

**OVERSIGHT BOARD
OF THE
OXNARD COMMUNITY DEVELOPMENT COMMISSION
SUCCESSOR AGENCY**

**AGENDA ITEM: E.3.
MEETING DATE: June 13, 2012, 11:00 a.m.**

TO: Members of the Oversight Board

FROM: Curtis Cannon, Successor Agency Director, (805) 385-7407
Kymberly Horner, Interim Redevelopment Services Manager,
Successor Agency, (805) 385-7407

1. SUBJECT

Legal Counsel Services for the Oversight Board of the Oxnard Community Development Commission Successor Agency.

2. RECOMMENDED ACTION(S)

That the Oversight Board (1) direct staff to solicit proposals for provision of legal counsel services and (2) establish an ad hoc committee of two Board Members to review potential candidates and make a recommendation to the Board.

3. DISCUSSION

The Oxnard City Attorney is legal counsel to the City of Oxnard acting as Successor Agency to the Oxnard Community Development Commission. In this capacity, as provided in Health and Safety Code section 34179(c), counsel has assisted with the preparation of agenda items, staff reports and other matters before the Oversight Board. The City Attorney, however, is counsel to the Successor Agency and could be in a position of conflict of interest in providing legal advice to the Board in connection with matters before it, particularly where the interests of the Successor Agency and Board may diverge.

It is therefore appropriate that the Board retain independent legal counsel. In this connection, staff proposes to solicit interest from a number of practitioners and firms in the area and to review qualifications, rates, and other matters with an ad hoc committee of two Board Members.

4. FINANCIAL IMPACT

Pursuant to Health and Safety Code Section 34179, the Successor Agency must pay for all of the costs of meetings of the Board and may include such costs in its administrative budget for which it receives reimbursement. However, it is not clear if the Board directly engages outside legal, financial or audit services whether the cost of such services can be reimbursed by the Successor Agency. At this time, there is no budgeted amount for legal services on

the Successor Agency's existing Recognized Obligation Payment Schedule ("ROPS") and staff will suggest that a limit of \$10,000 special counsel fees be established until the next ROPS period.