

AN ORDINANCE 2014 - 02 - 20 - 0110

APPROVING THE EXTENSION OF THE CITY OF SAN ANTONIO ARBITRAGE REBATE COMPLIANCE SERVICES CONTRACT WITH THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. FOR ARBITRAGE REBATE COMPLIANCE SERVICES IN CONNECTION WITH THE CITY'S FINANCINGS, FOR A TWO (2) YEAR TERM COMMENCING MARCH 1, 2014 AND TERMINATING FEBRUARY 29, 2016, UNDER THE SAME TERMS AND CONDITIONS.

* * * * *

WHEREAS, pursuant to Ordinance No. 2011-03-10-0208 passed and approved March 10, 2011, the City and The Bank of New York Mellon Trust Company, N.A. ("Consultant") have entered into that one certain *Arbitrage Rebate Compliance Services Contract* ("Contract"), providing terms and conditions under which Consultant shall provide arbitrage rebate compliance services to the City for a term commencing March 14, 2011, and ending February 28, 2014, with the option to extend the Contract for one (1) two (2) year term under the same terms and conditions; and

WHEREAS, City Staff has recommended that the Contract be extended for the remaining two (2) year term, commencing March 1, 2014, and ending February 29, 2016, upon the same terms and conditions, and Consultant is willing to agree to such extension; and

WHEREAS, after due deliberations on and consideration of the matter, the City Council desires to accept the Staff recommendations as set forth above; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

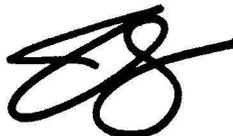
SECTION 1. The extension of the Contract, to provide for one (1) additional two (2) year term commencing March 1, 2014, and ending February 29, 2016, upon the same terms and conditions, is hereby approved.

The City Manager, or her designee, or the Director of Finance or his designee, are each hereby authorized to execute that certain *Extension of Arbitrage Rebate Compliance Services Contract Between City Of San Antonio, Texas and The Bank Of New York Mellon Trust Company, N.A.* with Consultant, substantially in the form attached hereto as **Attachment I** and incorporated herein by reference for all purposes.

SECTION 2. There is no fiscal language required in connection with the adoption of this Ordinance.

SECTION 3. This ordinance is effective immediately upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 20th day of February, 2014.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Robert F. Greenblum, City Attorney

Agenda Item:	24 (in consent vote: 4, 5, 7, 8, 9, 11, 12, 12A, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)						
Date:	02/20/2014						
Time:	09 23 29 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving the extension of the City of San Antonio Arbitrage Rebate Compliance Services Contract with The Bank of New York Mellon Trust Company, N A for arbitrage rebate compliance services in connection with the City's financings, for a two (2) year term commencing March 1, 2014 and terminating February 29, 2016, under the same terms and conditions [Ben Gorzell, Jr , Chief Financial Officer, Troy Elhott, Finance Director]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

RKN
02/20/14
Item No 24

A T T A C H M E N T I

**EXTENSION OF
ARBITRAGE REBATE COMPLIANCE SERVICES CONTRACT
BETWEEN
CITY OF SAN ANTONIO, TEXAS
AND
THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.**

THE STATE OF TEXAS §
 §
THE COUNTY OF BEXAR §

This *Extension of Arbitrage Rebate Compliance Services Contract* (“Extension”) is made and entered into by and between the **CITY OF SAN ANTONIO** (hereinafter referred to as “City”), a Texas Municipal Corporation, acting by and through its City Manager, her designee, or its Director of Finance pursuant to Ordinance No. 2014-02-20-____ (the Ordinance”), passed and approved February 20, 2014, and **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.**, a national association, acting by and through its duly authorized representative (hereinafter referred to as “Consultant”).

WHEREAS, pursuant to Ordinance No. 2011-03-10-0208 passed and approved March 10, 2011, City and Consultant have entered into that one certain *Arbitrage Rebate Compliance Services Contract* (“Contract”), providing terms and conditions under which Consultant shall provide arbitrage rebate compliance services to the City for a term commencing March 14, 2011, and ending February 28, 2014, with the option to extend the Contract for one (1) two (2) year term under the same terms and conditions; and

WHEREAS, City desires to extend the Contract for the two (2) year renewal term, upon the same terms and conditions as the Contract, and Consultant desires to do the same; **NOW, THEREFORE:**

FOR VALUABLE CONSIDERATION, the parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described

I. RENEWAL AND EXTENSION OF CONTRACT

1 1 The Contract is hereby renewed and extended for the period commencing March 1, 2014 and ending February 29, 2016, under the same terms and conditions as set forth in the Contract.

**II. INCORPORATION OF TERMS AND CONDITIONS
OF CONTRACT BY REFERENCE**

2.1 Except as provided for in this Extension, all other terms and conditions of the Contract are hereby renewed and extended pursuant to the terms of this Extension, and incorporated into this Extension, and are made a part hereof for all purposes

III. CONFLICT PROVISIONS

3.1 Any discrepancy between the provisions of this Extension and the provisions of the Contract shall be resolved in favor of this Extension.

EXECUTED and AGREED TO this the ____ day of February, 2014, to be effective on March 1, 2014

CITY:
CITY OF SAN ANTONIO

CONSULTANT:
THE BANK OF NEW YORK
MELLON TRUST COMPANY,
N.A.

BY _____
Troy Elliott, CPA
Director of Finance

BY _____
Terence P. Burke
Managing Director

Approved as to form:

Robert Nordhaus
Assistant City Attorney