

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING A LEGAL SERVICES  
AGREEMENT WITH BEST, BEST & KRIEGER LLP FOR  
COMMUNITY FACILITIES DISTRICTS AND PUBLIC  
FINANCING LEGAL SERVICES

WHEREAS, the City of Chula Vista (“City”) facilitates the formation of Community Facilities Districts (“CFD”) and other public financing mechanisms to fund public infrastructure and development-related improvements; and

WHEREAS, the formation and administration of CFD and related financing activities require specialized legal expertise in public finance, including compliance with the Mello-Roos Community Facilities Act, bond issuance, and disclosure requirements; and

WHEREAS, the City desires to retain Best, Best & Krieger LLP (“Attorney”) to provide such specialized legal services on an as-needed basis; and

WHEREAS, the proposed Legal Services Agreement (“Agreement”) establishes an on-call, task order-based structure that allows the City to authorize services for specific projects through written task orders or purchase orders; and

WHEREAS, in accordance with Chula Vista Municipal Code (“CMVC”) Section 2.56.110 (F), staff has determined that Best, Best & Krieger has demonstrated the competence and qualifications for the services required, including their knowledge and experience with the CFD public financing legal services, including formation and bond financings, and has also determined that their fees are fair and reasonable; and

WHEREAS, the City Attorney’s Office in consultation with the City Council, has determined that pursuant to CVMC Section 2.56.110(H)(3) and 2.56.070(B)(3), waives the competitive bidding requirements as applied to contract with Best, Best & Krieger as impractical, impossible and the City interest are materially better served by applying a different purchasing procedure approved by the Purchasing Agent as being consistent with good purchasing practices; and

WHEREAS, staff recommends that the City enter into an agreement with Best, Best & Krieger to provide necessary public financing services for CFDs; and

WHEREAS, Best, Best & Krieger warrants and represents that it is experienced and staffed in a manner such that it can deliver the services required to the City in accordance with the time frames and the terms and conditions of the Agreement; and

WHEREAS, the Agreement provides for a total compensation amount not to exceed Three Hundred Thousand Dollars (\$300,000) over an initial three-year term, with two (2) optional one (1) year extensions; and

WHEREAS, all costs associated with services performed under the Agreement will be fully recovered from developers through established cost recovery mechanisms; and

WHEREAS, the City Council has reviewed the proposed Agreement and determined that it is in the best interest of the City to approve the Agreement to ensure timely and consistent access to specialized legal services in support of development and infrastructure financing; and

WHEREAS, the proposed activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act ("CEQA") State Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA pursuant to Section 15060(c)(3) of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves a legal services agreement with Best, Best & Krieger LLP for CFD and public financing legal services.

Presented by

Approved as to form by

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Roy Sapa'u  
Deputy City Manager/  
Director of Development Services

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Marco A. Verdugo  
City Attorney