

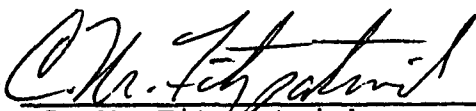
(R-90-1371)

RESOLUTION NUMBER R-275225

ADOPTED ON FEBRUARY 27, 1990

BE IT RESOLVED, by the Council of The City of San Diego, that the law firm of JENNINGS, ENGSTRAND & HENRIKSON be and it is hereby retained to perform certain legal duties and act as Bond Counsel to the City in connection with a proposed General Obligation Bond issue for the Public Safety Communications Equipment Construction and Capital Improvement Program to be considered by the voters in June 1990 in accordance with the terms and conditions of their proposal dated February 9, 1990, a copy of which is enclosed as Enclosure (1), and is on file in the office of the City Clerk as Document No. RR 275225

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Assistant City Attorney

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ATTORNEY'S OFFICE
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SAN DIEGO, CALIF.

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FROM: [Illegible]

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FROM: [Illegible]

JENNINGS, ENGSTRAND & HENRIKSON

A PROFESSIONAL LAW CORPORATION
501 WEST BROADWAY
SUITE 1400
SAN DIEGO, CALIFORNIA 92101

H.V.
S.P.M.
2-9-90

PAUL D. ENGSTRAND
LEO R. B. HENRIKSON
JOHN H. WHITNEY
CHARLES F. GORDER, SR.
WALLACE R. PECK
ROSS M. PYLE
URBAN J. SCHREINER
ANTON DIMITROFF
DOUGLAS R. REYNOLDS
LARRY L. MARSHALL
DIANE M. SULLIVAN
C. MICHAEL COWETT
GEORGE J. BERGER
BRUCE W. BEACH
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ARLENE PRATER
MICHAEL A. VAN HORNE
CRAIG S. ENGSTRAND
RICHARD G. OPPER
VANN POPPE
GERARD SMOLIN, JR.
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PATRICIA JO CUSTER
SHELDON A. WILENSKY
LITA MANLEY
VICTOR MIZRACHI
KERI A. BUCK
ROBERT B. MACDONALD
LISA TORRES
FELICIA F. BLAKLEY
PAULA A. NELSON
THOMAS M. DIACHENKO
ROBERT C. HAWKINS
LINDA P. JACOBSON
ANDREW L. KOZLOWSKI
KELLI LYNN
CHARLES L. STOTT
KAREN L. MUTTER

February 9, 1990

W. H. JENNINGS
1899-1983
—
HON. JAMES L. FOCHT
OF COUNSEL
—
H. KENNETH BRANSON
OF COUNSEL
—
TELEPHONE
(619) 557-7800
✓ FAX (619) 557-7760
—
WRITER'S DIRECT LINE:

557-7613

Curtis Fitzpatrick, Esq.
Assistant City Attorney
OFFICE OF THE CITY ATTORNEY
City Administration Building
202 "C" Street
San Diego, California 92101

RE: PROPOSAL TO PROVIDE BOND COUNSEL SERVICES -
PUBLIC SAFETY COMMUNICATIONS EQUIPMENT CAPITAL IMPROVEMENTS

Dear Curtis:

You have asked that we set forth our proposal to render bond counsel services in connection with the proposed issuance and sale by the City of San Diego of general obligation bonds for the purpose of providing funds for a public safety communications equipment capital improvement program estimated at \$25,000,000. We would be happy to accept such employment.

Our services would be to prepare all ordinances and resolutions in connection with the calling and the holding of the special election at which the proposal to issue such bonds would be submitted to the voters. We understand that the measure would be placed on the ballot on June 5, 1990, and consolidated with the state-wide primary election to be held on that date.

We would also provide forms of documents for analyses of the bond measure, arguments and rebuttals, tax rate statements, and the other supporting documents for the election. Our services in these areas would be to assist those responsible for preparing tax rate analyses and arguments and rebuttals without actually performing those analyses or drafting those arguments and rebuttals.

