

RESOLUTION NUMBER R- 315491

DATE OF FINAL PASSAGE APR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF AND APPROVING AN AGREEMENT FOR LEGAL SERVICES WITH HAWKINS DELAFIELD & WOOD LLP AS OUTSIDE COUNSEL FOR THE CITY'S WATER UTILITY.

WHEREAS, the City of San Diego (City) requires as-needed outside counsel (Outside Counsel) to provide services to the City as (i) loan counsel for all State Revolving Fund (SRF), Water Infrastructure Finance and Innovation Act (WIFIA) and/or other loans (collectively, Loans) of the Water Utility, (ii) bond counsel and disclosure counsel (BC/DC) in connection with all water revenue bonds (Bonds) and tax-exempt subordinated water revenue commercial paper notes (Notes) issued by the Public Facilities Financing Authority of the City of San Diego (the Authority), and (iii) counsel for other financing or other matters pertaining to the Water Utility that may arise (General Matters) (collectively, the Services); and

WHEREAS, the Services are necessary to assist the City with capital improvement program projects of the Water System funded by Water Utility Fund-supported Bonds, Notes and Loans; and

WHEREAS, to close a Bond or Loan transaction, the City is required to have a legal opinion from Outside Counsel; and

WHEREAS, the City issued a Request for Proposal to the seven (7) law firms composing its pool of pre-qualified law firms for bond counsel, disclosure counsel, outside disclosure counsel, special tax counsel, and related legal services, and three (3) of those firms responded; and

WHEREAS, after a thorough review, the evaluation team composed of a Financing Coordinator from the Department of Finance, the Deputy City Attorney for Finance and Disclosure, and an additional Deputy City Attorney in the City Attorney's Finance Unit unanimously selected Hawkins Delafield & Wood LLP (Hawkins) to serve as the City's Outside Counsel for the Services based on both its expertise and value proposition as compared to the other responding firms; and

WHEREAS, Hawkins has the necessary skills and experience to assist the City in this matter; and

WHEREAS, the Mayor or designee desires City Council authorization to engage Hawkins under a Legal Services Agreement to serve as the City's Outside Counsel for the Services for a term of five (5) years in a total amount not to exceed \$840,000; and

WHEREAS, pursuant to San Diego City Charter Article 5, section 40, City Council authorization is required to employ outside counsel when such assistance or advice is necessary; and

WHEREAS, due to the unusual and complex nature of the legal issues involved, the City Attorney's Office does not have the necessary expertise to advise the City on all areas of law that are needed; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The Mayor or specified designee is authorized to retain Hawkins Delafield & Wood LLP as the City's Outside Counsel for the City's Water Utility under such contracts or

other arrangements for as-needed services for a term of five (5) years as the City Attorney or specified designee shall approve and believe to be in the best interests of the City.

2. The Chief Financial Officer is authorized to appropriate and expend a total amount not to exceed \$840,000, expected to be paid from either (a) the Water Utility Operating Fund, Fund 700011, Public Utilities Department, Business Area 2000 for Loans, General Matters or Water Commercial Paper, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and the Chief Financial Officer first issuing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury or (b) the cost of issuance account from a bond transaction.

APPROVED: MARA W. ELLIOTT, City Attorney


By


For: Bret A. Barplotta
Deputy City Attorney


BAB:jdf
3/11/2024
Or.Dept: City Attorney
Doc. No.: 3540613

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 4/22/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 09 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 22 2024.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
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