highsmith to confirm that it is her opinion that there is no conflict of interest. Ms. Highsmith affirmed that this is her opinion. Chair Behdad asked for confirmation the City Manager will sign the waiver. Ms. Hadland confirmed that he will sign the waiver. Chair Behdad asked Ms. Highsmith to give a summary of the case decision by the court. Ms. Highsmith explained the court decided that the County of Los Angeles did withhold more money for administrative costs to distribute property taxes therefore the County does have to make refunds to Los Angeles County cities. The only thing currently in question is the amount owed, the statute of limitations on refunds and determining the interest.

As requested by Chair Behdad, Ms. Highsmith left the building so board members could discuss the matter without her being present. Ms. Highsmith was brought back to the conference room. Deputy City Clerk Paton called a roll call vote.

MOTION: The conflict of interest waiver for Oversight Board Legal Counsel was approved by a vote of 5-0.

AYES:

Board Chair Hamid Behdad
Board Member Frank Cheng
Board Member David R. Gutierrez
Board Member Maria "Nonette" Martin
Board Member David Sweeney

ABSENT:

Board Vice Chair Thomas Marston, Appointee, Mayor City of San Gabriel
Board Member Annie Huang, Appointee, Los Angeles County Board of Supervisors

5. BOARD ITEMS

Chair Behdad inquired about the upcoming Oversight Board schedule and if there were any pressing items that will require immediate attention. Ms. Hadland answered that the disposition of property/Long Range Property Management Plan and the next ROPS are the only items in the near future. Ms. Highsmith stated that Department of Finance (DOF) may have an issue with the disposition of property being approved before the finding of completion and suggested the Successor Agency discuss the matter further with the DOF. Ms. Hadland responded that she did have a conversation with DOF and they indicated that the Long Range Management Plan is not subject to statute of limitations and it would not be considered until after their review of the ROPS 13-14A. Ms. Highsmith wanted it stated for the record that this item will not require an additional meeting to take action at this time.

6. ADJOURNMENT

Adjournment to the regular Board meeting of June 24, 2013, commencing at 10:00 a.m. in the City of San Gabriel Community Development Department Conference Room, 410 McGroarty Street.

Oversight Board actions are subject to review by the California State Department of Finance. As such, the Oversight Board Actions shall not be effective for five days pending a request for review by the Department of Finance.



Camille Paton, Deputy City Clerk



Hamid Behdad, Chair