

RULES AND REGULATIONS FOR THE OVERSIGHT BOARD
FOR THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS

ARTICLE I
GENERAL PROVISIONS

SECTION 100: DEFINITIONS

Unless the context clearly indicates otherwise:

- a. “Board” means the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Milpitas;
- b. “Brown Act” means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*, as amended;
- c. “Successor Agency” means the City of Milpitas; and,
- d. “Staff” means any members of the staff of the Successor Agency.

SECTION 101: GENERAL

The Board’s duties, the number of its members, the members’ qualifications, and their appointment, removal and terms of office shall be prescribed by State Law, including Assembly Bill 1X 26. The Board is also required to comply with the Brown Act, and to the extent and when these Rules and Regulations contradict, or are inconsistent with, the Brown Act or State Law, they shall not apply.

SECTION 102: REGULAR MEETING PLACE

Except as the Board may from time to time otherwise provide, the regular meeting place of the Board shall be at the City of Milpitas City Hall. If by reason of emergency, it is unsafe to meet at the regular meeting place of the Board, meetings may be held at any place designated by the Chair or by majority vote of the Board. Additionally, teleconference meetings are permitted subject to the requirements of the Brown Act.

ARTICLE II
OFFICERS

SECTION 200: ELECTION OF CHAIR & VICE CHAIR

The Board shall, in regular session following the first day of March of every year, elect from its members a Chair and Vice-Chair. The term of office shall be for one (1) year. The Chair and Vice-Chair shall serve at the pleasure of the Board during the term of office and may be removed from office by the Board at any time for any reason. The Vice-Chair shall perform the duties of

the Chair in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair, until such time as the members shall elect a new Chair.

SECTION 201: POWERS AND DUTIES OF CHAIR

The Chair shall have the following powers and duties:

- a. Preside at all meetings of the Board, and at all hearings conducted by the Board;
- b. Sign all written resolutions of the Board, and all minutes of all meetings or hearings of the Board, which shall have been approved by the Board; and,
- c. Perform such other duties as may be required of the Chair either by State law or by resolution or order of the Board consistent with State law and shall perform such other duties as may be necessary to perform the required duties of the Chair.

SECTION 202: POWERS AND DUTIES OF VICE-CHAIR

The Vice-Chair shall have the following powers and duties:

- a. Have and perform all powers and duties of the Chair in the event of and during the absence or disability of the Chair;
- b. Shall preside as Chair at all meetings and hearings of the Board in the event of and during the absence or disability of the Chair; and,
- c. Shall perform such other duties as may be required of the Vice- Chair either by State law or by resolution or order of the Board consistent with State law and such other duties as may be necessary to perform the required duties of the Vice-Chair.

SECTION 203: VACANCY IN OFFICE

If the Vice-Chair should cease to be a member of the Board, or if for any other reason the office of the Vice-Chair should become vacant prior to the expiration of the term of office, the Board shall elect a successor to the office of Vice-Chair for the unexpired portion of the term.

ARTICLE III **CHAIR PRO TEMPORE**

SECTION 300: VACANCY OF CHAIR AND VICE CHAIR

In the event of vacancies in offices of the Chair and Vice-Chair, or in the event of the absence of the Chair and Vice-Chair, at the time of any meeting, the Board may elect one of its members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

ARTICLE IV
SUCCESSOR AGENCY CLERK / SECRETARY

SECTION 400: APPOINTMENT

The City Clerk or Assistant City Clerk shall serve as Successor Agency Clerk and shall serve as Successor Agency Secretary.

SECTION 401: POWERS AND DUTIES

The Successor Agency Clerk shall have the following powers and duties:

- a. Attend all meetings of the Board and shall record and keep minutes of all that transpires;
- b. Attest all minutes of the meetings of the Board;
- c. Preserve, and be custodian of, all minutes, books, records, papers and tapes of the Board. Whenever necessary he or she shall certify true copies of Board documents; and,
- d. Perform all duties required of him or her by these rules and regulations or required of him or her by resolution or order of the Board consistent with State law, including, without limitation, the Brown Act.

ARTICLE V
MEETINGS

SECTION 500: GENERAL

Except as otherwise provided by this article, meetings of the Board shall be open and public and shall comply with the requirements of the Brown Act. Except as provided by the Board, the procedure to be followed by the Board at its meetings shall be that set forth in Robert's Rules of Order, provided, further, that the failure to follow Robert's Rules of Order shall not invalidate any action taken. Furthermore, such failure or deviation or waiver does not convey any right or cause of action to third parties.

SECTION 501: TIME AND DAY OF REGULAR MEETINGS

The Board shall hold bimonthly regular meetings of the Board at the City of Milpitas City Hall on the _____ and _____ of each calendar month at _____ AM/PM.

SECTION 502: SPECIAL MEETINGS

A special meeting may be called subject to the requirements of the Brown Act.

SECTION 503: ADJOURNMENT – ADJOURNED MEETINGS

The Board may adjourn any regular, adjourned regular, special or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place; and he or she shall cause a written notice of the adjournment to be given in the manner provided in Government Code section 54956. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings in Section 501 of these rules and regulations.

