

+51

ORDINANCE NUMBER O- 19829 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 05 2009

AN ORDINANCE TO APPROVE CONTINUED RETENTION
OF HAWKINS, DELAFIELD & WOOD LLP AS CITY
GENERAL DISCLOSURE COUNSEL AND AUTHORIZE
ADDITIONAL FUNDS TO BE ALLOCATED ON A FTE BASIS

WHEREAS, Vinson & Elkin LLP recommended in their Report entitled "The City of San Diego, California's Disclosures of Obligation to Fund the San Diego City Employees' Retirement System and Related Disclosure Practices 1996-2004 with Recommended Changes to the Municipal Code" dated September 16, 2004 [Report], that the City retain a law firm to serve as the City's general disclosure counsel in order to provide for "continuity in the City's disclosure materials and a greater accountability on the part of disclosure counsel"; and

WHEREAS, in November 11, 2004, the City Council adopted Ordinance Number 19320, which added Chapter 2, Article 2, Division 41, Securities Disclosure, to the San Diego Municipal Code; and

WHEREAS, in March 2004, the City retained the law firm of Hawkins, Delafield & Wood LLP [Hawkins] to serve as the City's general disclosure counsel. In that capacity, Hawkins has provided expert securities law advice to City staff regarding the requirements of securities laws for private placements and public offerings, continuing disclosure agreements and other disclosure matters. In addition, Hawkins has facilitated the training of City officials and staff with regard to the requirements of the federal securities laws. Finally, Hawkins also participates as a non-voting member of the Disclosure Practice Working Group under the requirements of San Diego Municipal Code, Chapter 2, Article 2, Division 41, as amended.

WHEREAS, in April 2008, the Office of the City Attorney sent a Request for Qualifications for Bond Counsel and General Disclosure Counsel Services to 50 national and local firms. Thirteen firms replied, were evaluated, and were placed on an eligibility list. Hawkins was selected as the firm most knowledgeable and appropriate given the needs of the City to be the City's General Disclosure Counsel; and

WHEREAS, because Hawkins was first retained in March 2004 and three amendments have been made to the contract it is likely that the term of the contract will extend beyond a period of five years and Charter section 99 requires that contracts extending beyond a period of five years must be authorized by Ordinance adopted by a two-thirds' majority vote; NOW THEREFORE,

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

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City of San Diego, an agreement with Hawkins Delafield and Wood LLP.

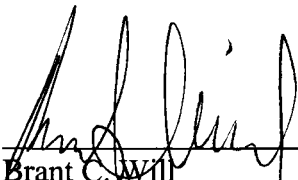
Section 2. That the Comptroller is authorized to expend up to an additional \$180,000 for General Disclosure Counsel Services allocated on an FTE basis only to the extent that work may not be appropriately allocated specifically to the General Fund, one of the Enterprise Funds or to a particular bond finance project.

Section 3. That the Comptroller is authorized and directed to reallocate the funding sources among appropriate bond finance projects, as may be required based upon actual billings.

Section 4. 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 5. That this ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Brant C. Will
Deputy City Attorney

LVT:ca:BCW:jdf
11/25/2008
01/06/2009.COR.Copy
01/08/2009.REV
Aud. Cert.: AC 2900404
Or.Dept: City Attorney
O-2009-80

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San
Diego, at this meeting of JAN 20 2009.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 2.5.09

(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 2900404
DEPT. NO: 100

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: _____

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: \$180,000.00

Vendor: Hawkins Delafield & Wood LLP

Purpose: To continue retention of Hawkins Delafield & Wood LLP as city general disclosure counsel.

Date: November 19, 2008 By: Jessica Olson *Jessica Olson*

ACCOUNTING DATA											
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
SEE ATTACHED SHEET											\$180,000.00
TOTAL											\$180,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2900404

JAN 20 2009

0- June