

RESOLUTION NUMBER R- 315492

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 STRADLING YOCCA CARLSON & RAUTH LLP AS OUTSIDE COUNSEL FOR THE CITY'S GENERAL FUND.

WHEREAS, the City of San Diego (City) requires as-needed outside counsel (Outside Counsel) to provide services to the City as (i) bond counsel and disclosure counsel (BC/DC) in connection with all lease revenue bonds (LRBs) and lease revenue commercial paper notes (Notes) issued by the Public Facilities Financing Authority of the City of San Diego, (ii) BC/DC in connection with all bonds issued by related entities such as the Convention Center Expansion Financing Authority, Successor Agency, Tobacco Settlement Revenue Funding Corporation, Community Facilities Districts, Enhanced Infrastructure Financing Districts, and Assessment Districts, or the Storm Drains Fee Fund (collectively, Other Bonds, and together with the LRBs and the Notes, the Bonds) (iii) loan counsel for WIFIA and/or other loans (collectively, Loans) supported directly or indirectly by the General Fund or Storm Drain Fee Fund, (iii) tax counsel for tax matters related to existing and future financings including, but not limited to, revenue bonds and notes, lease revenue bonds and notes, direct loans, TRANS, BANs, TABs, special tax and assessment districts and the City's Equipment and Vehicle Financing Program, a lease purchase program, and (iv) counsel for any other financing matters pertaining to or impacting the City's General Fund (collectively, the Services); and

WHEREAS, the Services are necessary to assist the City with capital improvement program projects funded by General 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 Stradling Yocca Carlson & Rauth LLP (Stradling) 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, Stradling 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 Stradling 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 \$1,100,000; 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 Stradling Yocca Carlson & Rauth LLP as the City's Outside Counsel for the City's General Fund 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 \$1,100,000, expected to be paid from either (a) the General Fund, Fund 100000, Citywide Program Expenditures, Business Area 9912, contingent upon 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. Bartolotta
Deputy City Attorney

BAB:jdf
3/25/2024
Or.Dept: City Attorney
Doc. No.: 3539828

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.

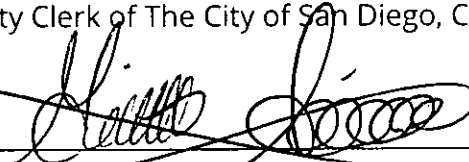
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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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