



Legislation Text

File #: 17-0927, **Version:** 1

Resolution to Approve Amendment No. 2 to the Professional Services Agreement with Dykema Gossett PLLC for Legal Services Relative to the IRS IDR for the City of Ann Arbor Capital Improvement Bonds, Series 2009-A Bond Issue (\$10,000.00 Amendment/\$35,000.00 Total Contract)

The resolution before you is to approve a professional services agreement amendment with Dykema Gossett PLLC for its legal services relative to the on-going examination by IRS of the City of Ann Arbor Capital Improvement Bonds, Series 2009-A bond issue

Budget/Fiscal Impact: Funding for this project is budgeted and available in the approved FY17 Finance Services budget.

Dykema Gossett currently serves as the City's bond counsel. The City Attorney selected Dykema Gossett to provide advice and representation before the IRS in connection with the City's response to the IRS's request for documents related to the City's issuance of the City of Ann Arbor Capital Improvement Bonds, Series 2009-A (Build American Bonds).

The cost of the firm's services through May 31, 2017 is close to \$25,000.00, which is the limit of their contract as first amended. Although the amount of time and cost of legal services going forward cannot be predicted with certainty, to continue representation and related work, Dykema Gossett, PLLC, has calculated an additional \$10,000.00 to be a reasonable estimate.

Dykema Gossett PLLC complies with the requirements of the City's non-discrimination and living wage ordinances.

Approval of a second amendment to the professional services agreement with Dykema Gossett, PLLC in the amount of \$10,000.00, for legal services relative to the IRS IDR for the City of Ann Arbor Capital Improvement Bonds, Series 2009-A, bond issue for a total contract amount of \$35,000.00, is recommended.

..Staff

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Tom Crawford, CFO/Finance and Administrative Services Administrator
Stephen K. Postema, City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Dykema Gossett, PLLC has served as the City's bond counsel for many years and is well qualified to provide legal services representing the City relative to the IRS IDR for the City of Ann Arbor Capital Improvement Bonds, Series 2009-A bond issue;

Whereas, The City and firm entered into a contract for legal services for an amount not to exceed \$25,000.00, as amended by the first amendment;

Whereas, The City Attorney and the CFO recommend a second amendment in the amount of

\$10,000.00 to continue those services; and

Whereas, Dykema Gossett PLLC complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That City Council approve Amendment No. 2 to the Professional Services Agreement with Dykema Gossett PLLC for legal representation relative to the IRS IDR for the City of Ann Arbor Capital Improvement Bonds, Series 2009-A bond issue for a total contract amount of \$35,000.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Attorney be authorized to take all necessary actions to implement this Resolution.