

RESOLUTION NUMBER R- 306055

DATE OF FINAL PASSAGE AUG 3 2010

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY ATTORNEY TO APPOINT THE LAW FIRM OF GARCIA CALDERON RUIZ, LLP AS COUNSEL TO THE CITY TO COLLECT DELINQUENT SPECIAL TAXES AND ASSESSMENTS AND TO INITIATE JUDICIAL FORECLOSURE PROCEEDINGS IN RELATION TO BONDS ISSUED PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, THE IMPROVEMENT BOND ACT OF 1915, THE REFUNDING ACT OF 1984, AND FOR 1915 IMPROVEMENT ACT BONDS.

WHEREAS, the City of San Diego, a California municipal corporation [City], has conducted special district proceedings from time to time, resulting in the issuance and sale of special tax and improvement bonds pursuant to the Mello-Roos Community Facilities Act of 1982 [Mello-Roos Act], the Improvement Bond Act of [1915 Act], and refunding bonds pursuant to the Refunding Act of 1984 and for 1915 Improvement Act Bonds [1984 Act]; and

WHEREAS, pursuant to the Mello-Roos Act, the 1915 Act and the 1984 Act, the City has duly and regularly issued and filed and recorded the unpaid special taxes, assessments and reassessments [Taxes and Assessments], which Taxes and Assessments and each installment thereof and interest and penalties thereon constitute a lien against the parcel of land against which it was made until the same are paid, and which liens secure Mello-Roos Act, 1915 Act or 1984 Act bonds [Bonds]; and

WHEREAS, pursuant to the Mello-Roos Act and the 1915 Act, the City has covenanted for the benefit of owners of the Bonds to file judicial foreclosure actions in its own name and on their behalf at such time as delinquent Taxes and Assessments meet certain thresholds; and

WHEREAS, the City Attorney's office does not currently have the necessary expertise or personnel to pursue such judicial foreclosure actions and related services [Services]; and

WHEREAS, in November 2008, after a competitive bidding process, the City Attorney selected the law firm of Garcia Calderon Ruiz, LLP [Firm] to provide such Services to the City; and

WHEREAS, due to delays in executing an agreement with the Firm, a fully executed contract was not in place by November 2009 when the City Attorney released an opinion stating that all City outside counsel contracts must be authorized by the City Council; and

WHEREAS, because the Firm has already been providing Services to the City, the agreement, will have an effective date of January 1, 2009; and

WHEREAS, all fees and expenses under the agreement will be paid from the City's Delinquency Fund, which was established to receive penalties and interest in delinquent payments under both the Mello Roos Act and the 1915 Act; and

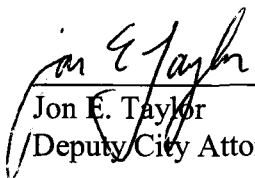
WHEREAS, the Firm currently has outstanding invoices of approximately \$30,000 which will be paid once the contract is approved; NOW, THEREFORE,

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

1. The City Attorney is authorized to appoint the Firm to provide Services to the City in an amount not to exceed \$50,000.

2. The Chief Financial Officer is authorized to make payment to the Firm from the Delinquency Fund in the amount of \$30,114.43.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
\_\_\_\_\_  
Jon E. Taylor  
Deputy City Attorney

JET:jdf  
07/08/2010  
Or.Dept: City Attorney  
R-2011-52

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 27 2010

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8.3.10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor