



**SPECIAL MEETING MINUTES
OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
SAN JOSE REDEVELOPMENT AGENCY**

SAN JOSE, CALIFORNIA

FRIDAY, MAY 2, 2014

The Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José convened at 1:35 p.m. in the Council Chambers at San Jose City Hall.

1. Call to Order and Roll Call

9:01 a.m.- Call to Order in Council Chambers

BOARD MEMBERS PRESENT

**Chuck Reed, City of San José
Abraham Andrade, City of San José
John Guthrie, County of Santa Clara
Tony Estremera, Santa Clara Valley Water District
Debbie Cauble, County of Santa Clara (Alternate)
Micaela Ochoa, Santa Clara County Office of Education
Ed Maduli, California Community Colleges**

ABSENT

David Snow (Excused)

STAFF PRESENT

**Norberto Duenas, representing Successor Agency Executive Officer
Richard Doyle, Successor Agency General Counsel
Richard Keit, Successor Agency Managing Director
Julia Cooper, Successor Agency Chief Financial Officer**

Access the video, the agenda and related reports for this meeting by visiting the City's website at <https://ca-sanjose.civicplus.com/index.aspx?NID=3566>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

2. Closed Session

Confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (d) (1) with respect to existing litigation:

Case Name: Stand for San José, et al. v. City, et al.

Case No.: 1-11-CV-214196.

Action: No Closed Session required.

3. Adoption of Agenda

Adopted.

4. Approval of Minutes

Documents Filed: Oversight Board Minutes dated March 20, 2014.

Board Member Ochoa brought attention to Item 4 on the February 27, 2014 Minutes of the Oversight Board, pointing out that the Board had requested to agendize the RFP process at that time, but no discussion had ensued to date.

Action: Upon motion by Board Member Andrade, seconded by Board Member Estremera, and carried unanimously, the Minutes of February 27, 2014 were approved as modified. (6-0-0-1. Abstain: Cauble.)

5. Consent Calendar

None.

6. Items Scheduled for Action/Discussion

6.1 Ratify Selection of Conflict Counsel

Documents Filed: (1) Memorandum from Richard Doyle, Successor Agency General Counsel, dated April 24, 2014, recommending adoption of a resolution ratifying selection of Gale Connor, Esq., to provide legal services to the Oversight Board on an as needed basis. (2) Supplemental memorandum from Richard Doyle, Successor Agency General Counsel, dated April 30, 2014, providing the memorandum from the Oversight Board dated October 4, 2012, recommending the selection of Nossaman, LLP and Gale Connor, Esq., as conflicts counsel.

Successor Agency General Counsel Richard Doyle offered an overview of the RFP process, and Chief Deputy General Counsel Patricia Deignan responded to questions.

6.1 (Cont'd.)

Members of the Board expressed concerns regarding representation by the existing independent Counsel, options for rejecting the ratification, and the immediate need for someone to assist in litigation.

Chief Deputy City Attorney Ardell Johnson responded to questions from the Board.

Motion: Board Member Estremera moved to reject the ratification of the selection of Gale Connor, Esq., and to file a request for a continuance in the Stand For San Jose litigation, allowing the Oversight Board time to be involved in the selection of outside Counsel, with direction to Successor Agency staff to issue a new Request for Proposals (RFP) and to provide for the Oversight Board to establish a subcommittee of Oversight Board members to review applications and to make a recommendation to the Oversight Board for selection of conflicts counsel. Board Member Maduli seconded the motion.

Richard Doyle, Successor Agency General Counsel clarified that if there is no ratification, we will be required to terminate the existing contract. Staff will issue an RFP substantially similar to the first RFP issued, to assure ample litigation qualifications and will need to get it published and on the street as soon as possible.

Mayor Reed clarified that it is within the authorization and responsibility of our General Counsel to represent the Oversight Board until we have outside Counsel in place.

Richard Doyle, Successor Agency General Counsel confirmed the deadline to file a responsive pleading in the Stand for San Jose matter and an agreement on behalf of petitioners to extend the time beyond the May 9 filing deadline. Chief Deputy City Attorney Ardell Johnson also confirmed that August 8, 2014 is the date set for a hearing on the merits of the CEQA and CEQA related claims in the Stand For San Jose matter. If the Board were to pursue an RFP and want to bring in another lawyer, it may necessitate an application to the court for an extension of time or continuance of that hearing date.

Action: On a call for the question, the motion carried unanimously, with the ratification of selection of Gale Connor, Esq., rejected, with direction to Staff to file a request for a continuance to the Stand For San Jose matter to allow the Oversight Board time to be involved in the selection of outside Counsel; with direction to staff to issue a new Request for Proposal (RFP) and to provide for the Oversight Board to establish a subcommittee of Oversight Board members to review applications and to make a recommendation to the Board for selection of conflicts counsel. (7-0.)

7. REPORTS and CORRESPONDENCE

7.1 Letter from Department of Finance regarding approval of the Recognized Obligations Payment Schedule 14-15A.

Documents Filed: Letter from Department of Finance Assistant Program Budget Manager, Justyn Howard, dated April 17, 2014, approving items listed on the Recognized Obligation Payment Schedule 14-15A, submitted March 3, 2014.

Action: None required. Successor Agency Managing Director Richard A. Keit indicated that if an update is available, it will be provided at the May 22, 2014 Oversight Board meeting.

8. Future Agenda Items

None.

9. Open Forum

None.

10. Adjournment

The Oversight Board of the Successor Agency to the Redevelopment Agency was adjourned at 2:15 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

ATTEST:

OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
SAN JOSE REDEVELOPMENT AGENCY
TONI J. TABER, CLERK OF THE BOARD



Ruth Krantz, Deputy Clerk of the Board

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