SECTION 504: CONTINUANCE

A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Board in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

SECTION 505: CLOSED SESSIONS

Every meeting of the Board shall be open and public, and closed sessions shall not be held unless essential for the conduct of business. The public must be afforded an opportunity to comment on closed session items prior to adjournment to closed session. Subject to these requirements and those in the Brown Act, the Board may hold closed sessions during a regular or special meeting. It is the intent of the Board to strictly limit closed sessions. The Board understands that it always has the option of discussing matters in open session notwithstanding that the Brown Act may entitle the Board to hold a closed session, and the Board intends to so exercise its prerogative in favor of open sessions to the greatest extent possible.

ARTICLE VI **MEETING AGENDA AND PROCEDURE**

SECTION 600: AGENDA

The Board shall provide for an agenda and may regulate or limit business to be considered by the Board at any meeting. The Successor Agency Clerk shall prepare and distribute the agenda for the Board.

- a. **Order of Business:** At Board meetings, the regular order of business shall be conducted in accordance with the agenda prepared for the meeting. The Board may rearrange the order of the items or matters listed on each meeting's agenda at any meeting. The Board may, from time to time, adopt a revised agenda and order of business as is consistent with the Brown Act and as may be convenient or desirable for the conduct of Board business.
- b. **Items for Agenda:** At each regular meeting, the Board shall identify items for the Agenda for the next regular meeting. Although that shall be the preferred manner for placing items on the Agenda, Board members may also suggest agenda items at other times: The Chair or any two Board members may request that an item be placed on the following meeting agenda by communicating them to the Successor Agency Executive Officer. Upon receipt of such a request, the Successor Agency Executive Officer shall place such item on the next Agenda in the form requested. Such requests for placing items on the agenda shall be made to the Successor Agency Executive Officer by email typically at least one week prior to the next meeting date but a minimum of four days prior to the next meeting date.
- c. **Public Discussion on Agenda items:** Upon calling the meeting to order and before any motion is adopted relating to the merits of the matter to be heard or before consideration of any item, the Chair shall inquire if there are any persons present who desire to speak on the matter or to present evidence respecting the matter. Any person desiring to so speak or present evidence may submit a speaker's request card and submit it to the Successor Agency Clerk before the item is heard. Upon being recognized by the Chair, such person may speak or present evidence relevant to the matter being heard. No person shall be denied the right to speak because he or she declines to disclose his or her name, address, or telephone number. However, no person shall be permitted to speak or present evidence until she or he is recognized by the Chair and given permission by the Chair to present evidence or to speak. Time limits for oral petition shall be two (2) minutes for an individual. However, the Chair, in his or her discretion, may shorten or extend such time as he or she may find reasonable under the circumstances or may further limit the time if the time anticipated to complete the agenda is unusually long. Each person who submits, presents, or makes any such evidence, testimony or statement may be requested to answer questions respecting such evidence, testimony or statements.
- d. After all presentations have been concluded, the Chair shall so declare and the members of the Board may discuss the matter among themselves, and no other persons may speak and no further exhibits may be filed unless Board members request clarifications from presenters, or petitioners or other persons in attendance. Every Board member has the right to request such clarifications or additional information.

SECTION 601: MATTERS NOT ON AGENDA

The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. The Board, or its staff, may briefly respond to statements made or questions posed and may request the Successor Agency Executive Officer to report back at a subsequent meeting. A person wishing to address the Board may submit to the Successor Agency Clerk his or her name and subject matter on a form available in the City of Milpitas City Hall.

SECTION 602: QUORUM

Four (4) members of the Board shall constitute a quorum to transact business. A lesser number of members present at a meeting may constitute a quorum solely to adjourn the meeting or adjourn the meeting to a stated time.

SECTION 603: VOTING

No action shall be taken by the Board except by affirmative vote of not less than four (4) members of the Board; provided, a majority of a lesser number present may adjourn or adjourn to a stated time.

SECTION 604: MANNER AND RECORDATION OF VOTES

Voting by members of the Board shall be by “ayes” and “noes,” and the result of each vote shall be entered by the Successor Agency Secretary in the record of the Board proceedings. Upon the request of any Board member, a roll call vote shall be taken on any matter upon which a vote is called, and each vote shall be recorded by the Successor Agency Secretary to the record of the Board proceedings.

SECTION 605: DISQUALIFICATION

Any member who is legally disqualified from participating in Board action on any particular matter shall take no part in the discussion, debate, or vote on such matter; and as soon as such matter is reached on the agenda such member shall disclose the member’s disqualification and the reason therefore, or if disqualification is not known to the member at the time such matter is reached on the agenda the member shall make such disclosure as soon as the disqualification is known to that member.

SECTION 606: MOTIONS, DEBATE THEREOF, DEBATE LIMITED TO MEMBERS OF BOARD

No debate of a motion shall be permitted prior to a second of the motion. As a member of the Board, the Chair has all rights and privileges as other members and may make motions and second motions and participate in the debate of all items. When a motion is made and seconded, it shall be stated by the Chair before being debated. Such debate shall be limited to members of

the Board only; however, Board members may request clarifications or explanations from presenters, petitioners or other persons in attendance.

