



AGENDA

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem

Gilbert Garcia, Council Member

Minerva Pineda, Council Member

Josie Cervantes, Council Member

WEDNESDAY, JANUARY 24, 2018 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

Roll Call

Invocation

Flag Salute

B. Confirmation of Agenda

C. Presentation

1. Presentation by Orange Cove High School regarding the Lucky Run on March 17, 2018
2. Presentation by Reda Bennani regarding the MTS surcharge on cell phones

D. Consent Calendar

3. City Warrants for Month of December 2017
4. Approve applications to COG for Federal Transportation Funds – Lifeline funding for the Surface Transportation Block Grant (STBG) program

E. Administration

City Manager:

5. **SUBJECT:** Consideration and Discussion regarding the Budget for Fiscal Year 2017-2018

Recommendation: Council to consider Resolution 2017-44 approving the Budget for Fiscal Year 2017-2018

6. **SUBJECT:** Consideration and Discussion regarding the \$1,000 Donation to the Orange Cove Chamber of Commerce for the renovation of the East entry sign

Recommendation: Council to approve a minute motion for the one time donation to the Chamber of Commerce to redo the Welcome to Orange Cove sign at the East end of Park Blvd.

F. City Council and Successor Agency:

7. **SUBJECT:** Consideration and Discussion regarding Adopt resolutions of the Successor Agency to the Orange Cove Redevelopment Agency approving the Recognized Obligation Payment Schedule 18-19 for the July 1, 2018 through June 30, 2019 period and approving the Administrative Budget for Fiscal Year 2018-19.

Recommendation: Council and the Successor Agency to consider approving the following:

- a. Resolution SA 2018-01 Approving the Successor Agency's Administrative Budget for Fiscal Year 2018-19
- b. Resolution SA 2018-02 Approving the Recognized Obligation Payment Schedule 18-19 for July 2018 through June 2019 and Authorizing its Transmittal

8. **SUBJECT:** Consideration and Discussion regarding the Proposal for Fiscal Year 2018-19 Successor Agency Consulting Services by RSG, Inc.

Recommendation: Council and the Successor Agency to consider Adopting Resolution No. SA 2018-03 Approving a Contract with RSG, Inc. to Provide Consulting Services to the Successor Agency through Fiscal Year 2018-19

9. **SUBJECT:** Consideration and Discussion regarding A.M. Peche & Associates 2018-19 Consulting Agreement

Recommendation: Council to consider approving the 2018-2019 Consulting Agreement between the Successor Agency to the Orange Cove Redevelopment Agency and A.M. Peche & Associates LLC

G. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

H. City Manager's Report

I. City Attorney's Report

J. City Council Communications

K. Closed Session

10. Conference with Legal Counsel (Anticipated Litigation: Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b))
11. Government Code Section 54956.8
Conference with Real Property Negotiator
Property: 1525 Park Blvd, Orange Cove, CA
City Negotiator: City Manager

L. Reconvene City Council Meeting

M. Adjournment

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at

815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at cityoforange Cove.com.

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the City Council has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove City Council, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Council has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the City Council is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.
3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the Mayor to speak.
4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before

asking questions or commenting. The Mayor shall then ask Councilmembers if they have comments or questions.

5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.

ENFORCEMENT OF DECORUM RULES (Resolution No. 2012-16)

While the City Council is in session, all persons must preserve order and decorum. A person who addresses the City council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The Mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Mayor or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Council may overrule the Mayor if the majority of the Council believes the Mayor or other presiding officer is not applying the rules of decorum appropriately.



For the Meeting of: January 24, 2018

CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Applications to COG for Federal Transportation Funds –Lifeline
Attachments: Map

RECOMMENDATION:

Staff recommends that the Council approve the submission of applications to the Fresno County Council of Governments (COG) for the listed projects for Lifeline funding for the Surface Transportation Block Grant (STBG) program.

EXECUTIVE SUMMARY:

The Orange Cove share of Lifeline Funding available in the Surface Transportation Block Grant (STBG) Lifeline program for the 20-21 and 21-22 fiscal years is \$162,217. Staff Recommends that the City apply the funding to East Railroad Avenue Culvert and Street Widening and Adams Avenue – Friant-Kern Canal to Hills Valley Road.


BACKGROUND:

The Fresno Council of Governments administers Federal Funding for local transportation projects. A portion of the funding is allocated to either "Lifeline" or "Regional Bid" for the STBG – Street reconstruction or street paving rehabilitation projects.

The amount of funding for "Lifeline" projects is divided among all of the cities and the county based on population. Orange Cove's share for the STBG Lifeline amount is \$162,217.

The "Regional Bid" projects were scored earlier this month and unfortunately, the Orange Cove projects were not funded. COG has called for Lifeline project applications to be submitted by February 5, 2018.

Prepared by: GH

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

☐ Consent
☐ Info Item
☐ Action Item
☐ Department Report
☐ Redevelopment Agency

☐ Public Hearing
☐ Matter Initiated by a Council
Member
☐ Other
☐ Continued to: _____

Due to the small amount of the funding, Staff recommends that the funding be split between two projects as follows:

1. East Railroad Avenue Culvert and Street Widening – Install a pipeline culvert on East Railroad Avenue at the Orange Cove Drain crossing. Connect the pipeline to the recently installed Third Street culvert. No curb or gutter is included. \$120,000.
2. Adams Avenue – Friant-Kern Canal to Hills Valley Road – Additional funding for this previously approved project. \$42,217.

Attached are maps showing the location of the proposed projects for Council information.

REASON FOR RECOMMENDATION:

Staff believes that the recommended projects address the needs of the City and will fit well with the available funding. The East Railroad Avenue project will remove a bottleneck in the Orange Cove Drain and eliminate a nuisance at the west end of the Third Street Culvert that was inadvertently created by the previous project.

FISCAL IMPACT:

All of the Federal Highway projects require a local match of 11.47% from local gas tax, Measure C and Transportation Funds. The proposed projects are in future fiscal years which gives us time to plan for the expenditures.

ALTERNATIVES:

Council may direct Staff to consider other projects.

ACTIONS FOLLOWING APPROVAL:

Staff will prepare applications and submit them to Fresno Council of Governments.

CONFLICT OF INTEREST:

None.

CITY OF ORANGE COVE
ST BG LIFELINE
PROJECTS

Map showing the layout of streets and landmarks in Orange Cove, California. The map includes a grid of streets and labels for various locations.

Streets:

- ADAMS AVENUE
- SOUTH AVENUE
- EAST RAILROAD AVENUE
- 12TH ST.
- 11TH ST.
- 10TH ST.
- 9TH ST.
- 8TH ST.
- 7TH ST.
- 6TH ST.
- 5TH ST.
- 4TH ST.
- 3RD ST.
- 2ND ST.
- 1ST ST.
- 0 ST.
- 12TH ST.
- 11TH ST.
- 10TH ST.
- 9TH ST.
- 8TH ST.
- 7TH ST.
- 6TH ST.
- 5TH ST.
- 4TH ST.
- 3RD ST.
- 2ND ST.
- 1ST ST.
- 0 ST.

Landmarks:

- MCCORD ELEMENTARY SCHOOL
- A.L. CONNER ELEMENTARY SCHOOL
- SHERIDAN ELEMENTARY SCHOOL
- EATON PARK
- LIBRARY
- FRANK KERN CANAL

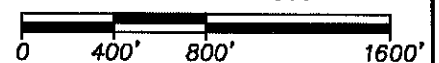
Scale: 1" = 800'

Legend:

- ADAMS AVENUE
- SOUTH AVENUE
- EAST RAILROAD AVENUE CULVERT AND PIPELINE

EAST RAILROAD AVENUE
CULVERT AND PIPELINE

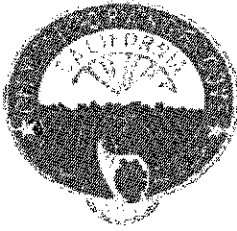
SCALE: 1" = 800'



Yamabe & Horn Engineering, Inc.

CIVIL ENGINEERS • LAND SURVEYORS

2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL (559) 244-3123 WEBSITE YANDHENG.R.COM



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Mayor and City Council Members
From: D-B Heusser, Interim City Manager
Subject: 2017-2018 Fiscal Year Budget
Attachment: Budget Summary

BACKGROUND:

At the November 29, 2017 special City Council meeting staff presented the FY Budget and overview of the City of Orange Cove financial situation. As the Mayor Pro-Tem was absent Council decided to pull the decision until all Councilmembers had an opportunity to review the proposed budget. The item was again presented at the December 13, 2017 Council meeting and tabled as there were only three members present.

EXECUTIVE SUMMARY:

At the budget meeting on 29 November 2017 the City Manager presented an overview of his understanding of the fiscal condition of the City of Orange Cove and the fact that the budget presented was not ideal but was attainable.

Looking at our presented revenues and expenses the Finance Director determines that we are doing well. Revenues and expenses are at last year's level.

In the presentation the City Manager stated that often the City had not planned for capital expenses and that many of employee's salaries were allocated to WTP and WWTP. These are areas which need to be addressed by Council and Staff working together during the course of the coming year. **It is something that will take time to fix both the budget and the fiscal condition of the City.**

The Finance Director and the City Manager feel that though the budget is unrealistic, because of allocations and not addressing capital projects and therefore presents an unrealistic picture of where the City should be - **we both feel that it is attainable.**

Prepared by: Heusser

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
<input type="checkbox"/> Consent			<input type="checkbox"/> Public Hearing	
<input type="checkbox"/> Info Item			<input type="checkbox"/> Matter Initiated by a Council	
<input checked="" type="checkbox"/> Action Item			Member	
<input type="checkbox"/> Department Report			<input type="checkbox"/> Other	
<input type="checkbox"/> Redevelopment Agency			<input type="checkbox"/> Continued to: _____	

RECOMMENDATION:

Staff recommends the adoption of this budget.

FISCAL IMPACT:

Puts into place both a revenue and spending plan for the FY 2017-2018.

ALTERNATIVES:

Not approving the Budget as presented and Directing Staff to make necessary changes.

ACTIONS FOLLOWING APPROVAL:

Appropriate action as necessary and directed by Council.

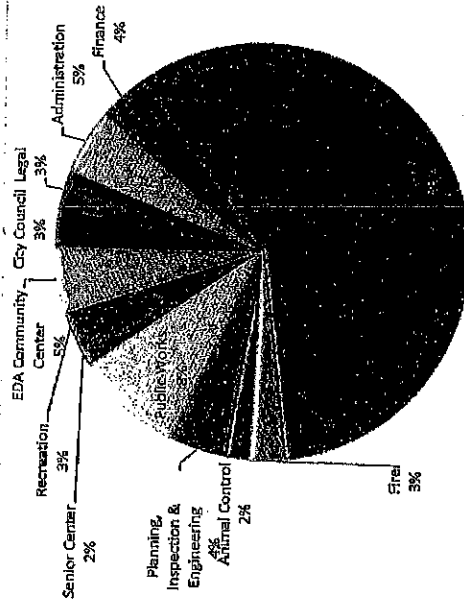
ATTACHMENT:

FY – 2017-2018 Budget Summary

GENERAL FUND BUDGET SUMMARY

GENERAL FUND SUMMARY

General Government:	2018 Budget	% to Total
City Council	\$ 77,925	3%
Legal	\$ 79,000	3%
Administration	\$ 137,010	5%
Finance	\$ 94,255	4%
Public Safety:		
Police	\$ 1,538,559	58%
Fire	\$ 70,500	3%
Animal Control	\$ 48,998	2%
Planning, Inspection & Engineering	\$ 117,351	4%
Public Works	\$ 220,150	8%
Recreation:		
Senior Center	\$ 45,364	2%
Recreation	\$ 73,251	3%
EDA Community Center	\$ 134,298	5%
Total expenditures	\$ 2,636,660	100%
Revenues	\$ 2,338,164	
(Deficit)	\$ (298,496)	



Current Budget vs Prior Yr Actual

General Government:	2018 Budget	2017 Actual	% Incr/ -Decr
City Council	\$ 77,925	\$ 115,383	-32.46%
Legal	\$ 79,000	\$ 49,215	60.52%
Administration	\$ 137,010	\$ 140,819	-2.70%
Finance	\$ 94,255	\$ 95,458	-1.26%
Public Safety:			
Police	\$ 1,538,559	\$ 1,534,990	0.23%
Fire	\$ 70,500	\$ 61,954	13.79%
Animal Control	\$ 48,998	\$ 39,771	23.20%
Planning, Inspection & Engineering	\$ 117,351	\$ 129,070	-9.08%
Public Works	\$ 220,150	\$ 180,352	22.07%
Recreation:			
Senior Center	\$ 45,364	\$ 36,055	25.82%
Recreation	\$ 73,251	\$ 93,656	-21.79%
EDA Community Center	\$ 134,298	\$ 136,378	-1.53%
Total expenditures	\$ 2,636,660	\$ 2,613,101	0.90%
Revenues	\$ 2,338,164	\$ 2,373,174	-1.48%

