

RESOLUTION NO. 2012 – 7

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION AS
THE NATIONAL CITY REDEVELOPMENT AGENCY
APPROVING THE SECOND AMENDMENT TO THE
AGREEMENT FOR LEGAL DEFENSE SERVICES BETWEEN
THE CITY OF NATIONAL CITY, THE SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY,
AND BEST BEST & KRIEGER, LLP, TO INCREASE THE NOT TO EXCEED
AMOUNT BY \$70,000, FOR A TOTAL AMOUNT OF \$364,000

WHEREAS, on November 23, 2010, the City Council adopted Resolution No. 2010-254, and the Community Development Commission of the City of National City (“CDC”), adopted Resolution No. 2010-265, approving an Agreement between the City of National City, the CDC, and Best Best & Krieger, LLP (“BB&K”), to provide legal defense services regarding the Community Youth Athletic Center (“CYAC”) litigation in the not to exceed amount of \$160,000; and

WHEREAS, on October 18, 2011, the City Council adopted Resolution No. 2011-229, and the CDC (now the Successor Agency) adopted Resolution No. 2011-233, approving the First Amendment to the Agreement that increased the not to exceed amount to \$294,000; and

WHEREAS, the Second Amendment to the Agreement in the amount of \$70,000 is necessary for the on-going appeal process, which will bring the total not-to-exceed amount to \$364,000; and

WHEREAS, the Second Amendment must also be approved by the Oversight Board to the Successor Agency prior to being effective.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board to the Successor Agency to the Community Development Commission as the National City Redevelopment Agency hereby approves the Second Amendment to the agreement for legal defense services between the City of National City, the Successor Agency to the Community Development Commission as the National City Redevelopment Agency, and Best Best & Krieger, LLP, to increase the not to exceed amount by \$70,000, for a total amount of \$364,000, to cover charges for continuing legal defense services regarding the Community Youth Athletic Center (“CYAC”) litigation. Said Second Amendment to the Agreement is on file in the office of the City Clerk.

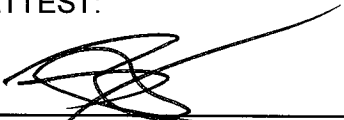
PASSED and ADOPTED this 30th day of May, 2012.

Resolution No. 2012 – 07
May 30, 2012
Page Two



Ron Morrison, Chairman

ATTEST:



Secretary to the Oversight Board

APPROVED AS TO FORM:

Oversight Board Counsel

**SECOND AMENDMENT TO AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY,
THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION
AS THE NATIONAL CITY REDEVELOPMENT AGENCY
AND
BEST BEST & KRIEGER, LLP**

This Second Amendment to Agreement is entered into this 15th day of May, 2012, by and between THE CITY OF NATIONAL CITY, a municipal corporation, (the "CITY"), THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public body, corporate and politic, (the "SUCCESSOR AGENCY"), and BEST, BEST & KRIEGER, LLP, (the "FIRM").

RECITALS

- A. The CITY, the CDC and the FIRM (the "Parties") entered into an agreement on October 9, 2010, ("the Agreement") wherein the FIRM agreed to provide legal services in the defense of the case entitled *Community Youth Athletic Association v. All Persons Interested in the Matter of the Amendment to National City's Redevelopment Plan as Adopted by Ordinance 2007-2295*, Case No. 37-2007-00076404-CU-EI-CTL, in the amount of \$160,000, and subject to the terms of the Agreement.
- B. The Parties entered into the First Amendment to the Agreement on October 18, 2011, (the "First Amendment") to increase the not-to-exceed amount of the Agreement by \$134,000, for a total Agreement not-to-exceed amount of \$294,000.
- C. The case remains on-going as it is on appeal, and requires continued legal representation.
- D. The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$70,000.
- E. On January 10, 2012, the City Council adopted Resolution No. 2012-15, pursuant to Part 1.85 of the California Health and Safety Code, electing for the City to serve as the successor agency to the CDC upon the dissolution of the Redevelopment Agency.
- F. On February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies.
- G. This Second Amendment will require the approval of the Oversight Board to the Successor Agency prior to being effective.

NOW, THEREFORE, the CITY OF NATIONAL CITY, THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, AND BEST BEST & KRIEGER, LLP, hereto agree that the Agreement entered into on October 9, 2010, and amended on October 18, 2011, shall be amended by amending Article 3 (Compensation), Section C of the Agreement by increasing the not-to-exceed amount by \$70,000, for a total not-to-exceed amount of \$364,000.

The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated October 9, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second 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**

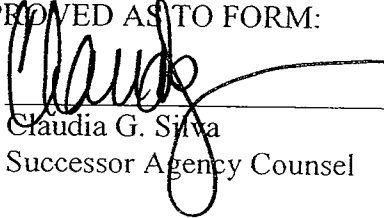
BEST, BEST, & KRIEGER, LLP

By: 

Ron Morrison, Chairman


By: Bruce W. Beach
Bruce Beach, Esq.

APPROVED AS TO FORM:

By: 

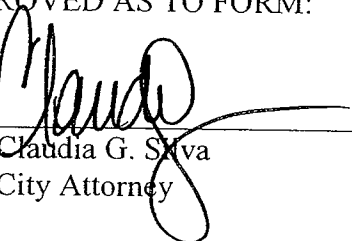
Claudia G. Silva
Successor Agency Counsel

CITY OF NATIONAL CITY

By: 

Ron Morrison, Mayor

APPROVED AS TO FORM:

By: 

Claudia G. Silva
City Attorney