Called to order at 9:30 a.m.

*Roll Call:  
Rosa Carlson  
Mike Ennis  
John Hess  
Joseph A. Stewart, Vice Chair  
Steve Tree  
Absent: John Snavely, Chair

* One vacant seat due to retirement of Member Denise Marchant.

Pledge of Allegiance led by Vice Chair Stewart

Project Manager Jenni Byers phoned Successor Agency Legal Counsel Vanessa Locklin who attended via teleconference.

ORAL COMMUNICATIONS  
None

SCHEDULED MATTERS

1. OVERSIGHT BOARD MINUTES OF DECEMBER 6, 2012

Recommendation: That the Oversight Board approve the Minutes of December 6, 2012.

BOARD ACTION: MOVED by Member Ennis, SECONDED by Member Carlson, that  
the Oversight Board approve the Minutes of December 6, 2012.

AYES: Carlson, Ennis, Stewart, Tree  
NOES:None  
ABSTAIN: Hess  
ABSENT: Snavely

Disposition: Approved.
2. SWEARING IN OF NEW BOARD MEMBER

Recommendation: That the Secretary of the Board swear in Ms. Lupe Diaz to serve on the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency.

Community Development Director Brad Dunlap presented the staff report and updated the Board on the recently amended code, which provided for the appointment of Ms. Marchant’s replacement by the president of the City’s Management & Confidential Series, the employee organization representing the largest number of former redevelopment agency employees. He indicated that Ms. Lupe Diaz had been appointed by the Association’s president to fill Ms. Marchant’s vacated position. Board Secretary Patrice Hildreth then administered the oath of office to Ms. Diaz.

Disposition: Ms. Lupe Diaz sworn in as Member.

Ms. Diaz then exited the meeting to attend a previously scheduled engagement.

3. ADOPT RESOLUTION APPROVING THE INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED-UPON PROCEDURES (ALL OTHER FUNDS OF THE FORMER REDEVELOPMENT AGENCY OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND)

Recommendation: That the Oversight Board:

1. Adopt the Resolution of the Oversight Board to the Successor Agency to the Porterville Redevelopment Agency approving the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all funds and accounts excluding Low and Moderate Income Housing Fund) conducted pursuant to Health & Safety Code Section 34179.5; and
2. Authorize staff to take certain actions in accordance therewith and subject to approval by the Department of Finance.

Mr. Dunlap presented the item.

BOARD ACTION: MOVED by Board Member Tree, SECONDED by Board Member Carlson that the Board adopt the Resolution of the Oversight Board to the Successor Agency to the Porterville Redevelopment Agency approving the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all funds and accounts excluding Low and Moderate Income Housing Fund) conducted pursuant to Health & Safety Code Section 34179.5; and authorize staff to take certain actions in accordance therewith and subject to approval by the Department of Finance.
AYES: Carlson, Ennis, Tree, Hess, Stewart
NOES: None
ABSTAIN: None
ABSENT: Diaz, Snavely

Mr. Dunlap presented the staff report. A brief discussion ensued during which the Board confirmed with staff that the report contained no adverse findings.

BOARD ACTION: MOVED by Board Member Hess, SECONDED by Board Member Tree that the Board adopt the Resolution of the Oversight Board to the Successor Agency to the Porterville Redevelopment Agency approving the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all funds and accounts excluding Low and Moderate Income Housing Fund) conducted pursuant to Health & Safety Code Section 34179.5; and authorize staff to take certain actions in accordance therewith and subject to approval by the Department of Finance.

AYES: Carlson, Ennis, Tree, Hess, Stewart
NOES: None
ABSTAIN: None
ABSENT: Diaz, Snavely

Documentation: Resolution 2013-01
Disposition: Approved.

4. LITIGATION WITH COUNTY OF TULARE REGARDING THE 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT AREA NO. 1

Recommendation: That the Oversight Board receive the report and give staff any necessary direction.

Community Development Director Brad Dunlap presented the staff report, advising the Board of the civil complaint filed by the County challenging the validity of the 2010 Amendment to the Redevelopment Plan, which included the Successor Agency as a named defendant. Successor Agency Legal Counsel Vanessa Locklin advised the Board that because she did not represent the Oversight Board, she was conflicted from offering the Board legal advice. She further indicated that staff was also not in a position to provide legal advice, but could provide information as to the filing. A discussion ensued, during which the Board Members questioned why the Successor Agency Oversight Board had been included in the suit, particularly considering it had not been in existence at the time the Redevelopment Project Area was amended.

Mr. Dunlap indicated that at the Board’s direction, staff could locate three law firms that would be willing to represent the Successor Agency Oversight Board in the matter and bring them back to the Board for consideration. Member Ennis indicated that he would
speak with County Counsel and request that the County dismiss the Successor Agency Oversight Board from the lawsuit.

BOARD ACTION: MOVED by Board Member Tree, SECONDED by Board Member Hess, that the Board direct Members Ennis and Hess to speak with County Counsel on behalf of the Oversight Board to request that the County dismiss the Successor Agency Oversight Board from the lawsuit; and direct staff to locate three law firms that would be willing to represent the Successor Agency Oversight Board in the lawsuit for consideration by the Board at the next meeting.

AYES: Carlson, Ennis, Tree, Hess, Stewart
NOES: None
ABSTAIN: None
ABSENT: Diaz, Snavely

Documentation: M.O. 02-011013

At the suggestion of Board Member Hess, the Board unanimously agreed to continue discussion of the matter to the next meeting.

Disposition: Continued.

5. SCHEDULING OF FUTURE MEETINGS FOR THE OVERSIGHT BOARD

The next meeting was scheduled for February 21, 2013 at 9:30 a.m.

CHAIR AND BOARD MEMBERS’ COMMENTS AND SUGGESTIONS
None

ADJOURNMENT
On a motion by Board Member Ennis, seconded by Board Member Carlson, the Oversight Board unanimously approved adjourning the meeting at 10:07 a.m.

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Patrice Hildreth, Board Secretary

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John Snavely, Chair