



# CITY OF SANTA CLARA

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## AGENDA

### OVERSIGHT BOARD FOR SUCCESSOR AGENCY TO THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY

A complete agenda packet will be available for public review in the City Hall Council Chambers and the City Clerk's Office at the same time the public records are distributed to the Oversight Board.

**July 09, 2012**

#### REGULAR MEETING

**2:00 PM in the City Hall Council Chambers**

1. CALL TO ORDER/ROLL CALL:

2. APPROVAL OF MINUTES:

A. June 22, 2012.

3. CONTINUANCE/EXCEPTIONS:

4. UNFINISHED BUSINESS:

A. Action Item: Discussion, selection and possible appointment of Outside Counsel for Oversight Board.

1. Issue: Source of funding.  
Staff Recommendation: Add cost of Outside Counsel to the Recognized Obligation Payment Schedule (ROPS) as an Enforceable Obligation.

B. Reconsideration of 1) February 28, 2011 Cooperation Agreement to Assist a Publicly Owned Stadium and 2) March 21, 2011 Predevelopment Funding Agreement pursuant to Health and Safety Code Section 34181(d).

1. Staff Recommendation for action: Approval to add to the Stadium Agreements to the Recognized Obligation Payment Schedule (ROPS).

- C. Notice of the June 1, 2012 distribution for Santa Clara Redevelopment Property Tax Trust Fund (RPTTF); Successor Agency response to the County of Santa Clara [Informational item].

**5. NEW BUSINESS:**

- A. Status of the State Department of Financial approval of the Second ROPS (waiting for a response to the letter that the City submitted to the State as well as a response from V. Sharma's letter to the State).

**6. AGENDA ITEMS FOR NEXT MEETING:**

**7. PUBLIC PRESENTATIONS:**

This item is reserved for persons to address the Oversight Board on any matter not on the agenda that is within the subject matter jurisdiction of the City. The law does not permit Oversight Board action on, or extended discussion of, any item not on the agenda except under special circumstances. The Oversight Board, or staff, may briefly respond to statements made or questions posed, and the City Manager may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on forms available by the door in the Council Chambers.

- A. Correspondence received regarding June 22, 2012 Oversight Board meeting.

**8. ADJOURNMENT:**

- A. Board to determine next meeting date.

Meeting Date:

7/11/12

## AGENDA REPORT

Oversight Board for Successor Agency  
to the City of Santa Clara, California  
Redevelopment Agency

Agenda Item #

4A



**Date:**

July 11, 2012

**To:**

Oversight Board for the Successor Agency of the Redevelopment Agency of the City of Santa Clara for Action

**From:**

Interim City Manager/Executive Officer to Successor Agency

**Subject:**

Contract with Independent Legal Counsel for the Oversight Board

### EXECUTIVE SUMMARY:

The Oversight Board adjourned their July 9, 2012 meeting to July 11, 2012 to continue discussion of the hiring of independent legal counsel to advise, inform and support the Board. The Board Chair offered the Successor Agency the opportunity to identify potential candidates but Successor Agency staff were unable to identify candidates for consideration due to the critical timing requirement for the Board engagement and/or existing client engagements.

The Board Chair has identified a candidate, Hilda Cantu Montoy, who appears to meet the requirements related to necessary legal experience. Ms. Montoy does not have a working relationship with any of the various Board entities over the past five years. Ms. Montoy's curriculum vitae is attached. The Chair was hoping to have a telephone interview with Ms. Montoy at today's meeting, but unfortunately, the media capability of the Council Chambers is not robust enough to make a phone conference call audible to both the Chamber audience and the video streaming audience. It is proposed, that if hired, Ms. Montoy would attend the next Oversight Board meeting.

### FISCAL IMPACT:

Although preliminary, Ms. Montoy estimated her fee at \$275 per hour, with reimbursable expenses for travel from her Fresno office. At their July 9, 2012 meeting the Board clarified that it did not intend to fund the Oversight Board's legal counsel from the Successor Agency's Administrative Cost Allowance as listed on the Recognized Obligation Payment Schedule, but rather seek an alternative source of funding. Given the requirements of AB 1484, it is not clear at this time where this funding source will come from. Staff recommends that Successor Agency finance staff work with Santa Clara County finance staff to determine the source of funding for Oversight Board legal counsel and bring that information back to the Oversight Board with a completed legal services contract.

**RECOMMENDATION:**

That the Oversight Board:

1. Direct the Executive Officer to the Successor Agency to negotiate a legal services contract with Hilda Cantu Montoy; and
2. Direct the Executive Director of the Successor Agency to work with County finance staff to identify a source of funding for a legal services contract other than the Successor Agency to the Redevelopment Agency of the City of Santa Clara's Administrative Cost Allowance.



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Ronald E. Garratt  
Interim City Manager/Executive Officer to Successor Agency

*Documents Related to this Report:*

- 1) *Curriculum Vitae – Hilda Canto Montoy*



## Hilda Cantú Montoy

Attorney at Law

2125 Kern Street, Ste. 308  
Fresno, CA 93721  
(559) 579-1924  
(559) 579-1923 Fax

[hildac@montoylaw.com](mailto:hildac@montoylaw.com)

### Areas of Practice:

Municipal Law  
Public Agency  
Employment & Labor

### Education:

J.D. – Stanford Law School  
B.A. – Stanford University

### Bar Admission:

California 1977

Ms. Montoy opened her law firm on June 1, 2009. Ms. Montoy specializes in public entity law and serves numerous public agencies as general counsel and special counsel.

Ms. Montoy has extensive experience representing elected and appointed public officials and public agencies and represents clients in matters ranging from daily operations to long term issues. Ms. Montoy advises clients on a variety of matters including governance, the Brown Act, public records, employment and labor relations, conflicts of interest, land use, environmental issues, contracts, and procurement. She has managed and coordinated complex litigation and transactions from civil rights litigation to major construction projects such as a Triple A baseball stadium, a convention center, and a regional sports park.

Ms. Montoy worked 20 years in the Fresno City Attorney's Office including serving as City Attorney for that city for over 10 years. She joined a large Fresno firm as a shareholder where she served primarily public clients. After 3 years, she decided to open her own office. She currently serves as City Attorney for the Cities of San Joaquin and Orange Cove and as General Counsel for the SKF County Sanitation District. She also serves as special counsel and personnel counsel to various public entities in Central California. Ms. Montoy understands public clients, their unique and at times conflicting needs, and the public decision making process. She works closely with clients to achieve positive results for the matter at hand and for the long term.

Ms. Montoy is active in the League of California Cities Attorneys Division and the Institute of Local Government. She has served on various committees and assisted in editing and updating resources for public lawyers. These include "Open & Public IV: A Guide to the Ralph M. Brown Act," "Charter and General Cities," and "Alternative Dispute Resolution: Navigating Special Legal Issues in Public Agency Disputes."

**Hilda Cantú Montoy**

She has also served as a presenter on various topics such as "Providing Conflict of Interest Advice under the Political Reform Act," "The Changing Role of the City Attorney in the New Millennium," "Breaking the Glass Ceiling," and "AB 1234 Ethics Training." She has also been a contributing editor to the Rutter Group's Employment Litigation Practice Guide.

**Professional Recognitions & Awards**

- 2007 Justice Pauline Hanson Award
- 2006 Robazo Award – Arte Americas
- 2003 Woman of the Year – State Legislature
- 1995 Top 10 Professional Women of the Year
- Outstanding Leadership Award in "Legal/Justice" Category Presented by Assembly Member Sarah Reyes, 1999
- "Latinas Beyond Boundaries Award" Presented by Central California Hispanic Chamber of Commerce, May 1997; October 2001

**RECEIVED**

JUL 10 2012

City Clerk's Office  
City of Santa Clara

Ms. Montoy is very interested in community involvement and has served on numerous civic, non-profit, and professional boards of directors. Some of these include St. Agnes Medical Center Board of Directors, Metropolitan Museum of Art, Fresno County Bar Association, and Centro La Familia. She also enjoys speaking to elementary, high school, and college student groups on the importance of education and leadership skills.

