

RESOLUTION NO. 51

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE FORMER MILPITAS REDEVELOPMENT AGENCY APPROVING A PROCUREMENT PROCESS AND AUTHORIZING THE OVERSIGHT BOARD CHAIR TO NEGOTIATE A CONTRACT WITH NEW OVERSIGHT BOARD COUNSEL

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 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 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, in light of the potential divergence of interests among the City, Successor Agency, and Oversight Board, on October 4, 2012, the Oversight Board determined the need for independent outside legal counsel to advise the Oversight Board regarding the expeditious wind down the affairs of the redevelopment agency; and

WHEREAS, the Oversight Board previously contracted with Miller & Owen to serve as legal counsel to the Oversight Board; and

WHEREAS, due to the impending merger of Miller & Owen with another firm, Renne Sloan Holtzman Sakai, LLP ("RSHS"), a firm that provides legal services to the City of Milpitas, RSHS requested that the City of Milpitas approve a conflict waiver to allow current Oversight Board counsel to continue in her existing capacity; and

WHEREAS, the City of Milpitas has declined to approve the requested waiver, and staff has recommended that the Oversight Board therefore select new counsel.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board has considered the full record before it, which includes but is not limited to the staff report, testimony by staff and the public, and other materials and evidence provided to it; and

BE IT FURTHER RESOLVED that the Oversight Board authorizes the Board Chair to select and negotiate a contract with new Oversight Board counsel with a term of January 1, 2015, through June 30, 2016, and a not-to-exceed amount between \$60,000 and \$80,000.

PASSED AND ADOPTED this 2nd day of December, 2014, by the following vote:

AYES: Karlen, Knopf, Medina, Mendizabal, McInerney, Reliford Williams

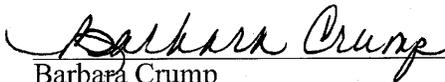
NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:



Barbara Crump
Oversight Board Secretary



Marijel S. Medina
Oversight Board Chair