DOCUMENT NO. RR-275225
FILED FEB 27 1990
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Enclosure (1)
R 275225

Mr. Curtis Fitzpatrick
February 9, 1990
Page 2

We would provide the resolution determining the result of the election. In the event that the election were successful, we would prepare all ordinances and resolutions necessary for the sale of the bonds. We would prepare the notice inviting bids, the resolution of issuance, the notice of proposed issuance, and other supporting documents to bring the issue to public sale. We would review the official statement prepared by the City or its financial advisor as to the summaries of legal documents described therein but would have no responsibility for the official statement as it pertained to a description of the City or its financial condition and the description of the project for which the bonds were being issued.

We would supervise the sale and provide a resolution awarding the bonds to the best bidder. We would also prepare the closing documents consisting of the non-arbitrage certificate, the signature and no litigation certificate, the Treasurer's receipt of bond proceeds, the purchaser's receipt of bonds and the certificates regarding disclosure as are normally provided in financings of this sort.

Lastly, we would provide our approving opinion to the purchaser of the bonds, which opinion would additionally state it to be our opinion that interest on the bonds was excludable from gross income of the holder under federal income tax laws and was exempt from present State of California personal income taxes as well.

For these services, our fees would be based upon our hourly rates as set forth on the attachment to this letter. If the bond election failed, we would bill the City for time expended at such rates but not to exceed \$5,000. If the election were successful, we would again bill the City for time expended at the hourly rates but not to exceed \$25,000. Additionally, we would bill the City for our out-of-pocket costs for such things as duplicating costs, long distance telephone calls, word processing charges, guaranteed overnight delivery services, facsimile charges and the like. We do not estimate that these charges would exceed \$4,000.

We would look forward to being of service to the City. We are appreciative of the fact that you have thought of this firm in connection with this assignment.

Best regards.

Sincerely yours,

JENNINGS, ENGSTRAND & HENRIKSON
A Professional Law Corporation


Urban J. Schreiner

UJS:cj

R-275725

**JENNINGS, ENGSTRAND & HENRIKSON
PERSONNEL ASSIGNED TO
CITY OF SAN DIEGO
PUBLIC SAFETY COMMUNICATIONS
EQUIPMENT CAPITAL IMPROVEMENTS PROJECT**

Urban J. Schreiner: \$250 per hour (25%*)

Mr. Schreiner will be the supervising shareholder on this project. He will be responsible for the completion of the documentation to be submitted to the City in connection with the calling and holding of the bond election and the issuance, sale and delivery of the bonds. He will be available to attend meetings of the City Council or City staff at the request of the City Attorney or City Manager. He will attend the bond sale and the bond closing and be responsible for the release of the firm opinion at the time the bonds are delivered.

Anton Dimitroff: \$240 per hour (5%*)

Mr. Dimitroff is a certified tax specialist who will review documents as to compliance with federal and state tax requirements for tax exemption, and will review and edit the no arbitrage certificate.

Ann Poppe: \$190 per hour (45%*)

Ms. Poppe will be responsible for the preliminary drafting of the legal documents under Mr. Schreiner's supervision. In his absence, she will be available to consult with City representatives and attend meetings at the request of the City Attorney or City Manager.

Carol Caponigro: \$90 per hour (25%*)

Ms. Caponigro is a legal assistant with twelve years' experience in municipal bond work. She will be responsible for preparation of closing memoranda, scheduling of pre-closing and closings, attendance at pre-closing, post-closing preparation of transcripts and distribution of same to parties to the transaction.

(*Estimated percentage of time to provide services for project.)

R-275225

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000729

ORIGINATING DEPT. NO.: 045

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Date _____, 19__

By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 9,000.00

Vendor Jennings, Engstrand and Henrikson

Purpose Authorizing the expenditure of funds for Bond Counsel and legal duties for Public Safety General Obligation Bond Issue.

Date February 23, 19 90

By: Amy Rodenbeck
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			045		4141	04560				9,000.00
TOTAL AMOUNT										\$9,000.00

FUND OVERRIDE

FEB 27 1990

R 275225

FEB 27 1990

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-275225** Adopted **FEB 27 1990**

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SAN DIEGO, CA