

ORDINANCE NUMBER O- 19659 (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 A CONTRACT AMENDMENT FOR BOND COUNSEL AND DISCLOSURE COUNSEL SERVICES WITH STRADLING YOCCA CARLSON & RAUTH, A PROFESSIONAL CORPORATION, APPROVING AN AMENDMENT TO THE CONTRACT FOR FINANCIAL ADVISORY SERVICES WITH FIELDMAN, ROLAPP & ASSOCIATES AND AN AMENDMENT TO THE CONTRACT FOR SPECIAL TAX CONSULTING SERVICES AND ADMINISTRATION SERVICES WITH DAVID TAUSSIG & ASSOCIATES INC., WITH RESPECT TO THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITIES FACILITIES DISTRICT NO. 4 [BLACK MOUNTAIN RANCH VILLAGES].

WHEREAS, the firm of Fieldman, Rolapp & Associates was retained pursuant to an agreement for financial advisory services, dated November 17, 2000. This City Council action would extend the term of the agreement for an additional three years. Total compensation under this proposed amendment is not to exceed \$58,500. Total compensation under the agreement, including the amendment, is not to exceed \$110,000 for services and \$10,000 for expenses; and

WHEREAS, the firm of David Taussig & Associates, Inc., was retained pursuant to an agreement for Special Tax Consulting Services, January 19, 2001. This City Council action would extend the term of the agreement for an additional three years, covering special tax consulting and administration services associated with CFD No. 4. Total compensation under this proposed amendment is not to exceed \$35,000 for special tax consulting services and \$45,000 for administration services. Total compensation under the agreement and the amendment is not to exceed \$118,000 for services and \$10,000 for expenses; and

WHEREAS, Stradling Yocca Carlson & Rauth was retained pursuant to an agreement for bond counsel and disclosure counsel services, dated April 16, 2001, as further amended on October 8, 2002. This City Council action would authorize the City Attorney's Office to extend the term of the agreement and provide for additional compensation. Total compensation under the agreement, including the amendment is not to exceed \$130,000, including expenses; and

WHEREAS, given the delays associated with the City's difficulty in accessing the bond markets, it is necessary and desirable that a Contract Amendment be authorized for bond and disclosure counsel, and contract amendments be executed for the financial advisor and the special tax consultant in connection with legal services, financial advisory services and special tax consulting services, 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 Amendment for Bond and Disclosure 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. 4 [Black Mountain Ranch Villages] in an amount not to exceed \$130,000; 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 an amendment to the Contract for Financial Advisory Services with Fieldman, Rolapp & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 [Black Mountain Ranch Villages] in an amount not to exceed \$58,500, 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. 00-19659 - 1

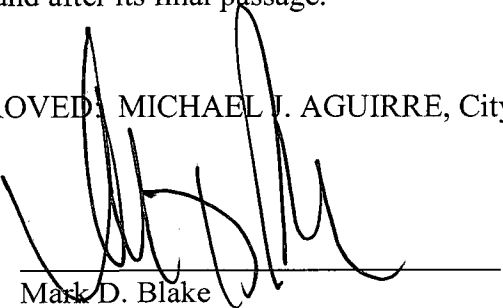
Section 3. That the Council authorizes the City to enter into an Amendment to the Contract for Special Tax Consulting Services and Administration Services with David Taussig & Associates in connection with the issuance of bonds for Communities Facilities District No. 4 [Black Mountain Ranch Villages] in an amount not to exceed \$80,000, 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. 00-19659 - 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
07/18/07
07/19/07.COR.Copy
10/04/07.COR.Copy2
Or.Dept:CA
O-2008-13

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 14 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-5-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

