

RESOLUTION NO. 30

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, on February 28, 2013, the Oversight Board amended its agreement with Miller & Owen to: (1) extend the term of the agreement through December 31, 2013; (2) to increase the not-to-exceed amount to \$140,000, including \$20,000 for potential litigation expenses; and (3) to provide that amounts 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%; and

WHEREAS, the Oversight Board wishes to further amend the agreement, extending the term of the agreement with Miller & Owen through June 30, 2016, and increasing the not-to-exceed amount, to avoid the administrative expense of extending the agreement again before the Oversight Board concludes its role in the dissolution process.

NOW THEREFORE, BE IT RESOLVED that the agreement between the Oversight Board and Miller & Owen for legal services is hereby amended to extend the term of the agreement through June 30, 2016.

PASSED AND ADOPTED this 12th day of September, 2013, by the following vote:

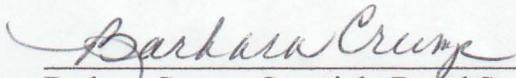
AYES: (6) Mendizabal, Grilli, Knopf, Karlen, McInerney, Williams

NOES: (0)

ABSENT: (1) Gomez

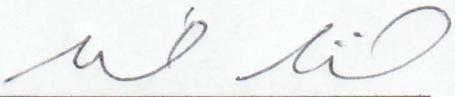
ABSTAIN: (0)

ATTEST:



Barbara Crump, Oversight Board Secretary

APPROVED:



Mike Mendizabal, Chair