



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
14

Meeting Date: **FEBRUARY 9, 2012**

Subject:

Approve and Ratify the "Consent to Assignment of Agreement" Assigning Authority Agreement 208101OS with Quateman LLP for Bond Disclosure Legal Services to Polsinelli Shughart LLP.

Recommendation:

Adopt Resolution No. 2012-0016, approving and ratifying the "Consent to Assignment of Agreement" assigning Authority Agreement 2080101OS with Quateman LLP for bond disclosure legal services to Polsinelli Shughart LLP.

Background/Justification:

The Authority and Quateman LLP are parties to a Law Firm Agreement the term of which began on September 15, 2010 (hereinafter "Legal Services Agreement") to provide legal services related to disclosure obligations in the issuance of bonds and other bond-related legal issues.

Effective July 1, 2011, Quateman LLP joined the national law firm of Polsinelli Shughart LLP. Notwithstanding the firm change, the individual attorneys performing services for the Authority and the Authority's payment terms shall remain the same.

The Authority executed a document entitled "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP effective July 1, 2011.

The Authority's General Counsel is seeking the Board's approval and ratification of that "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP as in the best interests of the Authority.

Fiscal Impact:

None. Funds to cover the Legal Services Agreement are already in the FY2012 budget.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

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Environmental Review:

A. California CEQA Review: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.

B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

The Authority's small business program promotes the use of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual over-all goal for DBE participation on all federally funded projects.

This project does not use federal funds; therefore, it will not be applied toward the Authority's over-all DBE goal.

Prepared by:

BRETON K. LOBNER
GENERAL COUNSEL

RESOLUTION NO. 2012-0016

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING AND RATIFYING THE "CONSENT TO ASSIGNMENT OF AGREEMENT" ASSIGNING AUTHORITY AGREEMENT 2081010S WITH QUATEMAN LLP FOR BOND DISCLOSURE LEGAL COUNSEL SERVICES TO POLSINELLI SHUGHART LLP

WHEREAS, the Authority has a continuing need for professional legal services in matters pertaining to bond disclosure legal counsel services; and

WHEREAS, the Authority and Quateman LLP are parties to a Law Firm Agreement the term of which began on September 15, 2010 (hereinafter "Legal Services Agreement") to provide legal services related to disclosure obligations in the issuance of bonds and other bond-related legal issues; and

WHEREAS, effective July 1, 2011, Quateman LLP joined the national law firm of Polsinelli Shughart LLP; and

WHEREAS, notwithstanding the firm change, the individual attorneys performing services for the Authority and the Authority's payment terms shall remain the same; and

WHEREAS, the Authority executed a document entitled "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP effective July 1, 2011 for the purpose of assigning the Legal Services Agreement to Polsinelli Shughart; and

WHEREAS, the Authority's General Counsel is seeking Board approval and ratification of the "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP as in the best interests of the Authority; and

WHEREAS, the Board determines that its approval and ratification of the "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP is in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby APPROVES and RATIFIES the "Consent to Assignment of Agreement" with Quateman LLP and Polsinelli Shughart LLP.

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BE IT FURTHER RESOLVED the Board FINDS this action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 9th day of February, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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