

150h
4.9

RESOLUTION NUMBER R- 307351

DATE OF FINAL PASSAGE APR 23 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY ATTORNEY TO APPOINT THE LAW FIRM OF NIXON PEABODY LLP TO SERVE AS BOND AND DISCLOSURE COUNSEL WITH RESPECT TO CITY'S PROPOSED DEFERRED CAPITAL IMPROVEMENT PROJECTS FINANCINGS, AND FOR THE PROPOSED REFUNDING OF THE CITY'S 2002 FIRE AND LIFE SAFETY BONDS.

WHEREAS, the City Council is considering authorizing the issuance by the Public Facilities Financing Authority of its Lease Revenue Bonds, Series 2012A (Capital Improvement Projects) and its Lease Revenue Refunding Bonds, Series 2012B (Fire and Life Safety Facilities Refunding)(collectively the 2012 Bonds); and

WHEREAS, the City Council may also consider the issuance of additional lease revenue bonds in the future to fund further deferred capital needs (Additional Bonds); and

WHEREAS, due to the nature of the municipal bond finance market, the City is required to retain bond and disclosure counsel to provide essential legal services that cannot be provided by the City Attorney's office; and

WHEREAS, the City Attorney's office solicited proposals to provide bond and disclosure counsel services for the 2012 Bonds and Nixon Peabody (Firm) was selected due to their competitive fee proposal and their expertise in lease revenue transactions; and

WHEREAS, the Firm has agreed to provide the required services for an amount not to exceed \$100,000, plus reasonable out-of-pocket expenses not to exceed \$5,000 for the 2012 Bonds and to provide bond and disclosure counsel services for the Additional Bonds for an amount not to exceed \$40,000, plus reasonable out-of-pocket expenses not to exceed \$5,000; and

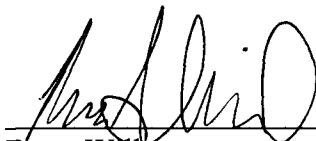
WHEREAS, all bond and disclosure counsel costs associated with the 2012 Bonds will be paid from the bond proceeds of the 2012 Bonds, subject to the successful close of the transaction, and any bond and disclosure counsel costs associated with the Additional Bonds will be paid from the bond proceeds of the Additional Bonds, subject to the successful close of the transaction; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Attorney is authorized to appoint the Firm to provide bond and disclosure counsel services for the 2012 Bonds and for the Additional Bonds.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, is authorized to appropriate and expend an amount not to exceed \$100,000, and out of pocket expenses of \$5,000 to the Firm for bond and disclosure counsel services related to the 2012 Bonds.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

A handwritten signature in black ink, appearing to read "Brant Will", is written over a horizontal line.

Brant Will
Deputy City Attorney

BCW:jdf
03/26/12
Or.Dept:DM
Doc. No.:344232

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 9th 2012

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4.23.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor