

RESOLUTION NO. 2014 – 10

RESOLUTION OF THE OVERSIGHT BOARD OF THE  
SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY APPROVING  
AND AUTHORIZING THE CHAIRMAN OF THE SUCCESSOR AGENCY  
TO EXECUTE THE THIRD AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES  
BETWEEN THE SUCCESSOR AGENCY AND CHRISTENSEN & SPATH, LLP, TO EXTEND  
THE TERM FOR TWO YEARS AND INCREASE THE NOT TO EXCEED  
AMOUNT BY \$100,000, FOR A TOTAL AGREEMENT AMOUNT OF \$450,000

WHEREAS, on December 7, 2010, the Community Development Commission as the National City Redevelopment Agency (“CDC”) and the law firm of Christensen & Spath (the “Firm”) entered into a two-year Agreement for the total amount of \$150,000 (“Agreement”), wherein the Firm agreed to provide litigation support, and legal services for real estate transactions for both market rate and affordable housing redevelopment projects, as well as commercial and industrial projects; and

WHEREAS, pursuant to Assembly Bill 26 as amended in Assembly Bill 1484, all redevelopment agencies in the State of California were dissolved as of February 1, 2012, and upon dissolution of the CDC, the City of National City (“City”) assumed the role of Successor Agency to the CDC (“Successor Agency”); and

WHEREAS, on October 30, 2012, the Successor Agency adopted Resolution No. 2012-24 to extend the term of the Agreement for an additional two years (expiring December 6, 2014), and to increase the not to exceed amount by \$125,000; and

WHEREAS, on April 1, 2014, the Successor Agency adopted Resolution No. 2014-45 to increase the not to exceed amount in the Agreement by \$75,000, for a total not to exceed amount of \$350,000; and

WHEREAS, Christensen & Spath currently represents the Successor Agency in the litigation matter of Morgan Square, (Superior Court Case No. 37-2013-00054606-CU-OR-CTL), and is assisting with ongoing legal aspects of the WI-TOD Project; and

WHEREAS, the Firm and the Successor Agency desire to amend the Agreement to extend the term by two years, expiring on December 6, 2016, and to increase the not to exceed amount by \$100,000, for a total not to exceed amount of \$450,000; and

WHEREAS, this Third Amendment requires the approval of the Oversight Board of the Successor Agency (“Oversight Board”), and the California Department of Finance prior to being effective.

WHEREAS, the Oversight Board, at its regular meeting taking place on November 19, 2014 considered the authorization of the Successor Agency's Chairman to execute the Third Amendment (“Authorization”), said Authorization having been approved by the Successor Agency on November 18, 2014, and recommended for Oversight Board approval by staff, along with all evidence presented, both in favor and against the Authorization, if any; and

WHEREAS, approval of this Authorization is not a “Project” under section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because the proposed action consists of administrative activity that will not result in direct or indirect physical changes to the environment and, as such, pursuant to section 15061(b)(3) of the CEQA Guidelines is not subject to CEQA.

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NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency as follows:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The Oversight Board hereby authorizes the Chairman of the Successor Agency and his designee(s) to execute a Third Amendment to the Agreement by and between the Successor Agency and Christensen & Spath, LLP, extend the term by two years, expiring on December 6, 2016, and to increase the not to exceed amount by \$100,000, for a total not to exceed amount of \$450,000.

SECTION 3. A true, correct and complete copy of the Third Amendment shall be maintained on file in the office of the City Clerk.

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

SECTION 5. The Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution.

PASSED and ADOPTED this 19<sup>th</sup> day of November, 2014.