Section 607: PETITIONS AND COMMUNICATIONS; FILING, REPORT, AND INSPECTION THEREOF

All written petitions and communications on the agenda of a meeting shall be filed with the Board at such meeting and shall be so marked by the Successor Agency Clerk and a copy shall be provided to each Board member. The substance of such petitions and communications shall be orally reported to the Board by the Successor Agency Clerk; upon the request of any member of the Board present at the meeting, any such petition or communication shall be read aloud in its entirety by the Successor Agency Secretary. Such petitions and communications may be inspected at any time by any member of the Board.

SECTION 608: DOCUMENTS AND OBJECTS PRESENTED TO BOARD; FILING AND INSPECTION THEREOF

All documents and all physical objects presented to the Board at any meeting by any person shall be filed with the Board at such meeting and shall be so marked by the Successor Agency Secretary. Any such document or object filed with the Board may be inspected at any time by any member of the Board. True copies or photographs of such documents and objects may be filed in lieu of the originals thereof.

Successor Agency Administrative Costs

LAST_NAME	Department	Position	FY12-13 Sal & Ben	PCT	FY 12-13
Esteves, Jose	City Council	Mayor	29,250	10%	2,925
McHugh, Peter	City Council	Vice Mayor	25,896	10%	2,590
Giordano, Debra	City Council	City Council	26,412	10%	2,641
Polanski, Althea	City Council	City Council	25,896	10%	2,590
Gomez, Armando	City Council	City Council	25,896	25%	6,474
Williams, Thomas	City Manager	City Manager	325,134	25%	81,284
Bejines, Veronica	City Manager	Executive Secretary	123,878	10%	12,388
Lavelle, Mary	City Clerk	City Clerk	176,376	20%	35,275
Biles, Donna	City Clerk	Deputy City Clerk	130,768	10%	13,077
Currie, Rachelle	City Clerk	Office Specialist	102,456	10%	10,246
Valdez, Carmen	Human Resources	HR Director	216,980	10%	21,698
Hom, Connie	Human Resources	HR Technician	100,564	10%	10,056
Nunez, Eliza	Human Resources	HR Analyst	128,514	10%	12,851
Ogaz, Mike	City Attorney	City Attorney	254,820	20%	50,964
Otake, Bryan	City Attorney	Asst. City Attorney	208,600	20%	41,720
Barrett, Susan	City Attorney	Legal Assistant	118,892	20%	23,778
Karlen, Emma	Finance	Finance Director	232,312	25%	58,078
Tzeng, Flora	Finance	Budget Manager	156,660	25%	39,165
Spencer, Kyle	Finance	Accounting Technician	104,104	5%	5,205
Takahashi, Jane	Finance	Accounting Manager	176,978	25%	44,245
Del Sol, Elizabeth	Finance	Accountant	124,038	5%	6,202
Chin, Tzu-Hsien	Finance	Accountant	124,038	5%	6,202
Chao, Julie	Finance	Accountant	124,038	50%	62,019
Huynh, Hue	Finance	Fiscal Assistant (A/R)	98,162	5%	4,908
Castellanos, Rosina	Finance	Fiscal Assistant (P.O.)	98,162	1%	982
Cortinas, Linda	Finance	Fiscal Assistant (A/P)	96,306	1%	963
Cramsey, Kathleen	Finance	Fiscal Assistant (Payroll)	96,306	1%	963
Miller, Cynthia	Finance	Fiscal Assistant (Benefits)	102,836	1%	1,028
Felix, Irene	Finance	Fiscal Assistant (Rev Collection)	96,306	1%	963
Henderson, Heather	Finance	Senior Fiscal Assistant (Rev Collection)	104,094	1%	1,041
Schroeder, Christoph	Finance	Purchasing Agent	147,120	1%	1,471
Armendariz, Greg	PW/Engineering	Public Works Dir/ City Engineer	241,550	10%	24,155
Reliford, Felix	Planning & Neighborhd Svcs	Acting Planning Director	170,234	10%	17,023
Total FTE				4	605,170

