

ORDINANCE NUMBER O- 19556 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 15 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO A FIFTH AMENDMENT TO THE CONTRACT FOR FINANCIAL ADVISORY SERVICES WITH FELDMAN ROLAPP & ASSOCIATES WITH RESPECT TO THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITIES FACILITIES DISTRICT NO. 3 (LIBERTY STATION)

WHEREAS, in connection with the formation of Community Facilities District No. 3 (Liberty Station) [CFD], and the financing of certain infrastructure improvements related to the CFD, the City retained the Financial Advisory firm of Fieldman, Rolapp & Associates [Financial Advisor], for financial advisory services; and

WHEREAS, the agreement for financial advisory services has been amended from time to time due to the length of time associated with formation of the CFD and the issuance of the bonds, including a first amendment to the agreement, dated August 16, 2001, a second amendment to the agreement, dated October 30, 2001, a third amendment to the agreement, dated May 7, 2002, and a fourth amendment to the agreement dated July 7, 2005; and

WHEREAS, due to the additional time required to issue the bonds, including the suspension of the bond issue due to delays associated with the investigation of the mold issue within the CFD, it is necessary to enter into a fifth amendment to the agreement for financial advisory services to provide additional compensation to the Financial Advisor, in the amount of not to exceed \$10,000 for work associated with analyzing the feasibility of forming the CFD and selling the bonds; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That the Council authorizes the Mayor to enter into a Fifth Amendment to the Contract for Financial Advisory Services with Feldman Rolapp & Associates with respect to financial advisory services rendered in connection with the issuance of bonds for Communities Facilities District No. 3 (Liberty Station); provided however that the financial advisor shall be paid only from proceeds of the bonds and in an amount not to exceed \$10,000.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

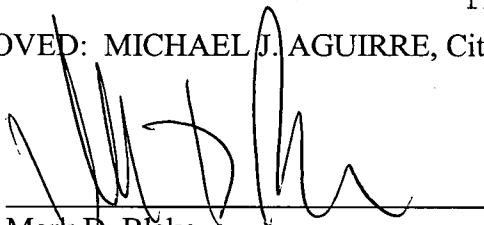
Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Agreement with Fieldman, Rolapp & Associates is on
file in the Office of the City Clerk as

APPROVED: MICHAEL J. AGUIRRE, City Attorney

Document No. 00-19556.

By




Mark D. Blake
Chief Deputy City Attorney

MDB:ai
07/25/06
Or.Dept:FM
O-2007-23

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC - 5 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-15-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2700032
 DEPT. _____
 NO.: 79740

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: \$10,000.00

Vendor: Fieldman, Rolapp and Associates

Purpose: To authorize the expenditure of funds for the fifth amendment for financial services for Community Facilities District No. 3 (Liberty Station).

Date: July 25, 2006 By: 
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
1	0	79740	79740		4152	079740					\$10,000.00
TOTAL AMOUNT											\$10,000.00