**Professional Affiliations & Memberships**

American Bar Association, Public Law Section  
Fresno County Bar Association  
Fresno County Women Lawyers  
La Raza Lawyers Association

**Personal**

Ms. Montoy was born and raised in San Antonio, Texas. She married Jorge Montoy in 1973 and they have three adult married children and one grandchild. Ms. Montoy is an avid sports fan, loves to cook for family and friends and enjoys her gardens.

## HILDA CANTÚ MONTÓY

2125 Kern Street, Suite 308 • Fresno, CA 93721 • 559-579-1924 • 559-579-1923 (Fax) • [hildac@montoylaw.com](mailto:hildac@montoylaw.com)

### EDUCATION

J.D.	1976
<i>Stanford Law School</i>	<i>Stanford, California</i>
B.A. - POLITICAL SCIENCE	1973
<i>Stanford University</i>	<i>Stanford, California</i>

### EXPERIENCE

<b>HILDA CANTU MONTÓY</b> <b>ATTORNEY AT LAW</b> <i>2125 Kern Street, Suite 308</i>	MAY 2009 TO PRESENT <i>Fresno, California 93721</i>
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Ms. Montoy represents public agencies as general counsel and special counsel in broad spectrum of public agency law matters. She has extensive public sector experience in governance, contracts, public works, land use, CEQA, impact fees, personnel, and labor relations. She utilizes her experience and knowledge to assist clients in their governance and decision making process, in her advice to clients, and in her representation of clients. Ms. Montoy emphasizes the importance of transparency laws (Brown Act, Public Records Act, conflicts of interest, competitive bidding). She represents private and public clients in employment and labor matters. Ms. Montoy also conducts independent personnel investigations and serves as hearing officer and legal advisor in personnel hearings.

<b>PUBLIC PRACTICE DEPARTMENT CHAIR</b> <i>Dawling, Aaron &amp; Keeler, Inc.</i> <i>8080 N. Palm Avenue, Third Floor</i>	JUNE 2006 TO MAY 2009 <i>Fresno, California</i>
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Chair of firm's Public Practice Group and member of Firm's Board of Directors. Represented and advised public sector clients as general counsel and special counsel and private sector clients in business transactions and personnel matters with emphasis on governance, elections, ethics, conflicts of interest, land use, personnel and constitutional law.

<b>CITY ATTORNEY</b> <b>ACTING CITY ATTORNEY</b> <i>City of Fresno</i> <i>2600 Fresno Street</i>	JULY 1995 TO MARCH 2006 FEBRUARY 1995 TO JULY 1995 <i>Fresno, California</i>
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Represented and advised Mayor, City Council, City officials, departments, and boards and commissions on all legal matters pertaining to their office and operations. Managed and supervised City Attorney's Office, a legal office with 19 attorneys, 3 legal assistants and 18 support staff. Practice included advisory and litigation work on major business transactions, land use matters, economic development and redevelopment projects, public financings, personnel/labor relations, civil rights and constitutional law issues, and complex litigation. Established expertise in local governance and public policy.

**HILDA CANTU MONTOY**

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**ASSISTANT CITY ATTORNEY**  
*City of Fresno*  
2600 Fresno Street

SEPTEMBER 1990 TO FEBRUARY 1993  
*Fresno, California*

Served as Civil Advisor Unit Supervisor and handled special projects for City Council and City Manager. Supervised land use, redevelopment/economic development, police legal advisor, personnel/labor relations, municipal finance, and contracts attorneys and support staff. Served as Acting City Attorney during vacancy of City Attorney position.

**PRIVATE PRACTICE**  
6067 N. Fresno Street, Suite 101

AUGUST 1987 to AUGUST 1990  
*Fresno, California*

Managed solo civil practice focusing on local agency law, labor relations and employment law. Represented management and employees in both the private and public sectors. Served as legal counsel to Fresno Private Industry Council, Fresno County Local Agency Formation Commission (LAFCO), Fresno Employment Training Commission, and various cities and special districts.

**ASSOCIATE**  
*Law Office of William J. Smith*  
1111 Fulton Mall, Suite 400

JUNE 1985 TO JUNE 1987  
*Fresno, California*

Represented employers and employees before the Department of Fair Employment and Housing, the California Labor Commissioner, civil service boards, and school boards as well as in state and federal courts. Served as legal counsel for the Fresno Private Industry Council and the Fresno Employment and Training Commission (both joint powers agencies of the City of Fresno and County of Fresno).

**DEPUTY CITY ATTORNEY**  
*City of Fresno*  
2326 Fresno Street

SEPTEMBER 1980 TO MARCH 1985  
*Fresno, California*

Handled personnel, labor relations, elections, conflicts of interest, land use, municipal code, and cable television matters. Served as legal advisor to Civil Service Board, Planning Commission, Fresno City Employees Health and Welfare Trust, Fresno City Employees Retirement Board, Fire and Police Retirement Board, and Building Commission. Drafted legal opinions, charter amendments, ordinances, resolutions, contracts, deeds, leases and other legal documents.

**ASSISTANT REGIONAL COUNSEL**  
*U.S. Community Services Administration*  
450 Golden Gate Avenue

AUGUST 1978 TO JUNE 1980  
*San Francisco, California*

Represented the Community Services Administration in its legal matters including drafting of federal regulations, consultation with staff on legal matters and related policy issues, ensuring legal eligibility of grantees, development and implementation of a regional compliance manual, training for staff and for grantees in Arizona, Hawaii, Nevada, and California, and some litigation.

**STAFF ATTORNEY**  
*Alameda County Legal Aid Society*  
525 "H" Street

SEPTEMBER 1976 TO AUGUST 1978  
*Union City, California*

Represented indigent clients in a variety of matters such as landlord-tenant and debt collection. Legal advisor to parent and student groups concerning education issues and to a community clinic concerning health-related government regulations.

**HILDA CANTU MONTOX**

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**PROFESSIONAL AFFILIATIONS & ACTIVITIES**

- Contributor, League of California Cities - City Attorneys Department: Report of the Department's Ad Hoc Due Process Committee, October 2005
- Contributing Editor, The Rutter Group, California Practice Guide: Employment Litigation (2009)
- Eastern District Judicial Screening Panel for Senator Feinstein
- Facilitator, "Measurement of Staff Workload and Performance," League of California Cities Large Cities Conference, November 1998
- Speaker ("The Changing Role of the City Attorney in the New Millennium"), Continuing Education Seminar For Municipal Attorneys, May 2001
- Speaker ("Providing Conflict Of Interest Advice Under The Political Reform Act"), Continuing Education Seminar For Municipal Attorneys, 1999
- Federal Bar Association Board, San Joaquin Valley Chapter, Executive Board
- Fresno County Bar Association
- Fresno County Bar Association Board of Directors
- Presenter, Fresno County Women Lawyers - "Breaking the Glass Ceiling," 2005
- Fresno County Women Lawyers
- La Raza Lawyers Association
- League of California Cities - City Attorneys Department: Editorial Board, "Open & Public IV: A Guide to the Ralph M. Brown Act" (2006)
- League of California Cities Fair Political Practices Commission Committee
- Merit Selection panel for New Federal Magistrate Judge, Fresno
- State Bar of California
- State Bar of California Legal Services Trust Fund Commission
- State Center Community College District Personnel Commission
- U.S. Federal District Court (Northern and Eastern Districts)