Successor Agency Administrative Costs

LAST_NAME	Department	Position	%	FY11-12 Sal & Ben	FY 11-12
Esteves, Jose	City Council	Mayor	10	45,012	1,876
McHugh, Peter	City Council	Vice Mayor	10	41,192	1,716
Giordano, Debra	City Council	City Council	10	41,192	1,716
Polanski, Althea	City Council	City Council	10	41,192	1,716
Gomez, Armando	City Council	City Council	25	41,192	4,291
Williams, Thomas	City Manager	City Manager	25	295,748	30,807
Bejines, Veronica	City Manager	Executive Secretary	10	128,092	5,337
Lavelle, Mary	City Clerk	City Clerk	25	174,528	18,180
Biles, Donna	City Clerk	Deputy City Clerk	10	135,256	5,636
Currie, Rachelle	City Clerk	Office Specialist	10	105,762	4,407
Valdez, Carmen	Human Resources	HR Director	25	214,748	22,370
Hom, Connie	Human Resources	HR Technician	25	103,766	10,809
Nunez, Eliza	Human Resources	HR Analyst	25	132,904	13,844
Ogaz, Mike	City Attorney	City Attorney	20	252,372	21,031
Otake, Bryan	City Attorney	Asst. City Attorney	50	206,452	43,011
Barrett, Susan	City Attorney	Legal Assistant	20	116,638	9,720
Lacey, Bronwen	City Attorney	Deputy City Attorney	50	156,830	6,535
Karlen, Emma	Finance	Finance Director	50	229,936	47,903
Tzeng, Flora	Finance	Budget Manager	25	162,258	16,902
Spencer, Kyle	Finance	Accounting Technician	25	102,880	10,717
DeHerrera, Joann	Finance	Office Specialist	10	95,166	3,965
Takahashi, Jane	Finance	Accounting Manager	50	183,590	38,248
Del Sol, Elizabeth	Finance	Accountant	5	122,610	2,554
Chin, Tzu-Hsien	Finance	Accountant	5	122,610	2,554
Chao, Julie	Finance	Accountant	50	122,610	25,544
Huynh, Hue	Finance	Fiscal Assistant (A/R)	5	96,998	2,021
Castellanos, Rosina	Finance	Fiscal Assistant (P.O.)	15	96,998	6,062
Cortinas, Linda	Finance	Fiscal Assistant (A/P)	5	95,166	1,983
Cramsey, Kathleen	Finance	Fiscal Assistant (Payroll)	5	95,166	1,983
Miller, Cynthia	Finance	Fiscal Assistant (Benefits)	5	106,166	2,212
Felix, Irene	Finance	Fiscal Assistant (Rev Collection)	1	95,166	397
Henderson, Heather	Finance	Senior Fiscal Assistant (Rev Collection)	1	102,870	429
Schroeder, Christoph	Finance	Purchasing Agent	25	152,342	15,869
Armendariz, Greg	PW/Engineering	Public Works Dir/ City Engineer	10	239,090	9,962
Boitnott, Michael	PW/Engineering	Associate Engineer	25	152,100	15,844
Reliford, Felix	Planning & Neighborhd Svcs	Acting Planning Director	10	176,440	7,352
Total FTE			<u>7</u>	<u>415,500</u>	

City of Milpitas Successor Agency
FY 11-12 Administration Costs (February through June 2012)

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
City of Milpitas	Successor Agency Adm Costs - staff	\$ 415,500
ABAG PLAN	Property Insurance (1)	16,759
Various vendors	Copier lease, printing, storage, office equip (2)	9,080
PG&E	Utility Costs (3)	5,571
ABAG POWER	Utility Costs (3)	729
Ctiy of Milpitas	Utility Costs (3)	1,167
	Total	<u>\$ 448,805</u>

(1) Successor Agency's share of the property insurance is 44.69% of the total property insurance premium
FY 11-12 premium: \$75,000 x 44.69% for 6 months

(2) Various vendors include office supplies, copier lease, storage, printing, postage, janitorial service
and supplies, building maintenance, and legal subscription

(3) From Feb to June 2012, 7 FTE staff is allocated to Successor Agency. There are approximately 100 workers
in the City Hall. As a result, approximately 7% of the utility costs is allocated to the Successor Agency

**City of Milpitas Successor Agency
FY 12-13 Administration Costs**

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
City of Milpitas	Successor Agency Adm Costs - staff	\$ 605,170
ABAG PLAN	Property Insurance (1)	36,646
Various vendors	Copier lease, printing, storage, office equip	17,500
PG&E	Utility Costs (3)	9,550
ABAG POWER	Utility Costs (3)	1,250
Ctiy of Milpitas	Utility Costs (3)	2,000
	Total	<u>\$ 672,116</u>

- (1) Successor Agency's share of the property insurance is 44.69% of the total property insurance premium
Estimated FY 12-13 premium: $\$82,000 \times 44.69\% = \$36,646$.
- (2) Various vendors include office supplies, copier lease, storage, printing, postage, janitorial service and supplies, building maintenance, and legal subscription
- (3) In FY 12-13, 4 FTE staff is allocated to Successor Agency. There are approximately 80 workers in the City Hall. As a result, approximately 5% of the utility costs is allocated to the Successor Agency

Site #	Bldg #	Address	Site Description	Bldg Description	Flood Zone	EQ Zone	Const Code	Construction	Sq Feet	# Stories	Year Built	Building	Contents	BI/Rents	Vehicles	Mobile Equip	Grand Total
2		457 CALAVERAS BLVD.	COMMUNITY CENTER		B-X	A3	D	ALL COMB (WOOD FRAME)	17,537	1	1990	3,174,709	647,435	0	0	0	3,822,144
3		40 NO. MILPITAS BLVD	NEW SENIOR CENTER		B-X	A3	A	NON COMB STEEL FRAME	22,500	1	1992	10,966,343	0	0	0	0	10,966,343
4	A	1265-1275 N. MILPITAS	POLICE/COMMUNITY SERVICES	POLICE STATION	X500	A3	CB	CONCRETE BLOCK	72,648	2	1991	20,431,172	2,460,410	0	0	0	22,891,582
4	B	1265 NO. MILPITAS	WAREHOUSE		X	A3	C	MASONRY CONST/WOOD ROOF	23,566	2	1991	2,139,876	0	0	0	0	2,139,876
4	D	1265 NO. MILPITAS	OFFICE/METAL SHOP		X	A3	C	MASONRY CONST/WOOD ROOF	3,856	1	1970	672,829	0	0	0	0	672,829
4	E	1265 NO. MILPITAS	CORP YARD/OLD OFF.		X	A3	C	MASONRY CONST/WOOD ROOF	2,670	2	1970	256,693	0	0	0	0	256,693
5	A	1331 CALAVERAS BLVD	AQUATIC CENTER		D	A3	A	NON COMB STEEL FRAME	6,472	1	2001	3,704,217	839,432	0	0	0	4,543,649
5	B	1331 CALAVERAS BLVD	LOCKER ROOM/LOUNGE		D	A3	A	NON COMB STEEL FRAME	5,364	1	2001	1,384,753	0	0	0	0	1,384,753
5	C	1331 CALAVERAS BLVD	STORAGE BLDG		D	A3	C	MASONRY CONST/WOOD ROOF	0	0	1961	276,952	0	0	0	0	276,952
5	D	1331 CALAVERAS BLVD	RSTRM/CONCESSION		D	A3	C	MASONRY CONST/WOOD ROOF	0	0	1990	276,952	0	0	0	0	276,952
5	E	1331 CALAVERAS BLVD	CHILDREN/BUILDING		D	A3	D	ALL COMB (WOOD FRAME)	1,150	1	2001	152,831	0	0	0	0	152,831
5	F	1331 CALAVERAS BLVD	GYMNASIUM		D	A3	A	NON COMB STEEL FRAME	10,800	1	1995	1,567,750	0	0	0	0	1,567,750
5	G	1331 CALAVERAS BLVD	AQUA/COACHES/OFFICE		D	A3	D	ALL COMB (WOOD FRAME)	312	1	2001	50,331	0	0	0	0	50,331
5	H	1331 CALAVERAS BLVD	BOILER ROOM/STORAGE		D	A3	A	NON COMB STEEL FRAME	2,592	1	2001	320,566	0	0	0	0	320,566
5	I	1331 CALAVERAS BLVD	AEROBICS BUILDING		D	A3	A	NON COMB STEEL FRAME	4,455	1	2001	726,742	0	0	0	0	726,742
6	A	777 SO. MAIN STREET	PUBLIC WORKS		X	A3	D	ALL COMB (WOOD FRAME)	1,260	1	1991	121,893	0	0	0	0	121,893
6	B	777 SO. MAIN STREET	EMERGENCY SERVICES		X	A3	D	ALL COMB (WOOD FRAME)	2,100	1	1991	213,587	0	0	0	0	213,587
6	C	777 SO. MAIN STREET	FIRE TRAINING TOWER		X	A3	A	NON COMB STEEL FRAME	5,279	4	1991	852,622	0	0	0	0	852,622
6	D	777 SO. MAIN ST.	FIRE STATION #1	FIRE STATION	AO	A3	B	ALL REINFORCED CONCRETE	19,039	1.5	2000	4,747,669	644,966	0	0	0	5,392,635
7		1263 YOSEMITE	FIRE STATION #2		D	A3	D	ALL COMB (WOOD FRAME)	6,196	1	1968	1,001,666	83,470	0	0	0	1,085,136
8		45 MIDWICK	FIRE STATION #3		B-X	A3	D	ALL COMB (WOOD FRAME)	6,196	1	1983	1,001,666	99,391	500,000	0	0	1,601,057
9		775 BARBER LANE	FIRE STATION #4		B-X	A3	D	ALL COMB (WOOD FRAME)	6,749	1	1998	1,149,346	166,551	500,000	0	0	1,815,897
10		120 N MAIN	MID TOWN PARKING GARAGE		X	A3	D	ALL COMB (WOOD FRAME)	126,131	4	2007	8,205,133	316,766	0	0	0	8,521,899
11	A	540 S ABEL-REAR	COMMUNITY ROOMS / KITCHEN		X	A3	S	ALL STEEL	5,904	0	1975	735,801	32,217	0	0	0	768,018
11	B	540 S ABEL-PORTABLE	COMMUNITY CLASSROOMS		X	A3	S	ALL COMB (WOOD FRAME)	3,540	0	2004			0	0	0	0
12	A	KENNEDY DRIVE @ N. PARK VICTORIA	CARDOZA PARK		D	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
12	B	KENNEDY DRIVE @ N. PARK VICTORIA	CARDOZA PARK			A3		MASONRY CONST/WOOD ROOF	50	1	1976						
13		DIXON LANDING & MILMONT	DIXON LANDING PARK		SHX	A3	C	MASONRY CONST/WOOD ROOF	0	0		311,568	0	0	0	0	311,568
14		ROSWELL DRIVE @ ROSWELL COURT	FOOTHILL PARK		X	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
15	A	PASEO REFUGIO @ SANTA RITA	GILL MEMORIAL PARK		X	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
15	B	PASEO REFUGIO @ SANTA RITA	GILL MEMORIAL PARK			A3		MASONRY CONST/WOOD ROOF	50	1	1980						
16		LA HONDA & COYOTE	HALL MEMORIAL PARK		AH	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
17		YELLOWSTONE / EAST OF S. PARK VICTORIA	MURPHY PARK		D	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
18		LONE TREE & STARLITE DRIVE	PINEWOOD PARK		X	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
19		CLEARLAKE/TAHOE DR	SINNOTT PARK		D	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
20		RUDYARD & ABBOTT AVENUE	STARLITE PARK		AE	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
21		COELHO/CORTEZ	AUGUSTINE MEMORIAL PARK		SHX	A3	C	MASONRY CONST/WOOD ROOF	0	0		166,171	0	0	0	0	166,171
22		RANCHO/MILP JR HI	RSTRM		D	A3	C	MASONRY CONST/WOOD ROOF	0	0		138,476	0	0	0	0	138,476
23	A	831 WESSEX PLACE	OLD ADOBE/RSTRM		AE	A3	C	MASONRY CONST/WOOD ROOF	2,208	1	1970	415,426	6,610	0	0	0	422,036
23	B	831 WESSEX PLACE	CARETAKERS HOUSE			A3		ALL COMB (WOOD FRAME)	1,345	2	1930S						
24		944 LA HONDA DRIVE	PUMP STN/PENETE		AH	A3	D	ALL COMB (WOOD FRAME)	510	1	1980	275,971	0	0	0	0	275,971
25		731 FOLSOM CIRCLE	PUMP STN/HIDDEN		AE	A3	C	MASONRY CONST/WOOD ROOF	706	1	1980	642,850	0	0	0	0	642,850
26		1125 NO. MILPITAS	PMP STN/MILPITA		AH	A3	C	MASONRY CONST/WOOD ROOF	0	0	1978	1,476,014	0	0	0	0	1,476,014
27		1521 MCCARTHY BLVD	PMP STN/OAK CRK		B-X	A3	C	MASONRY CONST/WOOD ROOF	777	1	1980	828,208	0	0	0	0	828,208
28		801 MURPHY RANCH RD	PMP STN/MURPHY		B-X	A3	C	MASONRY CONST/WOOD ROOF	777	1	1980	460,984	0	0	0	0	460,984
29		1225 NO. ABBOTT	PMP STN/ABBOTT		AHX	A3	C	MASONRY CONST/WOOD ROOF	210	1	1990	1,558,193	0	0	0	0	1,558,193
30		1736 CALIFORNIA CIRCLE	PMP STN/CA CRCL		AH	A3	C	MASONRY CONST/WOOD ROOF	600	1	1980	1,458,769	0	0	0	0	1,458,769
31		481 MURPHY RANCH RD	PMP STN/BELLEV		B-X	A3	C	MASONRY CONST/WOOD ROOF	1,300	1	1990	1,547,944	0	0	0	0	1,547,944

Site #	Bldg #	Address	Site Description	Bldg Description	Flood Zone	EQ Zone	Const Code	Construction	Sq Feet	# Stories	Year Built	Building	Contents	BI/Rents	Vehicles	Mobile Equip	Grand Total		
32		1 BUTLER STREET	PMP STN/SPENCE		AE	A3	C	MASONRY CONST/WOOD ROOF	0	0	1989	1,252,991	0	0	0	0	1,252,991		
33	A	345 JERGENS STREET	PMP STN/JERGENS		X	A3	C	MASONRY CONST/WOOD ROOF	680	1	1992	1,862,283	0	0	0	0	1,862,283		
33	B	345 JERGENS STREET	PARK/RESTROOM		X	A3	C	MASONRY CONST/WOOD ROOF	1,375	1	1992	201,076	0	0	0	0	201,076		
34	B	1425 N MCCARTHY BLVD	MAIN PUMP STN		SHX	A3	C	MASONRY CONST/WOOD ROOF	2,268	0	1969	1,000,000	4,000,000	0	0	0	5,000,000		
34	C	1425 N MCCARTHY BLVD	MAIN LIFT /NEW OPER		SHX	A3	C	MASONRY CONST/WOOD ROOF	1,515	1	2005	100,000	900,000	0	0	0	1,000,000		
34	D	1425 N MCCARTHY BLVD	MAIN PUMP STN		SHX	A3	A	NON COMB STEEL FRAME	1,036	1	2005	300,000	700,000	0	0	0	1,000,000		
34	E	1425 N MCCARTHY BLVD	MAIN PUMP STN - GARAGE/STORAGE BLDG			A3	A	NON COMB STEEL FRAME	1,080	1	2005	100,000	0	0	0	0	100,000		
35		VENUS WAY	PUMP STATION		SHX	A3	C	MASONRY CONST/WOOD ROOF	0	0	1970	798,686	0	0	0	0	798,686		
36		777 BELLEW DRIVE	CROWN PLAZA RADIO E		B-X	A3	C	MASONRY CONST/WOOD ROOF	0	0		0	248,658	0	0	0	248,658		
38		455 CALAVERAS BLVD.	CITY HALL	EXCELLENT	X500	A3	A	NON COMB STEEL FRAME	49,865	4	2002	23,971,183	0	360,000	0	0	24,331,183		
39		1101 MCCARTHY RANCH	PUMP STATION		X	A3	C	MASONRY CONST/WOOD ROOF	1,300	1	1993	2,077,132	0	0	0	0	2,077,132		
40		MARILYN DRIVE	PUMP STATION		AE	A3	C	MASONRY CONST/WOOD ROOF	0			2,077,132	0	0	0	0	2,077,132		
41	A	641 GIBRALTOR CIRCLE	PUMP STATION #1	PUMP STATIC	B-X	A3	B	ALL REINFORCED CONCRETE	6,542	1	1993	2,000,000	13,000,000	0	0	0	15,000,000		
41	B	641 GIBRALTOR CIRCLE	WATER - CONTROL BLDG					MASONRY CONST/WOOD ROOF	405	1	2011								
41	C	641 GIBRALTOR CIRCLE	WATER - CHEMICAL BLDG					MASONRY CONST/WOOD ROOF	320	1	2011								
42		AYER	WATER/PUMP/STATIO		D	A3	C	MASONRY CONST/WOOD ROOF	2,880	1	1995	4,629,808	0	0	0	0	4,629,808		
44		455 CALAVERAS & VARIOUS	BLANKET CONTENT		X	A3	ZZ	(N/A)	0			0	395,638	0	0	0	395,638		
45	B	163 MAIN STREET	WATER BUILDING TOWER		AH	A3	D	ALL COMB (WOOD FRAME)	196	1	1923	28,614	0	0	0	0	28,614		
47		MURPHY PARK	RESTROOM BLDG.		D	A3	C	MASONRY CONST/WOOD ROOF	390	1	1990	58,156	0	0	0	0	58,156		
48		821 WESSEX PLACE	ADOBE PARK RENTAL		AE	A3	D	ALL COMB (WOOD FRAME)	719	1	1950	108,809	0	0	0	0	108,809		
49		WRIGLEY	FORD PUMP STATION		X	A3	C	MASONRY CONST/WOOD ROOF	1,421	1	1980	267,051	0	0	0	0	267,051		
50		232 GREENTREE STREET	WATER WELL BLDG		X	A3	C	MASONRY CONST/WOOD ROOF	750	1	1980	64,030	0	0	0	0	64,030		
51		455 CALAVERAS & VARIOUS	HIGH VALUE VEHICLES		X	A3	V	VEHICLES	0			0	0	0	2,127,815	0	2,127,815		
52		455 CALAVERAS & VARIOUS	LOW VALUE VEHICLES		X	A3		UNKNOWN	0			0	0	0	68,966	0	68,966		
53		455 CALAVERAS & VARIOUS	CONTRACTORS EQUIPMENT		X	A3	E	EQUIP (CONTRACT OR MOBILE)	0			0	0	0	0	34,482	34,482		
54		160 N. MAIN ST	MILPITAS PUBLIC LIBRARY	PUBLIC LIBR		A3		NON COMB STEEL FRAME	60,074	2	2008	29,601,136	2,820,041	0	0	0	32,421,177		
55	A	2087 ALVISO ADOBE CT	ALVISO ADOBE			A3		ADOBE/WOOD FRAME	2,740	2	1,853								
55	B	2087 ALVISO ADOBE CT	WATER TOWER			A3		ALL COMB (WOOD FRAME)	160	1	1920S								
55	C	2087 ALVISO ADOBE CT	GARAGE			A3		ALL COMB (WOOD FRAME)	1,164	1	1920S								
55	D	2087 ALVISO ADOBE CT	CUTTING SHED			A3		ALL COMB (WOOD FRAME)	832	1	1920S								
56	A	641 GIBRALTOR CIRCLE	5 MIL GAL SFPUD TANK			A3		NON COMB (CONCRETE)	25,446	1	1,993								
56	B	641 GIBRALTOR CIRCLE	5 MIL GAL SCVWD TANK			A3		NON COMB (CONCRETE)	25,446	1	1,993								
57		AYER	5.5 MIL GAL SFPUD TANK			A3		NON COMB (CONCRETE)	20,106	1	1,991								
58		TULARCITOS	300K GAL SFPUD TANK			A3		NON COMB STEEL	1,809	1	1,981								
59		MINNIS	340K GAL SFPUD TANK			A3		NON COMB STEEL	2,042	1	1,981								
60		ALVAREZ CT	RSTRM JOHN MC DERMOTT PARK			A3		MASONRY CONST/WOOD ROOF	157	1	2,008								
61		347 IMAGINATION PLACE	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,012	2	2,000		30,000	20,000			50,000		
62		48 RAINWALK	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,353	2	2,000		30,000	20,000			50,000		
63		340 CELEBRATION DRIVE	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,247	2	2,000		30,000	20,000			50,000		
64		22 WIND SONG	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,353	2	2,000		30,000	20,000			50,000		
65		351 CELEBRATION DRIVE	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,012	2	2,000		30,000	20,000			50,000		
66		254 PARC PLACE DRIVE	TOWEHOME			A3		WOODFRAME, NON FIRE RATED	1,031	3	2,005		30,000				30,000		
67		600 S. ABEL ST., #101	CONDOMINIUM			A3		WOODFRAME, 1 HR. FIRE RATED	1,309	1	2,007		30,000				30,000		
68		700 S. ABEL ST., #306	CONDOMINIUM			A3		WOODFRAME, 1 HR. FIRE RATED	1,259	1	2,007		30,000				30,000		
69		600 S. ABEL ST., #208	CONDOMINIUM			A3		WOODFRAME, 1 HR. FIRE RATED	932	1	2,007		30,000				30,000		
70		1101 S. MAIN ST., #313	CONDOMINIUM			A3		WOODFRAME, 1 HR. FIRE RATED	635	1	2,007		30,000				30,000		
																			0
													145,240,128	27,661,585	1,460,000	2,196,781	34,482	176,592,976	

