

RESOLUTION NUMBER R- 290554

ADOPTED ON AUG 03 1998

WHEREAS, on June 21, 1994, the City of San Diego ("City") and the San Diego Unified Port District ("District") entered into a Memorandum of Understanding respecting the expansion of the San Diego Convention Center ("Expansion Project"); and

WHEREAS, on February 20, 1996, the City Council ("Council"), by Resolution No. R-286956, approved and authorized the City Manager to enter into a contract, the form of which is on file in the Office of the City Clerk as Document No. RR-286956-2, to establish the design and construction of the Project with Golden Turner (the "Design Build Contract"); and

WHEREAS, to accomplish the construction of the Expansion Project, the City entered into certain agreements with the Convention Center Expansion Financing Authority ("Financing Authority") whereby the District would lease the existing Convention Center and the Expanded Center to the Financing Authority, the Financing Authority would issue lease revenue bonds to finance the construction of the Expansion Project and would award a construction contract, and the Financing Authority would then lease the Existing Center and Expanded Center to the City for a consideration sufficient to pay the debt financing on the lease revenue bonds; and

WHEREAS, the lease revenue financing mechanism, and the ability of the Financing Authority to utilize that mechanism, have been challenged in court by Richard Rider and others ("Rider v. City"); and

WHEREAS, the decision of the California Supreme Court in Rider v. City is pending;  
and

WHEREAS, because of the delay occasioned by Rider v. City, the City and the District agreed upon an alternative financing mechanism to accomplish this end, and have approved the financing documents necessary for accomplishing this financing through the execution and delivery of Certificates of Participation (the "Certificates"); and

WHEREAS, the delay and the need to prepare for either method of financing to be used has increased the efforts required from the City's bond and disclosure counsel, Orrick, Herrington & Sutcliffe (the Firm), and the costs of the Firm's services in connection from this project; and

WHEREAS, certain additional administrative acts are necessary to carry out the Council's previously approved plan for expansion of the Convention Center; and

WHEREAS, it is the express intention of the City Council that any documents attached as Exhibits hereto, incorporated herein by reference or on file in the Office of the City Clerk comprise, together with the text of this Resolution, the full action of the Council and are necessary for a full understanding of the Council's actions; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized to enter into a First Amended Agreement between the City and the Firm for bond and disclosure counsel services related to the Convention Center Expansion, the form of which is on file in the office of the City Clerk as Document No. RR-290554, increasing the compensation to be paid to the Firm under the contract by \$175,000, to a total amount not to exceed \$475,000, inclusive of fees and expenses.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to appropriate and expend, from available funds identified by the City Auditor and Comptroller, an amount up to \$175,000, for this purpose, with the intent that such funding may be reimbursed from future project funding sources, such as bond proceeds and Port District

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contributions.

APPROVED: CASEY GWINN, City Attorney

By   
Theresa C. McAteer  
Deputy City Attorney

TCM:rc

7/23/98

Or.Dept:Mgr.

R-99-140

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**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9900071

ORIGINATING

DEPT. NO.: 050

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 \_\_\_\_\_ 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**

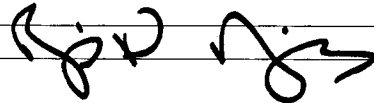
I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the 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 money 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 \$ 175,000.00

Vendor Orrick, Herrington & Sutcliffe

Purpose Counsel Service Related to the Convention Center Expansion

Date 07-22-98



ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	102212	102212	100	4155	000017				\$175,000.00
TOTAL AMOUNT										\$175,000.00