

TO: SAN LEANDRO CITY COUNCIL and SAN LEANDRO OVERSIGHT BOARD
FROM: Mayor Stephen Cassidy
DATE: June 5, 2012
SUBJECT: OVERSIGHT BOARD APPOINTMENT – FORMER RDA EMPLOYEE REPRESENTATIVE

On February 21, 2012, pursuant to ABX 1 26, I made two appointments to the San Leandro Oversight Board: Former City Manager John Jermanis as the “community member” appointee and Community Development Director Luke Sims as the appointee “representing employees of the former redevelopment agency.”

The statute provides that the appointee “representing the employees of the former redevelopment agency” be selected from “the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.”

In San Leandro, as was the case with most California redevelopment agencies, the Redevelopment Agency did not have its own employees. City employees from across several City departments would spend a portion of their time administering the redevelopment program, and the Redevelopment Agency would pay the City for the proportionate costs of those employees, based on the amount of time spent by the employees on redevelopment activities.

Given these circumstances, the City Attorney advised that a broader interpretation of the statute was appropriate, allowing for the appointment of a City employee who performed significant former redevelopment functions. Specifically, I was advised that the appointment of Community Development and Planning Director Luke Sims, as the head of the City's overall redevelopment program and the employees performing those functions, would fit the statutory criteria and was an appropriate mayoral appointment.

Pamela Covington, representing IFPTE Local 21, has objected to Luke Sims' appointment as not meeting the statutory criteria, contending that the appointment should be a member or former member of IFPTE Local 21.

AB X 1 26 is vague in many respects and, in this particular situation, cannot be literally followed. In the absence of "clean up" legislation and to avoid any unnecessary conflicts, I have determined that Ms. Covington's interpretation of the statute is a reasonable one. I have conferred with Mr. Sims.

Based on recommendations submitted by Ms. Covington and following my interviews of qualified candidates, I have selected Steve Hernandez, Housing Specialist, as Mr. Sims' replacement. At the City Council meeting of June 18th, I will request that the Council ratify my appointment of Steve Hernandez, as the Mayor's appointment representing employees of the former redevelopment agency.

I thank Luke Sims for his dedication to our community and specifically for his service on the Oversight Board as an inaugural member of the Board as it became operative and embarked on the important tasks and challenges that have been created by the passage of ABX 1 26. I also thank Mr. Hernandez for his willingness to step forward and serve on the Oversight Board.

cc: Chris Zapata, City Manager
Jayne Williams, City Attorney
Pamela Covington, Representative IFPTE Local 21
Luke Sims, Director Office of Community Development