Prior Year Budget vs Actual

General Government:	2017 Budget	2017 Actual	% Incr/ -Decr
City Council	\$ 74,925	\$ 115,383	54.00%
Legal	\$ 55,000	\$ 49,215	-10.52%
Administration	\$ 92,110	\$ 140,819	52.88%
Finance	\$ 69,500	\$ 95,458	37.35%
Public Safety:			
Police	\$ 1,401,559	\$ 1,534,990	9.52%
Fire	\$ 50,000	\$ 61,954	23.91%
Animal Control	\$ 45,000	\$ 39,771	-11.62%
Planning, Inspection & Engineering	\$ 96,401	\$ 129,070	33.89%
Public Works	\$ 139,050	\$ 180,352	29.70%
Recreation:			
Senior Center	\$ 30,264	\$ 36,055	19.14%
Recreation	\$ 63,601	\$ 93,656	47.26%
EDA Community Center	\$ 106,700	\$ 136,378	27.81%
Total expenditures	\$ 2,224,110	\$ 2,613,101	17.49%
Revenues	\$ 2,185,049	\$ 2,373,174	8.61%
(Deficit)	\$ (39,061)	\$ (239,927)	514.24%

RESOLUTION NO. 2017-44

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ORANGE COVE ADOPTING A BUDGET
FOR THE CITY OF ORANGE COVE FOR
FISCAL YEAR 2017-2018**

WHEREAS, in accordance with Section 2.08.060 of the City's Municipal Code, the City Manager has prepared and submitted to the City Council the Fiscal Year 2017-18 Budget; and

WHEREAS, the City Council has reviewed and accepted the Budget; and

WHEREAS, the City Council has determined that it is necessary for the efficient management of the City that certain sums of revenue of the City be appropriated to the various department and activities of the City.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Orange Cove, California, as follows:

1. The above recitals are true and correct and are adopted as the findings of the City Council.
2. That, after having reviewed, revised and carefully considered the projected revenues and expenses of the City of Orange Cove, the attached City of Orange Cove budget for Fiscal Year 2017-2018 is hereby adopted as the annual budget for the City and its funds for said fiscal year.
3. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.
4. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This Resolution was adopted at a regular council meeting of the City Council of the City of Orange Cove held on January 24, 2018, by the following vote:

AYES:
NOES:

ABSENT:

ABSTAIN:

ATTEST:

I, June V. Bracamontes, City Clerk of the City of Orange Cove, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a special meeting of said Council, held at the Orange Cove Council Chambers on January 24, 2018, by the following vote:

June Bracamontes, City Clerk
City of Orange Cove



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Mayor and City Council Members
From: D-B Heusser, Interim City Manager
Subject: DONATION TO THE CHAMBER AND DONATIONS
Attachment: NONE

BACKGROUND:

At the last Council meeting the representative of the Chamber of Commerce presented a request to assist in the renovation of the City of Orange Cove sign east of the downtown.

EXECUTIVE SUMMARY:

The cost to renovate the sign \$2,000. The Chamber is willing to split the cost with the City.

I had previously met with the Chamber President and have talked with him a couple of times on the phone regarding this sign and the need to renovate. I shared with him that at the present time the City was without a budget and I did not know where I would come up with the funds.

I have looked at the sign and though I do think that it is in need of renovation I ask the Council to think of what the \$1,000 could be used for that might have an impact upon the City, other than an identification sign. What beautification effort could the funds be used for that would help a visitor to Orange Cove has a stronger view of our city?

The request opens up a broader discussion which I think Council needs to have

My biggest concern has to do with donations. It seems that each week the City of Orange Cove gets requests for some type of worthwhile community donation. A thousand dollars here and 500 hundred dollars there do begin to take its toll on any budget. In my 5 ½ months as Interim City Manager, Council has approved as number of donations, but I have

Prepared by: Heusser

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

☐ Consent
☐ Info Item
☒ Action Item
☐ Department Report
☐ Redevelopment Agency

☐ Public Hearing
☐ Matter Initiated by a Council Member
☐ Other
☐ Continued to: _____

yet to hear Council ask of the Finance Director if the City had the funds. So far this year we have made donations (excluding City sponsored Community Events.)

I would suggest that if Council so approves this \$1,000 donation that they direct staff to develop a line item for the next budget: Chamber of Commerce Donation \$XXX; Community Organizations/Events \$XXX. This would do four things: a) It would help Council know how much they have for donations; b) It would help Council to know what they have to expend and evaluate requests and say "Yes" or "No." – even if it is a worthwhile project; c) It would assist in maintaining a balanced budget; d) It would assist in making sure that the City does not take funds from operational funds that could impact the services offered by the City..

RECOMMENDATION:

Staff recommends that the **Council approve a minute motion** for the one time donation to the Chamber of Commerce of \$1,000 to redo the Welcome to Orange Cove sign at the East end of Park.

FISCAL IMPACT:

\$1,000 from General Fund.

ALTERNATIVES:

Denial.

ACTIONS FOLLOWING APPROVAL:

The Finance Director will proceed with the check for the Chamber of Commerce



SUCCESSOR AGENCY CITY OF ORANGE COVE REPORT TO THE BOARD

To: Chairman and Members
From: D-B Heusser, Interim Executive Director
Subject: ROPS 2018-2019
Attachment: REPORT FROM FINANCE DIRECTOR

BACKGROUND:

Each year the City Council has to sit as the Successor Agency Board (to the former Redevelopment Agency) and to review the Recognized Obligation Payment Schedule and to approve the Agency's administrative budget.

EXECUTIVE SUMMARY:

Attached is a report from Randy Uyeda, Finance Director regarding the 2018-2019 Recognized Obligation Payment Schedule (ROPS) and two resolutions for adoption by the Board. It is being done at this time because it is due to be at State by 1 February 2018.

RECOMMENDATION:

See report.

FISCAL IMPACT:

See report.

ALTERNATIVES:

None as the action is required by the State.

ACTIONS FOLLOWING APPROVAL: Resolutions signed and sent to the State.

Prepared by: Heusser

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

☐ Consent
☐ Info Item
☒ Action Item
☐ Department Report
☐ Redevelopment Agency

☐ Public Hearing
☐ Matter Initiated by a Council Member
☐ Other
☐ Continued to: _____



REPORT TO SUCCESSOR AGENCY

January 24, 2018

To: Mayor and Council

From: Randy Uyeda, Finance Director

SUBJECT: Adopt resolutions of the Successor Agency to the Orange Cove Redevelopment Agency approving the Recognized Obligation Payment Schedule 18-19 for the July 1, 2018 through June 30, 2019 period and approving the Administrative Budget for Fiscal Year 2018-19

- A. Consider Resolution Approving the Successor Agency's Administrative Budget for Fiscal Year 2018-19 pursuant to Health & Safety Code Section 34177(j)
- B. Consider Resolution Approving the Recognized Obligation Payment Schedule 18-19 for July 2018 through June 2019 and Authorizing its Transmittal

BACKGROUND:

A Recognized Obligation Payment Schedule ("ROPS") covering the period of July 1, 2018 through June 30, 2019 is due by February 1, 2018 pursuant to Health and Safety Code ("HSC") Section 34177(o). The ROPS requests necessary payments for each enforceable obligation of the former Orange Cove Redevelopment Agency for Fiscal Year ("FY") 2018-19.

Successor Agency ("Agency") staff has prepared a ROPS 18-19 for the Agency Board and Oversight Board's consideration, which is attached to this staff report. Once approved, staff will transmit it electronically to the Department of Finance ("DOF"), State Controller, and Fresno County Auditor-Controller for their review. The adopted ROPS must be transmitted by February 1, 2018; if it is not transmitted on time, the Agency will be subject to a penalty of \$10,000 per day. With DOF approval, the Auditor-Controller will be authorized to disperse property tax revenue to pay ROPS obligations on June 1, 2018 and January 2, 2019.

Changes to ROPS Form and Enforceable Obligations

There was a small change to the ROPS cash balance form to report cash balances for the entire 2015-16 fiscal year, instead of only half of the fiscal year.

There are no new enforceable obligations on the ROPS 18-19; it contains the same enforceable obligations approved on the last ROPS including bond debt service, related administration fees, and projects to be funded with bond proceeds.

It is important to remember that the ROPS is merely a projection of estimated payments for the ensuing twelve-month fiscal period. The actual payments made could be the same or less.

Other Funds and Administrative Cost Allowance

Pursuant to HSC Section 34177(l)(1)(E), agencies are required to use all available funding sources prior to Redevelopment Property Tax Trust Funds ("RPTTF") for payment of enforceable obligations. As of June 30, 2016, there was \$16,093 of Other Funds available made up of reserves from prior ROPS and interest revenues. DOF instructed the Agency to apply the majority of this balance to ROPS 16-17 expenses.

The maximum administrative cost allowance a successor agency can receive is 50 percent of the RPTTF distributed in the prior fiscal year for non-administrative obligations. The ROPS 17-18 had \$343,436 in non-administrative obligations. The ROPS 18-19 requests an administrative allowance that is 50 percent of this amount, or \$171,718.

An \$172,000 administrative budget has been prepared for FY 2018-19 for the Agency Board and Oversight Board's consideration.

Last and Final ROPS

Pursuant to HSC section 34191.6(a), agencies that have received a Finding of Completion may submit a Last and Final ROPS beginning January 1, 2016 if all the following conditions are met:

- 1) The remaining debt is limited to administrative costs and payments pursuant to enforceable obligations with defined payment schedules including, but not limited to, debt service, loan agreements, and contracts.
- 2) All remaining obligations have been previously listed on the ROPS and approved for payment by Finance pursuant to HSC section 34177 (m) or (o).
- 3) The agency is not a party to outstanding/unresolved litigation, except as specified in HSC section 34191.6 (a) (3).

A Last and Final ROPS would reduce the administrative burden on the Agency and eliminate the need for Oversight Board meetings to approve the ROPS (the Oversight Board would still have to convene to approve contracts and other non-ROPS items). A Last and Final ROPS may only be amended twice and cannot include any new items. In order to consider a Last and Final ROPS, Agency staff must wait until all bond proceeds are expended in case there are new bond project funding requests to place on the ROPS. It should be noted that a Last and Final ROPS could reduce the maximum administrative cost allowance to as little as \$5,000 per fiscal year.

FISCAL IMPACT:

Adoption of the ROPS and Administrative Budget are necessary to receive RPTTF to fund the Successor Agency's financial obligations from July 1, 2018 through June 30, 2019.

RECOMMENDATIONS

Staff recommends that the Successor Agency:

1. Adopt Resolution No. SA 2018-01 Approving the Successor Agency's Administrative Budget for Fiscal Year 2018-19
2. Adopt Resolution No. SA 2018-02 Approving the Recognized Obligation Payment Schedule 18-19 for July 2018 through June 2019 and Authorizing its Transmittal

RESOLUTION NO. SA 2018-01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR FISCAL YEAR 2018-19

WHEREAS, on January 26, 2012, the City Council adopted Resolution No. 2012-09 electing to serve as the Successor Agency to the former Orange Cove Redevelopment Agency ("Successor Agency") in accordance with the Dissolution Act (enacted by Assembly Bills 26 and 1484 and Senate Bill 107, as codified in the California Health and Safety Code); and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the upcoming six-month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for arrangements for administrative and operations services provided by the city serving as Successor Agency; and

WHEREAS, the Successor Agency's proposed Fiscal Year 2018-19 Administrative Budget for the period July 1, 2018 to December 31, 2018 and for the period January 1, 2019 to June 30, 2019 has been reviewed and by this Resolution the Successor Agency desires to approve such Administrative Budget and authorize submittal thereof to the Oversight Board for its review and approval; and

WHEREAS, the Administrative Budget, when and as approved by the Oversight Board by this Resolution, will be provided to the County of Fresno Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency's estimated administrative costs in the approved Administrative Budget will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for each applicable six-month period.

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Approval of Administrative Budget. Pursuant to the Dissolution Act, the Successor Agency approves the Fiscal Year 2018-19 Administrative Budget for the period July 1, 2018 to December 31, 2018 and for the period January 1, 2019 to June 30, 2019 submitted herewith as Exhibit A, which is incorporated herein by this reference.

Section 3. Posting; Transmittal to Appropriate Agencies. The Successor Agency authorizes transmittal of the Fiscal Year 2018-19 Administrative Budget for the period July 1, 2018 to December 31, 2018 and for the period January 1, 2019 to June 30, 2019 to the Oversight

Board for its review and approval and also directs staff to send the Administrative Budget to the Fresno County Auditor-Controller and post it on the Successor Agency's website once reviewed and approved by the Oversight Board.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Successor Agency, on the 24th day of January, 2018, by the following vote:

AYES:	AGENCY BOARD MEMBERS:
NOES:	AGENCY BOARD MEMBERS:
ABSENT:	AGENCY BOARD MEMBERS:

VICTOR P. LOPEZ
AGENCY CHAIRPERSON

ATTEST:

JUNE BRACAMONTES, AGENCY SECRETARY

APPROVED AS TO FORM:

XXX, AGENCY COUNSEL

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY)

I, JUNE BRACAMONTES, hereby certify that I am the duly appointed Agency Secretary of the Successor Agency to the Orange Cove Redevelopment Agency, and that the foregoing resolution was duly adopted at a regular meeting of the Successor Agency held on the 24th day of January, 2018.

June Bracamontes
Agency Secretary

EXHIBIT A

SUCCESSOR AGENCY ADMINISTRATIVE BUDGET
FOR FISCAL YEAR 2018-19

ORANGE COVE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FY 2018-19

FY 2018-19 Administrative Activities		Personnel				
County correspondence/coordination		Successor Agency Staff, RSG, Legal Counsel				
State correspondence/coordination		Successor Agency Staff, RSG, Legal Counsel				
Prepare ROPS		Successor Agency Staff, RSG, Legal Counsel				
Prepare administrative budget		Successor Agency Staff, RSG, Legal Counsel				
Governmental asset transfer		Successor Agency Staff, RSG, Legal Counsel				
Oversight Board staff support		Successor Agency Staff, RSG, Legal Counsel				
Management of dissolution activities		Successor Agency Staff, RSG, Legal Counsel				
Annual audit		Accountant				
Manage/monitor finances		Successor Agency Staff, RSG				
Agendas/minutes/Brown Act records assistance		Successor Agency Staff				
Budget by Personnel	Description	Estimated Hours	Average Rate	Total	ROPS A Period	ROPS B Period
Successor Agency Staff Costs	Salaries, Wages, Benefits	3,150	\$42	132,300.00	66,150.00	66,150.00
Operating Expenses	Insurance, Supplies, Maintenance		n/a	4,000.00	2,000.00	2,000.00
RSG, Inc.	Advisory Services (ROPS Preparation, Legislative Guidance, Property Disposition, Cash Flow Projections, State/County Correspondence, etc.)	110	\$180	20,000.00	10,000.00	10,000.00
Legal Counsel	Legal Services (Review materials. Meeting attendance is charged to the City for City Council/Successor Agency meetings.)	60	\$165	9,900.00	4,950.00	4,950.00
Accountant	Audit Services		n/a	3,500.00	1,750.00	1,750.00
Oversight Board Costs	Supplies and Meeting Operations Cost		n/a	2,000.00	1,000.00	1,000.00
Contingency			n/a	300.00	150.00	150.00
Grand Total				\$ 172,000.00	\$ 86,000.00	\$ 86,000.00

RESOLUTION NO. SA 2018-02

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 18-19 FOR JULY 2018 THROUGH JUNE 2019 AND AUTHORIZING ITS TRANSMITTAL

WHEREAS, on January 26, 2012, the City Council adopted Resolution No. 2012-09 electing to serve as the Successor Agency to the former Orange Cove Redevelopment Agency ("Successor Agency") in accordance with the Dissolution Act (enacted by Assembly Bills 26 and 1484 and Senate Bill 107, as codified in the California Health & Safety Code); and

WHEREAS, among the duties of successor agencies under the Dissolution Act is the preparation of a Recognized Obligation Payment Schedule ("ROPS") for the ensuing twelve-month period for consideration by a local oversight board and the California Department of Finance ("DOF") for purposes of administering the wind-down of financial obligations of the former Redevelopment Agency; and,

WHEREAS, the Dissolution Act requires that the proposed ROPS be approved by the local Oversight Board, transmitted for review to the Fresno County Auditor-Controller, State Controller's Office, and DOF; and,

WHEREAS, the proposed ROPS 18-19 for the twelve-month period from July 1, 2018 through June 30, 2019, attached hereto as Exhibit "A" has been prepared and is consistent with the provisions of the Dissolution Act and in the format made available by DOF; and,

WHEREAS, the Successor Agency desires to approve the ROPS 18-19 and transmit it to various parties as required by the Dissolution Act.

NOW, THEREFORE, the Successor Agency to the Orange Cove Redevelopment Agency does hereby resolve as follows:

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Approval of ROPS. The Successor Agency hereby approves and adopts the ROPS 18-19 covering the period of July 1, 2018 through June 30, 2019, in substantially the form attached hereto as Exhibit A, and incorporated herein by reference, as required by the Dissolution Act.

Section 3. Posting; Transmittal to Appropriate Agencies. The City Manager is hereby authorized and directed to post of copy of the ROPS 18-19 on the City's website and

transmit a copy to the Oversight Board for its approval and to other parties as required by the Dissolution Act.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Successor Agency, on the 24th day of January, 2018, by the following vote:

AYES:	AGENCY BOARD MEMBERS:
NOES:	AGENCY BOARD MEMBERS:
ABSENT:	AGENCY BOARD MEMBERS:

VICTOR P. LOPEZ
AGENCY CHAIRPERSON

ATTEST:

JUNE BRACAMONTES, AGENCY SECRETARY

APPROVED AS TO FORM:

XXX, AGENCY COUNSEL

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
SUCCESSOR AGENCY TO THE ORANGE COVE REDEVELOPMENT AGENCY)

I, JUNE BRACAMONTES, hereby certify that I am the duly appointed Agency Secretary the Successor Agency to the Orange Cove Redevelopment Agency and that the foregoing resolution was duly adopted at a regular meeting of the Successor Agency held on the 24th day of January, 2018.

June Bracamontes
Agency Secretary

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2018-19
JULY 2018 THROUGH JUNE 2019



SUCCESSOR AGENCY CITY OF ORANGE COVE REPORT TO THE BOARD

To: Chairman and Members
From: D-B Heusser, Interim Executive Director
Subject: PROPOSAL FROM RSG
Attachment: PROPOSAL

BACKGROUND:

Following the decision by the State to end Redevelopment Agencies, each Agency had to identify a Successor Agency to provide oversight to the close out of the former RDA's responsibilities.

EXECUTIVE SUMMARY:

Each year the City Council has to sit as the Successor Agency Board (to the former Redevelopment Agency) and to review the Recognized Obligation Payment Schedule (ROPS) and to approve the Agency's administrative budget.

The development of the ROPS is both time consuming and technical. The Orange Cove Successor Agency chose to hire an independent and professional group (RSG) to handle the see it through this long process.

The present agreement with RSG is about to expire and they have provided the Agency with a new proposal, which is attached.

RECOMMENDATION:

Staff feels that RSG has done an excellent job and recommends the approval of the agreement.

Prepared by: Heusser

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
<input type="checkbox"/> Consent				<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Info Item				<input type="checkbox"/> Matter Initiated by a Council
<input checked="" type="checkbox"/> Action Item				Member
<input type="checkbox"/> Department Report				<input type="checkbox"/> Other
<input type="checkbox"/> Redevelopment Agency				<input type="checkbox"/> Continued to: _____

FISCAL IMPACT:

The agreement is funded by the Successor Agency's budget.

ALTERNATIVES:

Not approve and require staff to do the technical work.

ACTIONS FOLLOWING APPROVAL: Agreement is signed.



BETTER COMMUNITIES. BOLDER FUTURES.

ROSENOW SPEVACEK GROUP INC.
309 WEST 4TH STREET
SANTA ANA, CALIFORNIA
92701-4502

T 714 541 4585
F 714 541 1175
E INFO@WEBRSG.COM
WEBRSG.COM

Via Electronic Mail

December 20, 2017

Mr. Randy Uyeda, Finance Director
CITY OF ORANGE COVE
633 6th St,
Orange Cove, CA 93646

**PROPOSAL FOR SUCCESSOR AGENCY ADMINISTRATIVE CONSULTING SERVICES
2018-19**

Dear Mr. Uyeda:

RSG is pleased to present this proposal to the City of Orange Cove ("City") and Successor Agency to the Redevelopment Agency of the City of Orange Cove ("Successor Agency") to provide administrative consulting services for the 2018-19 fiscal year. RSG has been working with the City and Successor Agency since the beginning of redevelopment dissolution in 2012. With RSG's assistance, the Successor Agency has overcome many hurdles and fulfilled numerous state reporting requirements. RSG would like to continue serving the Successor Agency in its capacity as Administrative Consultants and see the Successor Agency through to the end of this arduous process.

SCOPE OF SERVICES

The following scope of services proposes work related to completing the Recognized Obligation Payment Schedule ("ROPS"), the Housing Successor Agency Annual Report, and general advisory services related to these items. RSG is happy to discuss modifications as needed. RSG has identified the following tasks:

Task 1: Budget and Cash Flow

The Successor Agency has faced many challenges throughout the dissolution process, not the least of which has been budget shortfalls during Recognized Obligation Payment Schedule periods. RSG will continue to maintain a working cash flow model for the Successor Agency to anticipate any future budget shortfalls. In addition, RSG will assist the Successor Agency in working to close any budget gaps by employing a variety of methods.

Task 2: Complete Annual ROPS and accompanying Administrative Budget

The Successor Agency must submit a Recognized Obligation Payment Schedule ("ROPS") to the Oversight Board and Department of Finance annually. RSG will assist the Successor Agency in completing the ROPS 19-20 that will be due during the 2018-19 fiscal year. Should any issue arise during the Department of Finance's review of the ROPS, RSG would assist the Successor Agency in drafting a Meet and Confer request and is available to attend the meeting.

FISCAL HEALTH
ECONOMIC DEVELOPMENT
REAL ESTATE, HOUSING
AND HEALTHY COMMUNITIES

The Successor Agency must also submit an administrative budget supporting the use of the annual administrative allowance permitted by law. RSG will prepare the annual administrative budget for fiscal year 2019-20, which will be submitted along with ROPS. The Successor Agency is allowed to amend the ROPS once during the period. RSG can assist the Successor Agency if this needed arises.

Task 3: Navigate Oversight Board Transition and New Legislation

A countywide Oversight Board will replace Orange Cove's local Oversight Board effective July 1, 2018. RSG will help the Successor Agency navigate this transition. RSG will also keep abreast of new legislation and help the Successor Agency adapt and adjust their processes as needed.

Task 4: Housing Successor Agency Report

Senate Bill 341 was enacted in 2013 requiring all housing successor entities to prepare an annual report on its Low and Moderate Income Housing Asset Fund activities. The report for FY 2016-17 is due to the California Department of Housing and Community Development by April 1, 2018. RSG will work with staff to draft this report.

Task 5: Attend Meetings as Necessary

RSG will make a staff member available to the Successor Agency should they need assistance at any Successor Agency or Oversight Board meetings (up to 2 meetings each).

Task 6: Additional Administrative Services as Needed

RSG will assist the Successor Agency with any additional administrative tasks as they arise.

CONTRACT TERM

RSG's contract will begin upon approval by the City and Successor Agency and end on June 30, 2019.

PROJECT TEAM

Ms. Tara Matthews, Partner will be the principal in charge of this engagement. Suzy Kim, Senior Associate will be the Project Manager, and will be assisted by additional staff as needed.

FEE PROPOSAL

RSG will complete consulting services on a time-and-materials basis, with a not to exceed amount of **\$25,000** (\$20,000 for the Successor Agency and \$5,000 for the Housing Successor). RSG does not charge clients for mileage (except direct costs related to field surveys), parking, standard telephone/fax expenses, general postage or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

Randy Uyeda, Finance Director
CITY OF ORANGE COVE
December 20, 2017
Page 3

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended and the hourly rate.

HOURLY BILLING RATES:

Principal/Director	\$ 235
Senior Associate	180
Associate	160
Senior Analyst	135
Analyst	125
Research Assistant	110
Technician	80
Clerical	60
Reimbursable Expenses	Cost plus 10%

We appreciate the opportunity to submit our proposal to the City and Successor Agency, and look forward to working with you again. If you have any questions, please do not hesitate to contact me at 714-316-2116.