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NOW, THEREFORE, BE IT RESOLVED that the foregoing Resolution was duly and regularly adopted at a regular meeting of the Oversight Board for the Successor Agency to the Community Development Commission as the National City Redevelopment Agency held on the 19<sup>th</sup> day of November 2014, by the following vote:

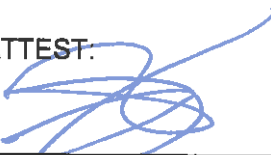
AYES:

NOES:

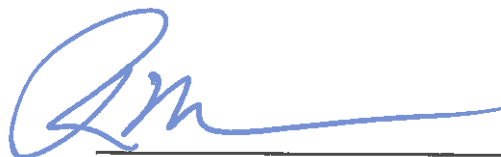
ABSENT:

ABSTAIN:

ATTEST:



\_\_\_\_\_  
Brad Raulston, Executive Director  
Secretary to the Oversight Board



\_\_\_\_\_  
Ron Morrison, Chairman

APPROVED AS TO FORM:



\_\_\_\_\_  
Oversight Board Counsel  
Edward Z. Kotkin, Esq.  
Law Offices of Edward Z. Kotkin

**THIRD AMENDMENT TO AGREEMENT  
BY AND BETWEEN  
THE SUCCESSOR AGENCY TO  
THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY,  
AND  
CHRISTENSEN & SPATH, LLP**

This Third Amendment to the Agreement is entered into this 18th day of November, 2014, by and between THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public body, corporate and politic (the "SUCCESSOR AGENCY") (formerly the Community Development Commission of the City of National City, a public body (the "CDC")), and CHRISTENSEN & SPATH, LLP, (the "FIRM").

**RECITALS**

- A. The CDC and the FIRM (the "Parties") entered into a two-year Agreement on December 7, 2010, (the "Agreement") wherein the FIRM agreed to provide legal services, as and when requested by the CDC, involving issues of affordable housing, redevelopment law, and related litigation, if requested, in the amount of \$150,000, and subject to the terms of the Agreement.
- B. Due to the dissolution of redevelopment agencies by the State of California, the Successor Agency adopted Resolution No. 2012-24, approving a First Amendment between the SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY (the "SUCCESSOR AGENCY") and CHRISTENSEN & SPATH to extend the term of the Agreement for an additional two years, expiring on December 6, 2014, and increase the not to exceed amount by \$125,000, for a total not to exceed amount of \$275,000.
- C. On April 1, 2014, the Successor Agency approved the Second Amendment to increase the not to exceed amount by \$75,000 for ongoing legal expenses, for a total not to exceed amount of \$350,000.
- D. The affordable housing responsibilities remained under the CDC as the "CDC-HA".
- E. The FIRM currently represents the SUCCESSOR AGENCY in the litigation matter of Morgan Square, (Superior Court Case No. 37-2013-00054606-CU-OR-CTL), and is currently assisting with ongoing legal aspects of the WI-TOD Project.
- F. The FIRM currently provides legal services to the CDC-HA in affordable housing matters.

- G. The Parties desire to amend the Agreement to extend the term for two additional years, with an expiration date of December 6, 2016, and increase the not to exceed amount by \$100,000, for a total not to exceed amount of \$450,000.
- H. This Third Amendment will require the approval of the Oversight Board to the Successor Agency and the California Department of Finance prior to being effective.

NOW, THEREFORE, the parties hereto agree that the Agreement entered into on December 7, 2010, shall be amended by amending Article 12 of the Agreement by extending the term of the Agreement for two additional years, expiring December 6, 2016.

THE PARTIES FURTHER AGREE that Article 3 (Compensation), Section C of the Agreement shall be amended to increase the not to exceed amount by \$100,000, for a total not to exceed amount of \$450,000.


THE PARTIES FURTHER AGREE that with the foregoing exception, each and every term and provision of the Agreement dated December 7, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Agreement on the date and year first above written.

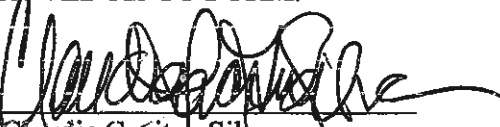
**SUCCESSOR AGENCY TO THE  
COMMUNITY DEVELOPMENT  
COMMISSION AS THE NATIONAL CITY  
REDEVELOPMENT AGENCY**

By:   
Ron Morrison, Chairman

**CHRISTENSEN & SPATH, LLP**

By:   
Charles Christensen, Esq.

APPROVED AS TO FORM:

By:   
Claudia Gacitua Silva  
Successor Agency General Counsel