



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 15, 2012
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Legal Services Contract For Oversight Board

RECOMMENDATION:

That Council, acting as the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, authorize the City Attorney, at the request of the Oversight Board, to negotiate and enter into a legal services contract with Mark Manion, a partner with the law firm of Price, Postel and Parma, LLA, in an amount not to exceed \$25,000 and to direct staff to include the legal services contract on the Recognized Obligation Payment Schedule.

DISCUSSION:

At the April 12, 2012 meeting of the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, the Oversight Board expressed a need to retain outside legal counsel to advise it on various legal matters. The Board formed a Subcommittee to solicit proposals from possible candidates, review proposals submitted and present a recommendation to the Board.

The Subcommittee reviewed proposals submitted by several candidates and on May 3, 2012, recommended that the Successor Agency retain Mark Manion of Price, Postel and Parma to provide outside legal services to the Oversight Board. Mr. Manion has represented public entities for many years and has broad experience in all areas of public law. Mr. Manion has proposed an hourly billing rate of \$295.

The Oversight Board concurred with the Subcommittees' recommendation and approved a motion to request that the Successor Agency enter a legal services contract with Mark Manion of Price, Postel and Parma, LLC to provide legal services to the Oversight Board

There is no provision in AB X1 26 for the provision of legal services to the oversight board. Further, AB X1 26 does not vest the oversight board with the legal authority to enter contracts. The successor agency has the legal authority to contract.

BUDGET/FINANCIAL INFORMATION

AB X1 26 provides that the successor agency must pay all oversight board meeting costs and that those costs may be included in the successor agency's administrative budget. There is no indication in the statute that "meetings costs" include fees paid to oversight board legal counsel. The statute does provide, however, that "contracts or agreements necessary for the administration or operation of the successor agency" are enforceable obligations. All enforceable obligations of the successor agency must be listed on the Recognized Payment Obligation Schedule. Staff recommends that the City Council, acting as the Successor Agency, authorize the City Attorney to negotiate and enter into a contract with Mark Manion in a not to exceed amount of \$25,000 and to direct staff to include the contract on the Recognized Obligation Payment Schedule.

PREPARED BY: Sarah Knecht, Assistant City Attorney

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office