

**RESOLUTION NO. 24**

**RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF  
THE FORMER MILPITAS REDEVELOPMENT AGENCY  
TO EXTEND ITS CONTRACT WITH MILLER & OWEN FOR LEGAL SERVICES**

**WHEREAS**, the California State Legislature enacted Assembly Bill x1 26 to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code section 33000 et seq.), as amended by Assembly Bill 1484, Statutes of 2012, enacted June 27, 2012 (the “Dissolution Law”); and

**WHEREAS**, pursuant to Health and Safety Code section 34177, the Oversight Board (the “Oversight Board”) of the Successor Agency of the former Milpitas Redevelopment Agency (the “Successor Agency”) shall direct the expeditious wind down the affairs of the redevelopment agency consistent with its fiduciary responsibilities to holders of enforceable obligations and the taxing entities; and

**WHEREAS**, pursuant to Health and Safety Code sections 34179(n)-(o), the Oversight Board may in furtherance of its duties under the Dissolution Law (1) direct the Successor Agency to provide additional legal advice beyond what is given by the Successor Agency staff, and (2) enter into a contract to procure administrative support;

**WHEREAS**, pursuant to Health and Safety Code section 34177.3(b), the Successor Agency may create enforceable obligations to acquire legal counsel to conduct the work of winding down the former redevelopment agency; and

**WHEREAS**, on October 23, 2012, the Oversight Board selected the firm of Miller & Owen as outside legal counsel to the Oversight Board; and

**WHEREAS**, Oversight Board’s agreement with Miller & Owen for legal services will expire on June 30, 2013; and

**WHEREAS**, the Successor Agency has not paid for legal services as directed by the Oversight Board.

**NOW THEREFORE, BE IT RESOLVED** that the terms of the agreement between the Oversight Board and Miller & Owen for legal services are hereby revised as follows:

- 1) The term of the agreement is extended through December 31, 2013;
- 2) The not-to-exceed amount is increased to \$140,000, including \$20,000 for expenses for litigation necessary to compel payment by the Successor Agency;
- 3) Amounts that are not paid within 45 days of receipt of the approved invoice by the Successor Agency shall be subject to interest at the rate of 5%;

**BE IT FURTHER RESOLVED**, that the Chair of the Oversight Board is authorized to execute an amendment to the legal services agreement consistent with the amended terms set forth herein.

PASSED AND ADOPTED this 28 day of Feb, 2013, by the following vote:

AYES: (4) Mendizabal, Knopf, Murdter, Williams

NOES: (2) Gomez, Takahashi

ABSENT:

ABSTAIN:

ATTEST:

  
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Barbara Crump, Oversight Board Secretary

APPROVED:

  
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Mike Mendizabel, Chair