

RESOLUTION NO. 88-47

ASSESSMENT DISTRICT NO. 18

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIDGECREST EMPLOYING BOND COUNSEL

WHEREAS, The City Council (the "City Council") of the City of Ridgecrest, County of Kern, State of California (the "City"), proposes to undertake proceedings pursuant to the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code, and the Improvement Bond Act of 1915, Division 10 of said Code, for the purpose of establishing an assessment district, including portions of the City which will benefit from the construction and paving of streets to be financed with the proceeds of bonds to be issued pursuant to the said Improvement Bond Act of 1915; and

WHEREAS, it is desirable to employ bond counsel to prepare the proceedings and supervise the conduct of same; and

WHEREAS, Best, Best & Krieger are attorneys specially trained and experienced in that type of practice and have submitted a written proposal covering their bond counsel services on said legal matters to the City Council;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, that Best, Best & Krieger is employed by the City to act as bond

counsel and special counsel for the purpose of supervising the proceedings and issuing an unqualified opinion attesting to the validity of the proceedings and the enforceability of the bonds, said bonds to be issued pursuant to the terms and provisions of the "Improvement Bond Act of 1915," being Division 10 of the Streets and Highways Code, and said bond counsel shall be compensated for performing such services according to their proposal letter of April 27, 1988, a copy of which is attached and incorporated herein as Exhibit "A", and the Mayor is hereby authorized to execute said proposal letter on behalf of the City.

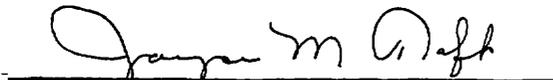
ADOPTED this 27th day of April, 1988 by the following vote:

AYES: Vice Mayor Bergens, Councilmembers Corlett, Condos and Lilly.
NOES: None.
ABSTAIN: None.
ABSENT: Mayor Mower.



Michael R. Mower, Mayor

ATTEST:



Joyce M. Taft, City Clerk

BEST, BEST & KRIEGER

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

LAWYERS

ARTHUR L. LITTLEWORTH*
GLEN E. STEPHENS*
WILLIAM R. DEWOLF*
BARTON C. GAUT*
CHARLES D. FIELD*
PAUL T. SELZER*
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CLARK H. ALSOP
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CARL F. HERBOLD
STEPHANIE K. HARLAN
MARC E. EMPEY

JOHN R. ROTTSCHAEFER
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HOWARD B. GOLOS
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MATT H. MORRIS
JEFFREY V. DUNN
JAMES E. NEUERBURG
STEVEN C. DEBAUN
BRANT H. OVEIRIN
ERIC L. GARNER

RAYMOND BEST (1960-1957)
JAMES H. KRIEGER (1913-1975)
EUGENE BEST (1893-1961)

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*A PROFESSIONAL CORPORATION

April 27, 1988

Honorable Members of the City Council
City of Ridgecrest
139 Balsam Street
Ridgecrest, California 93555

Re: Proposal Regarding Performance of Legal
Services in Connection with Assessment
District Proceedings and Compensation Therefor
(Assessment District No. 18)

Gentlemen:

For purposes of providing legal services to the City of Ridgecrest (the "City") with respect to the formation of an assessment district for the construction of certain street improvements and proceedings necessary thereto including the issuance and sale of bonds, the firm of Best, Best & Krieger proposes to perform the following services on the following basis:

Services

We will advise the City in regard to the proceedings for the organization and establishment of an assessment district under proceedings conducted pursuant to the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code, including the preparation of the report, the levy of the assessment, and the issuance and sale of bonds, and will prepare all ordinances, resolutions, notices, bond forms, and other documents required in the proceedings. We will also examine all proceedings step by step as taken, and when the bonds are sold will issue our opinion or opinions upon the validity thereof. We will also

E X H I B I T "A"

Honorable Members of the City Council
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attend any meeting in which substantive action in connection with the proceedings is to be taken.

The services to be rendered will not include any services in connection with the acquisition of property by contract, or in connection with validation or condemnation suits, if such suits be filed to validate any proceedings hereunder or to acquire any property or easement proposed to be taken. The services to which the fees under the following schedule apply do not include any services or opinions in connection with the letting of cash contracts, any services or opinions in connection with any proceedings subsequent to the levy of the initial assessment and the sale of bonds resulting therefrom, or any services in connection with any litigation.

Compensation:

For preparation and supervision of proceedings, examination of each step as taken, and the issuance of our approving opinion on bonds issued on the initial assessment, we will be compensated in an amount determined in accordance with the following schedule, the amount to which the following percentages are applied cumulatively being the amount of bonds authorized and sold or \$15,000, whichever is greater:

<u>Amount</u>	<u>Fee</u>
\$0.00 - \$ 1,000,000	1-1/2%
\$1,000,000 - \$ 5,000,000	3/4 of 1%
\$5,000,000 - \$10,000,000	1/2 of 1%
Over \$10,000,000	1/4 of 1%

The fee will be payable upon the issuance of bonds, or, if all assessments are paid in cash, upon termination of the cash collection period. If other services are requested by the City which are not within the scope of those outlined above, they will be performed on a time basis at the hourly rate of the attorneys involved. In the event the bonds are not issued, we will be paid a reasonable fee, to be mutually agreed upon, based upon the applicable hourly rates of the attorneys in the firm undertaking the work prior to abandonment.

LAW OFFICES OF
BEST, BEST & KRIEGER

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In addition to the above fees, we will be reimbursed by the City upon monthly statements for any out-of-pocket expenses incurred by them in the course of their employment, such as long distance telephone calls, telegrams, messenger and courier services, travel at the request of the appropriate City officials, duplicating, computer time and the like. It is understood that we are to order the printing of the bonds for the account of the City. The bills for this work will come directly to the City and will be paid from the proceeds from the sale of the bonds.

Respectfully submitted,

BEST, BEST & KRIEGER

By:

Richard T. Anderson

TERMS OF EMPLOYMENT APPROVED THIS
____ day of _____, 1988.

Authorized Officer of the
City of Ridgecrest