

RESOLUTION NUMBER R- 308674

ITEM #106

DATE OF FINAL PASSAGE JAN 2 2014

12/17/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF THE LAW FIRM OF OPPER & VARCO LLP AS OUTSIDE COUNSEL IN THE AREAS OF ENVIRONMENTAL LAW AND HAZARDOUS SUBSTANCES LIABILITY RELATED TO AFFORDABLE HOUSING ASSETS.

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, before the Former RDA's dissolution, the City Council adopted Resolution No. R-307238 effective January 12, 2012, designating the City to serve as the successor agency to the Former RDA (Successor Agency) pursuant to California Health and Safety Code (Code) section 34173(d)(1), and further designating the City to serve as the Successor Housing Entity to the Former RDA (Successor Housing Entity) for purposes of performing the Former RDA's housing functions pursuant to Code section 34176(a)(1); and

WHEREAS, upon the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law (Redevelopment Law); and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and Assembly Bill 1484 (AB 1484), enacted on June 27, 2012; and

WHEREAS, pursuant to Code section 34181(c), the seven-member Oversight Board directed the Successor Agency to transfer the Former RDA's affordable housing assets (Housing Assets) to the City as Successor Housing Entity, and the California Department of Finance (DOF) approved the Oversight Board's decision; and

WHEREAS, the Successor Agency transferred the Housing Assets to the Successor Housing Entity on or about January 28, 2013; and

WHEREAS, the San Diego City Attorney has determined that additional legal expertise and personnel are necessary for particular legal matters of the City in the areas of environmental law and hazardous substances liability related to the Housing Assets; and

WHEREAS, the law firm of Opper & Varco LLP (Opper & Varco) has provided these services to the Former RDA since 2006 pursuant to prior legal services agreements, and has a long history with the Former RDA and its complex transactions and environmental contamination issues; and

WHEREAS, the City now desires to retain the legal services of Opper & Varco under the terms of an "as-needed" agreement with compensation not to exceed \$150,000 payable from the City's Low and Moderate Income Housing Asset Fund; NOW, THEREFORE,

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

1. The City Council hereby authorizes the retention of Opper & Varco as outside counsel for the City on an as-needed basis in the areas of environmental law and hazardous substances liability related to affordable housing assets owned by the City.

2. The Agreement for legal services on an as-needed basis between the City and Opper & Varco, included as Attachment A to the Executive Summary accompanying this Resolution, is hereby approved.

3. The Council President in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute the Agreement for legal services on the City's behalf.

4. The Chief Financial Officer is authorized and directed to appropriate, encumber and expend an amount not to exceed \$150,000 from the Low and Moderate Income Housing Asset Fund, designated as Fund No. 200708, to pay for all services provided by Opper & Varco regarding affordable housing matters in accordance with the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Katherine A. Malcolm  
Deputy City Attorney

KAM:als

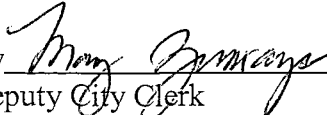
11/05/13

Or.Dept: City Attorney

Doc. No.: 651076\_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 17 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 DEC 17 2013, by the following vote:

| Councilmembers  | Yeas                                | Nays                     | Not Present              | Recused                  |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherr 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 2 2014.

(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- **308674**