Site #	Bldg #	Address	Site Description	Bldg Description	Flood Zone	EQ Zone	Const Code	Construction	Sq Feet	# Stories	Year Built	Building	Contents	BI/Rents	Vehicles	Mobile Equip	Grand Total
			Successor Agency's properties as a percentage of total properties									71,072,041	6,838,794	1,000,000	0	0	78,910,835
			Estimated Property Tax insurance for FY 12-13 through ABAG PLAN														44.69%
			Successor Agency's share														<u><u>36,646</u></u>

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (“Reimbursement Agreement”) by and between the City of Milpitas, a municipal corporation (“City”), and the City, in its capacity as the successor agency to former Milpitas Redevelopment Agency, a public entity pursuant to California Health and Safety Code § 34173 et. seq. (“Successor Agency”), is entered into and effective as of April 25, 2012.

R E C I T A L S:

WHEREAS, Assembly Bill X1 26 (“ABX1 26”) dissolved the former Milpitas Redevelopment Agency and other redevelopment agencies and allowed cities that created such redevelopment agencies to serve and take on the status as successor agencies for the wind down of former redevelopment affairs;

WHEREAS, under ABX1 26, the City opted to act as the successor agency to the non-housing functions of the former Milpitas Redevelopment Agency, thereby creating a new entity for purposes of the wind down of the former Milpitas Redevelopment Agency’s affairs;

WHEREAS, ABX1 26 provides successor agencies shall expeditiously wind down the affairs of the former redevelopment agency and, among other duties, continue making payments for and perform obligations under enforceable obligations;

WHEREAS, under ABX1 26, agreements between the former redevelopment agency and city that formed the redevelopment agency are invalid and not binding on a successor agency;

WHEREAS, under ABX1 26, oversight boards may approve new agreements or the reentry of previous agreements between a successor agency and the city that formed the redevelopment agency that it is succeeding; and

WHEREAS, the Successor Agency has requested that the Milpitas Oversight Board (the “Oversight Board”) approve the Reimbursement Agreement to provide for the reimbursement of costs as approved by the Oversight Board to be incurred by the City on behalf of the Successor Agency.

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

A. Reimbursement

In consideration for the City’s payment of certain costs on behalf of the Successor Agency related to enforceable obligations or as otherwise required by ABX1 26, the Successor Agency agrees through this Reimbursement Agreement to make payments to the City subject to prior approval by the Oversight Board. Under ABX1 26, the Successor Agency may request and the Oversight Board may approve certain costs to be paid to the City for each six-month period (“Approved Costs”). This Reimbursement Agreement is intended to serve as a vehicle for the reimbursement of certain Approved Costs, as approved by the Oversight Board. However, there

is no assurance that the Oversight Board will approve such costs or that the Successor Agency will agree to pay any such additional costs.

B. Invoices and Payment by the Successor Agency

The City shall, from time to time, submit to the Successor Agency invoices showing the actual amounts due to be claimed as Approved Costs to be paid by the Successor Agency to the City pursuant to this Reimbursement Agreement. Within 30 days after the submission of each statement and invoice to the Successor Agency, the Successor Agency shall pay or cause to be paid to or for the benefit of the City all amounts due thereunder from the source of funds identified to pay such Approved Costs in the Successor Agency's Recognized Obligation Payment Schedules or other authorizations, as provided for by ABX1 26 or any successor legislation. Amounts not paid by the Successor Agency to the City within 30 days of demand pursuant to this Reimbursement Agreement shall bear interest at the rate then paid to the City on its funds invested in the City's investment portfolio.

C. Term; Effect and Duration of Covenants

This Reimbursement Agreement shall remain in effect until all of the City's obligations and payments due under this Reimbursement Agreement are satisfied and paid in full and all claims, lawsuits or litigation arising from obligations under this Reimbursement Agreement are settled or adjudged by a final judgment of a court of competent jurisdiction. The covenants established in this Reimbursement Agreement shall, without regard to technical classification and designation, be binding on the parties hereto and their successors in interest.

D. Nonliability of Officials and Employees

No member of the Oversight Board or councilmember, official, agent, or employee of the Successor Agency or the City shall be personally liable to the other parties, or any successor in interest, in the event of any default or breach by the Successor Agency or the City, or for any amount which may become due to the City or Successor Agency, or successor thereto, or on any obligations under the terms of this Reimbursement Agreement.

E. Records

Each party shall maintain customary books and records, including invoices delivered under paragraph B above, regarding its duties pursuant to this Reimbursement Agreement. Such books and records shall be available for inspection by the officers and agents of the other party at all reasonable times and subject to inspection as requested by the Oversight Board.

F. Governing Law

This Reimbursement Agreement is made in the State of California under the constitution and laws of the State of California, and is to be so construed.

G. Amendments

This Reimbursement Agreement may be amended at any time, and from time to time, by an agreement executed by both parties to this Reimbursement Agreement, subject to the approval of the Oversight Board.

H. Severability

If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Reimbursement Agreement is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Reimbursement Agreement and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, words, or portions thereof be declared invalid.

IN WITNESS WHEREOF, the parties hereto have executed this Reimbursement Agreement the day and year first above written.

CITY OF MILPITAS

By: _____
Thomas C. Williams, City of
Milpitas

CITY OF MILPITAS, Acting in Its
Capacity as the Successor Agency
for the former Milpitas
Redevelopment Agency

By: _____
Thomas C. Williams, Successor
Agency Executive Officer