

1. Call to Order/Roll Call

The meeting was called to order at 5:04 p.m.

Present: Jeff Levin, Elsa Ortiz, Mayor Jean Quan,
Tony Smith, Frank Tucker, Supervisor Keith Carson (in at
5:06 pm.)

Absent: Ronald Gerhard

Staff: Fred Blackwell, Sarah Schlenk, Dan Rossi

2. Approval of minutes for October 15, 2012 meeting

A motion was made by Elsa Ortiz, seconded by Tony Smith to accept the minutes from the meeting held October 15, 2012. The motion passed with a vote of 6 Ayes, 2 Absent – Gerhard, Carson

At 5:06 pm Roll Call was modified to show Board Chair Carson as present.

3. Adoption of a Resolution approving the Due Diligence Review of the Low and Moderate Income Housing Fund (LMIHF)

Following a brief presentation of the revised LMIHF Due Diligence Review, Board Counsel Laurie Gustafson stated some additional concerns. Ms. Gustafson was concerned that there was no year-to-year comparison, but satisfied that each obligation was tied to a legal document. Additionally, Ms. Gustafson expressed concern that the line item entitled “Cathedral Gardens” shows a loan for \$6, 433, 356 and the resolution states that the loan should not exceed \$4 million. Ms. Gustafson acknowledged that there may be an amendment somewhere; however it is not noted in the review. Also the Oak to 9th Project has a stipulation that the affordable units be built based on economic feasibility. Also there was no amount indicated on the ROPS and the land price is now set at \$26-\$28 million with no corroborating documentation on how land price was calculated. Finally, Ms. Gustafson stated that Attachment L does not contain all of the components of a contract. She questions if the obligation is enforceable for \$70 million. ORSA and Macias, Gini and O’Connell staff were available and provided some responses to Ms. Gustafson’s concerns.

The Board requested that the accountants add a statement that the obligations exceed the fund balance in a footnote of the report.

A motion was made by Jeff Levin, seconded by Frank Tucker to adopt the resolution. The motion passed with a vote of 6 Ayes, 1 Absent - Gerhard

4. Informational report of recent communication with the Department of Finance

Oakland Successor Agency staff member Sarah Schlenk provided a report of her recent communication with the Department of Finance. Ms. Schlenk indicated that the Foothill/Seminary project was denied and that a meet and confer on the project was also denied. The Department of Finance denied the meet and confer because they are not reviewing the dispositions of properties yet. Staff stated that this item would return as a part of the disposition and development plan.

Board member Tony Smith requested a criteria for the community benefit of the disposition and development of property be brought before the board. Mr. Smith further requested that each taxing entity provide a statement to the Department of Finance regarding the Foothill/Seminary project and its importance to the community. The community and fiscal benefits should be included.

Board member Jeff Levin requested that staff revise the resolution and include pertinent statutes to strengthen the legislation.

Staff was then directed to reconfigure the remediation agreement for re-submittal and provide it to the December 3, 2012 meeting of the Oversight Board.

5. Informational report from Stein & Lubin on recent activities and amount invoiced to date

Ms. Gustafson presented the current invoice to the board. Chair Carson requested an estimate of the ongoing trend.

6. Update of dissolution process and report on experience throughout the state
Stein & Lubin provided a brief report on the process around the state.

At 5:52 pm roll call was modified to show Tony Smith absent.

7. Open Forum

There were no speakers during Open Forum.

8. Adjournment

The meeting was adjourned at 5:53 pm.