

RESOLUTION NUMBER R- 311165

DATE OF FINAL PASSAGE JUN 15 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN AGREEMENT WITH NIXON PEABODY, LLP TO PROVIDE OUTSIDE COUNSEL OPINIONS FOR STATE REVOLVING LOAN FUND PROJECT APPLICATIONS; AND ASSOCIATED ACTIONS.

WHEREAS, the State Water Resources Control Board requires an outside counsel opinion letter as part of City of San Diego (City) applications for State Revolving Fund (SRF) loans for various SRF water, wastewater, sewer and other projects; and

WHEREAS, following Sole Source procurement, the proposed Agreement retains, funds and authorizes the law firm of Nixon Peabody, LLP to provide the Public Utilities Department such opinion letters on an as-needed basis for continuing City SRF loan applications; NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

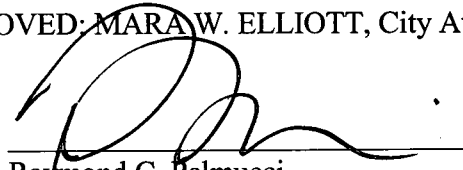
1. That the Mayor, or designee, is authorized to enter into an Agreement with Nixon Peabody LLP, on file with the Office of the City Clerk as Document No. RR- 311165, to provide the San Diego Public Utilities Department with as-needed outside counsel opinion letters supporting the issuance of SRF loan applications in an amount not to exceed \$250,000, for an Agreement duration of five (5) years, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

2. That the Chief Financial Officer is authorized to expend a cumulative amount not to exceed \$250,000 in total, for the purposes of the Agreement, from the Water Utility Operating Fund 700011, the Metro Sewer Utility Fund 700001, and the Muni Sewer Revenue Fund 700000, over the term of the Agreement, for the purpose of retaining Nixon Peabody LLP as

outside counsel for SRF loan opinions, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: ~~MARA~~ W. ELLIOTT, City Attorney

By

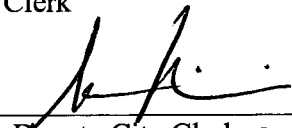
  
Raymond C. Palmucci  
Deputy City Attorney

RCP:ac  
April 24, 2017  
Or.Dept: City Attorney  
CC No. n/a  
Doc. No.: 1454485

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2017.


ELIZABETH S. MALAND  
City Clerk

By

  
Deputy City Clerk

Approved:

6/15/17  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed:

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 06 2017, by the following vote:

| Councilmembers  | Yeas                                | Nays                     | Not Present                         | Recused                  |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Barbara Bry     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Lorie Zapf      | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Chris Ward      | <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"/> |
| Chris Cate      | <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"/> |
| Georgette Gomez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Date of final passage JUN 15 2017.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311165