

## **RESOLUTION NO.**

### **A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER MORGAN HILL REDEVELOPMENT AGENCY APPROVING THAT CERTAIN FIRST AMENDMENT TO CONSULTANT AGREEMENT WITH BURKE, WILLIAMS AND SORENSEN FOR LEGAL ASSISTANCE FOR THE SALE OF FORMER REDEVELOPMENT AGENCY ASSETS CONSISTENT WITH THE LONG RANGE PROPERTY MANAGEMENT PLAN (LRPMP) AND AUTHORIZING THE CITY MANAGER TO EXECUTE, PROCESS AND ADMINISTER THE AGREEMENT**

WHEREAS, the Successor Agency to the former Morgan Hill Redevelopment Agency ("Oversight Board") was duly organized and exists under and pursuant to the laws of the State of California, including without limitation Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code (commencing with section 34170), as amended by Assembly Bill 1484 and as further amended from time to time (collectively, the "Dissolution Act"), and, more specifically, pursuant to California Health and Safety Code section 34179 (the "Oversight Board"); and

WHEREAS, on February 18, 2015, the Successor Agency to the former Redevelopment Agency of the City of Morgan Hill ("Successor Agency") and on February 25, 2015, the Oversight Board approved and authorized, by resolution, the City Manager to execute that certain Consultant Agreement with Burke, Williams, and Sorensen for Legal Assistance for Sale of Former Redevelopment Agency Assets Consistent with the Long Range Property Management Plan (LRPMP) ("Consultant Agreement"); and

WHEREAS, on July 22, 2015, in anticipation of the Successor Agency's approval at their meeting of August 5, 2015, the Oversight Board, subject to the subsequent approval of the Successor Agency, approved the First Amendment to Consultant Agreement with Burke, Williams, and Sorensen ("First Amendment"); and

WHEREAS, on August 5, 2015, the Successor Agency considered the First Amendment to Consultant Agreement with Burke, Williams and Sorensen ("First Amendment"); and

WHEREAS, pursuant to the provisions of the Dissolution Act, Successor Agency actions need review and approval of the Oversight Board, which has been obtained; and

WHEREAS, a more detailed description of the reasons supporting the Successor Agency's approval of the First Amendment, that is the subject of this Resolution are set forth in detail in that certain Successor Agency Staff Report submitted for Successor Agency Meeting dated August 5, 2015 entitled "First Amendment to Professional Services Contract with Burke, Williams, and Sorensen for Legal Assistance for Sale of Former Redevelopment Agency Assets Consistent with the Long Range Property Management Plan (LRPMP)" submitted to the Successor Agency by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by Successor Agency of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the Successor Agency Meeting Agenda on the date set forth in the Staff Report, or to such date that the Successor Agency may have continued or deferred consideration of this Resolution, and on such date the Successor Agency conducted a duly noticed public hearing on the adoption of this Resolution at which hearing the Successor Agency provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution.

**NOW, THEREFORE, THE SUCCESSOR AGENCY OF THE FORMER MORGAN HILL REDEVELOPMENT AGENCY DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

Section 1. Recitals. The Successor Agency does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The Successor Agency does further resolve, order and/or direct as follows:

- a. That the First Amendment to Consultant Agreement with Burke, Williams, and Sorensen for Legal Assistance for Sale of Former Redevelopment Agency Assets Consistent with the Long Range Property Management Plan (LRPMP) as described in the Staff Report, which Agreement is substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the "First Amendment") is hereby authorized and approved, in an amount not to exceed \$110,000, and the Successor Agency is authorized to enter into such Agreement.
- b. That the City Manager is authorized to execute, process and administer the First Amendment and transmit or cause the transmittal of such First Amendment to Agreement to the County of Santa Clara and the California State Department of Finance pursuant to the provisions of the Dissolution Act and to take all other actions, or cause all such other actions to be taken, necessary or appropriate to process the Agreement in accordance with said Dissolution Act.

Section 3. This Resolution shall take effect in the manner and time frame set forth in the Dissolution Act.

**PASSED AND ADOPTED**, by the Successor Agency to the former Morgan Hill Redevelopment Agency at a Regular Meeting held this 5th day of August, 2015, by the following vote:

**AYES: Board Members:**

**NOES: Board Members:**

**ABSTAIN: Board Members:**

**ABSENT:     Board Members:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
Chair –Successor Agency to the former City  
of Morgan Hill Redevelopment Agency

**Attest:**

\_\_\_\_\_  
Irma Torrez, Clerk of the Successor Agency

**∞ CERTIFICATION ∞**

**I, Irma Torrez, Clerk of the Successor Agency of the City of Morgan Hill, California,** do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, adopted by the Successor Agency at a Regular meeting held on August 5, 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, Clerk of the Agency**