

RESOLUTION NUMBER R- 308488

DATE OF FINAL PASSAGE OCT 22 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AUTHORIZING RETENTION OF OUTSIDE COUNSEL VIA THE FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF SAN DIEGO AS DESIGNATED REDEVELOPMENT SUCCESSOR AGENCY AND PYLE SIMS DUNCAN & STEVENSON.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City), and there are presently fourteen such project areas; and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion issued on December 29, 2011, in litigation designated as Case No. S194861; and

WHEREAS, pursuant to Resolution No. R-307238 adopted by the City Council of the City of San Diego (Council) effective January 12, 2012, the City of San Diego, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), elected to serve as the successor agency to the Former RDA, pursuant to the dissolution provisions in Part 1.85 of AB 26 (Dissolution Provisions); and

WHEREAS, at the time of the Former RDA's dissolution, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties and obligations under the California Community Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA for administration pursuant to the Dissolution Provisions; and

WHEREAS, the Dissolution Provisions generally require the Successor Agency to administer the winding down of the Former RDA's affairs in an expeditious manner; and

WHEREAS, the San Diego City Attorney has determined that additional legal expertise and personnel are necessary for particular legal matters of the Successor Agency related to bankruptcy; and

WHEREAS, on May 21, 2010, the Former RDA and the law firm of Pyle Sims Duncan & Stevenson (Law Firm) executed a legal services agreement (Agreement) to provide specialized bankruptcy services for the Former RDA as more fully set forth in that agreement, which is on file with the City Clerk as Document No. D-04520; and

WHEREAS, pursuant to Sections 1.3 and 3.2 of the Agreement, the Scope of Services to be performed by the Law Firm may be altered by adding to the services to be performed, as long as such changes are in writing and are performed in accordance with the Agreement; and

WHEREAS, the Parties now wish to amend the Scope of Services to include legal services performed related to *In re Lyric Opera*, United States Bankruptcy Court, Southern District of California, Court Case No. 11-17068; and

WHEREAS, the Parties now wish to increase the total authorized compensation in the Agreement by \$50,000, for a total amount not to exceed \$75,000; and


WHEREAS, the funding source for this \$50,000 increase is an approved line item in the Recognized Obligation Payment Schedule (ROPS) 13-14A 474; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, acting in its capacity as the Board of the Successor Agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic, that the retention of Pyle, Sims Duncan & Stevenson via amendments to the scope of services and authorized compensation in the Agreement is hereby authorized; and

BE IT FURTHER RESOLVED, that the Council President in his capacity under Charter section 265(i), or his designee, is authorized to execute the First Amendment to Agreement for Legal Services Between the City of San Diego, As Designated Redevelopment Successor Agency and Pyle Sims Duncan & Stevenson (First Amendment), as is filed with the City Clerk as Document No. RR-308488; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to appropriate and expend under the First Amendment not to exceed a total of \$50,000, utilizing funds received in the distribution from the Redevelopment Property Tax Trust Fund (RPTTF) for ROPS 13-14A 474.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Andrea M. Contreras  
Deputy City Attorney

AMC:mfc  
8/12/2013  
Or.Dept:Former Redevelopment Agency  
CC No. 3000006347  
Doc. No. 614053

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 08 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved pursuant to Charter section 265(i):

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

| Councilmembers  | Yeas                                | Nays                     | Not Present                         | Recused                  |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Todd Gloria     | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mark Kersey     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Lorie Zapf      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Scott Sherman   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| David Alvarez   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Marti Emerald   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Date of final passage OCT 22 2013.

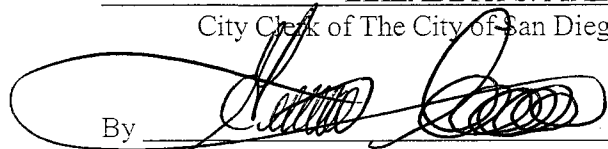
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By  Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308488