

AGENDA
REGULAR JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF DUARTE, SUCCESSOR
AGENCY TO DISSOLVED REDEVELOPMENT AGENCY OF THE
CITY OF DUARTE, AND DUARTE HOUSING AUTHORITY
TUESDAY, OCTOBER 9, 2012

5:30 p.m. – Closed Session
7:00 p.m. – Regular Session

COUNCIL CHAMBERS, 1600 HUNTINGTON DRIVE, DUARTE, CALIFORNIA 91010

MISSION STATEMENT

With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future

JOHN FASANA, MAYOR & CHAIR HOUSING AUTHORITY/SUCCESSOR AGENCY
LIZ REILLY, MAYOR PRO TEM & VICE CHAIR HOUSING AUTHORITY/SUCCESSOR AGENCY
MARGARET FINLAY, CITY COUNCIL & HOUSING AUTHORITY/SUCCESSOR AGENCY BOARD
TZEITEL PARAS-CARACCI, CITY COUNCIL & HOUSING AUTHORITY/SUCCESSOR AGENCY BOARD
PHIL REYES, CITY COUNCIL & HOUSING AUTHORITY/SUCCESSOR AGENCY BOARD

City/Authority Staff:

Darrell George, City Manager & Successor Agency/Housing Authority Executive Director
Kristen Petersen, Assistant City Manager & Successor Agency/Housing Authority Assistant
Executive Director and Director of Administrative Services
Craig Hensley, Community Development Director
Cesar Monsalve, Director of Parks and Recreation
Brian Villalobos, Director of Public Safety Services
Dan Slater, City Attorney & Successor Agency/Housing Authority General Counsel
Marla Akana, City Clerk

ADDRESSING THE CITY COUNCIL AND HOUSING AUTHORITY:

If you wish to address the City Council, Housing Authority, or Successor Agency on any item on the Agenda, you should fill out a Speaker Card indicating which item or items on the Agenda you wish to speak about, and hand the card to the City Clerk. You will be called to the Podium when that item is heard by the City Council/Housing Authority/Successor Agency. If you wish to address the City Council, Housing Authority, or Successor Agency on any item that is not on the Agenda, but that is within the subject matter jurisdiction of the City/Housing Authority/Successor Agency, you may do so under the "Oral Communications" portion of the Agenda. At the podium, before starting your remarks, please state your name and city of residence for the record.

ADA ACCESSIBILITY NOTICE:

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, you should contact the City Manager's office at (626) 357-7931. Notification no later than 1:00 p.m. on the day preceding the meeting will enable the City to make reasonable arrangements to assist your accessibility to this meeting.

Note: Any documents distributed by the City/Authority to a majority of the City Council/Housing Authority/Successor Agency Board less than 72 hours prior to the City Council/Housing Authority/Successor Agency meeting will be made available for public inspection at City Hall, 1600 Huntington Drive, Duarte, CA 91010, during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law.

THE FOLLOWING ITEMS WILL BE HEARD AT 5:30 P.M.

1. CALL TO ORDER OF CITY COUNCIL, SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY, AND NOTATION OF ANY ABSENCES
2. ADOPTION OF THE AGENDA
3. CLOSED SESSION
 - A. Public Input – *Members of the public wishing to speak concerning the closed sessions listed below may do so at this time. Each person may speak once for no more than 3 minutes.*
 - B. Public Employee Performance Evaluation—Pursuant to Government Code Sections 54957(b)(1) and 54957.6; Annual evaluation of City Manager; Designated City representative: Dan Slater, City Attorney (Continued from 9/25/12)

THE FOLLOWING ITEMS WILL BE HEARD NOT EARLIER THAN 7:00 P.M.

4. PLEDGE TO THE FLAG
5. MOMENT OF REFLECTION
6. FITNESS/MENTAL WARM-UP
7. PUBLIC REPORT OF CLOSED SESSION ITEM
8. SPECIAL ITEMS – Page 1
 - A. Proclamation – Red Ribbon Week
 - B. Recognition – Duarte Kiwanis Club
 - C. Presentation – Foothill Unity Center’s Mobile Dental Clinic
 - D. Recognition – Duarte Route 66 Parade Committee
9. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS
Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.
10. ORAL COMMUNICATIONS—ITEMS NOT ON THE AGENDA (30 MINUTES)
Any person wishing to speak on any issue that is not on the Agenda, but that is within the subject matter jurisdiction of the City or Authority, may do so at this time. The opportunity to speak is on a first come, first serve basis. Each person may speak once for no more than 3 minutes and there is a maximum of 30 minutes for all Oral Communications at this time. Under the Brown Act, members of the City Council/Housing Authority/Successor Agency, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.
11. ITEMS TO BE ADDED TO THE CONSENT CALENDAR
12. CONSENT CALENDAR – Page 4
All matters listed on the Consent Calendar are to be approved with one motion unless a member of the City Council/Housing Authority/Successor Agency removes an item for separate action. Any consent calendar item for which separate action is requested shall be heard as the next Agenda item. The respective entity’s consent items are shown in parentheses at the end of each item as “CC” for City Council, “HA” for Housing Authority, and “SA” for Successor Agency.
 - A. Approval of Minutes – September 25, 2012 (CC/HA/SA)
 - B. Approval of Warrants – October 9, 2012 (CC/HA/SA)
 - C. Motion to introduce and/or adopt all resolutions and ordinances presented for consideration by title only and waive further reading (CC/HA/SA)
 - D. Receive and File the Due Diligence Review of the Low and Moderate Income Housing Fund of the Dissolved Redevelopment Agency of the City of Duarte (SA)
 - E. Council Bill 12-R-32 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AFFIRMING THE INTENTION OF THE CITY COUNCIL, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33334.16, THAT THE PROPERTY IDENTIFIED AS ASSESSOR PARCEL NUMBER 8530-004-902, ACQUIRED BY THE FORMER

REDEVELOPMENT AGENCY OF THE CITY OF DUARTE WITH LOW AND MODERATE INCOME HOUSING FUNDS, AND NOW CONTROLLED BY THE DUARTE HOUSING AUTHORITY, BE USED FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING (CC)

- F. Successor Agency Bill SA-12-02 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AUTHORIZING THE EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE DIRECTOR, AND SECRETARY TO ACCEPT GRANTS AND DEEDS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 27281 (SA)
- G. Council Bill 12-R-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AUTHORIZING THE PROCESSING OF DOCUMENTATION TO REFLECT OWNERSHIP BY THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE OF CERTAIN FORMER REDEVELOPMENT AGENCY PROPERTIES (CC)
- H. Successor Agency Bill SA-12-03 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE CONFIRMING ITS OWNERSHIP OF CERTAIN FORMER REDEVELOPMENT AGENCY PROPERTIES (SA)
- I. Proclamation – Freedom from Workplace Bullies Week (CC)
- J. City Council/City Manager Conference Attendance – League of California Cities Municipal Finance Institute 2012, November 28-29, 2012, San Jose; National League of Cities Congress of Cities and Exposition, November 28-December 1, 2012, Boston, Massachusetts (CC)

13. ITEMS REMOVED FROM CONSENT CALENDAR

14. CITY COUNCIL BUSINESS ITEMS – Page 61

- A. Appointment by Councilmember Reyes to the Town Center Ad Hoc Advisory Committee (Continued from 9/25/12)
- B. Consideration of City Council appointments to proposed Joint City/DUSD Sports Field Optimization Ad Hoc Committee

15. CONTINUATION OF ORAL COMMUNICATIONS

*Any person who did **not** speak during the initial 30 minute Oral Communications period earlier in the meeting, who wishes to speak on any issue that is not on the Agenda but that is within the subject matter jurisdiction of the City Council/Housing Authority/Successor Agency, may do so at this time. Each person may speak once for no more than 3 minutes. Under the Brown Act, members of the City Council/Housing Authority/Successor Agency, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.*

16. ITEMS FROM CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY MEMBERS AND CITY MANAGER/EXECUTIVE DIRECTOR (AB 1234 reports on trips, conference attendance, and meetings)

17. ADJOURNMENT – To Mid-Year Budget Review Workshop, October 23, 2012, 5:00 p.m.

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: October 4, 2012
SUBJECT: Comments on Agenda Items, Meeting of October 9, 2012

ITEM 8.A. A Proclamation will be presented declaring the week of October 20-27, 2012, as Red Ribbon Week in the City of Duarte, thus making a visible statement that we are strongly committed to healthy lives. Californians For Drug Free Youth and the California Department of Alcohol and Drug Programs are co-sponsoring Red Ribbon Week. The Public Safety Department will be coordinating many events during that week.

ITEM 8.B. The Duarte Kiwanis Club will be recognized by the City Council. The Duarte Kiwanis Club has stepped up over the last three years during the economic downturn to assist the City of Duarte supplement its current programs, as well as start up new endeavors. The City programs supported by the Duarte Kiwanis Club have benefitted both our youth and seniors specifically. These efforts have included both cash donations, as well as in-kind support, and have touched such programs as Duarte's Promise; The Alliance for Youth, Senior and Youth Recreation Program Assistance Funds, DART, Veteran's Day, Duarte Youth Boxing, and the Annual Mayor's Breakfast to name a few.

ITEM 8.C. The lack of health care resources in the San Gabriel Valley, including the Duarte community, has made the Foothill Unity Center a vital resource services such as the mobile dental clinic. Cathy Klose, RN and Director for the Center, reaches out to local providers to provide desperately needed care to low-income residents such as dental care. Last fall, the USC School of Dentistry and community dentists conducted free dental screenings for 182 children, and partnered with the Duarte Unified School District to provide free dental treatment to 99 children. Community support and corporate donations covered the cost of the services, valued at \$164,000. Ms. Klose will review last year's endeavor, as well as publicize the Center's next mobile dental clinic scheduled for this November in Monrovia.

ITEM 8.D. The City Council will recognize the Duarte Route 66 Parade Committee for its outstanding efforts and leadership in providing for another successful parade.

ITEM 12.D (Consent Calendar). This item asks the Successor Agency to receive and file the Due Diligence Review of the Low and Moderate Income Housing Fund of the Dissolved Redevelopment Agency. The report was prepared by Lance Soll and Lunghard, and complies with Assembly Bill 1484, and agreed to by the State Controller's Office and State Department of Finance, to assist us in ensuring that the dissolved redevelopment agency is complying with the bill.

ITEM 12.E (Consent Calendar). This is a resolution for Council consideration to affirm the intention of the City Council that the property acquired by the former Redevelopment Agency with low and moderate income housing funds, and now controlled by the Housing Authority, be used for the development of low and moderate income housing.

ITEM 12.F (Consent Calendar). Government Code Section 27281 authorizes the adoption of a resolution by public entities to enable designated officials to accept deeds and grants of real property, including easements, so that recordation of the deeds and easements in the official records of the County recorder can be facilitated. This standard resolution has been adopted by the City Council and by the Housing Authority, and also had been adopted by the now-dissolved Redevelopment Agency. Because Assembly Bill 1484 establishes the Successor Agency as a separate public entity, the City Attorney is recommending the Successor Agency adopt the same resolution that previously was adopted by the City Council and Housing Authority, and also had been in effect for the Redevelopment Agency.

ITEMS 12.G AND 12.H (Consent Calendar). Auditors have commenced performing the “non-housing” Due Diligence Review (DDR) required by AB 1484. The purpose of this DDR is to identify the amount of non-housing tax increment in the form of “cash and cash equivalents” held by the Successor Agency that will be required to be turned over to the County Auditor-Controller for distribution to the taxing agencies. Because of poor drafting of AB 1484, the value of four properties transferred by the RDA to the City in March 2011 (prior to the effective date of ABx1 26) likely will be included in the amount required to be paid to the County Auditor-Controller if the properties remain in the name of the City. Holding these four properties in the name of the City therefore could increase the Successor Agency’s payment obligation by \$1,645,521.60. To avoid this negative outcome, the City Attorney and Assistant City Manager/Finance Director, as well as the auditors performing the non-housing DDR, are recommending the four properties be transferred to the Successor Agency, with the \$1,645,521.60 returned to the City’s account through appropriate accounting entries consistent with applicable accounting standards and as approved by the City’s auditors.

Of the four properties, three are located east of the Target center, and were acquired by the RDA over the years to be included in a potential Phase II of the Best Buy project. There is no current development opportunity associated with these three parcels. The fourth property is the northwest corner of Huntington and Buena Vista, which has been the subject of discussion and negotiation concerning a possible restaurant development. The transfer of this property from the City to the Successor Agency does not affect the timing of the potential development of that site because the same process for approval through the Oversight Board and Department of Finance would need to be followed whether the property is owned by the City or Successor Agency. Resolutions of the City Council and Successor Agency to effect the re-transfers are presented. Those resolutions include appropriate language reserving the rights of the City and Successor Agency to pursue legal remedies with respect to the provisions of ABx1 26 and AB 1484 causing the need to effect these re-transfers of the four properties.

ITEM 12.I (Consent Calendar). This is a Proclamation declaring October 14-20, 2012, as Freedom From Workplace Bullies Week. California Healthy Workplace Advocates is a statewide coalition of citizens dedicated to ensuring civility and professionalism within the workplace. They are working to increase awareness of this growing problem that may affect public and private sectors.

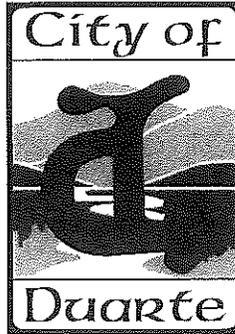
ITEM 14.A. Councilmember Reyes would like to appoint Mr. Henry Baltazar to the Town Center Ad Hoc Advisory Committee. The previous designee to the Committee had resigned.

ITEM 14.B. The Mayor is recommending that the Council consider appointing two Councilmembers to sit jointly with two School Boardmembers on a sports field optimization committee. At the recently held joint meeting between the City Council and DUSD, a discussion was held on how local fields could be better utilized. It was decided that two Councilmembers and two Boardmembers, along with respective staff, sit on a committee to address use of sports fields, and how to optimize their use. Upon selection by the Council, communication will be forwarded to the School Superintendent, and an initial meeting of the committee will be arranged.

Respectfully submitted,



Darrell J. George
City Manager



Proclamation

RED RIBBON WEEK 2012

WHEREAS, the National Federation of Parents and Californians for Drug Free Youth, Inc., encourage local communities to put forth efforts to combat drug abuse throughout Red Ribbon Week and year-round; and

WHEREAS, Californians for Drug Free Youth, Inc., a Statewide parent and community organization, and the California Department of Alcohol and Drug Programs are co-sponsoring "Red Ribbon Week" from October 20-27, 2012; and

WHEREAS, government agencies, schools, law enforcement, churches, hospitals, businesses, service organizations, and individuals will project their commitment to healthy lives without drugs by wearing red ribbons throughout this week-long campaign; and

WHEREAS, the City of Duarte commits its resources to ensure the success of the Red Ribbon Campaign in cooperation with Duarte Unified School District, Temple Sheriff's Station, local businesses, local service clubs, and all community groups; and

WHEREAS, the City of Duarte adopts "Tune Out Drugs" as our theme for this year's campaign to commit to healthy drug-free lives;

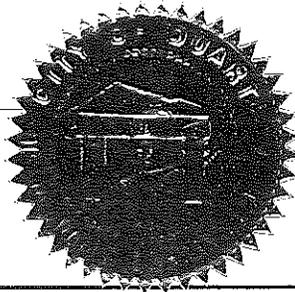
NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims the week of October 20-27, 2012, as RED RIBBON WEEK in the City of Duarte, and encourages all citizens of Duarte to participate in drug awareness activities, making a visible statement that we are strongly committed to healthy lives.

Mayor John Fasana

ATTEST:

City Clerk Marla Akana
Duarte, California

October 9, 2012





Duarte Public Safety

Memo

To: Darrell George
From: Aida Torres
CC: Brian Villalobos, Marla Akana
Date: 10/1/12
Re: Red Ribbon Week 2012 Campaign

The City of Duarte adopts *"Tune Out Drugs"* as this year's Red Ribbon Week campaign theme. The Duarte Public Safety Department is coordinating the following Events to during the week of October 20th-October 27th:

Red Ribbon News distributed on Tuesday, October 18th

All parents of Elementary School students will receive information on celebrate Red Ribbon Week at their schools.

Red Ribbon Week March - Saturday, October 20th

The Duarte Public Safety Station will kick off Red Ribbon Week by decorating Huntington Drive. Duarte's promise alongside Duarte area youth groups, The Duarte Area Resource Team, YMCA Youth Alliance and CHYLL Caring Helping Youth Leading in Life will decorate all the trees from Mountain Avenue to Encanto Parkway. This March will be followed by THINK Together sponsored event at the Duarte Teen Center. This event invites all youth 1st to 8th grade to have fun participating in a Karaoke Contest and a dance challenge. Parents will also have the opportunity to attend a free informational class on Drugs presented by LA County Probation. Free lunch will be provided.

Red Ribbon Week Essay Contest and Teen Event – Thursday, October 25th

The Duarte Teen Center will host a free movie screening of independent film "Mamitas" which deals with teen issues. Teens will have a special Q & A with the film actors and crew. Essay Contest for High School Age Youth will culminate and the winners will be presented with their prizes at this event.

Elementary/Intermediate School Events - Week of October 22th to 28th

Each one of Duarte's Elementary Schools will promote Classroom Poster Contest, Northview Intermediate School will promote an Essay and Poster Contest and Duarte and Mt. Olive High School will conduct an Essay Contest throughout the week.

Classroom Poster Contest judging to be held at each Elementary School by Friday, October 26th, Elementary Schools will announce the winning classroom at each school will receive an ice cream party presented by a Deputy Robert MacLean in the month of November. Northview Intermediate School winners will be announced and invited to City Council Meeting.

Red Ribbon Winners honored at City Council Meeting during the month of November

The Essay and Art Contest Winners will be honored and presented with their prizes. Red Ribbon Week sponsors will also be honored.

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – SEPTEMBER 25, 2012

CALL TO ORDER The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Reilly called the meeting to order at 5:37 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Finlay, Paras-Caracci, Reilly, Fasana (arrived at 5:39 p.m.)
ABSENT: Reyes
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

ADOPTION OF AGENDA Finlay moved, Paras-Caracci seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION
1) Real Property Negotiations
2) Performance Evaluation
Lino Paras stated he trusts the City Council's and negotiators' judgment to act in the best interest of the City, the evaluation should be postponed, salaries on website are from 2010, and the City Attorney should be standby.
Slater stated the first Closed Session is pursuant to Government Code Sections 54957(b)(1) and 54957.6; Conference with Real Property Negotiators; Agency negotiators: Darrell George, Craig Hensley; Negotiating parties: City of Duarte and Charles Company, represented by Mark Gabay and Arman Gabay; Under negotiation: Price and terms of payment; Concerning City-owned properties at 1305, 1415, 1423-1437 Huntington Drive (APN 8530-004-900, 901, 902, 903, and 069). The second Closed Session is pursuant to Government Code Sections 54956(b)(1) and 54956.6; Public Employee Performance Evaluation; Annual evaluation of City Manager; Designated City representative: Dan Slater, City Attorney. The Closed Session concluded at 7:00 p.m. City Council reconvened at 7:07 p.m.

PLEDGE TO THE FLAG Elizabeth Garcia led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS/MENTAL WARM-UP Fasana and Finlay provided the warm-up.

PUBLIC REPORT OF CLOSED SESSION Slater stated during the first Closed Session, after discussion, City Council unanimously (with Reyes absent) directed staff to undertake preliminary discussions concerning the sale of the properties, and acknowledged that as the properties were formerly owned by the Redevelopment Agency, they may be subject to review by the State. Regarding the second Closed Session, as Councilmember Reyes was absent from the meeting, the City

Council did not commence the evaluation, and continued the item to the next meeting.

SPECIAL ITEMS

Recognition – Kristi Lopez

Mayor Fasana introduced Kristi Lopez, and presented her with a certificate in appreciation of her years of outstanding service as Field Representative for Assemblymember Portantino.

Presentation by Duarte Chamber Of Commerce

Jim Kirchner, Duarte Chamber of Commerce, introduced Chair of the Board Rona Lunde, and presented an overview about the Chamber, including planning, projects, surveys, seminars, membership, community involvement, and Duarte View.

Steve Hernandez stated there was talk about cutting the Chamber out of the budget, they are an asset, the return on that investment is huge, and he supports them.

Public Safety update

Brian Villalobos presented the monthly Public Safety update, and discussed the Neighborhood Watch process.

ANNOUNCEMENTS

Elizabeth Garcia, Field Representative, announced Assemblymember Portantino will present his State of the State to the City Council at the October 23 meeting.

Joanna Gee, Duarte Library, stated the 2012 Bookmark Contest deadline is October 27, and announced upcoming workshops.

Jose Parra provided information about teen outreach, programs, and workshops at the library.

Karen Herrera announced upcoming community events in the months of September and October.

Lino Paras stated he felt there should be a shout out portion on the Agenda.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Stalice Wilmore – Tree trimming, smoking, budget.

Miguel Olivares – Tobacco control, outreach, youth smokers.

Miriam Fox – School District information.

Lino Paras – Invocation, sidewalks.

CONSENT CALENDAR

Finlay moved, Paras-Caracci seconded to approve the Consent Calendar as follows, and carried unanimously.

Approve Items A, C.

Remove Items B, D.

ITEMS REMOVED

Item B – Warrants

Lino Paras stated the item is more understandable, and inquired about the \$14,673 payment for NPDES. Slater stated the City is required to comply with Federal NPDES standards, and the payment is for consulting services.

Finlay stated the warrant register now provides less information than before.

Item B – Approved

Finlay moved, Paras-Caracci seconded to approve Item B, and carried unanimously.

Item D – Conference Attendance Finlay asked who was attending the event. It was noted that Councilmember Reyes requested this item be agendaized.

Item D – Approved Finlay moved, Reilly seconded to approve Item D, and carried unanimously.

BUSINESS ITEMS

Appointment – Town Center Ad Hoc Advisory Committee (Continued to 10/9/12) Mayor Fasana stated that since Councilmember Reyes was not in attendance, this item designating his appointment to the Town Center Ad Hoc Advisory Committee would be continued to the following meeting.

City Council Appointments to Intergovernmental Organizations (San Gabriel Valley Vector Control District) Mayor Fasana stated the San Gabriel Vector Control District has indicated that the City representative’s term runs from January to December, suggested Councilmember Finlay be reinstated as the City’s representative, and in November the City Council can consider the item again.

Reilly moved, Paras-Caracci seconded to appoint Councilmember Finlay as the representative to the San Gabriel Valley Vector Control District, to comply with District requirements, and carried unanimously.

Update – NW Corner Huntington/ Buena Vista George presented an update on the status of development opportunities on the northwest corner of Huntington Drive and Buena Vista Street.

Steve Hernandez stated there is a challenge for Five Guys with the potential In and Out, and it would be a large revenue source.

Finlay moved, Paras-Caracci seconded to receive and file the update report, and carried unanimously.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

George asked Craig Hensley to provide information about trimming the trees on Huntington Drive. Hensley stated four years ago, the decision was made to trim the trees in a more traditional manner, and to replace ficus trees with another species.

PARAS-CARACCI: Thanked the Route 66 Committee and all involved with the picnic, and hopes we can invite all members of the committee to a Council Meeting for recognition.

FINLAY: Stated everyone involved with the parade did a great job, attended Maryvale dinner in Rosemead, we need to find out who has family members involved in the armed services for the flag program on Huntington Drive, and attended the City of Hope meeting about its 100th anniversary.

REILLY: Reminded the ladies about the Chamber’s Network Brown Bag on the last Tuesday of each month, announced Community Health Fair on October 4, stated the parade was wonder-

ful and thanked all who helped, invited attendance at the Ad Hoc Committee meeting on October 3, and stated today is Yom Kippur, and wished all an easy fast.

FASANA: Stated the parade and picnic were excellent and thanked the committee and staff, after the parade there was a backup of traffic heading west on Central past Crestfield, attended Foothill Unity Center dinner and Monrovia-Duarte Black Alumni event, stated Lois Gaston will be recognized by the YMCA on September 26, attended NAACP dinner where Councilmember Paras-Caracci received the Civic Award, and commended the City Manager in dealing with questions about the recent offensive video.

ADJOURNMENT

Lino Paras discussed the video and renaming Hamilton Road.

Finlay moved, Paras-Caracci seconded to adjourn the meeting at 9:01 p.m., in memory of Bob Day, U. S. Ambassador John Christopher Stevens, Foreign Service Information Officer Sean Patrick Smith, former Navy SEAL Tyrone Snowden Woods, and former Navy SEAL Glen Anthony Doherty, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk



**Successor Agency
of the Former Duarte Redevelopment Agency**

**Due Diligence Review
of the Low and Moderate Income Housing Fund
Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(3)
and Sections 34179.5(c)(5) through 34179.5(c)(6)
of Assembly Bill No. 1484 of 2012**

Lance Soll & Lunghard, LLP

203 North Brea Blvd
Suite 203
Brea, CA 92821

41185 Golden Gate Circle
Suite 103
Murrieta, CA 92562

Successor Agency
of the Former Duarte Redevelopment Agency

Due Diligence Review
of the Low and Moderate Income Housing Fund
Pursuant to Sections 34179.5(c)(1) through 34179.5(c)(3)
and Sections 34179.5(c)(5) through 34179.5(c)(6)
of Assembly Bill No. 1484 of 2012



CERTIFIED PUBLIC ACCOUNTANTS

- Brandon W. Burrows, CPA
- David E. Hale, CPA, CFP
A Professional Corporation
- Donald G. Slater, CPA
- Richard K. Kikuchi, CPA
- Susan F. Matz, CPA
- Shelly K. Jackley, CPA
- Bryan S. Gruber, CPA
- Deborah A. Harper, CPA

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING
AGREED-UPON PROCEDURES

To the Successor Agency of the
Former Duarte Redevelopment Agency
City of Duarte, California

We have performed the procedures enumerated in Attachment A for the Low and Moderate Housing Fund, which were agreed to by the California State Controller's Office and the State of California Department of Finance (State Agencies) solely to assist you in ensuring that the dissolved redevelopment agency is complying with Assembly Bill 1484, Chapter 26, Section 17's amendment to health and safety code 34179.5. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Management of the successor agency is responsible for providing all the information obtained in performing these procedures. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

As stated above, the scope of this engagement was limited to performing the procedures identified in Attachment A, which specified the "List of Procedures for the Due Diligence Review" obtained from the California Department of Finance Website.

The results of the procedures performed are identified in Attachment B1 through B11.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of a certified opinion as to the appropriateness of the results of the procedures performed. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to the Successor Agency.

This report is intended solely for the information and use of the Successor Agency Oversight Board, the Successor Agency and the applicable State Agencies, and is not intended to be, and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

Lance, Soll & Lunghard, LLP

Brea, California
September 19, 2012

List of Procedures for Due Diligence Review of the Low and Moderate Housing Fund

1. Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the amount of the assets transferred to the Successor Agency as of that date.
2. If the State Controller's Office has completed its review of transfers required under both sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
 - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.
3. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
 - a. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - b. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
 - c. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

List of Procedures for Due Diligence Review for the Low and Moderate Housing Fund (Continued)

4. Perform the following procedures:
 - a. Obtain from the Successor Agency a summary of the financial transactions of the Redevelopment Agency and the Successor Agency in the format set forth in the attached schedule for the fiscal periods indicated in the schedule. For purposes of this summary, the financial transactions should be presented using the modified accrual basis of accounting. End of year balances for capital assets (in total) and long-term liabilities (in total) should be presented at the bottom of this summary schedule for information purposes.
 - b. Ascertain that for each period presented, the total of revenues, expenditures, and transfers accounts fully for the changes in equity from the previous fiscal period.
 - c. Compare amounts in the schedule relevant to the fiscal year ended June 30, 2010 to the state controller's report filed for the Redevelopment Agency for that period.
 - d. Compare amounts in the schedule for the other fiscal periods presented to account balances in the accounting records or other supporting schedules. Describe in the report the type of support provided for each fiscal period.

5. Obtain from the Successor Agency a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. When this procedure is applied to the Low and Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund that were held by the Successor Agency as of June 30, 2012 and will exclude all assets held by the entity that assumed the housing function previously performed by the former redevelopment agency. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listing should be attached as an exhibit to the appropriate AUP report.

6. Obtain from the Successor Agency a listing of asset balances held on June 30, 2012 that are restricted for the following purposes:
 - a. Unspent bond proceeds:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
 - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
 - b. Grant proceeds and program income that are restricted by third parties:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).

List of Procedures for Due Diligence Review for the Low and Moderate Housing Fund (Continued)

- iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
 - c. Other assets considered to be legally restricted:
 - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
 - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
 - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by Successor the Agency as restricted.
 - d. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report. For each restriction identified on these schedules, indicate in the report the period of time for which the restrictions are in effect. If the restrictions are in effect until the related assets are expended for their intended purpose, this should be indicated in the report.
7. Perform the following:
- a. Obtain from the Successor Agency a listing of assets as of June 30, 2012 that are **not** liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.
 - b. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.
 - c. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.
 - d. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and/or methodology, note the lack of evidence.
8. Perform the following:
- a. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012 that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation that specifies the dedication of existing asset balances toward payment of that obligation.
 - i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.

List of Procedures for Due Diligence Review for the Low and Moderate Housing Fund (Continued)

- ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.
 - iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule approved by the California Department of Finance.
 - iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.
- b. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:
- i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012 and for the six month period July 1, 2012 through December 31, 2012.
 - ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
 - a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.
 - iii. For the forecasted annual revenues:
 - a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.
- c. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency and apply the following procedures to the information reflected in that schedule.
- i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.
 - ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.
 - iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.
- d. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.

List of Procedures for Due Diligence Review for the Low and Moderate Housing Fund (Continued)

- i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.
 - ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.
 - iii. Include the calculation in the AUP report.
9. If the Successor Agency believes that cash balances as of June 30, 2012 need to be retained to satisfy obligations on the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.
10. Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012 as directed by the California Department of Finance. The amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).
11. Obtain a representation letter from Successor Agency management acknowledging their responsibility for the data provided to the practitioner and the data presented in the report or in any attachments to the report. Included in the representations should be an acknowledgment that management is not aware of any transfers (as defined by Section 34179.5) from either the former redevelopment agency or the Successor Agency to other parties for the period from January 1, 2011 through June 30, 2012 that have not been properly identified in the AUP report and its related exhibits. Management's refusal to sign the representation letter should be noted in the AUP report as required by attestation standards.

ATTACHMENT B1

Procedure 1
 List of Assets Transferred from the Former Redevelopment Agency to the Successor Agency
 Low and Moderate Housing Fund
 As of February 1, 2012

Asset	Balance at 2/1/2012
Claim on Cash	\$ 2,653,758
Total Assets transferred: \$ 2,653,758	

Procedure 2
 Listing of Transfers (excluding payments for goods and services) to the City
 Low and Moderate Housing Fund
 For the Period from January 1, 2011 through June 30, 2012

Describe Purpose of Transfer	Enforceable Obligation (EO)/ Other Legal Requirement (L/R)	Amount	Legal Documentation Obtained? (Y/N)
<u>From former Redevelopment Agency to City for January 1, 2011 through January 31, 2012:</u>			
None to report		\$ -	
	Sub-total:	\$ -	
<u>From Successor Agency to City for February 1, 2012 through June 30, 2012</u>			
None to report		\$ -	
	Sub-total:	\$ -	
	Total Transfers to City for 1/1/2011 through 6/30/2012:	\$ -	

Procedure 3
 Listing of Transfers (excluding payments for goods and services) to other public agencies or private parties
 Low and Moderate Housing Fund
 For the Period from January 1, 2011 through June 30, 2012

Describe Purpose of Transfer	Enforceable Obligation (EO)/ Other Legal Requirement (LR)	Amount	Legal Documentation Obtained? (Y/N)
From former Redevelopment Agency to other public agencies or private parties for January 1, 2011 through January 31, 2012:			
Transfer of cash to fund the Duarte Housing Authority	LR	\$ 8,363,104	N
Transfer of land to Duarte Housing Authority	LR	1,271,534	Y
	Sub-total:	9,634,638	
From Successor Agency to other public agencies or private parties for February 1, 2012 through June 30, 2012			
Transfer of land to Duarte Housing Authority	LR	2,323,695	Y
Transfer of land to Duarte Housing Authority	LR	6,065	N
Transfer of notes receivable to Duarte Housing Authority	LR	370,500	Y
	Sub-total:	2,700,260	
	Total Transfers to other public agencies or private parties for 1/1/2011 through 6/30/2012:	\$ 12,334,898	

Footnotes:

- a) The Department of Finance objected to the item on the housing asset transfer listing. The City disagrees and the item is currently under a "meet and confer" situation with the Department of Finance and is pending review.
- b) Not approved enforceable obligation

Procedure 4
Summary of the financial transactions of Redevelopment Agency and Successor Agency
Low and Moderate Housing Fund
Per schedule attached to List of Procedures for Due Diligence Review

NOT APPLICABLE TO THE LOW AND MODERATE HOUSING FUND DUE DILIGENCE REVIEW

Procedure 5
 Listing of All Assets (excluding all assets held by the entity that assumed the housing function)
 Low and Moderate Housing Fund
 As of June 30, 2012

Asset	Amount
Cash	
691-1005	2,658,356
Claim on Cash	\$ 2,658,356
TOTAL CASH:	\$ 2,658,356
TOTAL ASSETS AT 6/30/2012:	\$ 2,658,356

Procedure 6
Listing of Assets that are restricted
Low and Moderate Housing Fund
As of June 30, 2012

NO ASSETS ARE RESTRICTED

Procedure 7
 Listing of Assets That Are Not Liquid or Otherwise Available for Distribution
 Low and Moderate Housing Fund
 As of June 30, 2012

Item #	Description	Reference	Amount	Value Method	Variance Noted? (Y/N)
1	Land				
a)	Parking Lot Area - Rite Aid (Dunn Property) APN 8530-004-902 Legal Desc. PM 37-43 FOR DESC SEE ASSESSOR'S MAPS, POR OF LOT 1	Procedure 3	\$ 6,065	Cost	N
TOTAL RESTRICTIONS OF NON-CASH ITEMS			\$ 6,065		

Procedure 8a
 Listing of Assets (resources) that are dedicated or restricted for the funding of enforceable obligations
 Low and Moderate Housing Fund
 As of June 30, 2012

Item #	Project Name	Reference	Approved Obligation Amount	Amount Paid in Period Ending June 30, 2012	Amount Dedicated or Restricted for Obligation from June 30, 2012 Balance	Legal Documentation Obtained? (Y/N)
1	Contract for legal svc	PAGE 1, ITEM 7	\$ 4,598	-	\$ 4,598	Y
			<u>\$ 4,598</u>	<u>-</u>	<u>\$ 4,598</u>	

Procedure 8b
 Listing of Assets (resources) that need to be retained due to insufficient funding for the funding of enforceable obligations
 Low and Moderate Housing Fund
 As of June 30, 2012

Item #	Project Name	Reference	Approved Obligation Amount	Designated Amount Plus Estimated Future Revenues	Revenue Source	Amount Needed to be Retained from June 30, 2012 Balance	Legal Documentation Obtained? (Y/N)
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NO ASSETS NEED TO BE RETAINED DUE TO INSUFFICIENT FUNDING OF ENFORCEABLE OBLIGATIONS

Procedure 8c
Listing of Assets (resources) that need to be retained due to projected insufficient property tax revenues for bond debt payments
Low and Moderate Housing Fund
As of June 30, 2012

NO ASSETS ARE REQUIRED TO BE RETAINED FOR BOND DEBT SERVICE PAYMENTS

Procedure 9
 Listing of Assets (resources) that need to be retained due to projected insufficient property tax revenues for future ROPS
 Low and Moderate Housing Fund
 As of June 30, 2012

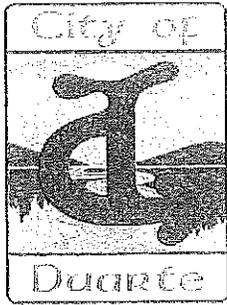
Item #	Project Name	Reference	Approved Obligation Amount	Estimated Future Revenues	Revenue Source	Amount Needed to be Retained from June 30, 2012 Balance	Identified on the ROPS 2 or 3?
1	SCPH DDA	PAGE 1, ITEM 11	\$ 1,200,000 \$ 1,200,000	\$ - \$ -	N/A	\$ 1,200,000 \$ 1,200,000	ROPS 2

Procedure 10

Summary of Low-Mod Balances Available for Allocation to Affected Taxing Entities

ATTACHMENT B10

Total amount of assets held by the successor agency as of June 30, 2012 (procedure 5)	\$	2,658,356
Add the amount of any assets transferred to the city or other parties for which an enforceable obligation with a third party requiring such transfer and obligating the use of the transferred assets did not exist (procedures 2 and 3)		
	To City	-
	To other parties	8,369,169
Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments (procedure 6)		-
Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7)		(6,065)
Less balances that are dedicated or restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations) - (procedure 8)		(4,598)
Less balances needed to satisfy ROPS for the 2012-13 fiscal year (procedure 9)		(1,200,000)
⌚ Less the amount of payments made on July 12, 2012 to the County Auditor-Controller as directed by the California Department of Finance		(421,464)
Amount to be remitted to county for disbursement to taxing entities	\$	<u>9,395,398</u>



City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

September 19, 2012

Lance, Soll & Lunghard, LLP
Certified Public Accountants
203 North Brea Boulevard, Suite 203
Brea, CA 92821-4056

Mayor
John Fasana
Mayor Pro Tem
Liz Reilly
Councilmembers
Margaret E. Finlay
Tzeitel Paras-Caracci
Phillip R. Reyes
City Manager
Darrell George

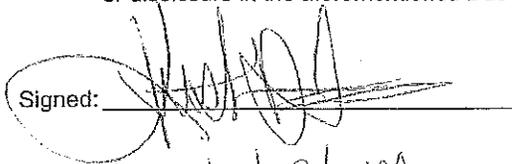
We are providing this letter in connection with your performance of the Due Diligence Review of the Low and Moderate Housing Fund in accordance with Assembly Bill 1484 for the Successor Agency of the former Duarte Redevelopment Agency. We confirm that we are responsible for the complete and fair presentation of the previously mentioned review in conformity with the listed procedures of the Assembly Bill 1484 Due Diligence Review as published by the State Department of Finance on August 27, 2012. We are also responsible for adopting sound accounting policies, establishing and maintaining effective internal control over financial reporting, and preventing and detecting fraud.

We confirm, to the best of our knowledge and belief, as of the date of this letter, the following representations made to you during your review:

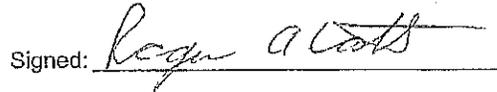
1. We have made available to you:
 - a. In accordance with 34179.5(c)(1), the dollar value of all assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.
 - b. In accordance with 34179.5(c)(2), the dollar value of all assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. We have also provided the documentation of any enforceable obligation that required the transfer.
 - c. In accordance with 34179.5(c)(3), the dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. We have also provided documentation of any enforceable obligation that required the transfer.
 - d. In accordance with 34179.5(c)(4), the expenditure and revenue accounting information and have identified transfers and funding sources for the 2010-11 and 2011-12 fiscal years that reconciles balances, assets, and liabilities of the successor agency on June 30, 2012 to those reported to the Controller for the 2009-10 fiscal year.
 - e. In accordance with 34179.5(c)(5), a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012.

- f. In accordance with 34179.5(c)(5)(B), an itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.
 - g. In accordance with 34179.5(c)(5)(C), an itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value.
 - h. In accordance with 34179.5(c)(5)(D), an itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, we have provided a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements.
 - i. In accordance with 34179.5(c)(5)(E), an itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.
2. There are no material transactions that have not been properly recorded in the accounting records underlying this Due Diligence Review.
 3. Management is not aware of any transfers (as defined by Section 34179.5) from either the former Redevelopment Agency or the Successor Agency to the City, other agencies or private parties for the period January 1, 2011 through June 30, 2012 that have not been identified in this report and related exhibits.
 4. We acknowledge our responsibility for the design and implementation of programs and controls to prevent and detect fraud.
 5. We have no knowledge of any fraud or suspected fraud affecting this Due Diligence Review involving:
 - a. Management,
 - b. Employees who have significant roles in internal control, or
 - c. Others where the fraud could have a material effect on this Due Diligence Review.
 6. We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others.
 7. When applicable, we have taken timely and appropriate steps to remedy fraud, illegal acts, violations of provisions of contracts or grant agreements, or abuse that you have reported to us.
 8. We have identified to you any previous audits, attestation engagements, performance audits, state controller reports or other studies related to the objectives of this Due Diligence Review and whether related recommendations have been implemented.
 9. The Successor Agency of the former Duarte Redevelopment Agency has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or fund equity.

10. We are responsible for compliance with the laws, regulations, provisions of contracts and grant agreements applicable to us, and all provisions related to the dissolution of the Redevelopment Agency in accordance with ABx1 26 and AB 1484.
11. There are no known violations of:
 - a. Laws and regulations,
 - b. Provisions of contracts and grant agreements,
 - c. Provisions related to the dissolution of the Redevelopment Agency in ABx1 26 and AB 1484 whose effects should be considered for disclosure in this Due Diligence Review.
12. All bank accounts and investments associated with this review have been properly reflected in the general ledger accounting records.
13. No events, including instances of noncompliance, have occurred subsequent to the performance of this Due Diligence Review and through the date of this letter that would require adjustment to or disclosure in the aforementioned Due Diligence Review.

Signed: 

Title: Assistant City Manager

Signed: 

Title: Financial Services Manager

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AFFIRMING THE INTENTION OF THE CITY COUNCIL, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33334.16, THAT THE PROPERTY IDENTIFIED AS ASSESSOR PARCEL NUMBER 8530-004-902, ACQUIRED BY THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF DUARTE WITH LOW AND MODERATE INCOME HOUSING FUNDS, AND NOW CONTROLLED BY THE DUARTE HOUSING AUTHORITY, BE USED FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING**

WHEREAS, the Redevelopment Agency of the City of Duarte (“Agency”) was a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.* (“CRL”)); and

WHEREAS, the City of Duarte is a municipal corporation and general law city under the laws of the State of California (“City”); and

WHEREAS, the Duarte Housing Authority is a public body, corporate and politic, duly organized and existing pursuant to the Housing Authorities Law of the State of California (“Authority”); and

WHEREAS, the City Council is the “legislative body,” as that term is defined in the CRL, for the jurisdiction in which the Agency operated; and

WHEREAS, pursuant to Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature (“ABx1 26”), enacted as a bill related to the 2011-12 Budget Act in June 2011, as modified by the California Supreme Court Decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231, all redevelopment agencies in California were dissolved on February 1, 2012; and

WHEREAS, pursuant to ABx1 26, and specifically Health and Safety Code Section 34176, the housing functions of the former Agency were transferred to the Authority pursuant to City Council Resolution No. 12-04 adopted on January 24, 2012; and

WHEREAS, prior to the Agency’s dissolution, under the CRL (at Health and Safety Code Section 33334.2 *et seq.*), a certain portion of tax increment funds received by the Agency under Health and Safety Code Section 33670 was required to be set-aside in a Low and Moderate Income Housing Fund to be used by the Agency to improve, increase, and preserve the community’s supply of low- and moderate-income housing, as defined in the CRL (“Low and Moderate Income Housing Funds”); and

WHEREAS, on or about January 6, 2006, the Agency, using Low and Moderate Income Housing Funds, acquired that certain real property known then as Assessor Parcel Number 8530-004-082 (the “Property”) which is a parcel within the general boundaries of the shopping plaza

area commonly referred to as the northeast corner of Huntington Drive and Buena Vista Street in the City of Duarte; and

WHEREAS, ABx1 26 and its subsequent amendment known as Assembly Bill 1484 (“AB 1484”) enacted by the Legislature and signed into law by Governor Brown on June 27, 2012 to be effective immediately, confirms, pursuant to Health and Safety Code Section 34176, that real property acquired by the Agency with Low and Moderate Income Housing Funds is a housing asset that is controlled by the “housing successor” to the dissolved Agency which, in Duarte’s case, is the Authority; and

WHEREAS, the Property was transferred to the control of the Authority and was assigned the new Assessor Parcel number of 8530-004-902; and

WHEREAS, pursuant to the CRL, at Health and Safety Code Section 33334.16, for each interest in real property acquired using Low and Moderate Income Housing Funds, the Agency, within five years from the date of acquisition, is required to initiate activities, such as zone changes or the entering into disposition and development agreements, consistent with the development of the property for low- and moderate-income housing; and

WHEREAS, pursuant to Health and Safety Code Section 33334.16, the City Council, as the legislative body as defined by the CRL, is authorized to extend the foregoing described five year period for up to an additional five years upon the City Council affirming its intention that the property be used for the development of housing affordable to persons and families of low and moderate income; and

WHEREAS, Health and Safety Code Section 33334.16 remains operative under ABx1 26 and AB 1484 and applicable to the Property; and

WHEREAS, there is no limitation set forth in Health and Safety Code Section 33334.16 as to the timing of the City Council’s determination that up to an additional five years past the initial five years following the purchase date of a parcel with Low and Moderate Income Housing Funds, is required to facilitate the development of the property for housing affordable to persons and families of low and moderate income; and

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

Section 1. The City Council finds and determines as follows:

A. The foregoing Recitals are true and correct and are incorporated herein.

B. Due to economic and market factors, including the increased cost of development, housing market decline, lack of access to credit markets, site constraints, and related factors, development of the Property for housing affordable to persons and families of low- and moderate-income has not been able to be accomplished within the initial five-year period under Health and Safety Code Section 33334.16 and an extension is warranted so that the Property is preserved for future affordable housing.

SUCCESSOR AGENCY RESOLUTION NO.

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AUTHORIZING THE EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE DIRECTOR, AND SECRETARY TO ACCEPT GRANTS AND DEEDS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 27281

WHEREAS, the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte ("Successor Agency) was duly created pursuant to Health and Safety Code Section 34173 and pursuant to Assembly Bill 1484 signed into law and effective June 27, 2012, the Successor Agency is a separate public entity; and

WHEREAS, Government Code Section 27281 authorizes the Successor Agency to designate, by Resolution, those Successor Agency officers authorized, on behalf of the Successor Agency, to accept and consent to deeds or grants conveying any interest in, or easement upon, real estate to the Successor Agency, and to thereby permit recordation of such deeds or grants by use of a certificate of acceptance signed by such authorized officer pursuant to the terms of Government Code Section 27281.

NOW, THEREFORE, the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte resolves as follows:

Section 1. The Successor Agency, pursuant to Government Code Section 27281, hereby authorizes the Executive Director of the Successor Agency, the Assistant Executive Director of the Successor Agency, and the Secretary of the Successor Agency, individually as sole signatory, to accept and consent, on behalf of the Successor Agency, deeds or grants conveying any interest in, or easement upon, real estate to the Successor Agency, and to sign such certificates of acceptance as may be required to effect recordation of such deeds or grants as provided in Government Code Section 27281.

Section 2. The Secretary of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 9th day of October, 2012.

Chairperson John Fasana

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, Secretary of the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. SA-12-02 was adopted by the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte at a regular meeting of said Successor Agency held on the 9th day of October, 2012, by the following vote:

AYES: Boardmembers:

NOES: Boardmembers:

ABSENT: Boardmembers:

Secretary Marla Akana

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
Honorable Chair and Members of the Board of Directors of the Successor Agency

FROM: Dan Slater, City Attorney
Kristen Petersen, Assistant City Manager/Director of Administrative Services/Finance Director

DATE: October 3, 2012, for City Council/Successor Agency Meeting of October 9, 2012

RE: Re-Transfer of Certain Former RDA Properties from the City to the Successor Agency

RECOMMENDED ACTIONS:

- (1) For the City Council: Adopt a resolution authorizing the processing of documentation reflecting ownership by the Successor Agency of certain former RDA properties, with the proposed resolution entitled as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE
AUTHORIZING THE PROCESSING OF DOCUMENTATION TO
REFLECT OWNERSHIP BY THE SUCCESSOR AGENCY TO THE
DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF
DUARTE OF CERTAIN FORMER REDEVELOPMENT AGENCY
PROPERTIES**

- (2) For the Board of Directors of the Successor Agency: Adopt a resolution authorizing the processing of documentation confirming the Successor Agency's ownership of certain former redevelopment agency properties, with the proposed resolution adopted as follows:

**RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED
REDEVELOPMENT AGENCY OF THE CITY OF DUARTE CONFIRMING ITS
OWNERSHIP OF CERTAIN FORMER REDEVELOPMENT AGENCY
PROPERTIES**

DISCUSSION:

A. Non-Housing Due Diligence Review

The attorneys in the Post Redevelopment Working Group for the League of California Cities, which include attorneys at Rutan & Tucker, have been in general agreement until recently that city-redevelopment agency property transfers that predated the effective date of ABx1 26 ("ABx1 26") should be left in place until the completion of upcoming reviews (audits) and the State Controller's review of their results. In late September, however, the Working Group discussed an apparent "glitch" in AB 1484.

036

AB 1484 established a new “due diligence review” (“DDR”) process. There are two DDRs. The first, just completed, is a review of the former RDA’s Low and Moderate Income Housing Fund. The second DDR, to be completed in mid-December, 2012, is for the non-housing portion of the former tax increment. The DDR process includes a review of the property transfers from redevelopment agencies to their host cities. The DDR includes a process by which the auditor is to calculate the amount of funds available to be distributed to affected taxing agencies. Of particular concern is a provision stating that the auditor is to “add any amounts that were transferred as identified in [section 34179.5(c)(2)] if an enforceable obligation to make that transfer did not exist.” (Health & Safety Code section 34179.5(c)(6).) Section 34179.5(c)(2) consists of “the *dollar value of assets and* cash and cash equivalents transferred after January 1, 2011.” (Emphasis added.)

Specifically, under AB 1484, the “non-housing” DDR may result in the fair market value of properties transferred from the former RDA to the City after January 1, 2011, to be added to the “cash or cash equivalents” amount that will be computed in that DDR. This, in turn, may be significant because that amount calculated in the non-housing DDR is, according to AB 1484, supposed to be used to calculate the amount of “non-housing” cash or cash equivalents available to be remitted to the county auditor-controller and then, ultimately, distributed to the taxing entities. It is unclear whether the values of real property will be added to the “cash or cash equivalent” amount, even though it appears that the Legislature intended, with the DDR and remittance requirement, to focus solely on liquid assets (cash) and not real property.

Furthermore, AB 1484 contains a definition of “transferred,” but unfortunately, like many other provisions of ABx1 26 and AB 1484, the definition is ambiguous. Section 34179.5(b)(3) defines “transferred” as “the transmission of money to another party that is not a payment for goods or services or an investment...” It is unclear if or how this definition is intended to apply to the conveyance of real property. Moreover, it is unclear how it applies in situations where the conveyance is made for fair consideration (e.g., the fair market value of the property).

Based upon the language in AB 1484, concerns have been raised by the League’s Working Group that the accountants performing the non-housing DDR will add the *value* of the real property transferred during the subject time frame to the remittance amount that is to be turned over to the county auditor-controllers for distribution to the taxing agencies. (Health & Safety Code sections 34179.5(c)(6), 34179.6.)

As a precautionary measure, cities are taking steps to clarify, based on various provisions in ABx1 26/AB 1484 and a general State Controller’s letter, dated April 20, 2012, purported to order a return of real property to a successor agency, that title to former redevelopment agency properties is vested in the successor agency, not the city. This clarification of title should apply to real properties that are not subject to an enforceable obligation, as defined, entered into prior to June 28, 2011. Properties subject to such an enforceable obligation are expressly “carved out” in AB 1484 and would not be included in the calculation of the remittance amount.

B. Agency Properties

On March 22, 2011, three months before the adoption of ABx1 26 and at a time when no redevelopment dissolution bills were pending (AB101/SB77 having failed adoption in the Legislature on March 16, 2011), the Redevelopment Agency and City Council approved the sale

by the RDA and purchase by the City of four parcels that had been owned by the RDA. Three of the properties were lots to the east of the Target center and had been purchased by the RDA over the years in anticipation of a potential expansion of the Best Buy/Staples center to the north to Huntington Drive. The fourth property was the northwest corner of Huntington Drive and Buena Vista Street that has been the subject of discussion as a potential restaurant site.

The value of these four properties at the time of the March 22, 2011 conveyance to the City was, collectively, \$1,645,521.60. It is this value that the auditors performing the “non-housing” DDR would likely include in the amount of unobligated non-housing former tax increment the Successor Agency is required to pay to the county auditor-controller even though that value is land value and not “cash or cash-equivalent.” Needless to say, the Successor Agency does not have that additional \$1,645,521.60 available in cash to pay to the county auditor-controller if that amount is included in the amount stated by the auditors as the payment requirement.

To avoid inclusion of \$1,645,521,60 in the auditor’s calculations, transfer of the four properties from the City to the Successor Agency is the prudent course. Staff also discussed this matter with the auditors performing the non-housing DDR and the auditors have recommended this step be taken now to avoid an issue with the calculations to be performed in the non-housing DDR.

The three properties located east of the Target center have no current plans for development but the fourth property—at the northwest corner of Huntington Drive and Buena Vista Street—has been the subject of ongoing discussion and negotiation concerning a possible restaurant development. The transfer of that property from the City to the Successor Agency will have no effect on the timing of any development of that property. The reason is that the sale of the former RDA property to a developer will be subject to the same process of preparation and approval of a property management plan and approval of that plan by the Oversight Board and Department of Finance regardless of whether the property is owned by the City or the Successor Agency.

C. Resolutions Authorizing Quitclaim Deed to Effect Transfer

To vest title in the Successor Agency for the Agency Properties, the City will need to execute a quitclaim deed in favor of the Successor Agency, and the Successor Agency will need to execute an acceptance of that deed. The City and Successor Agency, through these actions, are essentially rescinding the prior transfers. The actions are authorized by the accompanying resolutions of the City Council and Successor Agency. The resolutions reserve any and all rights the City and Successor Agency each may have in connection with the validity of the property transfers to the City at the time when they were made when the CRL was still operative.

FISCAL IMPACT:

There will be nominal administrative and legal costs incurred by the City and Successor Agency in transferring title for former redevelopment agency properties to the Successor Agency. The financial benefit will be to avoid potentially increasing the amount of the required payment identified in the non-housing DDR by \$1,645,521.60, as well as effecting a return to the City of that amount by making adjustments to the City’s books of account as necessary and consistent with the accounting standards applicable to the City and as approved by the City’s auditors.

[end]

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AUTHORIZING THE PROCESSING OF DOCUMENTATION TO REFLECT OWNERSHIP BY THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE OF CERTAIN FORMER REDEVELOPMENT AGENCY PROPERTIES**

WHEREAS, the Redevelopment Agency of the City of Duarte (the “Agency”) was a redevelopment agency in the City of Duarte (the “City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the “CRL”); and

WHEREAS, the Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, pursuant to the CRL generally, and including but not limited to Health and Safety Code Sections 33430 and 33432, the Agency was authorized to convey any real property or any interest in real property owned by the Agency to the City; and

WHEREAS, pursuant to the CRL generally, and including but not limited to Health and Safety Code Sections 33205, 33220, 33430, and 33432, the City and Agency had the power to enter into agreements concerning Agency-owned real property in order to facilitate the implementation of redevelopment projects and to provide funding necessary to effectuate the completion of redevelopment projects within that and future fiscal years; and

WHEREAS, pursuant to the authority granted in the CRL, on March 22, 2011, the Agency authorized and directed the transfer of the following real properties:

ADDRESS	ASSESSOR PARCEL NUMBER
946 Huntington Drive, Duarte, CA	8530-013-902
962 Huntington Drive, Duarte, CA	8530-013-903
952 Huntington Drive, Duarte, CA	8530-013-904
1263 Huntington Drive, Duarte, CA	8530-003-930, 931

WHEREAS, the foregoing listed real properties are collectively referred to herein as the “Agency Properties;” and

WHEREAS, the Agency Properties were transferred to the City for use by the City consistent with the CRL and any applicable cooperation or other agreements for ongoing efforts to redevelop, revitalize and/or eliminate blight in the Agency’s redevelopment project areas and/or for the purpose of repayment of debt owed to the City by the Agency for previously approved loans/advances for operation of the Agency; and

WHEREAS, pursuant to the authority granted in the CRL and action by the City Council of the City of Duarte on March 22, 2011, the City approved and agreed to accept the transfer of the Agency Properties, pursuant to Quitclaim Deeds executed by the Agency (“**Agency Deeds**”) and accepted by the City pursuant to certificates of acceptance (the “**Certificates of Acceptance**”) for the Agency Deeds, the subsequent recordation of which in the Official Records of Los Angeles County effected transfer of ownership of the Agency Properties from the Agency to the City; and

WHEREAS, the transfer of the Agency Properties (or any of the related documents and actions) were challenged within the applicable statute of limitations; and

WHEREAS, Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature (“**ABX1 26**”) was signed by the Governor of California on June 28, 2011, making certain changes to the CRL and adding Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code; and

WHEREAS, ABX1 26 states, in part, that “[t]he Legislature hereby finds that a transfer of assets by a redevelopment agency [after January 1, 2011] is deemed not to be in the furtherance of the [CRL] and is thereby unauthorized”; and

WHEREAS, ABX1 26 further states, in part, that “[c]ommencing [February 1, 2012], ... arrangements between the city ... that created the redevelopment agency and the redevelopment agency are invalid...”; and

WHEREAS, ABX1 26 further states, in part, that “[a]ll ... properties [and] buildings ... of the former redevelopment agency are transferred on [February 1, 2012], to the control of the successor agency”; and

WHEREAS, on or about April 20, 2012, the California State Controller issued letter stating, in part, “[i]f your city ... received any assets from a redevelopment agency after January 1, 2011, your city ... hereby is ordered to ... reverse the transfer and return the applicable assets to the successor agency of the relevant redevelopment agency” (“**State Controller’s General Order**”); and

WHEREAS, pursuant to ABX1 26, at Health and Safety Code Section 34173, the City became the successor agency to the Agency (“**Successor Agency**”); and

WHEREAS, Assembly Bill 1484 from the 2011-12 Legislative Session (“**AB 1484**”) was signed by the Governor of California on June 27, 2012, making changes to ABX1 26 and certain additional changes to the CRL, and establishing that the Successor Agency is a separate public agency from the City that activated the former Agency; and

WHEREAS, AB 1484, at Health and Safety Code Section 34179.5(c)(2), categorizes certain assets as those “transferred after January 1, 2011 ... by the redevelopment agency ... to the city ... that formed the redevelopment agency...” (“**Section 34179.5(c)(2) Assets**”); and

WHEREAS, AB 1484, at Health and Safety Code Section 34179.5(c)(1), categorizes certain other assets as those “transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.” (“**Section 34179.5(c)(1) Assets**”); and

WHEREAS, because (i) ABX1 26 states that a transfer of assets by a redevelopment agency after January 1, 2011 was “unauthorized”, (ii) ABX1 26 further states that commencing February 1, 2012, arrangements between a redevelopment agency and the city that created it are “invalid” and (iii) the State Controller’s General Order has purported to order that ownership of certain assets be vested in successor agencies, the Agency Properties are therefore not categorized as Section 34179.5(c)(2) Assets; and

WHEREAS, because ABX1 26 states that all properties and buildings of the former redevelopment agency are transferred on February 1, 2012 to the control of the successor agency, the Agency Properties are therefore categorized as Section 34179.5(c)(1) Assets; and

WHEREAS, the City disputes that, at the time of the transfer of the Agency Properties prior to the enactment of ABX1 26, the transfer by the Agency to the City was not in furtherance of the CRL; and

WHEREAS, the City disputes the effectiveness of the Legislature’s retroactive application of law that purports to deem the transfer of the Agency Properties not in furtherance of the CRL, when such transfer was conducted in accordance with the CRL at the time when made and was not challenged within the applicable statute of limitations; and

WHEREAS, the City disputes that commencing February 1, 2012, arrangements between the redevelopment agency and the city that created it are invalid; and

WHEREAS, the City disputes the effectiveness of the State Controller’s General Order to reverse the transfer of the Agency Properties and return the applicable assets to the Successor Agency; and

WHEREAS, notwithstanding the City’s disputes noted in the Recitals above, the City has limited financial resources and desires not to initiate litigation at this time with regard to the provisions in ABX1 26, AB 1484, and/or the purported State Controller’s General Order that ownership of the Agency Properties be vested in the Successor Agency; and

WHEREAS, in order to avoid the costs of litigation and other costs, the City desires to take action in a manner consistent with ABX1 26, AB 1484, and the purported State Controller’s General Order, and in furtherance of the Successor Agency’s duties under Health and Safety Code Sections 34179.6(h)(1) and 34179.6(f), by processing documentation reflecting ownership of the Agency Properties by the Successor Agency, without acknowledging or agreeing to, and reserving any and all rights to dispute, the effectiveness of the provisions in ABX1 26, AB 1484 and/or the purported State Controller’s General Order that ownership of the Agency Properties be vested in the Successor Agency; and

WHEREAS, the City’s processing of documentation reflecting ownership of the Agency Properties by the Successor Agency is not intended to waive, and shall not constitute a waiver, by the City of any constitutional, legal or equitable rights that the City may have to challenge,

through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of ABX1 26 or AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of ABX1 26 and AB 1484, and any and all related legal and factual issues, and the City expressly reserves any and all rights, privileges, and defenses available under law and equity; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“**CEQA**”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*); and

WHEREAS, per Section 15301 of the State CEQA Guidelines, the transfer of real property is exempt from environmental review under CEQA because the transfer will result in a continuation of an existing facility involving no expansion of use and is therefore exempt from environmental review, and any future development of the real property will require separate environmental review; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

Section 1. The foregoing Recitals are true and correct and incorporated herein.

Section 2. The City hereby rescinds its previous acceptance of the transfer of the Agency Properties.

Section 3. The City hereby authorizes the processing of documentation via quitclaim deed(s) or other appropriate instrument(s) in order to reflect ownership of the Agency Properties by the Successor Agency, and the Mayor is authorized and directed to sign such quitclaim deeds on behalf of the City to effect transfer of the Agency Properties to the Successor Agency.

Section 4. The City Manager, or authorized designee, is hereby authorized and directed to take such actions and execute such documents as are necessary to effectuate the intent of this Resolution on behalf of the City, including but not limited to effecting the return to the City of funds paid by the City for acquisition of the Agency Properties as set forth in those certain Purchase and Sale Agreements for the Agency Properties by and between the City and Agency, dated March 22, 2011, and making such adjustments to the City’s books of account as necessary and consistent with the accounting standards applicable to the City.

Section 5. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED this 9th day of October, 2012.

Mayor John Fasana

CITY OF DUARTE)
COUNTY OF LOS ANGELES) .ss
STATE OF CALIFORNIA)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 12-33 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of October, 2012, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

SUCCESSOR AGENCY RESOLUTION NO.**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF DUARTE CONFIRMING ITS OWNERSHIP OF CERTAIN FORMER REDEVELOPMENT AGENCY PROPERTIES**

WHEREAS, the Redevelopment Agency of the City of Duarte (the “**Agency**”) was a redevelopment agency in the City of Duarte (the “**City**”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the “**CRL**”); and

WHEREAS, the Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, pursuant to the CRL generally, and including but not limited to Health and Safety Code Sections 33430 and 33432, the Agency was authorized to convey any real property or any interest in real property owned by the Agency to the City; and

WHEREAS, pursuant to the CRL generally, and including but not limited to Health and Safety Code Sections 33205, 33220, 33430, and 33432, the City and Agency had the power to enter into agreements concerning Agency-owned real property in order to facilitate the implementation of redevelopment projects and to provide funding necessary to effectuate the completion of redevelopment projects within that and future fiscal years; and

WHEREAS, pursuant to the authority granted in the CRL, on March 22, 2011, the Agency authorized and directed the transfer of the following real properties:

ADDRESS	ASSESSOR PARCEL NUMBER
946 Huntington Drive, Duarte, CA	8530-013-902
962 Huntington Drive, Duarte, CA	8530-013-903
952 Huntington Drive, Duarte, CA	8530-013-904
1263 Huntington Drive, Duarte, CA	8530-003-930, 931

WHEREAS, the foregoing listed real properties are collectively referred to herein as the “**Agency Properties**;” and

WHEREAS, the Agency Properties were transferred to the City for use by the City consistent with the CRL and any applicable cooperation or other agreements for ongoing efforts to redevelop, revitalize and/or eliminate blight in the Agency’s

redevelopment project areas and/or for the purpose of repayment of debt owed to the City by the Agency for previously approved loans/advances for operation of the Agency; and

WHEREAS, pursuant to the authority granted in the CRL and action by the City Council of the City of Duarte on March 22, 2011, the City approved and agreed to accept the transfer of the Agency Properties, pursuant to Quitclaim Deeds executed by the Agency (“**Agency Deeds**”) and accepted by the City pursuant to certificates of acceptance (the “**Certificates of Acceptance**”) for the Agency Deeds, the subsequent recordation of which in the Official Records of Los Angeles County effected transfer of ownership of the Agency Properties from the Agency to the City; and

WHEREAS, the transfer of the Agency Properties (or any of the related documents and actions) were challenged within the applicable statute of limitations; and

WHEREAS, Assembly Bill 26 from the 2011-12 First Extraordinary Session of the California Legislature (“**ABX1 26**”) was signed by the Governor of California on June 28, 2011, making certain changes to the CRL and adding Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code; and

WHEREAS, ABX1 26 states, in part, that “[t]he Legislature hereby finds that a transfer of assets by a redevelopment agency [after January 1, 2011] is deemed not to be in the furtherance of the [CRL] and is thereby unauthorized”; and

WHEREAS, ABX1 26 further states, in part, that “[c]ommencing [February 1, 2012], ... arrangements between the city ... that created the redevelopment agency and the redevelopment agency are invalid...”; and

WHEREAS, ABX1 26 further states, in part, that “[a]ll ... properties [and] buildings ... of the former redevelopment agency are transferred on [February 1, 2012], to the control of the successor agency”; and

WHEREAS, on or about April 20, 2012, the California State Controller issued letter stating, in part, “[i]f your city ... received any assets from a redevelopment agency after January 1, 2011, your city ... hereby is ordered to ... reverse the transfer and return the applicable assets to the successor agency of the relevant redevelopment agency” (“**State Controller’s General Order**”); and

WHEREAS, pursuant to ABX1 26, at Health and Safety Code Section 34173, the City became the successor agency to the Agency (“**Successor Agency**”); and

WHEREAS, Assembly Bill 1484 from the 2011-12 Legislative Session (“**AB 1484**”) was signed by the Governor of California on June 27, 2012, making changes to ABX1 26 and certain additional changes to the CRL, and establishing that the Successor Agency is a separate public agency from the City that activated the former Agency; and

WHEREAS, AB 1484, at Health and Safety Code Section 34179.5(c)(2), categorizes certain assets as those “transferred after January 1, 2011 ... by the

redevelopment agency ... to the city ... that formed the redevelopment agency...” (“Section 34179.5(c)(2) Assets”); and

WHEREAS, AB 1484, at Health and Safety Code Section 34179.5(c)(1), categorizes certain other assets as those “transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.” (“Section 34179.5(c)(1) Assets”); and

WHEREAS, because (i) ABX1 26 states that a transfer of assets by a redevelopment agency after January 1, 2011 was “unauthorized”, (ii) ABX1 26 further states that commencing February 1, 2012, arrangements between a redevelopment agency and the city that created it are “invalid” and (iii) the State Controller’s General Order has purported to order that ownership of certain assets be vested in successor agencies, the Agency Properties are therefore not categorized as Section 34179.5(c)(2) Assets; and

WHEREAS, because ABX1 26 states that all properties and buildings of the former redevelopment agency are transferred on February 1, 2012 to the control of the successor agency, the Agency Properties are therefore categorized as Section 34179.5(c)(1) Assets; and

WHEREAS, the Successor Agency disputes that, at the time of the transfer of the Agency Properties prior to the enactment of ABX1 26, the transfer by the Agency to the City was not in furtherance of the CRL; and

WHEREAS, the Successor Agency disputes the effectiveness of the Legislature’s retroactive application of law that purports to deem the transfer of the Agency Properties not in furtherance of the CRL, when such transfer was conducted in accordance with the CRL at the time when made and was not challenged within the applicable statute of limitations; and

WHEREAS, the Successor Agency disputes that commencing February 1, 2012, arrangements between the redevelopment agency and the city that created it are invalid; and

WHEREAS, the Successor Agency disputes the effectiveness of the State Controller’s General Order to reverse the transfer of the Agency Properties and return the applicable assets to the Successor Agency; and

WHEREAS, notwithstanding the Successor Agency’s disputes noted in the Recitals above, the Successor Agency has limited financial resources and desires not to initiate litigation at this time with regard to the provisions in ABX1 26, AB 1484, and/or the purported State Controller’s General Order that ownership of the Agency Properties be vested in the Successor Agency; and

WHEREAS, in order to avoid the costs of litigation and other costs, the Successor Agency desires to take action in a manner consistent with ABX1 26, AB 1484, and the purported State Controller’s General Order, and in furtherance of the Successor Agency’s duties under Health and Safety Code Sections 34179.6(h)(1) and 34179.6(f), by

processing documentation reflecting ownership of the Agency Properties by the Successor Agency, without acknowledging or agreeing to, and reserving any and all rights to dispute, the effectiveness of the provisions in ABX1 26, AB 1484 and/or the purported State Controller's General Order that ownership of the Agency Properties be vested in the Successor Agency; and

WHEREAS, the Successor Agency's processing of documentation reflecting ownership of the Agency Properties by the Successor Agency is not intended to waive, and shall not constitute a waiver, by the Successor Agency of any constitutional, legal or equitable rights that the Successor Agency may have to challenge, through administrative or judicial proceedings, the effectiveness and/or legality of all or any portion of ABX1 26 or AB 1484, any determinations rendered or actions or omissions to act by any public agency or government entity or division in the implementation of ABX1 26 and AB 1484, and any and all related legal and factual issues, and the Successor Agency expressly reserves any and all rights, privileges, and defenses available under law and equity; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*); and

WHEREAS, per Section 15301 of the State CEQA Guidelines, the transfer of real property is exempt from environmental review under CEQA because the transfer will result in a continuation of an existing facility involving no expansion of use and is therefore exempt from environmental review, and any future development of the real property will require separate environmental review; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte resolves as follows:

Section 1. The foregoing Recitals are true and correct and incorporated herein.

Section 2. The Successor Agency hereby authorizes the processing of documentation via a quitclaim deed or other appropriate instrument(s) in order to reflect ownership of the Agency Properties by the Successor Agency, and the Chair of the Successor Agency is authorized and directed to sign such quitclaim deed on behalf of the Successor Agency to effect transfer of the Agency Properties to the Successor Agency, and the Executive Director of the Successor Agency is hereby authorized and directed to sign such certificates of acceptance as necessary on behalf of the Successor Agency to effect recordation of the quitclaim deeds in the Official Records of the County of Los Angeles.

Section 4. The Executive Director of the Successor Agency, or authorized designee, is hereby authorized and directed to take such actions and execute such

documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency, including but not limited to effecting the return to the City of funds paid by the City for acquisition of the Agency Properties as set forth in those certain Purchase and Sale Agreements for the Agency Properties by and between the City and Agency, dated March 22, 2011, and making such adjustments to the Successor Agency's books of account as necessary and consistent with the accounting standards applicable to the Successor Agency.

Section 5. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED this 9th day of October 2012, by the following vote:

Chairperson John Fasana

CITY OF DUARTE)
COUNTY OF LOS ANGELES) .ss
STATE OF CALIFORNIA)

I, Marla Akana, Secretary of the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. SA-12-03 was adopted by the Successor Agency at a regular meeting of said Successor Agency held on the 9th day of October, 2012, by the following vote:

AYES: Boardmembers:

NOES: Boardmembers:

ABSENT: Boardmembers:

Secretary Marla Akana



Proclamation

FREEDOM FROM WORKPLACE BULLIES WEEK

WHEREAS, the City of Duarte has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses, and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not be limited to a legally protected class status based only on race, color, gender, national origin, religion, age, or disability; and

WHEREAS, California Healthy Workplace Advocates is a statewide coalition of citizens dedicated to ensuring civility and professionalism within the workplace, and is working to increase public awareness and prevent abusive work environment through legislation; and

WHEREAS, California Healthy Workplace has invited all California cities to help raise awareness to correct and prevent workplace bullying;

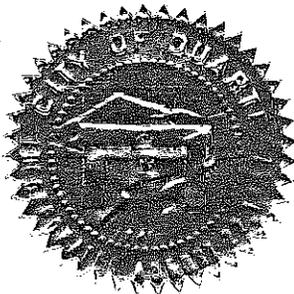
NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims October 14-20, 2012, as **FREEDOM FROM WORKPLACE BULLIES WEEK**.

Mayor John Fasana

ATTEST:

City Clerk Marla Akana
Duarte, California

October 9, 2012



9/15/12

To Whom It May Concern,

Residents in our communities are becoming increasingly aware of the wide-spread problem of bullying in our schools. While this epidemic is deserving of the nation's immediate attention, another phenomenon is concurrently sweeping this nation with severe social and economic consequences, bullying in the workplace.

The California Healthy Workplace Advocates, a statewide coalition of citizens dedicated to ensuring civility and professionalism within the workplace, is working to increase awareness of this growing problem that affects both the public and private sectors. We are requesting that the attached proclamation, declaring October 14th - 20th, 2012 "Freedom from Workplace Bullies Week", be placed on your upcoming City Council agenda for adoption by the City Council. Following the adoption, we would appreciate receipt of a signed copy sent by email to info@bullyfreeworkplace.org.

More information about this growing problem can be found by visiting our website, www.bullyfreeworkplace.org. We hope we can count on you and your city to help raise awareness to correct and prevent workplace bullying, and show the rest of this state that California does not approve of this kind of behavior in our schools or workplaces.

Best Regards,

California Healthy Workplace Advocates
Michelle Smith M.A.Ed. and Carrie Clark, M.A.

Co-founders



[BULLY_PROC...doc \(23.0 KB\)](#)



STOP WORKPLACE BULLYING!

California

Healthy Workplace Advocates

Mission Statement

*The Mission of California Healthy Workplace Advocates
Is to Raise Public Awareness and Compel our State to Correct and
Prevent Abusive Work Environment Through Legislation*

"Perceptions of organizational justice impact productivity and individual well-being. Careers, livelihoods, and paychecks are at stake, not to mention personal health and dignity." David Yamada, J.D.

*We are here because Bullying
Breaks Hearts...
Occupational stress severely
increases the risk of coronary
heart disease, high blood
pressure, anxiety, and post
traumatic stress disorder. These
are just a few of the
many possible physical
consequences of workplace
bullying.*

Workers injured by work abuse often suffer from Post-traumatic Stress Disorder as a result of long-term psychological violence committed against them.

Presently, to our national shame, the United States and the State of California have no laws prohibiting status-blind harassment in the workforce. It is perfectly legal to harass an employee or co-worker until the job becomes unbearable and the workers are disabled.



Incentive for Ethical Employers to Stop Abuse at Work

CALIFORNIA
HEALTHY WORKPLACE ADVOCATES
BULLYFREEWORKPLACE.ORG

National Suicide Prevention Lifeline 1-800-TALK (8255) www.suicidepreventionlifeline.org

Check out these websites...

<http://www.workplacebullying.org/> <http://healthyworkplacebill.org/>

051

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Contact Us

Meeting and Definition

2011 Signed
Proclamations by
California Cities
Declaring Freedom
from Workplace Bullies
Week

2011 Articles of
Interest

Freedom From
Workplace Bullies
Week

New Book for
Employers

Order a Bullying Breaks
Hearts Tee Shirt

2010 ZOGBY SURVEY
RESULTS

RESULTS OF 2007
ZOGBY SURVEY

Resources for Targets

Personal Stories

Healthy Workplace
Legislative Bill History

Bullying Tactics and
Consequences

Existing Law and its
Shortcomings

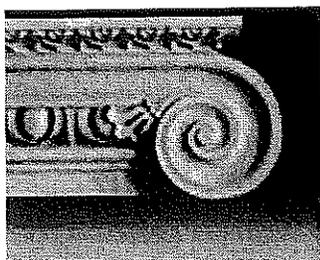
Example of Protected
Class

National Progress

The U.S. Campaign for
Workplace Bullying
Laws

Archived Articles
Relevant to Workplace
Bullying...2006-2010...

People have been
talking



STOP WORKPLACE BULLYING!

The U.S. Campaign for Workplace Bullying Laws

The story of our U.S. legislative advocacy

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[New Book for Employers](#)

[Order a Bullying Breaks Hearts Tee Shirt](#)

[2010 ZOGBY SURVEY RESULTS](#)

[RESULTS OF 2007 ZOGBY SURVEY](#)

[Resources for Targets](#)

[Personal Stories](#)

[Healthy Workplace Legislative Bill History](#)

[Bullying Tactics and Consequences](#)

[Existing Law and its Shortcomings](#)

[Example of Protected Class](#)

[National Progress](#)

[The U.S. Campaign for Workplace Bullying Laws](#)

[Archived Articles Relevant to Workplace Bullying...2006-2010...](#)

The U.S. has no specific anti-bullying state or national laws as of January, 2009. The country lags behind Canada with its two provincial statutes and most of the industrialized western world. This symposium provides the rationale for having U.S. anti-bullying laws and reports the experiences of lobbying efforts to date.

Workplace bullying recognized as part of American employment law began with the 2000 publication David Yamada's law journal article detailing the failure of existing anti-discrimination and other laws to adequately address bullying. Yamada crafted legislative language for lawmakers to use to make state anti-bullying laws. The Healthy Workplace Bill (HWB) forbids a health-harming "abusive work environment." It requires medical documentation and holds employers liable unless they have taken steps to correct and prevent abuse when reported.

The HWB was created for use by the Workplace Bullying Institute-Legislative Campaign (WBI-LC, workplacebullyinglaw.org). WBI solicits volunteer, amateur citizens from the ranks of formerly bullied individuals across the country. The citizen-lobbyists are trained then provided with message-consistent materials with which to communicate the need for an anti-bullying law to their elected state government representatives. Coordinators in states form a virtual network and share resources, strategies, progress and setbacks as a group via a special website, an e-mail listserv and periodic teleconferences, all coordinated through WBI-LC. All Coordinators and advocates not WBI-LC staff are people with jobs, careers and families. They lobby as a free-time activity.

The first state to introduce the HWB was California in 2003. The resulting California Healthy Workplace Advocates group now maintains a website (bullyfreeworkplace.org) and holds regular in-person meetings of its members.

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Darrell J. George, City Manager
DATE: October 4, 2012
SUBJECT: Conference Attendance – City Council Meeting of October 9, 2012

League of California Cities
Municipal Finance Institute 2012
November 28-29, 2012
San Jose, California
Registration: \$350

National League of Cities
Congress of Cities and Exposition
November 28-December 1, 2012
Boston, Massachusetts
Registration: \$570

REGISTRATION OPEN

8:30 AM - 5:30 PM

GENERAL SESSION

10:00 AM - 12:00 PM

Department President's Welcome

Legal and Redevelopment Briefing

Take this opportunity to identify new statutes, cases, redevelopment (including AB 1484) and legal issues as they relate to California municipal finance.

SPEAKER:

Michael G. Colantuono, City Attorney, Calabasas and Auburn

Post-Election Budget and Legislative Update

The November 2012 election carries many items that are of great importance to the cities of California and may have substantial impacts. Hear the first comprehensive, expert evaluation of the results and what they mean for your city.

SPEAKERS:

Dan Carrigg, Legislative Director, League of California Cities
Michael Coleman, Fiscal Policy Advisor, League of California Cities

GENERAL LUNCHEON

12:15 - 1:15 PM

With so many recent actions that affect local agencies and their finances, discover what the State is doing and what this means for your city. This informative and lively lunch discussion with the Controller is a must see event.

SPEAKER:

John Chiang, Controller, State of California

GENERAL SESSION

1:30 - 3:00 PM

The World, Federal, State and Local Economic Outlook

Get the up-to-the-minute economic information that you have been looking for. Be enlightened to the true economic state of affairs, including the national and international economic turmoil and what this means for your city.

SPEAKER:

James Glassman, Managing Director-Head Economist, J.P. Morgan Chase & Company

The Future of Credit and Bond Ratings

Discuss possible changes in the Standard and Poor's ratings that could affect cities.

SPEAKER:

Matthew Reining, Director, U.S. Public Finance, Standard & Poor's

GENERAL SESSION

3:30 - 5:00 PM

Sales & Use Tax Collection

It is challenging to collect your general use tax revenues, but collection of e-commerce tax has proven to be more difficult. Discover strategies used and take ideas back to your city.

SPEAKERS:

Doug Jensen, Senior Vice President Client Services, MuniServices

Recent Issues Regarding Property Taxes

Property taxes are a vital source of revenue for local governments that have been drastically impacted by the economic downturn. As the economy slowly improves, what happens now with assessed value reductions that are now increasing? Discover strategies for addressing this issue in order to ensure that your city receives proper levels of property tax revenue.

SPEAKERS:

Paula Cone, Principal, HDL Coren and Cone
David Culver, Finance Director, San Mateo

Finance Director and Council Member/Staff Relations

As a finance director, your success requires an effective relationship with your city council, city manager, city attorney, and staff. Learn how to work together while respecting those diverse roles. Discover how to enhance these relationships and not violate the Brown Act. Leave with valuable and practical tips.

SPEAKERS:

Patricia E. Martel, ICMA-CM, City Manager, Daly City
Don McVey, Finance Director, Daly City

NETWORKING RECEPTION

Shared with the City Clerks Department

5:00 - 6:00 PM

REGISTRATION

7:00 - 10:30 AM

GENERAL SESSION

8:30 - 10:30 AM

Recent Actions Regarding Pension Reform

Survey the pension reform package the Governor and Legislature agreed to and what impact these reforms will have on your agencies. In addition to statewide reforms, local ballots have proposed key reforms aimed at scaling back local pensions in San Jose and San Diego. Hear from a legal expert about what happened in these two cities. What does CalPERS think about all of this? Evaluate what impact, if any, these reforms have on your bottom line and other relevant issues happening at CalPERS.

SPEAKERS:

- Steven Berliner, Partner, Liebert Cassidy Whitmore
- Danny Brown, Chief of Government Relations, CalPERS
- Rod Gould, City Manager, Santa Monica

Upcoming GASB Statements

Pensions are a big target for change in California. Cities need to be aware of some items in the coming calendar year, especially the new standards, GASB 67 & 68. Get the latest on new pension reporting rules, new information that cities have to disclose on the face of their financial statements, and much more.

SPEAKERS:

- Richard Loomis, CCMT, Finance Director, Pinole
- Justin J. Williams, CPA, CVA, Partner, Mann, Urrutia, Nelson CPAs

GENERAL SESSION

10:45 AM - 12:00 PM

Financing Economic Development

With recent losses of large portions of local monies, it is imperative to stimulate your city's economy. But, as the saying goes, you have to spend money to make money. Discuss how to make it happen and have it be successful.

SPEAKERS:

- Larry Kosmont, CRE, President and CEO, Kosmont Companies
- Gurbax Sahota, President & CEO, California Association for Local Economic Development

Municipal Auditing in the Current Climate

Local financial practices have been under scrutiny by the press, legislature and the state Controller resulting in changes in the auditing process. What lessons can be gained to improve local fiscal management?

SPEAKER:

- A.J. Major, CPA, Partner, Vavrinek, Trine, Day & Company

GENERAL LUNCHEON

12:15 - 1:15 PM

BREAKOUT SESSIONS

1:30 - 2:45 PM

Long Range Financial Planning, Policies and Performance Measures

In a time of tight budgets, long range planning, policies and performance measures cannot be overlooked. Examine the latest strategies with an expert with a proven track record of city fiscal management.

SPEAKER:

- William C. Statler, Director of Finance and Information Technology (Retired), San Luis Obispo

Insurance Markets

The insurance markets have not been immune to the economic times. But, what should your city do? Self-insure? Join a JPA or purchase full insurance? What about earthquake insurance? How much to get? What can we expect from FEMA? Share insight into these and other valid questions.

SPEAKERS:

- John Shull, Executive Director, Cal JPIA
- Susan Blankenburg, Area Senior Vice President, Arthur J. Gallagher & Co.

BREAKOUT SESSIONS

3:00 - 4:15 PM

Assessment and Land Based Special Districts

Do you have residents or businesses who want to keep important services or want enhanced services? Consider assessment districts or land based special districts. Following Prop 218, the formation of new districts slowed. It's time to take look at these options and hear from those who are still successfully using them.

SPEAKERS:

- Tom Borden, Head of the Special Districts Assessment Team, Department of Public Works, San Jose
- Chris Fisher, Vice President and Group Manager, Willdan

How to Pass a Tax Measure: The Do's and Don'ts

Thinking about going to voters for a special or general tax increase? Evaluate tried and true actions to ensure your best chance of passage. Explore the legal and ethical bounds of ballot measure advocacy by public officials, experience among other local governments, and procedural and vote requirements.

SPEAKER:

- Jessica Reynolds, Owner, Reynolds Strategies

ADJOURN

4:15 PM

MUNICIPAL FINANCE INSTITUTE

GENERAL INFORMATION

Register for the conference

All attendees must register for the conference online prior to reserving a hotel room. Registration is not complete until full payment is received. The League is unable to accept purchase orders. Once registration is complete, you will be directed to the housing reservations page.

For online registration go to www.cacities.org/events and select "Municipal Finance Institute" Registration must be received by Monday, October 29. After this date, please register onsite.

COSTS/FEES

The value of your full conference registration includes:

- Electronic access to all program materials
- Admission to all sessions
- One breakfast and two lunches
- Networking reception

Full Conference

City Staff/Officials **New Lower Rate**	\$350
Company/Consultant/League Partner/All Others	\$550
Non-Member City	\$1350
Spouse (badge required for all meals).....	\$145

The spouse fee is restricted to persons who are not city or public officials, are not related to any Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to meals and reception only. Conference session seats are reserved for full conference registrants. There is no refund for the cancellation of a spouse registration.

One Day Registration (select Wednesday or Thursday)

City Staff/Officials.....	\$225
Company/Consultant/League Partner/All Others	\$400
Non-Member City	\$1225

Cancellations

Advance registrants unable to attend will receive a refund of rate paid, minus a \$75 processing charge, only when a written request is submitted to the Conference Registrar at mdunn@cacities.org and received before 5:00 p.m. on November 9. Absolutely no refunds will be provided after this date. Sending an alternate/substitute onsite will avoid financial penalty.



If you require special accommodations related to facility access, transportation, communication and/or diet, please contact our Conference Registrar before Monday, October 29.

HOTEL INFORMATION & RESERVATIONS

Hotel reservation changes, date modifications, early check-outs or cancellations must be done directly through the hotel prior to Monday, October 29. After this date, all changes may incur a financial penalty, a minimum of a one-night room charge and attrition fees.

The Fairmont Hotel San Jose

170 South Market Street, San Jose, CA 95113

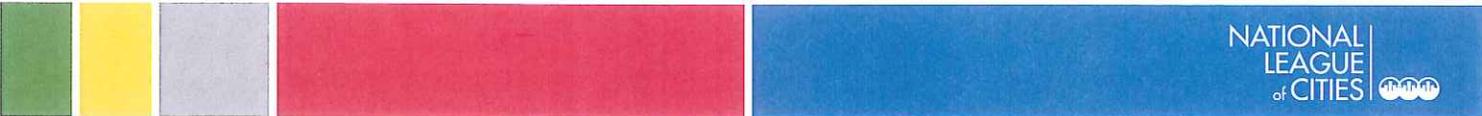
Event Rate (per night): \$140 (plus tax and fees)

Valet parking: \$20 per day, charged to guestroom, *subject to availability*

**Please DO NOT book outside of the League hotel block. This will cause an increase in event costs, liabilities and higher registration rates.*

COME TO BOSTON TO:

- **SHARE AND LEARN** from more than 3,000 participants including 1,500 elected and appointed officials and city staff
- **GO DEEP OR SAMPLE ACROSS** three overarching strategies for cities: Promoting Strong Local Economies, Building Sustainable Communities, Strengthening Neighborhoods and Families
- **EXPLORE** successful city programs through Boston mobile workshops and the 2012 City Showcase
- **CHOOSE** from Leadership Training Seminars offering in-depth professional development and skills training
- **CONNECT** with NLC staff who will be available throughout the conference to answer questions about what is happening across the nation and on Capitol Hill
- **ROAM THE EXHIBIT HALL** with more than 300 booths offering services and products that support cities
- **VISIT NLC MEMBER SERVICES** to learn about NLC membership benefits including programs and services that bring solutions and savings to your city



RATES

	3/12 - 9/15	9/16 - 11/26
NLC Member City	\$460	\$570
Associate Member	\$460	\$570
State Municipal League Member City	\$580	\$690
Non-Member City	\$655	\$830
First Time Attendee	\$390	\$390
Student	\$175	\$175
Youth Delegate (15-18)	\$110	\$110
Youth Chaperone (not applicable to elected officials)	\$110	\$110
Spouse/Guest (non-refundable)	\$95	\$95

REGISTER ONLINE NOW FOR GREAT SAVINGS!

WWW.NLCCONGRESSOFCITIES.ORG

HOTEL RATES:

Westin Boston Waterfront (HQ hotel)	\$265
Boston Marriott Copley Place	\$225
Courtyard Boston Downtown Tremont	\$129
Omni Parker House	\$249
Renaissance Boston Waterfront Hotel	\$240
Seaport Hotel	\$215
Sheraton Boston Hotel	\$245

** NLC wants to thank you now for selecting an official conference hotel for your stay in Boston! NLC contracts for room blocks at various hotels. In order to secure sleeping rooms at a lower rate, NLC must guarantee that a certain percentage of those rooms are occupied by meeting attendees each night. To allow NLC to continue to add value to the conference, it is imperative that participants of the 2012 Congress of Cities and Exposition stay at contracted hotels and go through the J. Spargo Housing Center reservation system. If you have any questions regarding housing, please contact the Housing Center at 1-888-319-3864 or nlcregandhousing@jspargo.com.

PRELIMINARY SCHEDULE

WEDNESDAY, NOVEMBER 28

7:00 AM - 6:00 PM	Registration
9:30 AM - 12:30 PM	Mobile Workshops
9:00 AM - 5:00 PM	Committee and Council Meetings
1:00 PM - 4:00 PM	Constituency Group Meetings and Events
1:00 PM - 4:00 PM	Policy Committee Meetings
1:30 PM - 5:00 PM	Mobile Workshops
3:00 PM - 4:30 PM	Leadership Training Seminars
4:30 PM - 6:00 PM	Board Committee Meetings
6:00 PM - 10:00 PM	New Member Orientation
	Constituency Group Meetings and Events
	State Municipal League/Other Special Events

THURSDAY, NOVEMBER 29

7:00 AM - 7:30 PM	Registration
7:30 AM - 8:00 PM	Constituency Group Meetings and Events
8:00 AM - Noon	Board and Advisory Council Meetings
8:30 AM - 12:30 PM	Mobile Workshops
9:00 AM - Noon	Leadership Training Seminars
9:00 AM - 3:00 PM	Exhibit Hall Open
Noon - 1:30 PM	Lunch
Noon - 3:00 PM	Mobile Workshops
1:00 PM - 3:00 PM	Committee and Council Meetings
1:30 PM - 3:00 PM	Resolutions Committee
3:15 PM - 5:15 PM	Opening General Session
5:30 PM - 7:00 PM	Welcoming Reception
6:30 PM - 8:00 PM	Nomination Committee Hearing
7:00 PM - 10:00 PM	Constituency Group Meetings and Events
	State Municipal League/Other Special Events

FRIDAY, NOVEMBER 30

7:00 AM - 5:00 PM	Registration
9:00 AM - 10:30 AM	Conference Sessions
10:30 AM - 2:00 PM	Exhibit Hall Open
10:45 AM - 12:15 PM	Conference Sessions
12:15 PM - 1:30 PM	Lunch
1:30 PM - 2:45 PM	Conference Sessions
2:45 PM - 3:15 PM	Networking Break
3:15 PM - 4:30	PM Conference Sessions
5:00 PM - 10:00 PM	Constituency Group Meetings and Events, State Municipal League/Other Special Events

SATURDAY, DECEMBER 1

7:00 AM - 2:30 PM	Registration
8:00 AM - Noon	Constituency Group Meetings and Events
	Committee and Council Meetings
9:00 AM - 10:15 AM	Conference Sessions
10:30 AM - Noon	Conference Sessions
12:15 PM - 2:00 PM	General Session and Lunch
2:30 PM - 4:30 PM	Annual Business Meeting
7:00 PM - 10:00 PM	Host City Closing Event

Check www.nlc.org for the latest information on the conference.

MOBILE WORKSHOPS COME SEE BOSTON IN ACTION!

The mobile workshops are free of charge to full conference registrants.

WEDNESDAY, NOVEMBER 28

9:30 A.M. - 12:30 P.M.

On a Roll: Bicycling in Boston

Discover the challenges and opportunities of sharing the road with human powered transportation for an older city like Boston with narrow streets and walkways and learn about Boston's public bike share program.

The Rose Fitzgerald Kennedy Greenway: Whatever happened to the Big Dig

Come tour the results of this enormous project and understand how the Greenway fits into the larger open space network in Boston and beyond.

1:00 P.M. - 4:00 P.M.

Growing the Next Generation of Businesses

Boston's Innovation District - creating a new wave of urban jobs - see it all in one place: social infrastructure, entrepreneurship & small business start-ups.

Boston's Main Streets

See neighborhood based economic development in action and the revitalization of local business districts through the first city-wide Main Streets program in the country.

Building Peace in Boston

Learn about Boston's nationally recognized comprehensive violence prevention and intervention strategy including BCYF-Street workers, neighborhood, public health, & community partners together with law enforcement.

THURSDAY, NOVEMBER 29

8:30 A.M. - 11:30 A.M.

Transforming Beantown into Greentown

Learn how to use zoning and other tools to promote the highest levels of sustainable development and the people, projects and strategies that are helping to make it happen.

Closing Access and Achievement Gaps

Boston has established a wide range of educational options that have increased graduation rates and better prepared our students for college. We have developed a portfolio of schools that meet the needs of diverse learners. See the Boston Public Schools Re-Engagement Center, innovation schools, Parent University and array of new education options for the future.

9:30 A.M. - 12:30 P.M.

Discover Roxbury's Development Gems

See Boston's approach to revitalizing Dudley Square, a transit anchored historic district. Today's repurposed buildings and a strong neighborhood identity help drive \$1 billion in public and private investment in the heart of Boston's African American Community.

NOON - 3:00 P.M.

Using Technology to Engage Residents & Improve Service Delivery

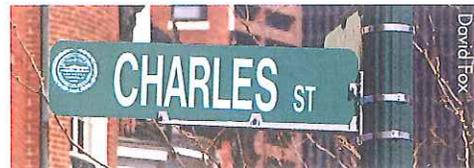
Learn about Citizen's Connect, the Boston One Card, Technology Goes Home, Bostrax, and other programs that Boston is piloting to empower residents to re-shape the city and take advantage of all that Boston has to offer.

Food Policy for a Healthier City

Boston is creating a comprehensive food policy strategy which, in several years has brought a new wave of food-based initiatives - from mobile food trucks with healthy offerings to urban agriculture and greenhouses to the Boston Bounty Bucks program, which puts more healthy foods on inner-city family tables.

Boston Moves for Health

Learn about Mayor Menino's new campaign aimed at improving the health and fitness of the City of Boston. As part of the initiative, the mayor has challenged residents to lose one million pounds and move (walk, run, hop, swim, skip) 10 million miles.



Special Thanks to our Conference Sponsors!



Official Airline of the 2012
NLC City Showcase! 059



The Congress of Cities program will focus on three overarching strategies for cities: Promoting Strong Local Economies, Building Sustainable Communities and Strengthening Neighborhoods and Families. Each of the strategies will be explored through keynote addresses, workshops, peer networking sessions, mobile workshops, leadership training seminars, the City Showcase, and the Exhibit Hall. Before and after the main conference programming NLC will offer the traditional governance activities, state municipal league activities and meetings of NLC committees, councils and constituency groups.

PROMOTING STRONG LOCAL ECONOMIES

The foundation of your community's local economies is a vibrant business community, skilled workforce, healthy downtown and opportunities for financial empowerment. To fully realize these elements, a locally-based vision, committed leadership and coordinated policies are essential. The "Promoting Strong Local Economies" sessions will highlight the challenges, successes and real-world experiences of economic leadership in diverse communities across the country and will provide an opportunity for elected officials and staff in your community to learn together, get on the same page about critical economic development issues and be better equipped to translate new ideas into action back home.

WORKSHOP TOPICS WILL INCLUDE:

- Supporting Start-ups and Entrepreneurs
- Beyond Skills Mismatch: Connecting Workforce and Economic Development
- Moving Past the Smoke Stack: A Discussion on Business Attraction
- Economic Gardening: Unleashing the Export Potential of Growth-Oriented Companies
- Growing Your Local Food Economy
- Revitalizing Your Downtown

BUILDING SUSTAINABLE COMMUNITIES

Each day, you face a host of complex challenges — decisions surrounding transportation systems, water quality and supply, energy use and development patterns that directly impact local economic conditions, environmental health, social well-being, and overall quality of life. In searching for effective, long-term solutions many of your peers in cities across the country are turning to comprehensive approaches to meet the needs of today while preparing for the increasing demands of the future. At this year's Building Sustainable Communities sessions you will learn from city leaders, issue experts,

and representatives from the public and private sectors about practical strategies and innovative solutions you can implement to build strong, resilient communities.

WORKSHOP TOPICS WILL INCLUDE:

- Comprehending Comprehensiveness: Getting Started with Sustainability
- Energizing your Energy Efficiency Program
- Placemaking: Successful Strategies to Integrate Transportation and Land Use
- Utilizing Performance Tools to Measure Your Cities' Sustainability Efforts
- Building a Big Tent: Developing and Strengthening Partnerships to Advance Sustainability Goals
- Technology Solutions for Sustainable Infrastructure

STRENGTHENING NEIGHBORHOODS AND FAMILIES

Families, homes and neighborhoods define the unique character of your community. When these environments are safe and supportive, they provide critical opportunities for your city's residents to grow, learn, and prosper. The result? A thriving community that attracts, retains, and engages residents and businesses alike. The Strengthening Neighborhoods and Families sessions will provide you with practical skills, tools and resources to build stronger cities by; fostering safe neighborhoods with decent and affordable housing; improving access to a variety of learning environments; promoting pathways to financial stability for families; and creating healthy and engaged communities.

WORKSHOP TOPICS WILL INCLUDE:

- The Just City
- Coping with Community Transformations and Population Shifts
- Supporting Families and Neighborhoods through Strong Multi-Sector Partnerships
- Closing the Gap: Addressing Disparities in Access to Critical Goods and Services
- Harnessing the Power of Technology and Information
- Lessons from the Dudley Street Neighborhood Initiative - Screening of the film Gaining Ground

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council
From: Karen A. Herrera, Deputy City Manager
Date: 10/4/12
Re: Appointment by Councilmember Reyes of Henry Baltazar to the Town Center Ad Hoc Advisory Committee

Recommendation: Per Resolution 12-R-07, Councilmember Reyes is appointing Henry Baltazar to the Town Center Ad Hoc Advisory Committee.

Background: Per the adoption of Resolution 12-R-07 on March 27, 2012 by the Duarte City Council, the Town Center Ad-Hoc Advisory Committee was created and shall be composed of (i) the seven (7) members of the City's Economic Development Commission and (ii) for the remaining ten (10) members, each of the five (5) members of the City Council shall appoint two (2) persons to the Committee, for a total of seventeen (17) Committee members. By adoption of this Resolution, the City Council appointed the seven (7) current members of the Economic Development Commission to the Committee with the remaining ten (10) appointments to be made at City Council meetings.

Discussion: At the September 11th City Council meeting, staff noted that Councilmember Reyes's current appointment on the Town Center Ad Hoc Advisory Committee had resigned. Councilmember Reyes contacted the City Manager's office to request that Henry Baltazar be appointed to the Committee at an upcoming City Council meeting.

Ad Hoc Committee members have the following duties and functions within their twelve month tenure: (1) study the feasibility and scope of a potential Town Center and develop goals and objectives for a potential Town Center; (2) invite and encourage residents, business owners, and workers throughout Duarte, including but not limited to the vicinity of a potential Town Center, to attend Committee meetings and provide input; and (3) prepare a report to the City Council on the feasibility, scope, goals, and objectives of a potential Town Center and submit the report to the City Council no later than one (1) from the date of the first meeting of the Committee.

Fiscal Impact: None.

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council
From: Karen A. Herrera, Deputy City Manager
Date: 10/4/12
Re: Consideration of City Council Appointments to proposed Joint City/DUSD Sports Field Optimization Ad Hoc Committee

Recommendation: That the Duarte City Council consider the appointment of two councilmembers to the newly created Joint City/DUSD Sports Field Optimization Ad Hoc Committee.

Background: At the August 23rd City of Duarte and Duarte Unified School District joint meeting, discussion was held and it was decided an Ad Hoc Committee comprised of two Councilmembers, two School Board Members and staff from both entities would be formed to study and make recommendations on the current usage levels of School District owned, joint use sports fields.

Discussion: The recent joint meeting featured a presentation from the public on the School District's joint use sports fields and introduced a number of ideas on how to optimize current field space. The Ad Hoc Committee, with public input, would explore current and enhanced usages including potential costs, necessary resources and trade offs for areas considered. The Committee would submit a report to both the City Council and School Board on the feasibility, scope, goals, and costs of enhanced sport fields.

Fiscal Impact: Typically 5- 10 staff hours per month are spent on each individual commission/Committee. Staffing for this Committee will be provided through the Parks and Recreation Department.