Sincerely,
RSG, INC.



Suzy Kim
Senior Associate

APPROVED AND AUTHORIZED:

Signed: _____

Title: _____

Date: _____

RESOLUTION NO. SA 2018-03

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ORANGE COVE
REDEVELOPMENT AGENCY APPROVING A CONTRACT WITH RSG,
INC. TO PROVIDE CONSULTING SERVICES TO THE SUCCESSOR
AGENCY THROUGH FISCAL YEAR 2018-19**

WHEREAS, on January 26, 2012, the City Council adopted Resolution No. 2012-09 electing to serve as the Successor Agency to the former Orange Cove Redevelopment Agency ("Successor Agency") pursuant to the Dissolution Act (enacted by Assembly Bills 26 and 1484 and Senate Bill 107, as codified in the California Health & Safety Code, or "HSC"); and

WHEREAS, HSC Section 34177.3(b) states that successor agencies may create enforceable obligations to conduct the work of winding down the redevelopment agency, including acquiring necessary professional administrative services; and

WHEREAS, the Successor Agency desires to approve a contract with RSG, Inc. to provide Successor Agency consulting services through Fiscal Year 2018-19 as outlined in the proposal attached as Exhibit "A" ("RSG Contract"); and

WHEREAS, the RSG Contract is to be funded by the administrative cost allowance pursuant to HSC Section 34171(b); and

WHEREAS, the Successor Agency and Oversight Board adopted an Administrative Budget for Fiscal Year 2017-18 pursuant to HSC Section 34177(j) that included services to be provided under the RSG Contract; and

WHEREAS, HSC Section 34177(j) requires proposals for arrangements for administrative and operations services provided by a city, county, or other entity to be submitted to the oversight board for its approval; and

WHEREAS, the Successor Agency desires to approve the proposed RSG Contract Amendment and send it to the Oversight Board for consideration.

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE ORANGE COVE
REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Contract Approval. The RSG Contract is hereby approved.

Section 3. Execution and Transmittal. The City Manager is hereby authorized and directed to take such other and further action consistent with this resolution and sign and transmit any documents, as necessary, in order to implement this Resolution on behalf of the Successor Agency.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Successor Agency,
on the 17th day of January, 2018 by the following vote:

AYES: CITY COUNCIL MEMBERS:
NOES: CITY COUNCIL MEMBERS:
ABSENT: CITY COUNCIL MEMBERS:

VICTOR P. LOPEZ, MAYOR
SUCCESSOR AGENCY CHAIRPERSON

ATTEST:

JUNE BRACAMONTES, CITY CLERK

APPROVED AS TO FORM:

XX
SUCESSOR AGENCY COUNSEL

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF ORANGE COVE)

I, JUNE BRACAMONTES, hereby certify that I am the duly appointed City Clerk of the
City of Orange Cove and that the foregoing resolution was duly adopted at a regular meeting of
the Successor Agency held on the 17th day of January, 2018.

June Bracamontes
City Clerk



SUCCESSOR AGENCY CITY OF ORANGE COVE REPORT TO THE BOARD

To: Chairman and Members
From: D-B Heusser, Interim Executive Director
Subject: AGENCY BOND CONSULTING
Attachment: INFORMATION FROM FINANCE DIRECTOR & PROPOSAL

BACKGROUND:

Following the decision by the State to end Redevelopment Agencies, each Agency had to identify a Successor Agency to provide oversight to the close out of the former RDA's responsibilities.

EXECUTIVE SUMMARY:

Prior to ending the RDA by the State, the Orange Cove RDA had issued a number of bonds which the Successor Agency is now responsible. There are a number of Federal and State reporting requirements. The requirements are technical and it is important to get the reports correct as it can have major impact upon the bonds, and therefore the bond holders and the Successor Agency.

The Orange Cove Successor Agency chose to hire an independent and professional group (A. M. Peche and Associates) to handle the reporting.

The present agreement with A. M. Peche and Associates is about to expire and they have provided the Agency with a new proposal, which is attached.

RECOMMENDATION:

See attached Report from the Finance Director.

Prepared by: Heusser

Approved by: 

REVIEW: City Manager: 

Finance: _____

City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
<input type="checkbox"/> Consent				<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Info Item				<input type="checkbox"/> Matter Initiated by a Council
<input checked="" type="checkbox"/> Action Item				Member
<input type="checkbox"/> Department Report				<input type="checkbox"/> Other
<input type="checkbox"/> Redevelopment Agency				<input type="checkbox"/> Continued to: _____

FISCAL IMPACT:

The agreement is funded by the Successor Agency's budget.

ALTERNATIVES:

Not approve and require staff to do the technical work.

ACTIONS FOLLOWING APPROVAL: Agreement is signed.



Incorporated January 20, 1948

Date: January 8, 2018
To: Orange Cove Successor Oversight Board
Orange Cove Successor Agency
From: Randy Uyeda, Finance Director
Subject: A.M. Peche & Associates 2018-19 Consulting Agreement

Attachments: A.M. Peche & Associates 2018-19 Consulting Agreement

BACKGROUND

In September, 2014, the Successor Agency issued "Series 2014 Bonds" requiring annual reports under Section 3 "Provisions of Annual Reports" of the Continuing Disclosure Agreement for the issuance of the Bonds. These reports have been prepared in the past by A.M. Peche & Associates as part of an annual consultant agreement.

RECOMMENDATION

A.M. Peche & Associates has performed satisfactory in the past and is familiar with both our Bond issuance and the parties involved in the oversight of the Successor Agency. I therefore recommend we continue to use the consulting services of A.M. Peche & Associates for the ongoing reporting requirements of the Continuing Disclosure Agreement and ask that the attached consulting agreement be approved for another year.

CONSULTING SERVICES AGREEMENT

This **CONSULTING SERVICES AGREEMENT** (the "Agreement") is made and entered into as of the 25th day of January, 2018 ("Effective Date"), by and between the **Successor Agency to the Orange Cove Redevelopment Agency** (the "Agency") and **A. M. Peché & Associates LLC** ("Consultant" or "Peché & Associates LLC").

Upon the following terms and conditions of this Agreement, the Agency desires to retain Consultant to perform the following:

1. PROFESSIONAL SERVICES.

Consultant will provide services under the terms and conditions of this Agreement. The services will consist of serving in the capacity of Disclosure Advisor for the Continuing Disclosure Program for the: Orange Cove Successor Agency's Tax Allocation Refunding Bonds, Series 2014 (the "Series 2014 Bonds") issued on September 30, 2014. The Series 2014 Bonds require annual reports with information listed under Section 3 "Provision of Annual Reports" of the Continuing Disclosure Agreement signed by the Agency as part of the closing documents for these bonds. The Consultant has prepared Disclosure Reports for the under a previous fee agreement that was signed by the Agency on June 25, 2014. This Agreement will replace the prior agreement and commence with the 2016-17 Disclosure Report. Services by the Consultant will commence on the Effective Date and will terminate as provided for in Section 4 of this Agreement.

2. INVOICING AND PAYMENT.

As sole compensation for the performance of the services, the Agency will pay Consultant a fee of \$2,250.00 for each year plus approved costs and expenses. Expenses will include meals and travel costs for travel to the Agency reimbursed at the current IRS mileage reimbursement rate. Telephone, phone, fax and miscellaneous expenses will be billed at a flat fee of \$75 per year. Consultant will invoice the Agency on an annual basis. The Agency will pay each such invoice no later than thirty (30) days after its receipt. Consultant will receive no royalty or other remuneration for the production or distribution of any products developed by the Agency or by Consultant in connection with or based upon the services. Consultant will not be entitled to receive any vacation or illness payments, or to participate in any plans, arrangements, insurance or other similar benefits that the Agency makes or may make available to the Agency's employees.

3. OWNERSHIP OF WORK PRODUCT.

Consultant agrees that any and all ideas, designs, drawings, notes, computer programs, algorithms, documents, information, materials, improvements and inventions made, conceived, developed, created or first reduced to practice in the performance of the services under this Agreement shall be the sole and exclusive property of the Agency (the "Work Product"). Consultant further agrees that the Agency is, and shall be, vested with all right, title and interest in the Work Product. The provisions of this Section 3 shall survive the termination of this Agreement for any reason.

4. TERM.

The term of this Agreement shall be through the completion of the 2018-19 Report. Both Agency and Peché & Associates can decide to enter into a new agreement at that time. Either party may terminate this Agreement upon 14-days notice to the other party for any reason or no reason. In the event the City terminates this Agreement, Consultant shall cease all work immediately after receiving notice from the Agency unless otherwise advised by the Agency and shall invoice the Agency of all time, costs and expenses incurred up to such termination date. The timing of such invoice and payment shall be made without regard to the annual scheduling set forth in Section 2 of this agreement. If neither party terminates this Agreement, this Agreement shall continue in effect until time mutually agreed upon by the parties.

5. INDEPENDENT CONTRACTOR.

Consultant is an independent contractor and is not an agent or employee of the Agency. Consultant has no authority to bind the Agency by contract or otherwise. Consultant will perform the professional services under the general direction of the Finance Director of the City of Orange Cove or his designee, subject to the requirement that Consultant shall at all times comply with applicable law.

6. WARRANTY.

Parties recognize the fact that the services require specialized skills and experience on the part of the Consultant. Consultant warrants that the services hereunder will be of a professional quality conforming to generally accepted industry standards and practices and that Consultant shall maintain all required licenses and certification necessary for performance of the services under this contract and shall ensure that the reports required under this Agreement are filed timely.

Agency has reread the Continuing Disclosure Agreement for the Series 2014 Bonds. Agency warrants that it will provide Consultant with accurate information that can be relied upon to complete the Disclosure Reports. In addition to any of the information expressly required to be provided under the Continuing Disclosure Certificate for the Series 2014 Bonds, the Agency shall provide such further information, if any, as may be necessary to make the specifically required information, in the light of the circumstances under which they are made, not misleading. This is the industry standard for continuing disclosure.

The Agency acknowledges that the Consultant will not independently verify any of the data or information provided to the Consultant, nor will the Consultant conduct a detailed investigation of the affairs of the Agency or Redevelopment Agency to determine the accuracy or completeness of the information gathered in the preparation of the Disclosure Report.

7. NON-MUNICIPAL ADVISOR

In providing Disclosure preparation, Consultant is not serving in the role of a Municipal Advisor, or provide services as a Municipal Advisor, unless engaged by Agency or the City of Orange Cove in a separate agreement in that role.

8. GOVERNING LAW.

This Agreement will be governed by and construed in accordance with the laws of the State of California excluding that body of law pertaining to conflict of laws.

9. NOTICE.

All notices, including notices of address changes, required to be sent hereunder shall be in writing and shall be deemed to have been given when mailed to the addresses listed below:

(a) **City of Orange Cove and the Successor Agency to the Orange Cove Redevelopment Agency:** Finance Director, 633 Sixth Street, Orange Cove, CA 93646.

(b) **Consultant:** Albert M. Peché, Manager, A. M. Peché & Associates LLC, 1025 Morton Street, Alameda CA 94501-3904

11. SEVERABILITY.

In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions of this Agreement will remain in full force and effect.

12. ASSIGNMENT.

Peché & Associates LLC may assign this Agreement to a successor firm without the necessity of obtaining the consent of the Agency. Peché & Associates LLC agrees to give 14-days notice of assignment to the Agency and upon receipt of such notice Agency agrees to make all payments to the assignee designated in the assignment.

13. WAIVER.

The waiver by either party of any default or breach of this Agreement shall not constitute a waiver of any other or subsequent default or breach.

14. EQUITABLE REMEDIES.

Because the services are personal and unique and because Consultant will have access to the Agency's confidential information, the Agency will have the right to enforce this Agreement and any of its provisions by injunction, specific performance or other equitable relief without prejudice to any other rights and remedies that the Agency may have for a breach of this Agreement.

15. ENTIRE AGREEMENT.

This Agreement constitutes the complete agreement between the parties and supersedes all previous agreements or representations, whether written or oral, with respect to the subject matter described herein. This Agreement may not be modified or amended except in writing signed by a duly authorized representative of each party. It is expressly agreed that any terms and

conditions of Consultant's invoices shall be superseded by the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed the **CONSULTING SERVICES AGREEMENT** as of the date set forth in the first paragraph hereof.

**SUCCESSOR AGENCY TO THE
ORANGE COVE REDEVELOPMENT AGENCY**

CONSULTANT

Randy Uyeda
Finance Director
City of Orange Cove

Albert M. Peché
Manager
A. M. Peché & Associates LLC