

CITY OF LOMA LINDA
CITY COUNCIL AS SUCCESSOR AGENCY
TO THE LOMA LINDA REDEVELOPMENT AGENCY

AGENDA

REGULAR MEETING OF MARCH 11, 2014

A regular meeting of the City Council of the City of Loma Linda as successor agency to the Loma Linda Redevelopment Agency is scheduled to be held Tuesday, March 11, 2014 in the City Council Chamber, 25541 Barton Road, Loma Linda, California. *Pursuant to Municipal Code Section 2.08.010, study session or closed session items may begin at 5:30 p.m. or as soon thereafter as possible. The public meeting begins at 7:00 p.m.*

In acting in the limited capacity of Successor Agency as provided in California Health and Safety Code §§ 34173 and 34176, the City Council expressly determines, recognizes, reaffirms, and ratifies the statutory limitation on the City and the City Council's liability with regards to the responsibilities of the former Loma Linda Redevelopment Agency under AB 1X26. Nothing herein shall be construed as an action, commitment, obligation, or debt of the City itself, or a commitment of any resources, funds, or assets of the City to fund the City's limited capacity as the Successor Agency to the Loma Linda Redevelopment Agency. Obligations of the Successor Agency shall be funded solely by those funds or resources provided for that purpose pursuant to AB 1X26 and related statutes.

Reports and Documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours. The Loma Linda Branch Library is also provided an agenda packet for your convenience. The agenda and reports are also located on the City's Website at www.lomalinda-ca.gov.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 25541 Barton Road, Loma Linda, CA during normal business hours. Such documents are also available on the City's website at www.lomalinda-ca.gov subject to staff's ability to post the documents before the meeting.

Persons wishing to speak on an agenda item, including any closed session items, are asked to complete an information card and present it to the City Clerk prior to consideration of the item. When the item is to be considered, please step forward to the podium, the Chair will recognize you and you may offer your comments. The City Council meeting is recorded to assist in the preparation of the Minutes, and you are therefore asked to give your name and address prior to offering testimony.

The Oral Reports/Public Participation portion of the agenda pertains to items NOT on the agenda and is limited to 30 minutes; 3 minutes allotted for each speaker. Pursuant to the Brown Act, no action may be taken by the City Council at this time; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 799-2819. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible.

Agenda item requests for the APRIL 8, 2014 meeting must be submitted in writing to the City Clerk no later than NOON, MONDAY, MARCH 24, 2014

- A.** **Call To Order**
- B.** **Roll Call**
- C.** **Items To Be Added Or Deleted**
- D.** **Oral Reports/Public Participation - Non-Agenda Items** (Limited to 30 minutes; 3 minutes allotted for each speaker)
- E.** **Conflict of Interest** Disclosure - Note agenda item that may require member abstentions due to possible conflicts of interest
- F.** **Scheduled And Related Items**
- G.** **Consent Calendar**
 - 1. Demands Register
 - 2. Minutes of February 25, 2014
 - 3. Ratification of Agreement between the Oversight Board for Successor Agency to the Loma Linda Redevelopment Agency and Gresham Savage Nolan & Tilden to represent/defend Oversight Board Members in the litigation commenced by the Successor Agency against the DOF in which the Oversight Board is also named as a defendant [**City Manager**]
- H.** **Old Business**
- I.** **New Business**
- J.** **Adjournment**



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Ovidiu Popescu, Mayor pro tempore
Ronald Dailey, Councilman
Phillip Dupper, Councilman
John Lenart, Councilman

SUCCESSOR AGENCY AGENDA: March 11, 2014
TO: City Council
VIA: T. Jarb Thaipejr, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of February 25, 2014

Approved/Continued/Denied By City Council Date _____
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RECOMMENDATION

It is recommended that the City Council as the Successor Agency to the Redevelopment Agency approve the Minutes of February 25, 2014.

City of Loma Linda

City Council as Successor Agency
To the Loma Linda Redevelopment Agency

Minutes

Regular Meeting of February 25, 2014

A regular meeting of the City Council as Successor Agency to the Loma Linda Redevelopment Agency was called to order by Mayor Rigsby at 11:23 p.m., Tuesday, February 25, 2014, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Rhodes Rigsby Mayor pro tempore Ovidiu Popescu Ron Dailey Phill Dupper John Lenart
Councilman Absent:	None
Others Present:	City Manager T. Jarb Thaipejr City Attorney Richard E. Holdaway

No items were added or deleted; no public participation comments were offered upon invitation of the Mayor; and no conflicts of interest were noted.

SA-2014-003 – Consent Calendar

Finance Director DeAnda stated that the State Department of Finance reversed its decision relating to the LLCCP (Connected Community) loans and were not demanding immediate payment; that some items were still pending in the lawsuit filed by the City against DOF, such as the repayment of loans that are subject to claw back which legal counsel is disputing. Relating to the ROPS, DOF continued to deny the repayment of the loans; however, those items remain on the ROPS as part of the City's dispute.

She also stated that the Oversight Board met earlier today and modifications were made to Item 39 to increase the total obligation from \$150,000 to \$750,000 and the annual amount was increased from \$75,000 to \$150,000 upon recommendation of Legal Counsel regarding AB 471 which allows the City to claim money for the Loma Linda Housing Authority administrative costs. The Oversight Board approved the hiring of legal counsel for the Oversight Board to represent the members in the litigation; \$10,000 was added to fund Oversight Board Legal Counsel.

Motion by Dailey, seconded by Dupper and unanimously carried to approve the following items:

The Demands Register dated February 25, 2014 with commercial demands totaling \$8,560.00.

The Minutes of February 11, 2014 as presented.

Council Bill #R-2014-07.

Resolution No. 2801

A Resolution of the City Council of the City of Loma Linda acting as Successor Agency to the Loma Linda Redevelopment Agency approving a Recognized Obligation Payment Schedule for the period July 1, 2014 through December 31, 2014

Council Bill #R-2014-08.

Resolution No. 2802

A Resolution of the City Council of the City of Loma Linda acting as Successor Agency to the Loma Linda Redevelopment Agency approving an Administrative Budget for the period July 1, 2014 through December 31, 2014

The meeting adjourned at 11:28 p.m.

Approved at the meeting of .

City Clerk



City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Ovidiu Popescu, Mayor pro tempore
Ronald Dailey, Councilman
Phillip Dupper, Councilman
John Lenart, Councilman

COUNCIL AGENDA: Agreement between Gresham Savage and The Loma Linda Successor Agency for legal services

TO: Successor Agency Board

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: Agreement between Gresham Savage and The Loma Linda Successor Agency for legal services

Approved/Continued/Denied
By City Council
Date _____

RECOMMENDATION

It is recommended that the City Council ratify an agreement between The City of Loma Linda and Gresham Savage to provide legal representation to the Oversight Board for the Successor Agency relating to the lawsuit between the City of Loma Linda and the California Department of Finance (DOF).

BACKGROUND

The City of Loma Linda has filed suit against the DOF relating to the ROPS and dissolution of the Loma Linda Redevelopment Agency. As a matter of legal practice, a portion of the suit names the Oversight Board as a party to this action. The Board has requested that legal representation be retained for this matter. Staff evaluated a proposal from Gresham Savage and forwarded this proposal to the Oversight Board for consideration. At the February 25, 2014 Oversight Board meeting, the Board passed a motion to engage Gresham Savage for this issue.

ANALYSIS

This is a limited scope contract, and will involve a specific action relative to the lawsuit between the City and DOF.

ENVIRONMENTAL

There is no environmental impact

FINANCIAL IMPACT

The proposed cost of the agreement is \$10,000 and funds will be secured from the ROPS as they are submitted.

February 21, 2014

VIA FIRST CLASS MAIL

Konrad Bolowich
Assistant City Manager
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354

Re: Legal Services to be provided by Gresham Savage Nolan & Tilden, PC

Dear Mr. Bolowich:

This letter confirms that you have retained us to represent the Oversight Board for the Successor Agency to the Loma Linda Redevelopment Agency ("Oversight Board") as follows:

Legal Services to be Provided

The scope of our representation will be limited to representing and advising the Oversight Board concerning litigation filed by the Successor Agency against the Department of Finance (the "matter"). If you request, we will be happy to assist the Oversight Board in other areas as well and, at the time of your request, we will revise the scope of our representation as appropriate.

For conflict of interest purposes, we would like to clarify that we will be representing the Oversight Board and not its individual officers, officials, board members, shareholders, or employees.

Attorneys Involved in Provision of Legal Services

I will be the attorney primarily responsible for the matter. Other attorneys may also work on the matter if that would be in the Oversight Board's best interests, for reasons of speed or economy, or if another lawyer possesses specific expertise relative to a facet of the matter. My hourly billing rate for the matter will be \$375. Our other billing rates range from \$345 to \$505 per hour for Shareholders and Senior Counsel, \$210 to \$360 per hour for Associate Attorneys, and \$185 to \$215 per hour for Paralegals and Legal Assistants. Our rates are subject to change upon no less than thirty (30) days' prior written notice.

Since 1910

RIVERSIDE 3750 University Avenue, Suite 250 · Riverside, California 92501
SAN BERNARDINO 550 East Hospitality Lane, Suite 300 · San Bernardino, California 92408
SAN DIEGO 550 West C Street, Suite 1810 · San Diego, California 92101
LOS ANGELES 333 South Hope Street, 35th Floor · Los Angeles, California 90071

GreshamSavage.com

Konrad Bolowich
Assistant City Manager
City of Loma Linda
February 21, 2014
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Billing Agreement

Our legal fees will be calculated by multiplying the hourly rate of the attorney or attorneys working on the matter by the number of hours worked (calculated in one-tenth hour increments).

We will also bill the Oversight Board for any costs which we may advance on its behalf, such as filing fees, deposition costs, expert witness or consultant fees, etc. Additionally, our invoices will include charges for certain cost items shown on the attached schedule, such as extraordinary photocopying, overnight delivery, courier costs and extraordinary postage costs. We do not charge for secretarial time, computer research, routine postage or routine photocopying.

By signing this letter agreement, you are binding the Oversight Board to pay all legal fees and costs incurred by our firm in connection with the matter.

We will send our billing statements to your attention. Our statements are issued monthly and full payment is due upon the Oversight Board's receipt of each statement. Our statements will be detailed and we invite you to ask for any further explanation that you may desire. Unless the Oversight Board has made mutually acceptable alternate payment arrangements, we will withdraw from further representation if any statement remains unpaid for more than forty-five (45) days after the Oversight Board's receipt of the statement.

Other Points

We maintain a conflict of interest index which lists all our current and past clients and the matters in which we represent or represented them. We will not undertake representation of any party with an interest that may be adverse to an indexed client without first determining if a professional conflict of interest would be created. We have added "Oversight Board for the Successor Agency to the Loma Linda Redevelopment Agency" (as the client), and the "Successor Agency to the Loma Linda Redevelopment Agency" and the "City of Loma Linda" (as adverse parties), to our conflict of interest index. We have determined that our representation of the Oversight Board in the matter would not create a conflict of interest. Please let us know if there are other persons or entities which may be involved or have an interest in the matter.

Konrad Bolowich
Assistant City Manager
City of Loma Linda
February 21, 2014
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We ask for your prompt response to our letters and telephone calls. For our part, and except in very unusual circumstances, we will respond to your letters and telephone calls within one (1) business day.

We rarely have disagreements with our clients over our fees or our services. Nevertheless, the Oversight Board is entitled to have any dispute as to either of these issues resolved by binding arbitration under the San Bernardino County Bar Association's fee dispute arbitration rules. If you choose not to use the County Bar arbitration procedures, then you agree to submit all disputes between us regarding our services or our fees to binding arbitration in San Bernardino County before JAMS (formerly Judicial Arbitration and Mediation Services, Inc.) in accordance with its commercial arbitration rules.

Please contact me at any time if you have questions, concerns or criticisms. You have the right to terminate our representation at any time. We have the same right, subject to our obligation to give you reasonable notice to arrange alternative representation. The Oversight Board will be obligated to pay us all fees and costs incurred prior to the termination of our representation and those fees and costs incurred in transferring the matter to new counsel.

All client communications relating to the matter will be sent to you or to your designee. Following the conclusion of our representation, we will return all original documents to your office and will dispose of copies of documents after the fifth anniversary of the closing of our file on the matter.

In addition to face-to-face conversations, in our communications with you we may employ various technologies. These technologies are continually changing, and some, such as cell phones and email communications (including transmission of documents via email), may not be completely secure. In the interest of expediting communications, however, you agree that we may use these methods of communication and other technological advances which come into common use unless you instruct us to the contrary. We will not, however, communicate any confidential information through mechanisms such as Facebook or Twitter which are, by their nature, intended to be public.

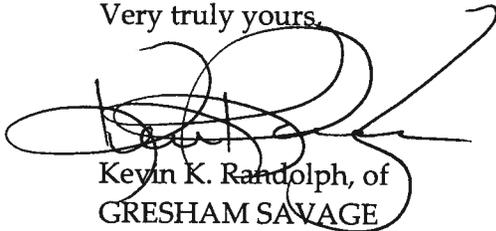
We are unable to make any representation or guaranty of any particular outcome. However, please know that we will extend our best professional efforts on the Oversight Board's behalf.

Konrad Bolowich
Assistant City Manager
City of Loma Linda
February 21, 2014
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Finally, I am pleased to inform you that we maintain professional liability insurance coverage in an amount no less than the legally-required minimum.

If this letter agreement meets with your approval, then please indicate your acceptance on the Oversight Board's behalf by dating and signing this letter and returning it to my attention. A duplicate copy is enclosed for your files.

Very truly yours,



Kevin K. Randolph, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

KKR:cam
Enclosure

The undersigned understands and agrees to the foregoing:

Date: _____, 2014

**Oversight Board for the Successor Agency
to the Loma Linda Redevelopment Agency**

By: _____
Its: _____

Rate Sheet
Gresham Savage Nolan & Tilden, PC

Extraordinary Photocopy Charges (in excess of 500 pages)	\$0.15 per page
Overnight Delivery	Actual Cost
Conference Telephone Charges	Actual Cost
Courier Costs	Actual Cost
Extraordinary Postage	Actual Cost
Online Research	Actual Cost

These rates may be increased from time to time and are applicable as of their effective date.

GRESHAM SAVAGE NOLAN & TILDEN

A Professional Corporation

Privacy Of Information Disclosure Notice

Pursuant to the Gramm-Leach-Bliley Act, Public Law Number 106-102, and the rule issued by the Federal Trade Commission regarding the Privacy of Consumer Financial Information, 16 Code of Federal Regulations Part 313, law firms are required to provide written notices to certain clients regarding disclosure of non-public personal information. As your attorneys, Gresham Savage Nolan & Tilden, a Professional Corporation, collects non-public information about you from you and, with your authorization, from third parties such as accountants, financial advisors, insurance agents, banking institutions, and other advisors. We do not disclose any non-public personal information about our clients or former clients to anyone except as authorized by that client. If we are authorized by you, we may disclose non-public personal information to unrelated third parties. Such unrelated third parties would include accountants, financial advisors, insurance agents, or government authorities in connection with any tax returns prepared by us or tax planning. We restrict access to non-public personal information about you to those employees of our law firm who need to know the information in order to provide legal services to you. We maintain physical, electronic, and procedural safeguards that comply with Federal Regulations and our rules of ethics to guard your non-public personal information.

Attorney-Client Privilege

While the foregoing federal laws and regulations establish rules and disclosure requirements, they do not limit the attorney-client privilege or the confidentiality rules for information provided to attorneys. The privilege and confidentiality rules are governed by state law, the rules imposed on attorneys under state law and our ethics standards. In circumstances where applicable federal laws might allow disclosure, we will continue to follow the stricter non-disclosure rules of attorney-client privilege and client confidentiality.