

OVERSIGHT BOARD RESOLUTION NUMBER OB-2015-74

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY APPROVING THE AMENDMENT TO THE AS-NEEDED LEGAL SERVICES AGREEMENT BY AND BETWEEN THE SUCCESSOR AGENCY AND OPPER & VARCO, LLP FOR AN ADDITIONAL TWO-YEAR TERM AND APPROVING CERTAIN RELATED FINDINGS.

WHEREAS, the former Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, in accordance with Assembly Bill x1 26 (AB 26) enacted on June 28, 2011, the Former RDA dissolved as of February 1, 2012, at which time the City, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), assumed the Former RDA's assets and obligations; and

WHEREAS, the Successor Agency is required to administer the winding down of the Former RDA's operations and to ensure compliance with the Former RDA's obligations in accordance with AB 26, as subsequently amended (collectively, the Dissolution Laws); and

WHEREAS, the Dissolution Laws specify that the Oversight Board and the California Department of Finance (DOF) must review and approve certain actions and decisions of the Successor Agency; and

WHEREAS, pursuant to Resolution OB-2012-14 adopted by the Oversight Board on June 14, 2012, and subsequently approved by the DOF, the Successor Agency entered into an as-needed agreement on July 12, 2012 for environmental legal services with the law firm of Opper & Varco, LLP (Opper & Varco), effective until December 31, 2014, for the maximum compensation of \$200,000 (Agreement); and

WHEREAS, the Successor Agency has determined that an extension of the Agreement is needed for an additional two years, until December 31, 2016 (Amendment); and

WHEREAS, the Amendment will not modify the scope of Oppen & Varco's legal services and will not increase the amount of maximum compensation; and

WHEREAS, the Amendment is needed in large part due to the adoption in July 2014 of Assembly Bill 1963, which extends the DOF's deadline for approving the Long-Range Property Management Plan (LRPMP) for an additional year, until January 1, 2016; and

WHEREAS, many of the properties included in the LRPMP have environmental contamination issues and will require Oppen & Varco's specialized legal services; and

WHEREAS, the DOF issued a letter dated April 1, 2014, interpreting the Dissolution Laws to mean the Oversight Board must find that any post-AB 26 contract amendment for the provision of services is in the best interests of the local taxing entities in accordance with California Health and Safety Code (HSC) section 34181(e) or that the contract amendment, including any increase in compensation or scope of services, is necessary for the administration or operation of the Successor Agency in accordance with HSC section 34171(d)(1)(F); and

WHEREAS, the Agreement will benefit the local taxing entities and will be in their best interests because it will enable the Successor Agency to meet the obligations under the LRPMP in a timely manner as required by the DOF and to address and minimize legal risks associated with environmental contamination of Successor Agency properties; and


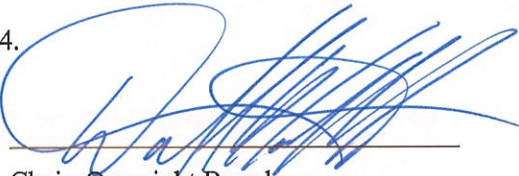
WHEREAS, the Amendment is necessary for the operation or administration of the Successor Agency because it will enable the Successor Agency to receive legal advice on environmental contamination issues in connection with its ownership of properties pending the

approval and implementation of the LRPMP and the eventual liquidation of certain properties pursuant to a negotiated purchase and sale agreement.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board as follows:

1. The Oversight Board finds, in accordance with HSC section 34181(e), that the Amendment is in the best interests of the local taxing entities.
2. The Oversight Board finds, in accordance with HSC section 34171(d)(1)(F), that the Amendment is necessary for the administration or operation of the Successor Agency.
3. The Amendment, a copy of which is included as Attachment A to the Staff Report dated September 4, 2014 accompanying this Resolution, is approved.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on September 10, 2014.



Chair, Oversight Board