



CITY OF CARSON

Legislation Text

File #: 2021-377, Version: 1

Report to Mayor and City Council

Tuesday, May 18, 2021

Consent

SUBJECT:

CONSIDER THE FOLLOWING MATTERS RELATING TO THE ESTABLISHMENT OF THE CARSON ENHANCED INFRASTRUCTURE FINANCING DISTRICT (EIFD): (1) APPROVAL OF THE PUBLIC FINANCING AUTHORITY (PFA) BYLAWS; AND (2) RE-ESTABLISHMENT OF A PUBLIC HEARING DATE PERTAINING TO THE DRAFT INFRASTRUCTURE FINANCING PLAN (CITY COUNCIL)

I. SUMMARY

On March 16, 2021, the City adopted Resolution No. 21-026 declaring intention to establish the City of Carson Enhanced Infrastructure Financing District ("Carson EIFD") to finance the construction and/or acquisition and maintenance of capital improvements, remediation of brownfields, and provision of low- and moderate-income housing. As a result, the Public Financing Authority (PFA) was established. The City appointed Mayor Davis-Holmes, Mayor Pro-Tem Dear, and Katie Pandolfo (public member) to serve on the Carson EIFD PFA. To date, the County of Los Angeles ("County") has not yet appointed its two PFA members to the Carson EIFD. City Staff continue to work with County staff to effectuate these appointments.

The Carson EIFD is expected to be fully formed by the end of this calendar year. Once formed, the Carson EIFD would legally constitute as a local government entity separate and distinct from the City and the County, subject to the Ralph M. Brown Act (open meeting laws), as well as the California Public Records Act and Political Reform Act of 1974. This action is to consider and approve the PFA bylaws ("Exhibit No. 1") that will govern operation of the Carson EIFD and its PFA. In summary, the PFA bylaws establish rules pertaining to PFA membership role, meetings, officer duties, election procedures, vacancies, approval authority and other related matters. County staff has reviewed and provided comments on the bylaws in advance of tonight's meeting. The bylaws will be presented to the PFA on June 14th for approval following the approval by the City Council. Any changes or proposed changes made to the bylaws by the PFA and/or the County will be brought back to the City Council for final consideration and approval.

Separate from the bylaws, as part of the Carson EIFD formation process, public hearings must be scheduled to consider the draft Infrastructure Financing Plan ("IFP"). On March

16, 2021, the City Council set the initial Public Hearing date to review the draft IFP for May 24, 2021, and permitted the PFA to change the public hearing date, as necessary. On April 12, 2021, the PFA changed the draft IFP review date to June 14, 2021 at 11 A.M. to provide the public with more opportunities to provide comments on the draft IFP as required by the EIFD statute. The noticing for the June 14 public hearing has been initiated, as required by the EIFD statute.

II. RECOMMENDATION

TAKE the following actions:

- 1. APPROVE** the Carson EIFD PFA bylaws.
- 2. RE-ESTABLISH** the public hearing date pertaining to the Carson EIFD draft Infrastructure Financing Plan as June 14, 2021 at 11 A.M.

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate.

IV. BACKGROUND

The PFA is responsible for every action taken by the Carson EIFD, which includes issuance of bonds and other matters relating to public infrastructure financing for the Carson EIFD. On March 16, 2021, the City appointed Mayor, Mayor Pro-Tem and Katie Pandolfo (public member) to serve on the Carson EIFD PFA. On April 5, 2021, the Carson EIFD PFA held its first meeting and the PFA board appointed Mayor Davis-Holmes as Chair, Mayor Pro-Tem Dear as Vice-Chair and Katie Pandolfo as Secretary. The two seats on the PFA board reserved for the County remains vacant.

The PFA bylaws establishes rules pertaining to PFA membership role, meeting rules, officer duties, election procedures, vacancies, approval authority, and other related matters. Specifically, the important bylaw matters are summarized below (refer to Exhibit No. 1 for additional details)

- 1. Membership:** Consistent with the City's Resolution of Intention (Resolution No. 21-026), the PFA shall comprise of two members of the City Council, one member of the County Board of Supervisors or his/her designee and two members of the public, one chosen by the Council and one chosen by the County Board of Supervisors. Members of the public with respect to the City shall be appointed by a majority vote of the City Council and shall serve at the pleasure of the Council and until their successor assumes office.

2. **Compensation:** PFA members shall receive no compensation for their service but may receive reimbursement for actual and necessary expenses incurred in the performance of their official duties.
3. **Vacancies:** When a vacancy on the PFA Board exists, the Chair of the Authority Board shall notify the Chair of the County Board of Supervisors and Mayor of the City and request that a replacement be approved by the applicable body to fill the vacancy.
4. **Meetings and Notice** Meetings including special meetings are noticed in accordance with the Brown Act. PFA must meet at least annually for the purpose of adopting an annual report on or before June 30 of each year.
5. **Quorum:** A majority of the PFA constitutes a quorum for the transaction of business.
6. **Officer and Duties:**
 - **Chair:** The Chair is the highest-ranking City officer (i.e., Mayor, Mayor Pro-Tem, or City Council Member in that order).
 - **Vice Chair:** The Vice Chair is the highest-ranking County officer (i.e., County Supervisor or County's Supervisor Designee). If there are no County officers on the Authority Board, the Vice Chair shall be the second highest ranking City officer that is on the Authority Board (Mayor Pro-Tem, or City Council Member in that order).
 - **Secretary:** The Secretary is responsible for keeping records of PFA actions, including overseeing the taking of minutes, sending out meeting announcements, distributing copies and agendas. The Secretary of the Planning Commission of the City or his/her designee is the Assistant Secretary of the Authority Board and will undertake all the duties on behalf of the Secretary.

7. Term Limits: All officers (i.e., chair, vice-chair, secretary) except the Assistant Secretary shall serve two-year terms except that the position of Chair and Vice Chair shall serve as long as such person is on the PFA and meets the above definition (refer to #6). The PFA board will elect Officers whose term will expire at the end of the fiscal year in accordance with the bylaws.

8. Director and Staff: The City Manager shall act as the Executive Director of the PFA.

9. City Council Approval: The following actions by the PFA must be approved by both the PFA and the City Council in order for the actions to be considered final:

- The commitment or determination to fund projects with Carson EIFD funds (tax increment or bond proceeds), including infrastructure projects, housing, or development projects.
- The issuance of bonds on the incurrence of any indebtedness of funds from the Carson EIFD.
- Amendments to the PFA Bylaws.
- Amendments to the Infrastructure Financing Plan.
- Any expenses of the Carson EIFD more than \$25,000 not linked to an item above.

V. FISCAL IMPACT

There are no direct fiscal impacts associated with tonight's actions.

VI. EXHIBITS

1. Carson EIFD PFA Bylaws (pgs. 5 - 9)

Prepared by: James Nguyen, Project Manager/Saied Naaseh, Director of Community Development