**COMMUNITY ACTIVITIES**

- California School Personnel Commissioners Association
- Census 2000 Outreach Program
- Centro La Familia Board of Directors
- Edison H.S. School Site Council
- Fresno Metropolitan Museum Board of Directors
- Golden Valley Girl Scout Council Board of Directors
- Keynote Speaker Math/Science Conference for High School Girls (American Association of University Women)
- Lecturer at California State University, Fresno
- Optimist Club - Youth In Government Day
- Speaker at various career days at Elementary and High Schools
- St. Agnes Medical Center Board of Directors
- Stanford Alumni Association Executive Board
- State Center Community College District Personnel Commission
- United Health Centers Board of Directors

**HILDA CANTU MONTYO**

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**AWARDS & HONORS**

- 2007 Justice Pauline Hanson Award
- 2006 Rebozo Award - Arte Americas
- 2003 Woman of the Year - State Legislature
- 1995 Top 10 Professional Women of the Year
- Honorary Chair - American Diabetes Association Hispanic Education Kick Off
- Outstanding Leadership Award in "Legal/Justice" Category Presented by Assembly Member Sarah Ktycs, 1999
- "Special Recognition Award" Presented by La Raza Lawyers Association, 1996
- "Latinas Beyond Boundaries Award" Presented by Central California Hispanic Chamber of Commerce, May 1997; October 2001
- Recognition Award Presented by League of Mexican American Women, 1997
- Appreciation Award Presented by Mexican American Legal Defense and Education Fund, 1998

**PERSONAL DATA**

Languages: English & Spanish  
 Health: Excellent  
 Family: Married with three married children  
 Interests: Soccer, Cooking, Gardening

RESOLUTION NO. 2012-01

**RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR  
AGENCY TO THE CITY OF SANTA CLARA REDEVELOPMENT  
AGENCY TAKING VARIOUS ACTIONS RELATED TO RETAINING  
LEGAL COUNSEL AND PROVIDING COMPENSATION THEREFOR**

**WHEREAS**, on June 27, 2012, a lawsuit was filed against the Oversight Board of the Successor Agency to the City of Santa Clara Redevelopment Agency ("Oversight Board"); and

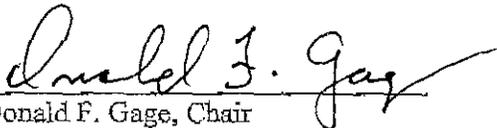
**WHEREAS**, it is necessary and appropriate for the Oversight Board to retain independent legal counsel and provide compensation therefor to ensure that the Oversight Board is provided with adequate legal representation during the course and scope of its duties, including but not limited to advice and counsel during its meetings, representation in any lawsuits or other legal actions or matters, and other legal services as necessary or appropriate.

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

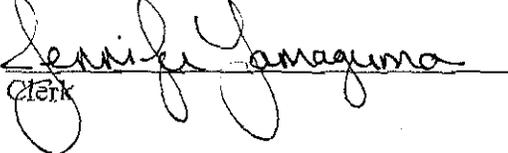
1. Pursuant to Health and Safety Code section 34179(n), the Oversight Board hereby appoints Hilda Cantú Montoy (SBN 77489) as its legal counsel and directs the Successor Agency to the City of Santa Clara Redevelopment Agency ("Successor Agency") to take all actions to effectuate this appointment, including, but not limited to, the entering of a legal services contract.
2. Pursuant to Health and Safety Code section 34171(d)(1)(F), all costs and expenses for legal counsel related to any litigation are hereby approved as enforceable obligations for purposes of inclusion on the current and future Recognized Obligation Payment Schedules ("ROPS").
3. Pursuant to Health and Safety Code section 34179(h), the Successor Agency to the City of Santa Clara Redevelopment Agency is directed to provide this Resolution, written notice, and information about this action to the state Department of Finance immediately and in no event later than one business day after this action is taken.

**PASSED AND ADOPTED** by the Oversight Board of the Successor Agency to the City of Santa Clara Redevelopment Agency on July 11, 2012 by the following vote:

AYES: Ameling, Jarvis, Maduli, Matthews,  
Plough and Putris and Chairperson Gage  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
Donald F. Gage, Chair

ATTEST:

  
Clerk