

RESOLUTION NO. 2015 - 07 (OVERSIGHT BOARD)

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA, APPROVING AMENDMENT NO. 3 TO LEGAL SERVICES AGREEMENT WITH MONTOY LAW CORPORATION

WHEREAS, on July 11, 2012, the Oversight Board adopted Resolution No. 2012-01 authorizing a contract for legal services with Hilda Cantú Montoy, Attorney at Law;

WHEREAS, on February 15, 2013, the Oversight Board adopted Resolution No. 2013-03 Authorizing Amendment No. 1 to contract for legal services with Montoy Law Corporation modifying the not-to-exceed amount to \$145,000.00;

WHEREAS, on August 16, 2013, the Oversight Board adopted Resolution No. 2013-08 Authorizing Amendment No. 2 to contract for legal services with Montoy Law Corporation modifying the not-to-exceed amount to \$195,000.00;

WHEREAS, the agreement contains a "Maximum Not to Exceed Contract Amount" provision;

WHEREAS, litigation prompting the retention of legal counsel for the Oversight Board continues and requires considerable work in the next few months; and,

WHEREAS, the Oversight Board desires to have Montoy Law Corporation continue to provide legal services under the agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE CITY OF SANTA CLARA REDVELOPMENT AGENCY AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff and the public, form the basis for the findings and actions set forth in this Resolution.

SECTION 2. The Oversight Board hereby approves Amendment No. 3 to Legal Services Agreement with Montoy Law Corporation including a new cap amount of \$220,000.00.

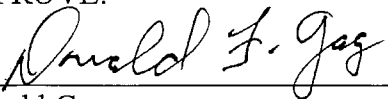
SECTION 3. The Oversight Board hereby directs staff to submit to the Department of Finance and the County Auditor-Controller, a copy of this resolution.

SECTION 4. Effective date. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for five (5) business days, pending a request for review by the State of California Department of Finance.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 11th DAY OF DECEMBER, 2015, BY THE FOLLOWING VOTE:


AYES:	BOARD MEMBERS:	Ameling, Barry, Guthrie, Matthews, Zaderey and Chairperson Gage
NOES:	BOARD MEMBERS:	None
ABSENT:	BOARD MEMBERS:	Maduli
ABSTAINED:	BOARD MEMBERS:	None

APPROVE:



Donald Gage
Chairperson

ATTEST:



Jennifer Yamaguma
Clerk to the Oversight Board

Attachments incorporated by reference:
Amendment No. 3 to Legal Services Agreement

AMENDMENT NO. 3
TO LEGAL SERVICES AGREEMENT FOR SERVICES TO THE
THE OVERSIGHT BOARD BY MONTOY LAW CORPORATION

This Amendment No.3 ("Amendment No. 3") is entered into as of December 16th 2015, by and between the Successor Agency to the Redevelopment Agency of the City of Santa Clara ("Successor Agency") and MONTOY LAW CORPORATION ("Firm").

RECITALS

A. Successor Agency and Hilda Cantú Montoy, Attorney at Law, entered into a Legal Services Agreement ("Agreement") effective July 17, 2012, to have Ms. Montoy represent the Oversight Board and to provide legal services to the Oversight Board as required.

B. Successor Agency and Hilda Cantú Montoy, Attorney at Law, entered into Amendment No. 1 effective February 22, 2013 and Amendment No. 2 effective August 16, 2013, to have Montoy Law Corporation represent the Oversight Board and to provide legal services to the Oversight Board as required.

C. The Agreement contains a "Maximum Not to Exceed Contract Amount" which amount is almost reached.

D. The Oversight Board desires to have Montoy Law Corporation continue to provide legal services under the Agreement and increase the Maximum Not to Exceed Contract Amount.

AGREEMENT

In consideration of the above recitals, which recitals are a part of this Amendment No. 3 to Legal Services Agreement and the mutual promises herein contained, the parties agree as follows:

1. Section B of Exhibit A to the Agreement is amended to read as follows:

B. Maximum Not to Exceed Contract Amount

The Agreement heretofore provided for a maximum not to exceed contract amount of \$85,000.00. That amount was increased by \$60,000 by Amendment No. 1 to the Agreement and by \$50,000 by Amendment No. 2 for a total of \$195,000. That maximum amount is increased by \$25,000.00 for a total of \$220,000, subject to budgetary appropriations.

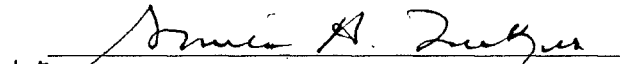
2. Except as expressly modified in this Amendment No. 3, the terms and conditions of the Agreement and the rights, duties and obligations of the parties thereunder are unchanged and remain in full effect.

**THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE
CITY OF SANTA CLARA, CALIFORNIA**

APPROVED AS TO FORM:

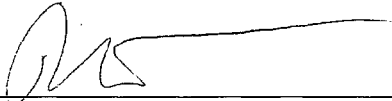


RICHARD E. NOSKY, JR.
Agency General Counsel



JULIO J. FUENTES
Executive Director
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone No.: (408) 615-2210
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ATTEST:

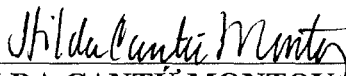


ROD DIRIDON, JR.
Agency Secretary

“SUCCESSOR AGENCY”

MONTOY LAW CORPORATION
a California Corporation

By:



HILDA CANTÚ MONTOY
President
2125 Kern Street, Ste. 308
Fresno, CA 93721
Telephone No.: (559) 579-1924
Fax No. (559) 579-1923

“FIRM”