

ORDINANCE NUMBER O- 19658 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 05 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT FOR BOND AND DISCLOSURE COUNSEL SERVICES WITH STRADLING YOCCA CARLSON & RAUTH, A PROFESSIONAL CORPORATION, AN AGREEMENT FOR FINANCIAL ADVISORY SERVICES WITH FIELDMAN, ROLAPP & ASSOCIATES AND AN AGREEMENT FOR SPECIAL TAX CONSULTING SERVICES WITH DAVID TAUSSIG & ASSOCIATES INC., WITH RESPECT TO THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITIES FACILITIES DISTRICT NO. 3 [LIBERTY STATION]

WHEREAS, the law firm of Stradling Yocca Carlson & Rauth, a professional corporation was retained pursuant to an agreement for bond counsel and disclosure counsel services, dated May 11, 2000, as amended April 27, 2002, January 6, 2003, and as further amended June 27, 2006 with respect to the formation of a communities facilities district and the issuance of special tax bonds for Communities Facilities District No. 3 [Liberty Station] in connection with the closure and civilian conversion of the Naval Training Center; and

WHEREAS, the firm of Fieldman, Rolapp & Associates was retained pursuant to an agreement for financial advisory services, dated November 29, 2000, as amended five times due to unanticipated additional work and delays associated with formation of CFD No. 3 and the issuance of the first series of bonds, including a last amendment to the agreement dated December 5, 2006; and

WHEREAS, the firm of David Taussig & Associates, Inc., was retained pursuant to an agreement for Special Tax Consulting Services, dated April 6, 2001, as subsequently amended

six times due to unanticipated additional work and delays associated with the Project, including a six and last amendment to the agreement dated June 29, 2005; and

WHEREAS, given the delays and complexities associated with transaction, it is necessary and desirable that new agreements be executed for bond counsel, financial advisor and special tax consultant in connection with legal services, financial advisory services and special tax consulting services, respectively, provided with respect to the preparation of documents regarding the communities facilities district and the issuance of special tax bonds thereby; NOW THEREFORE,

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

Section 1. That the Council authorizes the City Attorney to enter into a Contract for Bond Counsel Services with Stradling Yocca Carlson & Rauth with respect to bond counsel and disclosure counsel services rendered in connection with the issuance of bonds for Communities Facilities District No. 3 [Liberty Station] in an amount not to exceed \$125,000; provided however that bond counsel shall be paid only from proceeds of the bonds and any deposits made by the developer therefor.

Section 2. That the Council authorizes the City to enter into a Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 [Liberty Station] in an amount not to exceed \$53,500, such amount to be paid as indicated in the Executive Summary of the Mayor, the Contract being on file with the City Clerk as Document No. 00-19658-1

Section 3. That the Council authorizes the City to enter into a Contract for Special Tax Consulting Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 3 [Liberty Station] in an amount not to exceed

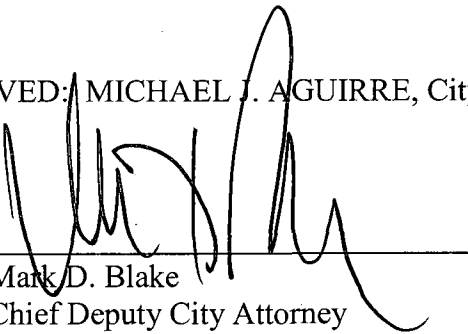
\$42,500, such amount to be paid as indicated in the Executive Summary of the Mayor, the Contract being on file with the City Clerk as Document No. 00-19658-2

Section 4. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Mark D. Blake
Chief Deputy City Attorney

MDB:lme:jdf
07/17/07
07/19/07.COR.Copy
07/26/07.COR.Copy2
10/04/07.COR.Copy3
Or.Dept:CA
O-2008-12

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP - 4 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-5-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor